

# federal register

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

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

## Title 14—Aeronautics and Space

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

[Docket No. 73-CE-5-AD; Amdt. 39-1691]

#### PART 39—AIRWORTHINESS DIRECTIVES

##### Beech Airplanes

An Emergency Airworthiness Directive (AD) was issued on June 4, 1973, requiring within 25 hours' time in service modification of the carburetor alternate air valves on Beech Model 23, B23, C23, A23-19, 19A, M19A and B19 airplanes. Subsequent to the issuance of this AD a shortage of modification parts has developed and an accident related to a carburetor alternate air valve failure has occurred. Therefore, in the interest of safety and to provide relief in the form of alternate action to assure safe operation of affected airplanes until adequate parts become available, an Amendment to AD 73-12-11 was adopted July 6, 1973, and made effective immediately by individual letters to all known owners of these airplanes. The Amendment to AD 73-12-11 requires inspection of the valve prior to further flight, except that the airplane may be flown to the inspection location, and extends the time for modification of this valve to 120 days after the effective date of this Emergency Amendment to the AD.

Since it was found that immediate action was required, notice and public procedure thereon was impracticable and contrary to the public interest and good cause existed for making this amendment to AD 73-12-11 effective immediately to the owners of the aforementioned airplanes by individual letter dated July 9, 1973. Since unsafe conditions and need for compliance adjustment may exist on airplanes owned and operated by persons unknown to the FAA, the AD is hereby published in the FEDERAL REGISTER as an Amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective to all persons.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administration 14 CFR 11.89 (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by amending AD 73-12-11 (Amendment 39-1662) to read as follows:

**BEECH.** Applies to Models 23, B23, and C23 (Serial Numbers M-1 through M-554 and M-1095 through M-1361, except M-3); Sundowner C23 (Serial Numbers M-1362 through M-1420, M-1423, M-1425, M-1430, M-1438, M-1439, M-1442, M-1447 and M-1453 through M-1473); Models A23-19, 19A, M-19A, and B19 (Serial Numbers MB-1 through MB-520); and Sport B19 (Serial Numbers MB-521 through MB-585) airplanes which do not have carburetor alternate air boxes modified in accordance with Beechcraft Service Instructions 0574-241 (Installation of Beech P/N 23-9011-1S, 3S or 5S Kits).

**Compliance:** Required as indicated, unless already accomplished.

To prevent engine power loss caused by ingestion of pieces of failed carburetor air valves, accomplish the following:

A) Prior to further flight, except that the airplane may be ferried to the inspection location and at subsequent intervals not to exceed 25 hours' time in service, inspect the carburetor air box for the following:

1) Wear and looseness between the carburetor alternate air valve and its shaft.

2) Looseness of rivets which hold the valve plates together.

3) Looseness and wear of the cap screws which attach the valve plates to the shaft.

If any of these conditions are found, accomplish Paragraph B below.

B) Within 120 days after the effective date of this AD, remove the existing carburetor air box valve and install Beech P/N 23-9011-1S or 23-9011-3S or 23-9011-5S Kit, as applicable, in accordance with Beechcraft Service Instructions 0574-241, or later FAA-approved revision or any alternate modification approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region. The repetitive inspections specified in Paragraph A may be discontinued when this modification is accomplished.

This amendment becomes effective July 27, 1973, to all persons except those to whom it was made effective by letter dated July 9, 1973.

(Sec. 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. 1855(c)

Issued in Kansas City, Missouri, on July 13, 1973.

JOHN R. WALLS,  
Acting Regional Director,  
Central Region.

[FR Doc. 73-14799 Filed 7-19-73; 8:45 am]

[Docket No. 73-SO-52; Amdt. 39-1690]

#### PART 39—AIRWORTHINESS DIRECTIVES

##### Piper Airplanes

There have been failures in the fuselage tubing on Piper PA-25-235 airplanes

that could result in weakened structure. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require inspection of the fuselage longerons near the wing strut attach fitting and repair, if necessary, on Piper PA-25-235 airplanes.

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

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

**PIPER.** Applies to Model PA-25-235 Airplanes, Serial Numbers 25-02 and 25-2000 through 25-3731 which have not added reinforcement sleeves to the fuselage longerons aft of the wing strut attach fittings as indicated in AD 66-7-6, Piper Service Letter Number 463, or Piper Service Bulletin Number 341.

Compliance required within the next 25 hours time in service after the effective date of this AD unless already accomplished within the last 275 hours time in service, and thereafter at intervals not to exceed 300 hours time in service from the last inspection until repair of longerons as called for in paragraph (c) or the addition of reinforcement sleeves per Piper Service Bulletin Number 341 or FAA approved equivalent. In any event the addition of reinforcement sleeves must be accomplished within 625 hours time in service from the effective date of this AD.

(a) Inspect the left and right  $\frac{1}{8}$  inch x 0.035 inch upper longerons, P/N 61091-5, located in the hopper bay, for cracks by dye penetrant technique and a glass of at least 10-power, or by X-ray inspection in accordance with Piper Service Letter Number 463A, dated February 14, 1966, or later FAA approved revision, or by an equivalent approved by the Chief, Engineering and Manufacturing Branch, FAA Southern Region. Note: If the inspection specified in (a) is accomplished by the dye penetrant technique, which requires removal of the hopper tank, particular attention should be given to the area of the forward hopper attachment fittings.

(b) If cracks are found during the inspection required by (a), inspect the right and left  $\frac{1}{8}$  inch x 0.035 inch upper longerons, P/Ns 64001-13 and -14, located in the fuel bay, for cracks by dye penetrant technique and a glass of at least 10 power.

(c) Repair longerons with cracks aft of the wing lift strut fitting in accordance with Piper Service Letter Number 463, dated November 12, 1965, or later FAA approved revision, or an FAA approved equivalent. Repair longerons with cracks forward of the

wing lift strut fitting in an FAA approved manner.

This amendment becomes effective July 27, 1973, and supersedes AD 66-7-6. (Secs. 313(a), 601, and 603 Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, and 1423; Sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Georgia on July 13, 1973.

P. M. SWATEK,  
Director, Southern Region.

[FR Doc.73-14874 Filed 7-19-73;8:45 am]

[Airspace Docket No. 73-CE-11]

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

##### Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Sioux City, Iowa, transition area.

The instrument approach procedure for Graham Field Airport, Sioux City, Iowa, has been canceled. Therefore there is no requirement to maintain the transition area associated with the procedure. Accordingly, the Sioux City, Iowa, transition area description is being altered to delete that portion of the designated airspace which was associated with the instrument approach.

Since this alteration is relaxatory in nature and is in the interest of safety, compliance with the notice and public procedure provisions of the Administrative Procedure Act is unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., October 11, 1973 as hereinafter set forth:

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

##### SIoux CITY, IOWA

That airspace extending upward from 700 feet above the surface within an 11-mile radius of Sioux City Municipal Airport (latitude 42°24'03" N., longitude 96°22'55" W.); within 5 miles southwest and 9½ miles northeast of the Sioux City VORTAC 140° radial, extending from the 11-mile radius area to 24½ miles southeast of the VORTAC; within 4½ miles southwest and 9½ miles northeast of the Sioux City ILS localizer northwest and southeast courses, extending from the 11-mile radius area to 24½ miles southeast of the OM; within 4½ miles northeast and 11½ miles southwest of the Sioux City VORTAC 320° radial, extending from the VORTAC to 35 miles northwest of the VORTAC; that airspace extending upward from 1,200 feet above the surface within a 28½ mile radius of Sioux City VORTAC; and that airspace extending upward from 3,500 feet MSL east, south, and west of Sioux City bounded on the north by V-100, on the southeast by V-138, on the south by V-172 and on the west by longitude 98°00'00" W.

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

Issued in Kansas City, Missouri, on May 7, 1973.

JOHN M. CYROCKI,  
Director, Central Region.

[FR Doc.73-14875 Filed 7-19-73;8:45 am]

[Airspace Docket No. 73-SW-32]

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

##### Designation of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to designate a 700-foot transition area at Stratford, Tex.

On June 6, 1973, a notice of proposed rule making was published in the FEDERAL REGISTER (38 FR 14865) stating the Federal Aviation Administration proposed to designate a transition area at Stratford, Tex.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

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.

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

##### STRATFORD, TEX.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Stratford Field (latitude 36°21'32" N., longitude 102°02'55" W.).

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

Issued in Fort Worth, Texas, on July 12, 1973.

HENRY L. NEWMAN,  
Director, Southwest Region.

[FR Doc.73-14876 Filed 7-19-73;8:45 am]

[Airspace Docket No. 73-WA-32]

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

##### Revocation of VOR Federal Airway

On April 17, 1973, an amendment was published in the FEDERAL REGISTER (38 FR 9488) effective June 21, 1973, that the Federal Aviation Administration (FAA) would modify several VOR Federal Airways in the Houston, Tex., terminal area and revoke those not normally used. While amending the description of V-222, the FAA inadvertently omitted including the revocation of V-222N between Humble, Tex., and Lake Charles, La., this airway is redesignated in part with V-13E, V-306S, V-306 and V-20N. This amendment will reduce chart clutter and improve flight planning. Action is taken herein to revoke V-222N.

Since amending the description of this airway is minor in nature with no substantive change in the regulations, notice and public procedure thereon are unnecessary and good cause exists for making this amendment effective on less than 30-days notice.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective July 20, 1973, as hereinafter set forth.

Section 71.123 (38 FR 307 and 9488) is amended as follows:

In V-222 "Lake Charles, La., including a north alternate from Humble to Lake Charles via Daisetta, TX.; McComb, MS.; Hattiesburg, MS.;" is deleted and "Lake Charles, La.; McComb, Miss.; Hattiesburg, Miss.;" is substituted therefor.

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

Issued in Washington, D.C., on July 16, 1973.

CLAUDE FEATHERSTONE,  
Acting Chief, Airspace and Air  
Traffic Rules Division.

[FR Doc.73-14879 Filed 7-19-73;8:45 am]

[Airspace Docket No. 73-NW-15]

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

##### Alteration of Transition Area

On May 25, 1973, a notice of proposed rulemaking was published in the FEDERAL REGISTER (38 FR 13748) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the North Bend, Oreg. Transition Area.

Interested persons were given thirty days in which to submit written comments. No objections to the proposed amendment were received.

In consideration of the foregoing, the proposed amendment is hereby adopted without change.

Effective date. This amendment shall be effective 0901 G.m.t. September 13, 1973.

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

Issued in Seattle, Washington on July 12, 1973.

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

In § 71.181 (38 FR 435) as amended (38 FR 5341), the description of the North Bend, Oreg., transition area is further amended to read as follows:

##### NORTH BEND, OREG.

That airspace extending upward from 700 ft above the surface within 2 miles each side of the North Bend VORTAC 004° radial, extending from the VORTAC to 6 miles north of the VORTAC; within a 13-mile-radius arc of the North Bend VORTAC extending clockwise from the 004° radial to 130° radial; within 2 miles each side of the North Bend VORTAC 182° radial, extending from the VORTAC to 5 miles south of the VORTAC; within 2 miles south and 6.5 miles north of the VORTAC 241° radial, extending from the VORTAC to 17 miles southwest; that airspace extending upward from 1,200 ft above the surface within a 22-mile-radius arc of the North Bend VORTAC extending clockwise from the west edge of V-27, south of the VORTAC, to the west edge of V-287, north of the VORTAC; within 2.5 miles southeast and 11.5 miles northwest of the North Bend VORTAC 241° radial extending from the VORTAC to 25.5 miles southwest.

[FR Doc.73-14880 Filed 7-19-73;8:45 am]



Center, Silver Spring, Maryland, and disseminated by computer printout to all ports of entry before the bond becomes effective, it is necessary to require that the bond and bond transcript be filed with the district director of Customs at least 60 days prior to the date on which the bond is to become effective. This requirement for 60-day advance filing would also apply to requests for premature termination of bonds.

Under the present regulations the Temporary Importation Bond (Term) may be furnished in an amount as low as \$1,000, if it is given to cover the entry of merchandise at only one port, and in a minimum of \$10,000 when the bond is to cover importations at more than one port. Since the Temporary Importation Bond (Term) under the automated procedure will be valid at all ports of entry, the minimum amount of the bond under these amendments is \$10,000.

Interested persons were given 30 days to submit comments in regard to the proposed amendments as they appeared in the FEDERAL REGISTER on April 27, 1972 (37 FR 8452). Comments submitted have been considered. Clarifying editorial changes have been made to the proposed amendments and the bond transcript. A sentence has been added to § 25.2(b) providing that where the surety company requests the termination of a subject bond without the consent of the principal, the termination shall take effect on the 60th day after approval by the district director.

Accordingly, the amendments to Part 25 of the Customs Regulations, Chapter I, Title 19 of the Code of Federal Regulations, are hereby adopted as set forth below:

Part 25 is amended to add § 25.2 as follows:

§ 25.2 Bond transcript.

(a) There shall be furnished to the district director with each bond on Customs Forms 7553, 7563-A, 7569, 7595, and 7599 a completed Bond Transcript on Customs Form 53, in triplicate. The bond and bond transcript shall be furnished at least 60 days before the date on which the bond shows it is to become effective. It shall be the responsibility of the importer or his agent to execute the bond transcript.

(b) Each request to terminate a bond of a type named in paragraph (a) of this section prior to the expiration date of the bond shall be filed with the district director of Customs in whose office the bond was approved. The request must be accompanied by a completed Customs Form 53, in triplicate, appropriately marked to terminate an existing bond. When a new bond is submitted to replace an existing bond, two bond transcripts must be furnished. One must be submitted to initiate the new bond as required by paragraph (a) of this section; the other must be submitted to terminate the existing bond as required by this paragraph. The termination shall take effect on the date requested, if the request and a bond transcript are filed at least 60 days in advance of the requested date.

If they are not so filed, the termination shall take effect on the 60th day after receipt by the district director. When termination of a bond is requested by the surety without the consent of the principal it shall take effect on the 60th day after approval by the district director. When a new bond cannot be initiated because the Customs Form 53, as required by paragraph (a) of this section, is incorrect, any accompanying Customs Form 53 for termination of an existing bond shall not take effect until such time as both transcripts can take effect.

Paragraph (a) (16), (19), (25) of § 25.4 is amended as follows:

§ 25.4 Bond approved by the district director; form and execution.

(a) The following bonds shall be approved by the district director and remain on file in his office, except Customs Form 4615, which shall be transmitted to the United States attorney:

(16) Term bond for temporary importations, Customs Form 7563-A, in the amount of \$10,000, or such larger amount as may be fixed by the district director at the port where the bond is filed.

(19) Vessel, vehicle, or aircraft term bond, Customs Form 7569, in the amount of \$10,000, or such larger amount as may be fixed by the district director at the port where the bond is filed.

(25) General term bond for the entry of merchandise, Customs Form 7595, in the amount of \$100,000, or such larger amount as may be fixed by the district director at the port where the bond will be filed. A principal desiring to execute this form of bond shall file with the district director an application for permission to file the bond. The application shall show the general character of the merchandise to be entered and the total amount of ordinary Customs duties (including any taxes required by law to be treated as duties) accruing on all merchandise imported by the principal during the calendar year preceding the date of the application, plus the estimated amount of any other tax or taxes on the merchandise collectible by the district director. Such total amount of duties and taxes shall be that which would have been required to be deposited had the merchandise been entered for consumption, even though some or all of the merchandise may have been entered under bond. If no imports were made during the calendar year prior to the application, a statement of the duties and taxes it is estimated will accrue on all importations during the current year shall be submitted.

(Secs. 623, 624, 46 Stat. 759, as amended; 19 U.S.C. 1623, 1624)

In order to implement these amendments, bonds given on Customs Forms 7563-A, 7569, 7595, and 7599 are amended to include the following condition:

In the event the above-bonded surety has not appointed an agent for the service of process, in accordance with section 7, title 6, United States Code, in the judicial district where an entry is made, or a charge incurred, the above-bonded surety consents to service of process upon the Clerk of the United States District Court wherein any suit is brought upon this bond by the United States of America, with like effect as upon an agent appointed by the company. Such clerk shall provide notice of service of process to the surety at \_\_\_\_\_

Mailing address requested by surety

The cited bond forms are also amended to delete the requirement that the principal identify the ports of entry at which the bonds may be used. Existing supplies of these bonds, when appropriately amended, may be used under the automated system until December 31, 1974.

*Effective date.* These amendments shall be effective as to all subject bonds which will begin their terms 180 days or longer after publication in the FEDERAL REGISTER. Bonds shall not be submitted hereunder on or before October 18, 1973.

[SEAL] G. R. DICKERSON,  
Acting Commissioner of Customs.

Approved: June 15, 1973.

JAMES B. CLAWSON,  
Acting Assistant Secretary of the  
Treasury.

[FR Doc. 73-14963 Filed 7-19-73; 8:45 am]

Title 21—Food and Drugs

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

PART 273—BIOLOGICAL PRODUCTS

Additional Standards for Source Plasma (Human) Used in Preparation of Blood Derivatives Intended for Injection

In the FEDERAL REGISTER of August 26, 1972 (37 FR 17419) the Commissioner of Food and Drugs proposed to apply section 351 of the Public Health Service Act to the collection and manufacturing by plasmapheresis of plasma to be used in the preparation of products made by fractionation. Additional standards for a product defined as Source Plasma (Human) were proposed. Interested persons were afforded 60 days to comment on the proposals.

Forty-eight comments were received from persons, firms or organizations. The majority of comments received were thoughtful and constructive and have been incorporated into the final order. Due to the numerous changes, new sections have been added to the proposal and the numbering of other proposed sections has been changed. The comments are discussed below on a section-by-section basis, with reference to the section numbers as they appear in the final order.

1. Many comments objected to the proposed requirement, under § 273.505 *Temperature during shipment*, that all Source Plasma (Human) be shipped at  $-20^{\circ}\text{C}$ . or colder. The Commissioner recognizes the problems of shipping at such a low temperature and has concluded that a

slightly higher shipping temperature will not compromise the integrity of the product during shipment. Accordingly, the final regulations require that Source Plasma (Human) be shipped at  $-5^{\circ}\text{C}$ . or colder. This revision of shipping temperature does not affect the requirement that, immediately after filling, Source Plasma (Human) be stored at  $-20^{\circ}\text{C}$ . or colder (§§ 273.3109(b) and 273.3109(e)(6)). A new section has also been developed with respect to liquid plasma (§ 273.3110), for which different shipping and storage temperatures are required.

2. The majority of the comments objected to the proposed one year dating period under § 273.870 *Dating periods for specific products*. Section 273.101(m) defines a dating period as the period "beyond which the product cannot be expected beyond reasonable doubt to yield its specific results." Since plasma will yield albumin and globulin even after an indefinite period of time, the Commissioner has concluded that, in lieu of a specific expiration date under § 273.870, it is necessary only that the collection date of the plasma appear on the label pursuant to § 273.3109(e)(4).

3. Comments suggested that the definition of Source Plasma (Human) under § 273.3100 *Proper name and definition* be clarified since, as proposed, the definition might include blood grouping and typing serums inasmuch as they are produced by a form of "fractionation", which term was a specific part of the proposed definition. In order to eliminate any confusion resulting from a generalized definition of the term "fractionation", the definition of Source Plasma (Human) has been revised, and now refers to the final product as "blood derivatives \* \* \* intended for injection" rather than "fractionation" products. Since blood grouping and typing serums are not intended for injection, they are clearly excluded from the definition of Source Plasma (Human). Moreover, since the definition refers only to blood derivatives from pooled plasma "separable by chemical means", this would exclude platelets, single donor plasma, cryoprecipitated antihemophilic factor, etc., which are prepared by physical or mechanical means from single units of blood.

4. Some concern was expressed that there was no specific provision to ensure that a donor gives his or her informed consent prior to the commencement of the plasmapheresis procedure. In view of this concern, on March 8, 1973, the Bureau of Biologics reconvened the advisory committee of the Division of Medical Sciences, National Academy of Sciences—National Research Council, which had met in 1969 to consider safeguards for plasma donors in plasmapheresis programs. After consideration of the views of the advisory committee, the Commissioner has determined that a specific provision should be added to ensure that informed and intelligent consent of each donor is obtained. Accordingly, § 273.3101 *Informed consent* has been included in the final order.

Similarly, concern was expressed that the entire plasmapheresis procedure be performed under qualified medical supervision (§ 273.3102 *Medical supervision*). The final regulation provides that each significant step in the procedure—determination of suitability (§ 273.3103), collection (§ 273.3104), plasmapheresis (§ 273.3105), and immunization (§ 273.3106)—shall be conducted under the supervision of a qualified licensed physician. To assure direct participation of qualified physicians in the care of the donor population, a separate section has been added requiring that a qualified, licensed physician be present, on the premises, where these procedures are undertaken.

5. Many comments suggested that a prohibition against collecting plasma from a person who appeared to be under the influence of drugs, as well as alcohol, should be included in the provision governing donor suitability. One comment also pointed out that a history of malaria should not be a cause for rejecting a donor for Source Plasma (Human). In this connection, it should be stressed that malaria is transmitted only by the cellular elements of blood, rather than by the plasma. Inasmuch as plasmapheresis involves the collection of the plasma portion and the subsequent return of the cellular material to the donor, there is therefore no possibility that a recipient of a product derived from Source Plasma (Human) could contract malaria from the plasma of a donor who may have had malaria.

The Commissioner concurs with these comments and the section has been revised accordingly under § 273.3103 *Suitability of donor*. In addition, this section has been reorganized to include requirements which were included under the "Plasmapheresis" section of the proposed regulations.

6. With reference to the standards governing plasma collection many comments indicated that heparin should not be excluded as an anticoagulant, although no reasons were offered except with respect to certain diagnostic products which are not included in derivatives prepared from Source Plasma (Human). The Commissioner questions the safety of using heparin as an anticoagulant for plasmapheresis, due to the necessity for repeated injections of heparin into the donor. In view of the large number of other anticoagulants available, the regulations under § 273.3104 *Collection of blood for Source Plasma (Human)* will continue to prohibit the utilization of heparin until such time as substantial data is received to support its use. In addition, because of its disuse, ACD anticoagulant solution B has been omitted from the final regulations and is not a permissible anticoagulant for use in Source Plasma (Human).

7. Several comments objected to including as part of the definition of plasmapheresis, under § 273.3105 *Plasmapheresis*, that the "formed elements [are] returned to the donor", as such definition would preclude the use of plasmapheresis for the manufacture of plate-

let concentrates and white cells. It is not the intention of the Commissioner to establish a generic definition for the term "plasmapheresis". Rather, the Commissioner has described the collection procedure for the particular blood product subject to these licensing regulations. Since the collection of Source Plasma (Human) by plasmapheresis is not for the purpose of manufacturing platelet concentrates and white cells, no change in the description of plasmapheresis, as set out in § 273.3105, is necessary.

Several comments indicated a misunderstanding concerning the provisions for determining the health of a plasmapheresis donor. Two separate sections are involved. Pursuant to § 273.3103, the suitability of a donor is established, on the day of each collection, by medical history, appropriate tests, and such further physical examination of the prospective donor as appears necessary. Pursuant to § 273.3105, continuing periodic health determinations of donors participating in plasmapheresis programs are made by review and evaluation of tests for syphilis and immunoglobulins which are conducted on blood samples drawn from the donor "on the day of the first plasmapheresis and every four months thereafter". This initial analysis and subsequent periodic monitoring of blood samples, conducted pursuant to § 273.3105, must be reviewed by a qualified licensed physician; the medical history and appropriate testing of a prospective donor to determine suitability on the day of collection, conducted pursuant to § 273.3103, may be performed by a licensed physician or by trained persons under his supervision.

Some comments expressed the opinion that a serologic test for syphilis need not be performed prior to each donation. The Commissioner agrees. However, in order to assure that Source Plasma (Human) is collected from healthy donors, the Commissioner has required periodic testing of a sample of the donor's blood. Where the serum of the donor is reactive to a serologic test for syphilis, the donor may not participate in the plasmapheresis program until this test is non-reactive.

Many comments stated that the proposed limits on the volume of blood to be removed from a donor during any 48-hour period and within any seven-day period were too small. Others expressed concern that the permitted volume was too large for long-term plasmapheresis.

Discussions of the volume limits were held with the advisory committee concerning safeguards for plasma donors, and with representatives of the plasma collection and fractionation industries. Data documenting experience with removal of larger volumes of blood has been submitted by a number of manufacturers. Based upon these discussions and the submitted data, the Commissioner has concluded that the amount of blood, not including anticoagulant, removed from a donor shall not exceed 1,000 milliliters in any 48-hour period or

2,000 milliliters in any seven-day period, unless the donor's weight is 175 pounds or greater, in which case the amount of blood, not including anticoagulant, removed from a donor shall not exceed 1,200 milliliters in any 48-hour period or 2,400 milliliters in any seven-day period. A licensed manufacturer may apply for permission to remove a larger volume over a 48-hour period, or in a seven-day period, by submitting substantial scientific evidence demonstrating that repeated plasmapheresis of a larger volume has no injurious short or long term effects upon a donor's health, which evidence will be reviewed by the Food and Drug Administration.

Other comments suggested that removal limits should be expressed in grams of plasma rather than milliliters of blood. The Commissioner has concluded that regulation of the amount of blood, rather than the amount of plasma, removed from a donor furnishes a better means of protecting the donor and therefore these comments have been rejected.

Several comments suggested that the final order include procedures to be followed in the event that the red cells are not returned to the donor during plasmapheresis, as well as requiring a specified waiting period between the donation of a unit of whole blood and a plasmapheresis donation. Since a donor must be tested for hemoglobin and total protein level before each donation, no additional regulations are necessary; the established tests are sufficient to determine when a donor is able to donate.

Several comments were received requesting that the requirements for returning blood cells to the donor after plasmapheresis be emphasized, although these comments acknowledged that even the best plasmapheresis procedure would return to the donor something less than all the red blood cells. The Commissioner concurs and therefore the regulation has been revised to more clearly indicate that the maximum feasible volume of red blood cells must be returned to the donor before another unit of blood is collected.

8. Comments were received requesting clarification as to whether both selection and administration of antigen in a donor immunization procedure must be performed by the same licensed physician and whether either or both procedures may be performed by trained persons under the physician's supervision rather than directly by the physician. The regulations have been clarified under § 273.3106 *Immunization of donors* to indicate that both the selection and administration of an antigen need not be performed by the same licensed physician and that the administration may be performed under the supervision of a licensed physician. The selection of the proper antigen and the clinical evaluation of the donor's response must however, be performed by a licensed physician.

Several comments suggested that the detailed procedures for using immunizing antigens more properly belonged at the establishment which manufactures the final product, rather than with the

Source Plasma (Human) manufacturer. The Commissioner has no objections to these procedures being a part of the records of the manufacturer of the final product. However, a complete copy of all immunization procedures must be available at the location where the plasmapheresis is being performed. Access to the written procedures at the place of administration is helpful, and may indeed be necessary, for those administering the antigen, particularly if several different immunization schedules and doses are required. It is common sense that procedures must be immediately available at the place where they are to be implemented. In addition, their availability at the place of manufacture would greatly facilitate statutory inspections to determine if immunization procedures were being conducted as approved in an application. The section has been revised to clarify these points.

9. Some comments requested clarification as to whether the *Test for hepatitis B antigen* as well as other tests required by the regulations, could be performed on plasma rather than on whole blood, as the proposed regulations may have appeared to indicate. The Commissioner intended that this test be performed on the plasma and the final order, § 273.3107, has been clarified accordingly.

The Commissioner does not agree with those comments suggesting that the hepatitis B antigen test need be performed only by the manufacturer of the final product. Since Source Plasma (Human) is a licensed product that may be freely shipped, it must be fully tested and labeled prior to leaving the manufacturer.

Many comments also suggest that it is not necessary to perform the serologic test for syphilis on each unit of Source Plasma (Human). The Commissioner concurs and has, accordingly, revised this section to require that each unit of Source Plasma (Human) be tested for the hepatitis B antigen only.

10. One comment expressed the opinion that Source Plasma (Human) need not be sterile. The final regulations, in § 273.3108 *Processing*, do not specify that the product shall be sterile, but require that all surfaces that come into contact with the plasma shall be sterile and pyrogen free and that final containers used for Source Plasma (Human) not interact with the product in any way so as to adversely affect the safety, quality, purity or potency of the plasma.

Several comments indicated that the appropriate requirement for the plasma containers is that they should be "translucent" rather than "transparent" as required in the proposed regulations. The "final containers" subsection has been revised to require that final containers be uncolored and hermetically sealed, and that the material of which the final container is made permit clear visibility of the contents.

One comment objected to the prohibition against the use of a preservative for plasma intended for blood grouping and typing serums. Since Source Plasma (Human) is not intended for such use, the comment is not applicable.

11. *General requirements under § 273.3109, a. Pooling.* Several comments disagreed with the proposed restrictions against pooling by the manufacturer of Source Plasma (Human) on the ground that the plasma will subsequently be pooled by the manufacturer of the final product. Since the proposed pooling restriction reduces bacterial and viral contamination and permits better monitoring of the source plasma product, the Commissioner finds that the restriction on pooling should be retained. The restriction against pooling by the manufacturer of the Source Plasma (Human) allows the manufacturer of the final product to pool as is best suited to the characteristics of the final product to be manufactured.

b. *Storage.* Many comments objected to the requirement of  $-20^{\circ}$  C. as the storage temperature for all Source Plasma (Human). Since the dating period for Source Plasma (Human) (§ 273.870) is being changed to an unlimited period, the Commissioner believes that in order to assure its safety, quality, purity, and potency, all plasma should be stored by the plasma manufacturer, and by the manufacturer of the final product, at  $-20^{\circ}$  C. or colder.

c. *Inspection.* Several comments expressed the view that inspection of Source Plasma (Human) both immediately after filling and just prior to issuance was not necessary. Since the product is to be frozen immediately after filling and remain frozen until issuance, the Commissioner agrees that one inspection of the frozen product just prior to issuance is adequate to assure that there is no evidence of thawing.

d. *Pilot samples.* Many comments objected to the provision that a pilot tube must be provided with each unit of Source Plasma (Human), requesting that, since such procedure is unnecessary, such a provision be optional. The Commissioner agrees, and this subsection has been revised accordingly.

e. *Labeling.* Several comments suggested that the proposed requirement of conformity with other labeling provisions of Part 273 should be deleted since many of these requirements are not applicable to Source Plasma (Human). This comment has been accepted and the labeling section has been revised to itemize specific requirements for Source Plasma (Human), except that the requirements of § 273.602 will be applicable.

Other comments suggested that some of the required labeling information (volume and hepatitis test results) could be supplied in documents shipped with the plasma to the manufacturer of the final product. Since Source Plasma (Human) is a licensed product, each unit must be fully labeled when it is issued from the manufacturer. Thus, this suggestion is unacceptable. In addition, since all or part of any shipment may be shipped to a third party, each unit must contain all the required information.

f. *Manufacturing responsibility.* Many comments suggested that the test for hepatitis B antigen be permitted to

be performed by a clinical laboratory licensed under section 353 of the Public Health Service Act. The Commissioner agrees, and such a provision has been added to this subsection. This test, as well as approved testing for immunoglobulin, may also be conducted by an establishment licensed for blood or blood derivatives under section 351 of the act.

12. In response to several comments that certain products could best be produced from liquid plasma, § 273.3110 *Modification of Source Plasma (Human)* has been added to provide for the collection and manufacture of a liquid Source Plasma (Human). This section sets forth the requirements for manufacturing a liquid product.

**GENERAL COMMENTS**

Several comments inquired whether the licensing of Source Plasma (Human) would prohibit the use of plasma from Whole Blood (Human) as a source material for the manufacturing of blood derivatives. These new licensing provisions apply only to Source Plasma (Human) intended as a source material for further manufacture into blood derivatives intended for injection. Other source materials, such as recovered plasma from Whole Blood (Human), are not affected by these provisions. Such outdated or indated plasma (recovered plasma) from Whole Blood (Human) may continue to be supplied to manufacturers of blood derivatives under the short supply provisions of § 273.240.

The Commissioner does intend however, to promulgate regulations defining the source material to be used in the manufacture of blood derivatives, and also to establish at what point manufacturing begins for blood derivatives. At that time there will be two regulated sources of plasma for the manufacture of blood derivatives: Source Plasma (Human), and recovered plasma. Source Plasma (Human) production is regulated by licensing under section 351 of the Public Health Service Act in conformity with §§ 273.3100 through 273.3110. Recovered plasma production will be regulated by registration under section 510 of the Federal Food, Drug, and Cosmetic Act, in conformity with § 273.237 of the regulations.

Some comments expressed concern that the licensing of Source Plasma (Human) would pre-empt State and local laws governing plasmapheresis. These regulations are not intended to usurp the powers of State or local authorities to regulate plasmapheresis procedures in their localities. Rather, the intention is to assure the safety, purity, and potency of this biological product when it is shipped in interstate commerce pursuant to section 351 of the Public Health Service Act.

Several comments inquired as to whether a Source Plasma (Human) establishment would be required to obtain an establishment and product license if it is owned and operated by a manufac-

turer licensed to produce blood derivatives. If the Source Plasma (Human) establishment is in an operating unit of the same corporation as the licensed manufacturer of blood derivatives, it is not required to obtain an establishment license. The licensed manufacturer, however, must obtain a separate amendment to its establishment license to include the plasmapheresis location, and also must obtain a product license for Source Plasma (Human). If, however, the Source Plasma (Human) establishment is a different corporation than the licensed manufacturer it supplies, the Source Plasma (Human) manufacturer must obtain both an establishment and a product license for Source Plasma (Human).

All provisions of these regulations, with the exception of the volume limitations of § 273.3105(b) (4), (5) and (6), are effective 120 days after publication in the FEDERAL REGISTER. All establishments seeking a license for Source Plasma (Human) must submit license applications during this period, and bring their operations into compliance with the requirements of these regulations, inasmuch as a licensure involves a demonstration by an applicant that the product sought to be licensed and can and has been manufactured in full compliance with all regulatory requirements. Within 30 days of publication in the FEDERAL REGISTER, however, all manufacturers shipping Source Plasma (Human) in interstate commerce must comply with the volume limitations of § 273.3105(b) (4), (5) and (6), inasmuch as the Commissioner has determined that a substantial public health hazard is presented by the continued plasmapheresis of unrestricted amounts from donors. Finally, establishments which submit license applications or amendments on or before November 19, 1973, and which are in compliance with the requirements of these additional standards, may ship Source Plasma (Human) in interstate commerce until such time as final action has been taken with respect to approval or denial of their license application, provided that the short supply provisions of § 273.240 are fully complied with.

All plasma used in preparing blood derivative products for injection into man must be prepared at establishments which are registered under § 273.237 pursuant to section 510 of the Federal Food, Drug, and Cosmetic Act.

Therefore, pursuant to provisions of the Public Health Service Act (sec. 351, 58 Stat. 702, as amended; 42 U.S.C. 262), and under authority delegated to the Commissioner (21 CFR 2.120), Part 273 is amended as follows:

**§ 273.503 [Amended]**

1. In § 273.503, by adding immediately after the words "Single Donor Plasma (Human)," the words "Source Plasma (Human)."

2. In § 273.505, by adding alphabetically an additional temperature listing as follows:

**§ 273.505 Temperature during shipment.**

Product	Temperature
Source Plasma (Human)	-5° C or colder

**§ 273.730 [Amended]**

3. In § 273.730, by adding in subparagraph (g) (4) immediately following the words "Single Donor Plasma (Human)," the words "Source Plasma (Human)."

**§ 273.740 [Amended]**

4. In § 273.740(b), by adding immediately after the words "Single Donor Plasma (Human):" the words "Source Plasma (Human):".

5. In § 273.870, by adding "Source Plasma (Human)" alphabetically to the list of dating periods, as follows:

**§ 273.870 Dating periods for specific products.**

Source Plasma (Human).	In lieu of an expiration date, the collection date shall appear on the label, as prescribed in § 273.3109(e) (4).
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6. In Subpart D, by adding a new center heading and group of sections to read as follows:

**SOURCE PLASMA (HUMAN)**

**§ 273.3100 Proper name and definition.**

The proper name of this product shall be Source Plasma (Human). The product is defined as the fluid portion of human blood which has been stabilized against clotting, collected by plasmapheresis, and is intended as source material for further manufacture into blood derivatives (a portion of pooled plasma separable by chemical means) intended for injection.

**§ 273.3101 Informed consent.**

The written consent of a prospective donor shall be obtained after a qualified licensed physician has explained the hazards of the procedure to the prospective donor. The explanation shall include the risks of a hemolytic transfusion reaction if he is given the cells of another donor, and the hazards involved if he is hyperimmunized. The explanation shall consist of such disclosure and be made in such a manner that intelligent and informed consent be given and that a clear opportunity to refuse is presented.

**§ 273.3102 Medical supervision.**

A qualified licensed physician shall be on the premises when donor suitability is being determined, immunizations are being made, whole blood is being collected, and red blood cells are being returned to the donor.

**§ 273.3103 Suitability of donor.**

(a) *Method of determining.* The suitability of a donor for Source Plasma

(Human) shall be determined by a qualified licensed physician or by persons under his supervision and trained in determining donor suitability. Such determination shall be made on the day of collection from the donor by means of a medical history, tests, and such physical examination as appears necessary to the qualified licensed physician.

(b) *Initial medical examination.* Each donor shall be examined by a qualified licensed physician on the day of the first donation, or no more than one week prior to the first donation, and shall be certified to be in good health by the examining physician. The certification of good health shall be on a form supplied by the licensed establishment that indicates the certification is with respect to the suitability of the individual to be a plasmapheresis donor.

(c) *Qualification of donor.* Donors shall be in good health on the day of donation, as indicated in part by:

- (1) Normal temperature;
- (2) Demonstration that systolic and diastolic blood pressures are within normal limits, unless the examining physician is satisfied that an individual with blood pressures outside these limits is an otherwise qualified donor under the provisions of this section;
- (3) A blood hemoglobin level of no less than 12.5 grams of hemoglobin per 100 milliliters of blood;
- (4) A normal pulse rate;
- (5) A total serum protein of no less than 6.0 grams per 100 milliliters of serum;
- (6) Weight, which shall be at least 110 pounds;
- (7) Freedom from acute respiratory diseases;
- (8) Freedom from any infectious skin disease at the site of phlebotomy and from any such disease generalized to such an extent as to create a risk of contamination of the plasma;
- (9) Freedom from any disease, other than malaria, transmissible by blood transfusion, insofar as can be determined by history and examinations indicated in this section;
- (10) Freedom of the arms and forearms from skin punctures or scars indicative of addiction to self-injected narcotics;
- (11) Freedom from a history of viral hepatitis;
- (12) Freedom from a history of close contact within six months of donation with an individual having viral hepatitis;
- (13) Freedom from a history of having received, within six months, human blood or any derivative of human blood which the Food and Drug Administration has advised the licensed establishment is a possible source of viral hepatitis, except for specific immunization performed in accordance with § 273.3106 of this part.

(d) *General.* Any donor who, in the opinion of the interviewer, appears to be under the influence of any drug, alcohol, or for any reason does not appear to be providing reliable answers to medical history questions, shall not be considered a suitable donor.

#### § 273.3104 Collection of blood for Source Plasma (Human).

(a) *Supervision.* All blood for the collection of Source Plasma (Human) shall be drawn from the donor by a qualified licensed physician or by persons under his supervision trained in the procedure.

(b) *Blood containers.* Blood containers and donor sets shall be pyrogen-free, sterile and identified by lot number. The amount of anticoagulant required for the quantity of blood to be collected shall be in the blood container when it is sterilized.

(c) *The anticoagulant solution.* The anticoagulant solution shall be sterile and pyrogen-free. One of the following formulae shall be used in the indicated volumes:

(1) *Anticoagulant acid citrate dextrose solution (ACD).*

Tri-sodium citrate ( $\text{Na}_3\text{C}_6\text{H}_5\text{O}_7 \cdot 2\text{H}_2\text{O}$ )	22.0 grams
Citric acid ( $\text{C}_6\text{H}_8\text{O}_7 \cdot \text{H}_2\text{O}$ )	8.0 grams
Dextrose ( $\text{C}_6\text{H}_{12}\text{O}_6 \cdot \text{H}_2\text{O}$ )	24.5 grams
Water for injection (U.S.P.) to make	1,000 milliliters
Volume per 100 milliliters blood	15 milliliters

(2) *Anticoagulant citrate phosphate dextrose solution (CPD).*

Tri-sodium citrate ( $\text{Na}_3\text{C}_6\text{H}_5\text{O}_7 \cdot 2\text{H}_2\text{O}$ )	26.3 grams
Citric acid ( $\text{C}_6\text{H}_8\text{O}_7 \cdot \text{H}_2\text{O}$ )	3.27 grams
Dextrose ( $\text{C}_6\text{H}_{12}\text{O}_6 \cdot \text{H}_2\text{O}$ )	25.5 grams
Monobasic sodium phosphate ( $\text{NaH}_2\text{PO}_4 \cdot \text{H}_2\text{O}$ )	2.22 grams
Water for injection (U.S.P.) to make	1,000 milliliters
Volume per 100 milliliters blood	14 milliliters

(3) *Anticoagulant sodium citrate solution.*

Tri-sodium citrate ( $\text{Na}_3\text{C}_6\text{H}_5\text{O}_7 \cdot 2\text{H}_2\text{O}$ )	40 grams
Water for injection (U.S.P.) to make	1,000 milliliters
Volume per 100 milliliters of blood	10 milliliters

(d) *Donor identification.* Each unit of blood and plasma shall be so marked or identified by number or other symbol so as to relate it directly to the donor.

(e) *Prevention of contamination of the blood and plasma.* The skin of the donor at the site of phlebotomy shall be prepared thoroughly and carefully by a method that gives maximum assurance of a sterile container of blood. The blood shall be collected, the plasma separated, and the cells returned to the donor by aseptic methods in a sterile system which may be closed, or may be vented if the vent protects the blood cells and plasma against contamination.

#### § 273.3105 Plasmapheresis.

(a) *Procedure-general.* The plasmapheresis procedure, which is defined as that procedure in which blood is removed from a donor, the plasma separated from the formed elements and the formed elements returned to the donor, during a single visit to the establishment, shall be described in detail in the product license application.

(b) *Procedures-specific requirements.* The plasmapheresis procedure shall meet the following requirements:

(1) A sample of blood shall be drawn from each donor by a qualified licensed physician or by persons under his supervision and trained in such procedure on the day of the first plasmapheresis and at least every four months thereafter on which a serologic test for syphilis and a serum protein electrophoresis or quantitative immunodiffusion test for immunoglobulins to determine the immunoglobulin composition of the serum shall be performed. The results of the tests shall be reviewed by a qualified licensed physician within 10 days after the sample is drawn to determine whether or not the donor may continue on the program. If the plasma protein composition is not within normal limits established by the testing laboratory, the donor shall be removed from the program until these values return to normal. A donor with a reactive serologic test for syphilis shall not be plasmapheresed again until his serum tests nonreactive to a serologic test for syphilis.

(2) At least every four months, the accumulated laboratory data and collection records of each donor shall be reviewed by a qualified licensed physician to determine continuing suitability of the donor. Only those donors found suitable upon such a review shall remain in the plasmapheresis program. Such a review shall be signed by the reviewing physician.

(3) A donor identification system shall be established that positively identifies each donor and relates such donor directly to his blood and its components as well as to his accumulated records and laboratory data. Such system shall include either a photograph of each donor which shall be used on each visit to confirm the donor's identity, or some other method that provides equal or greater assurance of positively identifying the donor.

(4) The amount of whole blood, not including anticoagulant, removed from a donor during a plasmapheresis procedure or in any 48-hour period shall not exceed 1,000 milliliters unless the donor's weight is 175 pounds or greater, in which case the amount of whole blood, not including anticoagulant, removed from the donor during a plasmapheresis procedure or in any 48-hour period shall not exceed 1,200 milliliters.

(5) The amount of whole blood, not including anticoagulant, removed from a donor within a seven-day period shall not exceed 2,000 milliliters unless the donor's weight is 175 pounds or greater, in which case the amount of whole blood, not including anticoagulant, removed from the donor during a seven-day period shall not exceed 2,400 milliliters.

(6) No more than 500 milliliters of whole blood shall be removed from a donor at one time, unless the donor's weight is 175 pounds or greater, in which case no more than 600 milliliters of whole blood shall be removed from the donor at one time.

(7) The plasma shall be separated from the red blood cells immediately after blood collection. The maximum feasible volume of red blood cells shall be returned to the donor before another unit is collected.

#### § 273.3106 Immunization of donors.

If specific immunization of a donor is to be performed, the selection and scheduling of the injection of the antigen, and the evaluation of each donor's clinical response, shall be by a qualified licensed physician or physicians. The administration of the antigen may be performed by a licensed physician or a trained person under his supervision. Any material used for immunization shall be either a product licensed under section 351 of the Public Health Service Act for such purpose or one specifically approved by the Director, Bureau of Biologics, Food and Drug Administration. Immunization procedures shall be on file at each plasmapheresis center where immunizations are performed.

#### § 273.3107 Test for hepatitis B antigen.

Each unit of Source Plasma (Human) shall be nonreactive to a test for the hepatitis B antigen as prescribed in §§ 273.755 and 273.756 of the general regulations.

#### § 273.3108 Processing.

(a) *Sterile system.* All surfaces that come in contact with the plasma shall be both sterile and pyrogen-free. If the method of separation involves a vented system (i.e., where an airway must be inserted into a container for withdrawal of the plasma), the airway and vent shall be sterile and constructed so as to exclude microorganisms and maintain a sterile system.

(b) *Final containers.* Final containers used for Source Plasma (Human), whether integrally attached or separated from the original blood container, shall not be entered prior to issuance for any purpose except for filling with the plasma. Such containers shall be uncolored and hermetically sealed, and shall permit clear visibility of the contents. Final containers and their components shall not interact with the plasma contents under conditions of storage and use so as to alter the safety, quality, purity, or potency of the plasma and shall provide adequate protection against external factors that may cause deterioration or contamination. Prior to filling, the final container shall be marked or identified by number or other symbol which will relate it directly to the donor.

(c) *Preservative.* Source Plasma (Human) shall not contain a preservative.

#### § 273.3109 General requirements.

(a) *Pooling.* Pooling of plasma by the manufacturer of Source Plasma (Human) from two or more donors is not permitted. Two units of plasma from the same donor may be pooled if such units are collected during one plasmapheresis procedure, provided the pooling is done by a procedure that gives maximum as-

surance of a sterile container of plasma.

(b) *Storage.* Immediately after filling, the plasma shall be stored at not warmer than  $-20^{\circ}\text{C}$ , except for plasma collected as provided for in § 273.3110.

(c) *Inspection.* Source Plasma (Human) shall be inspected at the time of issuance. If there is any evidence of thawing, the unit shall not be issued.

(d) *Pilot samples.* If pilot samples are provided, they shall meet the following standards:

(1) Prior to filling, all pilot samples shall be marked or identified so as to relate them directly to the donor of that unit of plasma.

(2) All pilot samples shall be filled at the time the final product is prepared by the person who prepares the final product.

(3) All pilot samples shall be representative of the contents of the final product.

(4) All pilot samples shall be collected in a manner that does not contaminate the contents of the final container.

(e) *Labeling.* In addition to the labeling requirements of § 273.602, and in lieu of the requirements in §§ 273.600 and 273.601, the following information shall appear on the label affixed to each container of Source Plasma (Human):

(1) The proper name of the product.

(2) Name, address, and license number of the manufacturer.

(3) Donor number.

(4) Collection date of the plasma.

(5) The statement: "Caution: For Manufacturing Use Only".

(6) The statement: "Store at  $-20^{\circ}\text{C}$  or colder".

(7) A statement as to whether the plasma was collected from normal donors or from immunized donors. In the case of immunized donors, the label shall state the immunizing antigen.

(8) The total volume of plasma and total quantity and type of anticoagulant used.

(9) The test for hepatitis B antigen used and the results.

(f) *Manufacturing responsibility.* All steps in the manufacture of Source Plasma (Human), including donor examination, blood collection, plasmapheresis, laboratory testing, labeling, storage, and issuing shall be performed by the establishment licensed to manufacture Source Plasma (Human), except that the following tests may be performed by a clinical laboratory licensed under section 353 of the Public Health Service Act, or by an establishment licensed for blood or blood derivatives under section 351 of the Public Health Service Act, provided such arrangements are approved by the Director, Bureau of Biologics, Food and Drug Administration:

(1) The test for hepatitis B antigen pursuant to § 273.3107.

(2) The serum protein electrophoresis or quantitative immunodiffusion test for immunoglobulin as required by § 273.3105 (b) (1).

(3) Such testing pursuant to paragraph (f) (1) and (2) of this section

shall not be considered divided manufacturing, requiring two product licenses for source Plasma (Human), provided that:

(i) The results of such tests are maintained by the establishment licensed for Source Plasma (Human) whereby such results may be reviewed by a licensed physician as required in § 273.3105(b) (2), and/or by authorized Food and Drug Administration inspectors.

(ii) The Source Plasma (Human) manufacturer has obtained a written agreement that the testing laboratory will permit authorized Food and Drug Administration inspectors to inspect their testing procedures and facilities during any reasonable business hours.

(iii) The testing laboratory will participate in any proficiency testing programs undertaken by the Bureau of Biologics, Food and Drug Administration.

(g) *Records.* In addition to the general record keeping requirements of § 273.502, every manufacturer of Source Plasma (Human) must keep for each donor a separate and complete record of all initial and periodic examinations, tests, laboratory data, interviews, etc., undertaken pursuant to §§ 273.3103, 273.3105, 273.3106, and 273.3107. This record must also contain the original or a clear copy of the donor's written consent for participation in the plasmapheresis program as required by § 273.3101 and the certification of good health as prescribed in § 273.3103(b). Each donor record must be directly cross-referenced to the unit(s) of Source Plasma (Human) associated with the donor.

#### § 273.3110 Modification of Source Plasma (Human).

(a) Upon approval by the Director, Bureau of Biologics, Food and Drug Administration, of an amendment to the product license for Source Plasma (Human), a manufacturer may prepare Source Plasma (Human) as a liquid product for a licensed blood derivative manufacturer who has indicated a need for a liquid product.

(b) Liquid Source Plasma (Human) shall meet all standards of the frozen Source Plasma (Human) except:

(1) Liquid Source Plasma (Human) shall be stored in nonleachable containers so that the containers and their components will not interact with the plasma contents under conditions of storage and use so as to alter the safety, quality, purity, or potency of the plasma and shall provide adequate protection against external factors that may cause deterioration or contamination.

(2) Liquid Source Plasma (Human) shall be shipped, stored and labeled for storage at a temperature of  $10^{\circ}\text{C}$  or colder. An exception to the shipping or storage temperature shall be approved by the Director, Bureau of Biologics, Food and Drug Administration, based upon his receipt of substantial evidence to support another temperature. Such evidence may be submitted by either the product licensee of the liquid Source Plasma (Human) or the manufacturer

of the final blood derivative product who has requested the liquid Source Plasma (Human).

(3) The label for the liquid Source Plasma (Human) shall be easily distinguished from that of the frozen product. Color coding shall not be used for this purpose.

(4) The label affixed to each container of liquid Source Plasma (Human) shall contain, in addition to the information required by § 273.3109(e) but excluding § 273.3109(e) (6) the name of the manufacturer of the final blood derivative product for whom it was prepared.

(5) Liquid Source Plasma (Human) shall be inspected immediately prior to issuance. If the color or physical appearance is abnormal, or there is any indication or suspicion of microbial contamination, the unit of liquid Source Plasma (Human) shall not be issued.

**Effective Date.** This order is effective on November 19, 1973, with the exception that § 273.3105(b) (4), (5) and (6) is effective on August 21, 1973. Establishment license applications or amendments, whichever are appropriate, and product license applications for Source Plasma (Human) shall be filed on or before November 19, 1973. Source Plasma (Human) from establishments which have submitted such applications and amendments may be shipped under the short supply provisions of § 273.240 until such time as final action has been taken with respect to approval or denial of their license application, provided such establishments are in full compliance with the applicable regulatory requirements of these additional standards.

(Sec. 351, 58 Stat. 701, as amended; 42 U.S.C. 262).

Dated: July 17, 1973.

A. M. SCHMIDT,  
Commissioner of  
Food and Drugs.

[FR Doc. 73-14944 Filed 7-19-73; 8:45 am]

## Title 29—Labor

### CHAPTER XVII—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

#### PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

##### Approval of Iowa Plan

1. **Background.** Part 1902 of Title 29, Code of Federal Regulations, prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) whereby the several States may submit for approval under the requirements of that section, plans for the development and enforcement of State occupational safety and health standards.

The State of Iowa submitted on October 4, 1972, a plan pursuant to Part 1902 requesting approval of the plan by the Assistant Secretary for Occupational Safety and Health. On October 21, 1972, a notice was published in the FEDERAL REGISTER (37 FR 22780) concerning the submission of the plan and the fact that

the question of approval was in issue before the Assistant Secretary.

The Bureau of Labor is the State agency designated by the Governor to administer the plan throughout the State. Its responsibilities will include both occupational safety and occupational health, the latter on a developmental basis. The plan defines the covered occupational safety and health issues as defined by the Secretary of Labor in 29 CFR 1902.2(c) (1). Under existing occupational safety and health legislation, effective July 1, 1972, Iowa has adopted as interim standards all occupational safety and health standards and amendments thereto which had been promulgated by the Secretary of Labor, except those found in 29 CFR Parts 1915, 1916, 1917 and 1918 (ship repairing, shipbuilding, shipbreaking and longshoring). Hearings have been held on the adoption as permanent standards of standards in 29 CFR Parts 1910 and 1926.

The legislation covers all employees, including the State and its political subdivisions. The plan is developmental in the establishment of a compliance program for agriculture, mercantile and service employees; the development of an occupational health program; a management information system; and the hiring and training of additional staff under the existing State merit system.

The legislation contains procedures for inspections including inspections in response to complaints; protection of employees from discharge or discrimination for exercising rights; promulgation of standards including emergency standards; rule-making authority; sanctions; imminent danger abatement through court injunction; and the establishment of an independent Review Commission.

The major provisions of the plan and the proposed schedule for its development are summarized in a new Subpart J of 29 CFR Part 1952.

Included in the plan is a statement of the Governor's support for the plan and a statement of legal opinion that the legislation will meet the requirements of the Occupational Safety and Health Act of 1970 and is consistent with the Constitution and laws of Iowa. The plan sets out goals and provides a timetable for bringing it into full conformity with Part 1902 at the end of three years after the commencement of operations under the plan.

Interested persons were afforded thirty (30) days from the date of publication to submit written comments concerning the plan. Further, interested persons were afforded an opportunity to request an informal hearing with respect to the plan or any part thereof.

2. **Issues.** Pursuant to the notice of submission of the plan several comments were received from interested organizations including the American Federation of Labor-Congress of Industrial Organizations (AFL-CIO) and the Master Builders of Iowa. No other written comments were received and no requests for an informal hearing were made.

These comments and our review of the plan raised several significant issues

which were addressed by Iowa in supplementary letters received January 2, 1973, and March 21, 1973, that clarified and modified the plan and are incorporated as part of the plan.

(a) **Enforcement Program**—(1) **Non-serious violations.** One area of concern involves the effectiveness of Iowa's enforcement program. The legislation enacted in 1972, prior to plan submission, contains a prohibition on issuance of a penalty to an employer for any non-serious violations cited during an initial inspection of the employer's establishment. In order to achieve compliance in non-serious cases, Iowa's compliance manual provides for a mandatory follow-up inspection to determine whether or not an alleged non-serious violation has been corrected within the prescribed abatement period. If a non-serious violation cited under this section of Iowa law is not corrected within the abatement period, a mandatory penalty of up to \$1,000 for each day the violation continues past the abatement period shall be proposed.

Reliance on failure to abate penalties is not a satisfactory substitute for "first-instance" penalties as stated in the decision on the Wahington State plan (38 FR 2421). Iowa has, therefore, agreed to propose an amendment in the next legislative session, scheduled for January 1974, deleting this prohibition on a penalty for non-serious violations found during an initial inspection. This amendment would be effective January 1, 1975, at which time Iowa's law would provide for a discretionary penalty for non-serious violations regardless of whether it is the first inspection of a workplace.

Iowa has also provided assurances that once the law is amended, it would issue administrative guidelines for proposing first-instance penalties for non-serious violations.

Based on the proposed legislative amendment and the interim measures for mandatory follow-up inspections contained in the Iowa compliance manual, Iowa's plan is approvable in accordance with section 18(c)(2) of the Act providing for the development of an enforcement program that will be at least as effective as the Federal program.

(ii) **Employee citation.** The second issue in Iowa's enforcement program that required modifications and clarification was the provision in the law for an employee citation.

An employee may receive a citation if, "under his own volition" he violates any of the following: (1) Any of the requirements of section 5 of the State Act placing on the employee a duty to comply with all standards, rules, regulations and orders issued pursuant to this Act which are applicable to his own actions or conduct; (2) any standard, rule or rules promulgated pursuant to section 6 of the State Act authorizing the Commissioner of Labor to promulgate standards identical to Federal standards; or (3) any regulations prescribed pursuant to this Act.

The citation will describe the violation, but no penalty or abatement date will be

proposed. In addition, the law provides for an employee right to appeal the citation, in the same manner provided for employer appeals, to the State Review Commission.

Within this general legislative framework, the State compliance manual prescribes additional limitations on the issuance of these citations. The inspector must have "personally witnessed, or have first-hand knowledge" of the violation by the employee and he must be able to conclude that the employee violated such standard, rule or regulation "with the knowledge he was violating it, and that on his own action, and of his own accord and volition", he did proceed to violate the standard, rule, or regulation.

In order to assure that the employer's responsibility for safety and health in the workplace is not diminished, the compliance manual has been modified to provide that in each instance of an employee citation, a "citation will also be issued to the employer responsible for the employee and/or the employee's work environment. Other appropriate measures attendant to the issuance of a citation to an employer will also be taken." These measures would include assessment of penalties as well as follow-up inspections where required. In order to maintain the effective enforcement program required by the Act and 29 CFR Part 1902, an employee sanction must meet the following requirements: (1) It must be applicable only in clearly defined situations, and (2) it must not relieve the employer of his primary responsibility for occupational safety and health including his obligation to take all possible steps to insure that employees' actions do not violate the standards. (See Oregon decision 37 FR 28628).

Iowa's employee citation as outlined above meets these criteria for the following reasons. A citation would be issued only where an employee knowingly and in the presence of an inspector refused to comply with a standard, for example, not wearing a hard-hat provided by the employer.

The employee citation provision would not apply where the employer's conduct violated the standards and the employee was required to acquiesce in the violation expressly or impliedly as part of his job duties, for example, if the employer failed to provide hard-hats or the employee worked on an unguarded machine.

After considering both the legislative provisions and the compliance manual governing the operation of employee citations, it appears that Iowa's employee citation provides a limited employee sanction which does not on its face have the effect of undermining the effectiveness of the State program. Indeed, it would increase its effectiveness by providing an additional method of notifying employees of their obligations under the State law.

Also, the employee citation provision would not diminish the employer's responsibility to maintain a safe and healthful workplace, nor would it affect the employee right not to work under un-

safe conditions as protected under collective bargaining agreements, the National Labor Relations Act (29 U.S.C. 143) or under section 11(c) of the Occupational Safety and Health Act of 1970 as interpreted in 29 CFR Part 1977. The actual implementation of the Iowa employee citation will be reviewed in the evaluation of the State plan.

(b) *Administrative Procedure.* Both the safety and health enabling legislation and the State law on review of administrative rules and regulations prescribe procedures for public participation and notice of rule-making and standard-setting. Under the Administrative Rules and Regulations Act, the designee submits proposed rules to the Legislative Departmental Review Committee and the rules are subject to public comment at the Committee's regularly scheduled meetings. Any person substantially interested in a rule may petition for reconsideration of the rule to the Attorney General and the agency shall be required to hold hearings on the petition for reconsideration.

While occupational safety and health standards are also subject to review by the Legislative Committee, the safety and health legislation describes procedures for public hearings on the standards prior to adoption. These procedures are similar to those in the Federal Act. The State has also agreed to publish notice of final standards actions including the issuance of emergency temporary standards in State newspapers in addition to filing the standards with the Secretary of State.

Although the State's mechanism for public participation differs from the Federal program, the State has in fact adopted regulations and standards similar to the Federal ones. Subject to evaluation, it appears that the Iowa procedures meet the requirements on public participation in 29 CFR 1902.4(b) (2) (iii).

(c) *Standard-setting*—(1) *Permanent standards.* Under its enabling legislation, Iowa's Commissioner of Labor is authorized to adopt only Federal standards. The law does not provide for any independent standard-setting authority either within the issues covered by the plan or in any other issues beyond the scope of the Federal program as have been provided by other approved State plans. Under 29 CFR 1902.4(a), States have the option of either adopting Federal standards or establishing alternative standards. By choosing at this time to adopt only Federal standards the Iowa plan meets the minimum requirements of 29 CFR 1902.4(a) (1).

Iowa's plan contains standards promulgated under other State laws relating to occupational safety and health, such as boiler and amusement park inspections standards. These standards are not subject to the limitation in Iowa's enabling legislation which provides that general safety and health standard-setting is limited to the adoption of Federal standards.

(ii) *Emergency temporary standards.* Iowa's legislation contains a provision for immediate issuance of emergency temporary standards to protect employees from grave danger from exposure to substances or agents determined to be toxic or physically harmful or from new hazards. There are two limitations on this authority. The first is related to the legislative limit on adoption of permanent Federal standards. Iowa can only adopt an emergency temporary standard as a permanent standard if the emergency standard has been adopted permanently by the U.S. Secretary of Labor. Iowa will request adoption of permanent Federal standards when it determines that the emergency standard should be implemented on a permanent basis.

A second limit is one of definition. Iowa law defines an emergency standard as one adopted by the U.S. Secretary of Labor, or a standard adopted by a nationally recognized standards-producing organization where the Commissioner of Labor determines that persons interested and affected by the scope or provisions of the standard have reached substantial agreement on its adoption and have included the opportunity for consideration of diverse views.

Because Iowa's basic standard-setting authority is linked to the adoption of standards by the Secretary of Labor, the fact that the emergency standard-setting authority is also related to adoption of Federal emergency standards does not make the plan less effective. In addition, Iowa has authority to set emergency standards for a six-month period based on standards adopted by national standard-setting organizations. Subject to evaluation, it appears that this authority would enable Iowa to cover a wide range of emergency situations in a manner calculated to ensure input of available expertise and provide adequate protection of employees.

(d) *Occupational health.* In supplements to the plan, Iowa has presented a revised occupational health program providing for the hiring of three industrial hygienists within the Bureau of Labor. While compliance operations in the industrial hygiene area will begin upon plan approval the full program including hiring, training, purchase of equipment and coordination with the Industrial Hygiene Laboratory at the University of Iowa will be operational within two and one-half years after plan approval.

3. *Decision.* After careful consideration of the Iowa plan and comments submitted regarding it, the plan is hereby approved under section 18 of the Act and Part 1902. This decision incorporates requirements of the Act and implementing regulations applicable to State plans generally. It also incorporates our intentions as to continued Federal enforcement of Federal standards in areas covered by the plan and the State's developmental schedule as set out below.

Pursuant to § 1902.20(b)(1)(iii) of Title 29, Code of Federal Regulations, the present level of Federal enforcement in

Iowa will not be diminished presently because of the developmental nature of Iowa's enforcement program. Among other things, the U.S. Department of Labor will continue to inspect catastrophes and fatalities, investigate valid complaints under section 8(f), continue its Target Safety and Target Health programs, and inspect a cross-section of all industries on a random basis.

Within 6 months following this approval, an evaluation of the State plan as implemented will be made to assess the appropriate level of Federal enforcement activity. Federal enforcement activity will continue to be exercised to the degree necessary to assure occupational safety and health protection to employees in the State of Iowa.

Pursuant to section 18 of the Occupational Safety and Health Act (29 U.S.C. 667), Part 1952 is hereby amended by adding thereto a new Subpart J as follows:

**Subpart J—Iowa**

Secs.	
1952.160	Description of plan.
1952.161	Where the plan may be inspected.
1952.162	Level of Federal enforcement.
1952.163	Developmental schedule.

**Authority:** Sec. 18, Pub. L. 91-596, 84 Stat. 1608; 29 U.S.C. 667.

**§ 1952.160 Description of plan.**

(a) (1) The plan identifies the Bureau of Labor as the State agency designated to administer the plan throughout the State. Its responsibilities include both occupational safety and occupational health, the latter on a developmental basis. The plan defines the covered occupational safety and health issues as defined by the Secretary of Labor in 29 CFR 1902.2(c)(1). Under existing occupational safety and health legislation, effective July 1, 1972, Iowa has adopted as interim standards all the occupational safety and health standards and amendments thereto which had been promulgated by the Secretary of Labor, except those found in 29 CFR Parts 1915, 1916, 1917 and 1918 (Ship repairing, ship building, ship breaking and longshoring). Hearings have been held on the adoption, as permanent standards, of the standards in 29 CFR Parts 1910 and 1926.

Under its existing legislation, the Bureau of Labor has exercised statewide inspection authority to enforce State standards which are identical to Federal standards. The legislation covers all employers including the State and its political subdivisions and gives the Iowa Bureau of Labor full authority to administer and enforce all laws, rules, and orders protecting employee safety and health in all places of employment in the State.

(2) The legislation contains procedures for the promulgation of standards, including standards for the prompt protection of employees against new and unforeseen hazards; furnishing information to employees on hazards, precautions, symptoms, and emergency treatment; procedures for granting temporary and permanent variances; and for the protection of employees from hazards.

The law provides for inspections including inspections in response to complaints; ensures employer and employee representatives an opportunity to accompany inspectors and call attention to possible violations before, during and after inspections; protection of employees against discharge or discrimination in terms or conditions of employment through court suits brought by the Bureau of Labor; notice to employees of their protections and obligations under the State law; imminent danger abatement through court injunctions; safeguards to protect trade secrets; prompt notice to employers and employees of alleged violations of standards and abatement requirements; effective sanctions against employers; employer right to review of alleged violations, abatement periods, and proposed penalties with an opportunity for employee participation as parties; and employee review of any citation issued to the employee, in review proceedings before the independent Review Commission.

(3) The plan is developmental in the establishment of a compliance program for agriculture, mercantile and service employees; development of an occupational health program; developing a management information system; and hiring and training of staff under the existing State merit system.

(b) Included in the plan is a statement of the Governor's support for the plan and a statement of legal opinion that the legislation will meet the requirements of the Occupational Safety and Health Act of 1970 and is consistent with the Constitution and laws of Iowa. The plan sets out goals and provides a timetable for bringing it into full conformity with Part 1902 at the end of three years after the commencement of operations under the plan.

(c) The plan includes the following documents as of the date of approval:

(1) The plan document with appendices;

(2) Letters from Jerry L. Addy, Commissioner of Labor, dated January 2, 1973, and March 21, 1973, with clarifications and modifications of the plan;

(3) Iowa has also submitted the following regulations adopted by the State:

(a) Chapter 3 of the Iowa Bureau of Labor Administrative Rules dealing with inspections, citations, and proposed penalties, adopted July 25, 1972;

(b) Chapter 4 of the Iowa Bureau of Labor Administrative Rules dealing with recording and reporting occupational injuries and illnesses adopted July 11, 1973, and amended July 25, 1972;

(c) Chapter 5 of the Iowa Bureau of Labor Administrative Rules dealing with rules of practice for variances, limitations, variations, tolerances, and exemptions adopted July 25, 1972, and amended October 5, 1972.

These adopted rules and regulations which were not part of the plan as originally submitted will be evaluated in accordance with the review of completions of developmental steps in State plans.

**§ 1952.161 Where the plan may be inspected.**

A copy of the complete Iowa plan may be inspected and copied during normal business hours at the Iowa Bureau of Labor, State House, East 7th and Court Avenues, 4th Floor, Des Moines, Iowa 50319; Regional Administrator, Occupational Safety and Health Administration, U.S. Department of Labor, Room 300, Waltower Building, 823 Walnut Street, Kansas City, Missouri 64106; and Office of Federal and State Operations, OSHA, U.S. Department of Labor, Room 305, Railway Labor Building, 400 First Street, NW., Washington, D.C. 20210.

**§ 1952.162 Level of Federal enforcement.**

Pursuant to § 1902.20(b)(1)(iii) of Title 29 of the Code of Federal Regulations, the present level of Federal enforcement in Iowa will not be diminished presently because of the developmental nature of Iowa's enforcement program. Among other things, the U.S. Department of Labor will continue to inspect catastrophes and fatalities, investigate valid complaints under section 8(f), continue its Target Safety and Target Health programs, and inspect a cross-section of all industries on a random basis.

**§ 1952.163 Developmental schedule.**

The Iowa plan is developmental. The following is the schedule of developmental steps provided by the plan:

(a) Adoption of Federal standards as permanent State standards, May-June 1973;

(b) Existing staff begins compliance activity May-June 1973;

(c) Hiring and training of additional staff including three industrial hygienists, six months after plan approval;

(d) Additional staff begins compliance activity, December 1973-January 1974;

(e) Development of compliance programs for agriculture, mercantile and service employers, June 1974;

(f) Development of employer and employee education programs, January, 1974;

(g) Introduction of amendment on first-instance sanctions for non-serious violations, January 1, 1974;

(h) Development of a Management Information System, June, 1974;

(i) Refinement of program and modifications, January, 1975;

(j) Effective date of amendments to legislation, January 1, 1975.

Signed at Washington, D.C. this 12th day of July 1973.

JOHN STENDER,  
Assistant Secretary of Labor.

[FR Doc.73-14916 Filed 7-19-73;8:45 am]

**Title 38—Pensions, Bonuses, and Veterans' Relief**

**CHAPTER I—VETERANS ADMINISTRATION**

**PART 21—VOCATIONAL REHABILITATION AND EDUCATION**

**Law Courses**

On page 14866 of the FEDERAL REGISTER of June 6, 1973, there was published

a notice of proposed regulatory development to amend § 21.4274 to provide for the measurement of courses in an accredited law school under the same criteria used for measurement of collegiate graduate resident courses. Interested persons were given 30 days in which to submit comments, suggestions, or objections regarding the proposed regulation.

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

*Effective date.* This VA regulation is effective July 13, 1973.

Approved: July 13, 1973.

By direction of the Administrator.

[SEAL] RUFUS H. WILSON,  
Associate Deputy Administrator.

In § 21.4274, paragraph (a) is amended to read as follows:

§ 21.4274 Law courses.

(a) *Accredited.* A law course in an accredited law school leading to a standard professional law degree will be assessed as provided in § 21.4273(a).

[FR Doc.73-14910 Filed 7-19-73;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

PART 164—RULES OF PRACTICE GOVERNING HEARINGS, UNDER THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT, ARISING FROM REFUSALS TO REGISTER, CANCELLATIONS OF REGISTRATIONS, CHANGES OF CLASSIFICATIONS, SUSPENSIONS OF REGISTRATIONS AND OTHER HEARINGS CALLED PURSUANT TO SECTION 6 OF THE ACT

On April 5, 1973, this Agency published proposed rules of practice governing hearings pursuant to section 6 of the Federal Insecticide, Fungicide and Rodenticide Act, as amended, in the FEDERAL REGISTER, 38 FR 8670. Although these rules were not required to be published as proposals, (5 U.S.C. 553(b)(A)), the Agency believed it was in the public interest to do so. Comments were received from environmental groups and industry and all such comments were considered. While not adopting all of the comments, some have been adopted and certain changes made.

Two major areas of concern are highlighted. First, various environmental groups have expressed their desire to invoke agency processes, as proposed on January 22, 1972 (37 FR 1059). Rules governing such procedures are more properly handled under § 21(b) of the Act and the Agency proposes to issue proposed regulations pursuant to this section in the near future. Therefore, they are not treated in these rules which govern the conduct of proceedings, once started.

Second, under the proposed rules, discovery procedure was provided to incorporate the applicable Federal Rules of Civil Procedure. Inasmuch as a cancelled

pesticide remains on the market until completion of the hearing, it has been deemed advisable in the public interest and the orderly administration of justice to limit discovery to witness lists and exhibits unless discovery, other than as set forth in § 164.50(b), is determined by the Administrative Law Judge not to unreasonably delay the proceeding, that the information is not otherwise obtainable and that the information has significant probative value.

The following rules, as revised, are hereby adopted.

Subpart A—General

- Sec. 164.1 Number of words.
- 164.2 Definitions.
- 164.3 Scope and applicability of this part.
- 164.4 Arrangements for examining Agency records, transcripts, orders, and decisions.
- 164.5 Filing and service.
- 164.6 Time.
- 164.7 Ex parte discussion of proceeding.
- 164.8 Publication.

Subpart B—General Rules of Practice Concerning Proceedings (Other Than Expedited Hearings)

COMMENCEMENT OF PROCEEDING

- 164.20 Commencement of proceeding.
- 164.21 Contents of a denial of registration, notice of intent to cancel a registration, or notice of intent to change a classification.
- 164.22 Contents of document setting forth objection.
- 164.23 Contents of the statement of issues to accompany notice of intent to hold a hearing.
- 164.24 Response to the Administrator's notice of intention to hold a hearing.
- 164.25 Filing copies of notification of intent to cancel registration or change classification or refusal to register, and statement of issues.

APPEARANCES, INTERVENTION, AND CONSOLIDATION

- 164.30 Appearances.
- 164.31 Intervention.
- 164.32 Consolidation.

ADMINISTRATIVE LAW JUDGE

- 164.40 Qualifications and duties of Administrative Law Judge.

PREHEARING PROCEDURES AND DISCOVERY

- 164.50 Prehearing conference and primary discovery.
- 164.51 Other discovery.

MOTIONS

- 164.60 Motions.

SUBPOENAS AND WITNESS FEES

- 164.70 Subpoenas.
- 164.71 Fees of witnesses.

THE HEARINGS

- 164.80 Order of proceeding and burden of proof.
- 164.81 Evidence.
- 164.82 Transcripts.

INITIAL OR ACCELERATED DECISION

- 164.90 Initial decision.
- 164.91 Accelerated decision.

APPEALS

- 164.100 Appeals from or review of interlocutory orders or rulings.

- Sec. 164.101 Appeals from or review of initial decisions.
- 164.102 Appeals from accelerated decisions.
- 164.103 Final decision or order on appeal or review.
- 164.110 Motion for reopening hearings; for rehearing; for reargument of any proceeding; or for reconsideration of order.

Subpart C—General Rules of Practice for Expedited Hearings

- 164.120 Notification.
- 164.121 Expedited hearing.
- 164.122 Final order and order of suspension.
- 164.123 Emergency order.

AUTHORITY: Sec. 6 of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, 38 FR 8670.

Subpart A—General

§ 164.1 Number of words.

As used in this part, a word in the singular form shall be deemed to import the plural, and vice versa, as the case may require.

§ 164.2 Definitions.

For the purposes of this part, the following terms shall be defined, as listed below:

(a) The term "Act" means the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (86 Stat. 973) and other legislation supplementary thereto and amendatory thereof.

(b) The term "Administrative Law Judge" means an Administrative Law Judge appointed pursuant to 5 U.S.C. 3105 (see also 5 CFR Part 930, as amended), and such term is synonymous with the term "Hearing Examiner" as used in the Act or in the United States Code.

(c) The term "Administrator" means the Administrator of the Agency, or any officer or employee thereof to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead. When used in Subparts B and C of this part, the "Administrator" shall be interchangeable with the term "judicial officer."

(d) The term "Agency," unless otherwise specified, means the United States Environmental Protection Agency.

(e) The term "Applicant" means any person who has made application to have a pesticide registered or classified pursuant to the provisions of the Act.

(f) The term "Committee" means a group of qualified scientists designated by the National Academy of Sciences according to agreement under the Act to submit an independent report to the Administrative Law Judge on questions of scientific fact referred from a hearing under subpart B of this part.

(g) The term "Expedited Hearing" means a hearing commenced as the result of the issuance of a notice of intention to suspend or the suspension of a registration of a pesticide by an emergency order, and is limited to a consideration as to whether a pesticide presents an imminent hazard which justifies such suspension.

(h) The term "Hearing" means a public hearing which is conducted pursuant

to the provisions of Chapter 5, Subchapter II of Title 5 of the United States Code and the regulations of this part.

(i) The term "Hearing Clerk" means the Hearing Clerk, Environmental Protection Agency, Washington, D.C. 20460.

(j) The term "Initial Decision" means the decision of the Administrative Law Judge supported by findings of fact and conclusions regarding all material issues of law, fact, or discretion, as well as reasons therefor. Such decision shall become the final decision and order of the Administrator without further proceedings unless an appeal therefrom is taken or the Administrator orders review thereof as herein provided.

(k) The term "Judicial Officer" means an officer or employee of the Agency designated as a judicial officer, pursuant to these rules, who shall meet the qualifications and perform functions as herein provided.

(1) Office. There may be designated for the Agency one or more judicial officers, one of whom may be Chief Judicial Officer. As work requires, there may be a judicial officer designated to act for the purpose of a particular case. All prior designations of judicial officer shall stay in force until further notice.

(2) Qualification. A judicial officer shall be a permanent or temporary employee or officer of the Agency who may perform other duties for the Agency. Such judicial officer shall not be employed by the Office of Hazardous Materials Control or have any connection with the preparation or presentation of evidence for a hearing.

(3) Functions. The Administrator may delegate any or part of his authority to act in a given case under Subparts B and C of this part to a judicial officer. The Administrator can separately delegate his authority to rule on interlocutory orders and motions, and may also delegate his authority to make findings of fact and draw conclusions of law in a particular proceeding, providing that this delegation shall not preclude the Judicial Officer from referring any motion or case to the Administrator when the Judicial Officer determines such referral to be appropriate. The Administrator, in deciding a case himself, may consult with and assign the preliminary drafting of conclusions of law and findings of fact to any judicial officer.

(l) The term "Party" means any person, group, organization, or Federal agency or department that participates in a hearing.

(m) The term "Person" includes any individual, partnership, association, corporation, and any organized group of persons, whether incorporated or not.

(n) The term "Petitioner" means any person adversely affected by a notice of the Administrator who requests a public hearing.

(o) The term "Presiding Officer" means any person designated by the Administrator to conduct an expedited hearing.

(p) The term "Recommended Decision" means the recommended findings and conclusions of the Presiding Officer in an expedited hearing.

(q) The term "Registrant" means any person who has registered a pesticide pursuant to the provisions of the Act.

(r) The term "Respondent" means the Assistant Administrator of the Office of Hazardous Materials Control of the Agency.

Terms defined in the Act and not explicitly defined herein are used herein with the meanings given in the Act.

#### § 164.3 Scope and applicability of this part.

The provisions of Subpart B of this part shall govern proceedings, conducted pursuant to the provisions of the Act, concerning refusals to register, cancellations of registration, changes of classifications or hearings called by the Administrator; the provisions of Subpart C of this part shall govern suspension proceedings conducted pursuant to the provisions of the Act.

#### § 164.4 Arrangements for examining Agency records, transcripts, orders, and decisions.

(a) Reporting of orders, decisions, and other signed documents. All orders, decisions, or other signed documents required by the rules in this part, whether issued by an Administrative Law Judge, Judicial Officer, Presiding Officer, or the Administrator, shall be made available to the public.

(b) Establishment of an Agency repository.—In addition, all transcripts and docket entries shall become part of the official docket and shall be retained by the hearing clerk. At least two copies of all final orders, decisions and a notification of any appeals taken therefrom shall be retained by the hearing clerk and filed chronologically and shall be periodically bound and indexed. All the above documents shall be made available to the public for reasonable inspections during Agency business hours.

(c) Whenever any information or data is required to be produced or examined and any party to the proceeding claims that such information is a trade secret or commercial or financial information, other than information relating to the formulas of a pesticide, the Administrative Law Judge, the Presiding Officer, the Judicial Officer or the Administrator may require production or testimony *in camera* and sealed to all but the parties.

(d) All orders, decisions, or other documents made or signed by the Administrative Law Judge, the Presiding Officer, the Judicial Officer or the Administrator shall be filed with the hearing clerk. The hearing clerk shall immediately serve all parties with a copy of such order, decision, or other document.

#### § 164.5 Filing and service.

(a) All documents or papers required or authorized to be filed, shall be filed with the hearing clerk, except as provided otherwise in this part. At the same time that a party files documents or papers with the clerk, it shall serve upon all other parties copies thereof, with a certificate of service on each document or paper, including those filed with the

hearing clerk. If filing is accomplished by mail addressed to the clerk, filing shall be deemed timely if the papers are post-marked on the due date except as to initial filings requesting a public hearing or responding to a notice of intent to hold a hearing, in which case such filings must be received by the hearing clerk either within the time required by statute or by the notice of intent to hold a hearing.

(b) Each document filed, other than papers commencing a proceeding, shall contain the FIFRA docket number and, if the document affects less than all of the registrations included under that docket number, the registration number or file symbol of each product which is the subject of the document.

(c) In addition to copies served on all other parties, each party shall file an original and two copies of all papers with the hearing clerk.

#### § 164.6 Time.

(a) Computation. In computing any period of time prescribed or allowed by these rules, except as otherwise provided, the day of the act, event, or default from which the designated period of time begins to run shall not be included. Saturdays, Sundays, and legal holidays shall be included in computing the time allowed for the filing of any document or paper, except that when such time expires on a Saturday, Sunday, or legal holiday, such period shall be extended to include the next following business day.

(b) Enlargement. When by these rules or by order of the Administrative Law Judge, the Presiding Officer, the Judicial Officer or the Administrator, an act is required or allowed to be done at or within a specified time, the Administrative Law Judge (before his initial decision is filed), or the Presiding Officer (before his recommended decision is filed), or the Judicial Officer or the Administrator (after the Administrative Law Judge's initial decision or the Presiding Officer's recommended decision is filed), for cause shown may at any time in his discretion (1) with or without motion or notice, order the period enlarged if request therefor, which may be made *ex parte*, is made before the expiration of the period originally prescribed or as extended by a previous order, or (2) on motion made after the expiration of the specified period, permit the act to be done where the failure to act was the result of excusable neglect. In this connection, consideration shall be given to the fact that, under the provisions of the act, the Administrator must issue his order not later than 90 days after the completion of the hearing, unless all parties agree by stipulation to extend this period of time pursuant to § 164.103.

(c) Additional time after service by mail.—A prescribed period of time within which a party is required or permitted to do an act shall be computed from the time of service, except that when the service is made by mail, 3 days shall be added to the prescribed period. Such addition for service by mail shall not apply

in the case of filing initial requests for hearings or responding to a notice of intent to hold a hearing, in which cases statutory filing times will run from the date of the return receipt pursuant to § 164.8.

**§ 164.7 Ex parte discussion of proceeding.**

At no stage of a proceeding shall the Administrator, the Judicial Officer, the Presiding Officer, or the Administrative Law Judge discuss *ex parte* the merits of the proceeding with any party or with any person who has been connected with the preparation or presentation of the proceeding as an advocate, or in an investigative or expert capacity, or with any representative of such person: *Provided, however*, That the Administrator, the Judicial Officer, the Presiding Officer, or the Administrative Law Judge may discuss the merits of the case with any such person if all parties to the proceeding, or their representatives, have been given reasonable notice and opportunity to be present. Any memorandum or other communication addressed to the Administrator, the Judicial Officer, the Presiding Officer, or the Administrative Law Judge during the pendency of the proceeding, and relating to the merits thereof, by or on behalf of any party, shall be regarded as argument made in the proceeding. The Administrator, the Judicial Officer, the Presiding Officer, or the Administrative Law Judge shall cause any such communication to be filed with the hearing clerk and served upon all other parties to the proceeding who will be given the opportunity to file an answer thereto.

**§ 164.8 Publication.**

All notices of intention to cancel a registration, all notices of intention to change a classification, and all denials of registrations, all together with the reasons (including the factual basis therefor), and all notices of intention by the Administrator to hold a hearing, together with the statement of issues as provided by § 164.20(b) shall be sent to the registrant or applicant by registered or certified mail (return receipt requested), and published by appropriate announcement in the FEDERAL REGISTER by the Administrator. The Administrative Law Judge shall cause to be published in the FEDERAL REGISTER by appropriate announcement, a notice of the filing of any objections, pursuant to § 164.20(b) or responses pursuant to § 164.24, and a notice of the public hearing as provided by § 164.80 et seq. Said notice of public hearing shall designate the place where the hearing will be held and specify the time when the hearing will commence. The hearing shall convene at the place and time announced in the notice, unless amended by subsequent notice published in the FEDERAL REGISTER, but thereafter it may be moved to a different place and may be continued from day to day or recessed to a later day without other notice than announcement thereof at the hearing.

**Subpart B—General Rules of Practice Concerning Proceedings (Other Than Expedited Hearings)**

**COMMENCEMENT OF PROCEEDING**

**§ 164.20 Commencement of proceeding.**

(a) A proceeding shall be commenced whenever a hearing is requested by any person adversely affected by a notice of the Administrator of his refusal to register or of his intent to cancel the registration or to change the classification of a pesticide. A proceeding shall likewise be commenced whenever the Administrator decides to call a hearing to determine whether or not the registration of a pesticide should be canceled or its classification changed. Such request or notice of intent to hold a hearing shall be timely filed with the hearing clerk, and the matter shall be docketed and assigned a FIFRA docket number.

(b) If a request for a hearing is filed, the person filing the request shall, at the same time, file a document stating his objections to the Administrator's refusal to register or his intent to cancel the registration or to change the classification of a pesticide. If a notice of intent to hold a hearing is filed by the Administrator, he shall, at the same time, file a statement of issues.

(c) Upon the filing of any objections or notice of intent to hold a hearing, the proceeding shall be referred to the Chief Administrative Law Judge by the hearing clerk. The Chief Administrative Law Judge shall refer the proceeding to himself or another Administrative Law Judge who shall thereafter be in charge of all further matters concerning the proceeding, except as otherwise provided or by order of the Administrator or Judicial Officer.

**§ 164.21 Contents of a denial of registration, notice of intent to cancel a registration, or notice of intent to change a classification.**

(a) *Contents.* The denial of registration or a notice of intent to cancel a registration or to change a classification shall be accompanied by the reasons (including the factual basis) for the action.

(b) *Amendments to contents of denials and notices.* Such documents under this section may be amended or enlarged by the Administrator at any time prior to the commencement of the public hearing. If the Administrative Law Judge determines that additional time is necessary to permit a party to prepare for matters raised by such amendments, the commencement of the hearing shall be delayed for an appropriate period.

**§ 164.22 Contents of document setting forth objections.**

(a) *Concise statement required.* Any document containing objections to an order of the Administrator of his refusal to register, or his intent to cancel the registration, or change the classification of a pesticide, shall clearly and concisely set forth such objections and the basis

for each objection, including relevant allegations of fact concerning the pesticide under consideration. The document shall indicate the registration number of the pesticide, if applicable, a copy of the currently accepted and/or proposed labeling and a list of the currently registered or proposed uses of said pesticide.

(b) *Amendments to objections by leave.* Objections may be amended at any time prior to the commencement of the public hearing by leave of the Administrative Law Judge or by written consent of all parties. The Administrative Law Judge shall freely grant such leave when justice so requires. If the Administrative Law Judge determines that additional time is necessary to permit a party to prepare for matters raised by amendments to objections, the commencement of the hearing shall be delayed for an appropriate period. This subsection shall not permit the addition, beyond the statutory deadline, of registered pesticides which are not included in the objections filed pursuant to paragraph (a) of this section.

(c) *Amendments to objections as a matter of right.* Objections may be amended as a matter of right within 30 days, or in such time as the Administrator shall designate, after the Administrator amends his notice of intent to cancel a registration, change a classification, or his refusal to register a pesticide.

**§ 164.23 Contents of the statement of issues to accompany notice of intent to hold a hearing.**

(a) *Concise statement required.*—The statement of issues by the Administrator shall set a time in which any person wishing to participate in the hearing shall file a written response to the statement of issues as provided by § 164.24. The statement of issues shall include questions as to which evidence shall be taken at the hearing. Those questions may include questions concerning whether a pesticide's registration should be canceled or its classification changed, whether its composition is such as to warrant the claims for it, whether its labeling and other material submitted comply with the requirements of the Act, whether it will perform its intended function without unreasonable adverse effects on the environment, and whether, when used in accordance with widespread and commonly recognized practice, it will or will not generally cause unreasonable adverse effects on the environment.

(b) *Amendment to statement of issues.* The statement of issues may be amended or enlarged by the Administrator at any time prior to the commencement of the public hearing. If the Administrative Law Judge determines that additional time is necessary to permit a party to prepare for matters raised by amendments or enlargements to the statement of issues, the commencement of the hearing shall be delayed for an appropriate period.

**§ 164.24 Response to the Administrator's notice of intention to hold a hearing.**

Any person wishing to participate in any proceeding commenced pursuant to any notice by the Administrator of intention to hold a hearing, shall file with the hearing clerk, within the time set by the Administrator in the notice (in no case less than 30 days from the date of the notice), a written response to the statement of issues which shall include the position and interest of such person with respect thereto. If any such person is a registrant or an applicant for registration, he shall also file the registration number of the pesticide, if applicable, a copy of the currently accepted and/or proposed labeling and a list of the currently registered or proposed uses of said pesticide.

**§ 164.25 Filing copies of notification of intent to cancel registration or change classification or refusal to register, and statement of issues.**

After a copy of the document setting forth the objections and requesting a public hearing is filed with the hearing clerk or a response to the statement of issues is filed, the hearing clerk shall serve a copy of the document upon Respondent and the Office of the General Counsel of the Agency. Respondent shall, by counsel, thereupon file with the hearing clerk a copy of the appropriate notice of intention to cancel, the notice of intention to change the classification or the registration refusal order.

**APPEARANCES, INTERVENTION, AND CONSOLIDATION**

**§ 164.30 Appearances.**

*Representatives.*—Parties may appear in person or by counsel or other representative. Persons who appear as counsel or in a representative capacity must conform to the standards of ethical conduct required of practitioners before the courts of the United States.

**§ 164.31 Intervention.**

(a) *Motion.* Any person may file a motion for leave to intervene in a hearing conducted under this subpart. A motion must set forth the grounds for the proposed intervention, the position and interest of the movant in the proceeding and the documents proposed to be filed pursuant to either § 164.24 or § 164.22.

(b) *When filed.* A motion for leave to intervene in a hearing must ordinarily be filed prior to the commencement of the first prehearing conference. Any motion filed after that time must contain, in addition to the information set forth in paragraph (a) of this section, a statement of good cause for the failure to file the motion prior to the commencement of the first prehearing conference, and shall be granted only upon a finding (1) that extraordinary circumstances justify the granting of the motion, or (2) that the intervenor shall be bound by agreements, arrangements, and other matters previously made in the proceeding.

(c) *Disposition.* Leave to intervene will be freely granted but only insofar as such

leave raises matters which are pertinent to and do not unreasonably broaden the issues already presented. If leave is granted, the movant shall thereby become a party with the full status of the original parties to the proceedings. If leave is denied, the movant may request that the ruling be certified to the Administrator, pursuant to § 164.100 for a speedy appeal.

(d) *Amicus curiae.* Persons not parties to the proceedings wishing to file briefs may do so by leave of the Administrative Law Judge granted on motion. A motion for leave shall identify the interest of the applicant and shall state the reasons why the proposed amicus brief is desirable. Unless all parties otherwise consent, an amicus curiae shall file its brief within the time allowed the party whose position the brief will support. Upon a showing of good cause, the Administrator or Administrative Law Judge may grant permission for later filing.

**§ 164.32 Consolidation.**

The Chief Administrative Law Judge, by motion or sua sponte, may consolidate two or more proceedings whenever it appears that this will expedite or simplify consideration of the issues. Consolidation shall not affect the right of any party to raise issues that could have been raised if consolidation had not occurred. At the conclusion of proceedings consolidated under this section, the Administrative Law Judge shall issue one decision under § 164.90 unless one or more of the consolidated proceedings have been dismissed pursuant to § 164.91.

**ADMINISTRATIVE LAW JUDGE**

**§ 164.40 Qualifications and duties of Administrative Law Judge.**

(a) *Qualifications.* The Administrative Law Judge shall have the qualifications required by statute. He shall not decide any matter in connection with a proceeding where he has a financial interest in any of the parties or a relationship with a party that would make it otherwise inappropriate for him to act.

(b) *Disqualification of the Administrative Law Judge.* (1) Any party may, by motion made to the Administrative Law Judge, as soon as practicable, request that he disqualify himself and withdraw from the proceeding. The Administrative Law Judge shall then rule upon the motion and, upon request of the movant, shall certify an adverse ruling for appeal.

(2) *Withdrawal sua sponte.* The Administrative Law Judge may at any time withdraw from any proceeding in which he deems himself disqualified for any reason.

(c) *Conduct.* The Administrative Law Judge shall conduct the proceeding in a fair and impartial manner subject to the precepts of the Canons of Judicial Ethics of the American Bar Association.

(d) *Power.* Subject to review, as provided elsewhere in this part, the Administrative Law Judge shall have power to take actions and decisions in conformity with statute or in the interests of justice. The Administrative Law Judge shall not

interrupt the recording of the proceedings on the record over the objection of any party.

(e) *Absence or change of the Administrative Law Judge.* In the case of the absence of the Administrative Law Judge, or his inability to act, or his removal by disqualification or withdrawal, the powers and duties to be performed by him under this part in connection with a hearing assigned to him may, without abatement of the proceeding unless otherwise directed by the Administrator, be assigned to another Administrative Law Judge so designated to act by the Administrator.

**PREHEARING PROCEDURES AND DISCOVERY**

**§ 164.50 Prehearing conference and primary discovery.**

(a) *Purpose of the prehearing conference.* Except as otherwise provided in paragraph (d) of this section, the Administrative Law Judge shall, prior to the commencement of the hearing and for the purpose of expediting the hearing, file with the hearing clerk an order for a prehearing conference. More than one such conference may be held. Such order or orders shall direct the parties or their counsel to appear at a specified time and place to consider:

(1) The simplification of issues including listing of specific issues to be contested;

(2) The necessity or desirability of amendments to the objections or statement of issues, or any document filed in response thereto;

(3) The possibility of obtaining stipulations of fact and documents which will avoid unnecessary delay;

(4) Matters of which official notice may be taken;

(5) The limitation of the number of expert and other witnesses;

(6) Procedure at the hearing except as so provided in § 164.80(a);

(7) The use of verified written statements in lieu of oral direct testimony;

(8) The intent of any party to request a scientific advisory committee as defined in § 164.2(f);

(9) The issuance of subpoenas and subpoenas duces tecum for discovery and hearing purposes;

(10) A setting of a time and place for the public hearing, after giving careful consideration to the convenience of all the parties, the witnesses, the public interest and the necessity for notice in the FEDERAL REGISTER as provided by § 164.8; and

(11) Any other matter that may expedite the hearing or aid in the disposition of the proceeding.

(b) *Primary discovery (Exchange of witness lists and documents).* At a prehearing conference or within some reasonable time set by the Administrative Law Judge prior to the hearing, each party shall make available to the other parties the names of the expert and other witnesses the party expects to call, together with a brief narrative summary of their expected testimony and a list of all documents and exhibits which the party expects to introduce into evidence.

Thereafter, witnesses, documents, or exhibits may be added and narrative summaries of expected testimony amended upon motion by a party.

(c) *Record of the prehearing conference.* No transcript of any prehearing conference shall be made unless a request therefor by one of the parties is granted by the Administrative Law Judge. Such party shall bear the cost of the taking of the transcript unless otherwise ordered by the Administrative Law Judge. The Administrative Law Judge shall prepare and file for the record a written report of the action taken at each conference, which shall incorporate any stipulations or agreements made by the parties at or as a result of such conference, all rulings upon matters considered at such conference and appropriate orders.

(d) *Unavailability of a prehearing conference.* Upon a finding that circumstances render a prehearing conference unnecessary, or impracticable, or upon a finding that a prehearing conference would serve primarily to delay the proceedings rather than to expedite them, the Administrative Law Judge, on motion or sua sponte, may order that the prehearing conference not be held. In these circumstances he may request the parties to correspond with him for the purpose of accomplishing any of the objectives set forth in this section. Such correspondence shall not be made a part of the record, but the Administrative Law Judge shall submit a written summary for the record if any action is taken.

(e) *Submission of questions to an advisory committee.*—(1) *General.* At any prehearing conference, or if none is held prior to the public hearing, except as herein provided, the Administrative Law Judge shall determine whether any party desires that questions of scientific fact be referred to a committee designated by the National Academy of Sciences.

(2) *Preparation of questions.* On determining an affirmative intent, the Administrative Law Judge shall direct all parties to file and serve, within a time period subject to his discretion, proposed questions of scientific fact accompanied by reasons supporting their submission to said committee. Within 10 days of the service of such proposed questions, together with their supporting reasons, any party may respond in writing to the proposed submission of the questions to the said committee. The Administrative Law Judge shall determine whether or not a reference of questions of scientific fact to said committee is necessary or desirable. In the event he decides such reference is necessary or desirable, he shall so inform the National Academy in writing, and shall prepare in his discretion appropriate questions. If any of the questions prepared are not in substance based upon the submissions of the parties, the Administrative Law Judge shall permit any party 10 days after their preparation to respond in writing to the proposed submission of said question or questions. He shall then determine whether such questions should be referred to the committee.

(3) *Reference and report.* Not less than 30 days after he has informed the National Academy that questions of scientific fact will be referred to it, the Administrative Law Judge shall refer the questions of scientific fact as prepared. The committee shall report in writing to the Administrative Law Judge within 60 days after such referral on these questions of scientific fact and the report, its record and any other matter transmitted as provided for by the Administrator's agreement with the National Academy of Sciences shall be made public and considered as part of the hearing record.

(4) *Request and submission subsequent to prehearing conference.* At any time before the hearing record is closed, the Administrative Law Judge or a party by motion may request that questions of scientific fact not previously referred be amended or expanded. The Administrative Law Judge may refer such questions if he finds that good cause exists and that reference of such questions is necessary or desirable.

#### § 164.51 Other discovery.

(a) *General.* Except as so provided by § 164.50(b) *supra*, further discovery, under this subpart, shall be permitted only upon determination by the Administrative Law Judge (1) that such discovery shall not in any way unreasonably delay the proceeding, (2) that the information to be obtained is not otherwise obtainable and (3) that such information has significant probative value. The Administrative Law Judge shall be guided by the procedures set forth in the Federal Rules of Civil Procedure, where practicable, and the precedents thereunder, except that no discovery shall be undertaken except upon order of the Administrative Law Judge or upon agreement of the parties.

(b) *Depositions upon oral questions.* The Administrative Law Judge shall order depositions upon oral questions only upon a showing of good cause and upon a finding that (1) the information sought cannot be obtained by alternative methods, or (2) there is a substantial reason to believe that relevant and probative evidence may otherwise not be preserved for presentation by a witness at the hearing.

(c) *Procedure.* (1) Any party to the proceeding desiring discovery shall make a motion or motions therefor. Such a motion shall set forth (i) the circumstances warranting the taking of the discovery, (ii) the nature of the information expected to be discovered and (iii) the proposed time and place where it will be taken.

(2) If the Administrative Law Judge determines the motion should be granted, he shall issue an order and appropriate subpoenas, if necessary, for the taking of such discovery together with the conditions and terms thereof.

#### MOTIONS

##### § 164.60 Motions.

(a) *General.* All motions, except those made orally during the course of a public

hearing or as otherwise provided by this part, shall be in writing and shall state with particularity the grounds therefor, shall set forth the relief or order sought, and shall be filed with the hearing clerk and served on all parties.

(b) *Response to motions.* Within 10 days after service of any motion filed pursuant to this part, or within such other time as may be fixed by the Administrator, his designee, or the Administrative Law Judge, any party may serve and file an answer to the motion. The movant shall, if requested by the Administrator, his designee, or the Administrative Law Judge, serve and file reply papers within the time set by the request.

(c) *Decision.* The Administrative Law Judge shall rule upon all motions filed or made prior to the filing of his initial or accelerated decision at the time of filing on ex parte motions or where the movant has stated that no party objects to the granting of such motion. Otherwise, such decision shall await the answering papers and reply papers if permitted. The Administrator or the Judicial Officer shall rule upon all motions filed after the filing of the initial or accelerated decision. Oral argument of motions will be permitted only if the Administrative Law Judge or Administrator or the judicial officer deems it necessary.

#### SUBPOENAS AND WITNESS FEES

##### § 164.70 Subpoenas.

(a) The attendance of witnesses or the production of documentary evidence may, by subpoena, be required at any designated place of hearing or place of discovery. Subpoenas may be issued by the Administrative Law Judge sua sponte or upon a showing by an applicant that evidence sought for hearing is relevant and material to the issues involved in the hearing or that the sought discovery pursuant to § 164.51 meets the standards set forth therein. The Administrative Law Judge shall be guided by the principles of the Federal Rules of Civil Procedure in making any order for the protection of a witness or the content of the documents produced.

(b) *Motion for subpoena duces tecum.* Subpoenas for the production of documentary evidence, unless issued by the Administrative Law Judge sua sponte, shall be issued only upon a written motion. Such motion shall specify, as exactly as possible, the documents desired.

(c) *Service of subpoenas.* Subpoenas shall be served as provided by the Federal Rules of Civil Procedure.

##### § 164.71 Fees of witnesses.

Witnesses summoned before the Administrative Law Judge shall be paid the same fees and mileage that are paid witnesses in the courts of the United States, and persons whose depositions are taken, and the persons taking the same, shall be entitled to the same fees as are paid for like services in the courts of the United States. Fees shall be paid by the party at whose instance the witness appears or the deposition is taken.

## THE HEARINGS

## § 164.80 Order of proceeding and burden of proof.

(a) At the hearing, the proponent of cancellation or change in classification has the burden of going forward to present an affirmative case for the cancellation or change in classification of the registration. In the case of the denial of an application for registration, the applicant shall have the burden of going forward. In the case of a hearing called by the Administrator, the Respondent has the burden of going forward to present an affirmative case as to the statement of issues. The party having the burden of going forward shall have the opportunity to submit evidence on rebuttal.

(b) On all issues arising in connection with the hearing, the ultimate burden of persuasion shall rest with the proponent of the registration.

(c) If any party, other than Respondent, after being duly notified, fails to appear at the hearing, he shall be deemed to have authorized the Administrative Law Judge to dismiss the proceeding with or without prejudice, as the Administrative Law Judge may determine, unless a motion excusing the failure to appear has been made and granted. In the event that a party appears at the hearing and no representative of the Agency appears, the Administrative Law Judge shall proceed *ex parte* to hear the evidence of the party: *Provided*, That failure on the part of Respondent to appear at a hearing shall not be deemed to be a waiver of Respondent's right to file proposed findings of fact, conclusions of law and orders, to be served with a copy of the Administrative Law Judge's initial or accelerated decision, and to file exceptions with and to submit argument before the Administrator with respect thereto.

## § 164.81 Evidence.

(a) *General*. The Administrative Law Judge shall admit all relevant, competent and material evidence, except evidence that is unduly repetitious. Relevant, competent and material evidence may be received at any hearing even though inadmissible under the rules of evidence applicable to judicial proceedings. The weight to be given evidence shall be determined by its reliability and probative value. In all hearings the testimony of witnesses shall be taken orally, except as otherwise provided by these rules or by the Administrative Law Judge. Parties, however, shall have the right to cross-examine a witness who appears at the hearing, provided that such cross examination is not unduly repetitious.

(b) *Report of a committee of the National Academy of Sciences*.—If questions have been submitted to a committee designated by the National Academy pursuant to § 164.50(e), the report of the committee, other material that may be required by the Administrator and a list of witnesses and evidence relied upon shall be received into evidence and made

part of the record of the hearing. Objections to the report may also be made part of the record and go to the weight of its evidentiary value.

(c) *Objections*. If a party objects to the admission or rejection of any evidence or the limitation of the scope of any examination or cross-examination, he shall state briefly the grounds for such objection. The transcript shall include any argument or debate thereon, unless the Administrative Law Judge, with the consent of all parties, orders that such argument not be transcribed. The ruling and the reasons given therefor by the Administrative Law Judge on any objection shall be a part of the transcript. An automatic exception to that ruling will follow.

(d) *Exhibits*. Except where the Administrative Law Judge finds that the furnishing of copies is impracticable, a copy of each exhibit filed with the Administrative Law Judge shall be furnished to each other party. A true copy of an exhibit may, in the discretion of the Administrative Law Judge, be substituted for the original.

(e) *Official notice*. Official notice may be taken of such matters as are judicially noticed in the Federal courts: *Provided, however*, That the parties shall be given adequate opportunity to show that such facts are erroneously noticed.

(f) *Offer of proof*. Whenever evidence is deemed inadmissible, the party offering such evidence may make an offer of proof, which shall be included in the transcript. The offer of proof for excluded oral testimony shall consist of a brief statement describing the nature of the evidence excluded. If the evidence consists of a document or exhibit, it shall be inserted in the record in total. In the event the Administrator decides that the Administrative Law Judge's ruling in excluding the evidence was erroneous and prejudicial, the hearing may be reopened to permit the taking of such evidence, or, where appropriate, the Administrator may evaluate the evidence and proceed to a final decision.

(g) *Verified statements*. With the approval of the Administrative Law Judge, a witness may insert into the record, as his testimony, statements of fact or opinion prepared by him or written answers to interrogatories of counsel, or may submit as an exhibit his prepared statement, provided that such statements or answers must not include legal argument. Before any such statement or answer is read or admitted into evidence the witness shall deliver to the Administrative Law Judge, the reporter, and opposing counsel a copy of such. The admissibility of the evidence contained in such statement shall be subject to the same rules as if such testimony were produced in the usual manner and the witness shall be subject to oral cross-examination on the contents of such statements. Approval for such a procedure may be denied when it appears to the Administrative Law Judge that the memory or the demeanor of the witness is of importance.

## § 164.82 Transcripts.

(a) *Filing and certification*. Hearings shall be stenographically reported, transcribed and made available to the public as required by statute or Agency regulations. As soon as practicable after the taking of the last evidence, the Administrative Law Judge shall certify (1) that the original transcript is a true transcript of the testimony offered or received at the hearing, except in such particulars as he shall specify and (2) that the exhibits accompanying the transcript are all the exhibits introduced at the hearing, with such exceptions as he shall specify. A copy of such certificate shall be attached to each of the copies of the transcript.

## INITIAL OR ACCELERATED DECISION

## § 164.90 Initial decision.

(a) *Proposed findings of fact, conclusions, and order*. Within 20 days after the last evidence is taken in a hearing, each party may file with the hearing clerk proposed orders, findings of fact, and conclusions of law based solely on the record, and a brief in support thereof. Within 10 days thereafter, each party may file a reply brief. The Administrative Law Judge may, in his discretion, extend the total time period for filing any proposed findings, conclusions, orders or briefs for an additional 30 days. In such instances, briefs and replies shall be due at such time as the Administrative Law Judge may fix by order. The hearing shall be deemed closed at the conclusion of the briefing period.

(b) *Initial decision*. The Administrative Law Judge, within 25 days after the close of the hearing, shall evaluate the record before him, and prepare and file his initial decision with the hearing clerk. A copy of the initial decision shall be served upon each of the parties, and the hearing clerk shall immediately transmit a copy to the Administrator. The initial decision shall become the decision of the Administrator without further proceedings unless an appeal is taken from it or the Administrator orders review of it, pursuant to § 164.101.

## § 164.91 Accelerated decision.

(a) *General*. The Administrative Law Judge, in his discretion, may at any time render an accelerated decision in favor of Respondent as to all or any portion of the proceeding, including dismissal without further hearing or upon such limited additional evidence such as affidavits as he may receive, under any of the following conditions:

- (1) Untimely or insufficient objections filed pursuant to § 164.20;
- (2) Failure to comply with discovery orders;
- (3) Failure to comply with prehearing orders;
- (4) Failure to appear or to proceed at prehearing conferences;
- (5) Failure to appear at the hearing;
- (6) Failure to state a claim upon which relief can be granted, or direct or collateral estoppel.

(7) That there is no genuine issue of any material fact and that the respondent is entitled to judgment as a matter of law; or

(8) Such other and further reasons as are just.

(b) *Effect.* A decision rendered under this section shall have the same force and effect as an initial decision entered under § 164.90.

#### APPEALS

##### § 164.100 Appeals from or review of interlocutory orders or rulings.

Except as provided herein, appeals as a matter of right shall lie to the Administrator only from an initial or accelerated decision of the Administrative Law Judge. Appeals from other orders or rulings shall, except as provided in this section, lie only if the Administrative Law Judge certifies such orders or rulings for appeal, or otherwise as provided. The Administrative Law Judge may certify an order or ruling for appeal to the Administrator when: (a) The order or ruling involves an important question of law or policy about which there is substantial ground for difference of opinion; and (b) either (1) an immediate appeal from the order and ruling will materially advance the ultimate termination of the proceeding or (2) review after the final judgment is issued will be inadequate or ineffective. The Administrative Law Judge shall certify orders or rulings for appeal only upon the request of a party. If the Administrator determines that certification was improvidently granted, or takes no action within thirty (30) days of the certification, the appeal shall be deemed dismissed. When an order or ruling is not certified by the Administrative Law Judge, it shall be reviewed by the Administrator only upon appeal from the initial or accelerated decision except when the Administrator determines, upon request of a party and in exceptional circumstances, that delaying review would be deleterious to vital public or private interests. Except in extraordinary circumstances, proceedings will not be stayed pending an interlocutory appeal; where a stay is granted, a stay of more than 30 days must be approved by the Administrator. Ordinarily, the interlocutory appeal will be decided on the basis of the submission made to the Administrative Law Judge, but the Administrator may allow further briefs and oral argument.

##### § 164.101 Appeals from or review of initial decisions.

(a) *Exceptions and request for oral argument.* (1) Within 20 days after filing of the Administrative Law Judge's initial decision, each party may take exception to any matter set forth in such decision or to any adverse order or ruling to which he objected during the hearing and may appeal such exceptions to the Administrator for decision by filing them in writing with the hearing clerk, including a section containing proposed findings of fact, conclusions, orders, or

rulings. Within the same period of time each party filing exceptions and amicus curiae shall file with the hearing clerk a brief concerning each of the exceptions being appealed. The party shall include, in its brief, page references to the relevant portions of the record and to the Administrative Law Judge's initial decision.

(2) Within 7 days of the service of exceptions, and of a brief under paragraph (a) (1) of this section, any other party or amicus curiae may file and serve a brief responding to exceptions or arguments raised by any other party. Such brief shall include references to the relevant portions of the record. Such brief shall not, however, raise additional exceptions.

(3) Five copies of all material filed under this section shall be filed with the hearing clerk.

(b) *Review by Administrator when no exceptions are filed.* If no exceptions are filed within the time provided, the hearing clerk shall notify the Administrator 30 days from the date of filing of the Administrative Law Judge's initial decision. Within 10 days after said notification, the Administrator shall issue an order either declining review of the initial decision or expressing his intent to review said initial decision. Such order may include a statement of issues to be briefed by the parties and a time schedule concerning service and filing of briefs adequate to allow the Administrator to issue a final order within 90 days from the close of the hearing.

(c) *Argument before the Administrator.* (1) A party, if he files exceptions and a brief, shall state in writing whether he desires to make an oral argument thereon before the Administrator; otherwise, he shall be deemed to have waived such oral argument. The Administrator shall, however, on his own initiative, have the right to set an appeal for oral argument.

(2) If the Administrator determines that additional exceptions should be argued, counsel for the parties shall be given reasonable written notice of such determination so as to permit preparation of adequate argument on all the exceptions to be argued.

##### § 164.102 Appeals from accelerated decisions.

(a) Within 20 days after filing of an accelerated decision by the Administrative Law Judge, any party may file exceptions and a supporting brief with the hearing clerk, stating with particularity the grounds upon which he asserts that the decision is incorrect. The party shall include in its brief page references to the relevant portions of the record, if applicable.

(b) Within 7 days of the service of exceptions and brief under paragraph (a) of this section, any other party or amicus curiae may file and serve a brief responding thereto, with appropriate page references to the relevant portions of the record, if applicable.

(c) Ordinarily, the appeal from an accelerated decision will be decided on

the basis of the submission of briefs, but the Administrator may allow additional briefs and oral argument.

##### § 164.103 Final decision or order on appeal or review.

Within 90 days after the close of the hearing or within 90 days from the filing of an accelerated decision, unless otherwise stipulated by the parties, the Administrator shall, on appeal or review from an initial or accelerated order of the Administrative Law Judge, issue his final decision and order, including his rulings on any exceptions filed by the parties; such final order may accept or reject all or part of the initial or accelerated decision of the Administrative Law Judge even if acceptable to the parties.

##### § 164.110 Motion for reopening hearings; for rehearing; for reargument of any proceeding; or for reconsideration of order.

(a) *Filing; service.* A motion for reopening the hearing to take further evidence, or for rehearing or reargument of any proceeding or for reconsideration of the order, must be made by motion to the Administrator filed with the hearing clerk. Every such motion must state specifically the grounds relied upon.

(b) *Motion to reopen hearings.* A motion to reopen a hearing to take further evidence may be filed at any time prior to the issuance of the Administrator's final order. Every such motion shall state briefly the nature and purpose of the evidence to be adduced, shall show that such evidence is not merely cumulative, and shall set forth good reason why such evidence was not adduced at a hearing.

(c) *Motions to rehear or reargue proceedings, or to reconsider final orders.* A motion to rehear or reargue the proceeding or to reconsider the final order shall be filed within 10 days after the date of service of the final order. Every such motion must state specifically the matters claimed to have been erroneously decided and alleged errors must be briefly stated.

##### § 164.111 Procedure for disposition of motions.

Within 7 days following the service of any motion provided for in § 164.110, any other party to the proceeding may file with the hearing clerk an answer thereto. As soon as practicable thereafter, the Administrator shall announce his decision whether to grant or to deny the motion. Unless the Administrator shall determine otherwise, operation of the order shall not be stayed pending the decision to grant or to deny the motion. In the event that any such motion is granted by the Administrator, the applicable rules of practice, as set out elsewhere herein, shall be followed.

#### Subpart C—General Rules of Practice for Expedited Hearings

##### § 164.120 Notification.

(a) Whenever the Administrator determines that action is necessary to prevent an imminent hazard during the time required for cancellation or change in

classification proceedings, but that the hazard does not constitute an emergency, he shall notify the registrant of his intention to suspend registration of the pesticide at issue.

(b) Such notice shall include findings pertaining to the question of imminent hazard and shall either be personally served on the registrant or be sent to the registrant by registered or certified mail, return receipt requested, and filed with the hearing clerk.

#### § 164.121 Expedited hearing.

(a) *Request.* (1) An expedited hearing shall be held whenever the Administrator has received from the registrant a timely request for such hearing in response to the Administrator's notice of intention to suspend.

(2) A request for an expedited hearing is timely if made in writing or by telegram and filed with the office of the hearing clerk within 5 days of the registrant's receipt of the notice of intention to suspend.

(3) At the time of filing a request for an expedited hearing, the registrant shall also file a document setting forth objections to the Administrator's notice of intention to suspend and its findings pertaining to the question of imminent hazard. Such objections shall conform to the requirements of § 164.21.

(b) *Presiding officer.* (1) An expedited hearing shall be conducted by a presiding officer appointed by the Administrator, and such officer need not be an Administrative Law Judge.

(2) The presiding officer shall not have the authority to make an initial decision on the merits but shall make a recommended decision only.

(c) *The issue.* The expedited hearing shall address only the issue of whether an imminent hazard exists.

(d) *Time of hearing.* The hearing shall commence within 5 days after the filing of the request with the office of the hearing clerk unless the registrant and respondent agree that it shall commence at a later time. As soon as possible, the presiding officer shall publish in the Federal Register notice of such hearing.

(e) *Intervention.* Any person adversely affected by the Administrator's notice may move to intervene within 5 days after the receipt by the registrant of said notice or at any time prior to the conclusion of the presentation of the evidence, upon good cause found, except

(1) Leave to intervene will be granted only if the motion to intervene meets the standards of § 164.31 and, in addition, indicates that the movant would raise matters or introduce evidence pertinent to the issue of imminent hazard which would substantially assist in its resolution.

(2) A movant denied permission to intervene under this section but who otherwise meets the standards of § 164.31 and who is adversely affected may file proposed findings and conclusions and briefs in support thereof pursuant to paragraph (j) of this section. Any person filing under this subsection shall be deemed to have been a party to the proceeding, for all purposes of its further review.

(3) When an "emergency order" is issued pursuant to § 164.123, no person other than the respondent and the registrant shall participate in the hearing except that any person adversely affected may file proposed findings and conclusions and briefs in support thereof pursuant to paragraph (j) of this section. Any person filing under this subsection shall be deemed to have been a party to the proceeding for all purposes of its further review.

(f) *Appearances and consolidation.* The provisions of §§ 164.30 and 164.32 apply to an expedited hearing insofar as may be practicable.

(g) *Order of proceeding and burden of proof.* At the hearing, the proponent of suspension shall have the burden of going forward to present an affirmative case for the suspension. However, the ultimate burden of persuasion shall rest with the proponent of the registration.

(h) *Evidence.* The provisions of § 164.81, where applicable, apply to an expedited hearing.

(i) *Transcripts.* The presiding officer shall make provision for daily transcripts and otherwise comply with the provisions of § 164.82.

(j) *Proposed findings or conclusions; recommended decision.* (1) Within 4 days of the conclusion of the presentation of evidence, the parties may propose findings and conclusions to the Presiding Officer. Such proposed findings and conclusions shall be accompanied by a brief with supporting reasons.

(2) Within 8 days of the conclusion of the presentation of evidence, the Presiding Officer shall submit to the parties his proposed recommended findings and conclusions and a statement of the reasons on which they are based.

(3) Within 10 days of the conclusion of the presentation of evidence the Presiding Officer shall submit to the Administrator his recommended findings and conclusions, together with the record.

(4) Within 12 days of the conclusion of the presentation of evidence the parties shall submit to the Administrator their objections to the Presiding Officer's recommended findings and conclusions and written briefs in support thereof.

#### § 164.122 Final order and order of suspension.

(a) *Final order.* Within 7 days of receipt of the record and of the Presiding Officer's recommended findings and conclusions, the Administrator shall issue a final decision and order. Such final order may accept or reject in whole or in part the recommendations of the Presiding Officer.

(b) *Order of suspension.* No final order of suspension shall be issued unless the Administrator has issued or at the same time issues a notice of his intention to cancel the registration or change the classification of the pesticide. Such notice shall be given as provided in § 164.8.

#### § 164.123 Emergency order.

(a) Whenever the Administrator determines that an emergency exists that

does not permit him to hold a hearing before suspension, he may issue a suspension order in advance of notification to the registrant.

(b) The Administrator shall immediately notify the registrant of the suspension order. The registrant may then request a hearing in accordance with §§ 164.121 and 164.122, but the suspension order shall remain in effect during the hearing pending the issuance of a final order on suspension.

Dated: July 13, 1973.

DAVID D. DOMINICK,  
Assistant Administrator for  
Hazardous Materials Control.

[FR Doc.73-14967 Filed 7-19-73;8:45 am]

### Title 49—Transportation SUBTITLE A—OFFICE OF THE SECRETARY OF TRANSPORTATION

[OST Docket No. 16; Amdt. 99-7]

### PART 99—EMPLOYEE RESPONSIBILITIES AND CONDUCT

#### Appendix C—List of Employees Required To Submit Statements of Employment and Financial Interest

##### PATENT COUNSEL

The purpose of this amendment is to reflect the fact that the position of Patent Advisor, GS-15, in the Office of the General Counsel of the Federal Aviation Administration has been transferred to the Office of the General Counsel in the Office of the Secretary of Transportation under the title of Patent Counsel.

Since this amendment relates to Departmental management, procedures, and practices, notice and public procedure thereon 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 July 20, 1973, Appendix C of Part 99 of Title 49, Code of Federal Regulations, is amended as follows:

1. In Part I, Office of the Secretary of Transportation, the list of employees in the Office of the General Counsel is amended by adding at the end thereof "Patent Counsel", as follows:

##### I. OFFICE OF THE SECRETARY OF TRANSPORTATION

##### OFFICE OF THE GENERAL COUNSEL

Patent Counsel.

2. In Part II, Federal Aviation Administration, the list of employees in the Office of the General Counsel is amended by deleting "Patent Advisor, GS-15".

(Executive Order 11223, 30 FR 6469; sec. 9, Department of Transportation Act, 49 U.S.C. 1657; § 1.59 (m) of the Regulations, Office of Secretary of Transportation, 49 CFR 1.59 (m))

Issued in Washington, D.C., on July 16, 1973.

J. THOMAS TIDD,  
Acting General Counsel.

[FR Doc.73-14937 Filed 7-19-73;8:45 am]

Title 50—Wildlife and Fisheries

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

SUBCHAPTER B—HUNTING AND POSSESSION OF WILDLIFE

PART 10—MIGRATORY BIRDS

Hunting Seasons for Puerto Rico and the Virgin Islands—1973-74; Amendment

Open season dates for doves and pigeons in Puerto Rico and the Virgin Islands were published in the FEDERAL REGISTER on June 29, 1973 (38 FR 17231).

Based on recent information from the Secretary of Natural Resources for Puerto Rico, it is determined that the dove and pigeon season dates for Puerto Rico should be changed from September 15–November 18, 1973, to July 21–September 28, 1973.

It is determined that this change in the Puerto Rico dove and pigeon season dates will be of public benefit by permitting the hunting of these species ten weeks earlier during a period which coincides with traditional seasons of recent years. For this reason, it is found that notice and public procedure thereon are impracticable, unnecessary, and contrary to the public interest. This amendment shall be effective on July 21, 1973.

Accordingly, in § 10.101 of this part, paragraph (a) is amended to read as follows:

§ 10.101 Seasons, limits, and shooting hours for Puerto Rico and the Virgin Islands.

(a) Puerto Rico

	Doves	Pigeons
Daily bag limit.	10 singly or in the aggregate of all permitted species.	5 singly or in the aggregate of all permitted species.
Possession limit.	10 singly or in the aggregate of all permitted species.	5 singly or in the aggregate of all permitted species.
Open season dates.	July 21 to September 28, 1973.	

Authority: 40 Stat. 755, 16 U.S.C. 703 et seq.

SPENCER H. SMITH,  
Director, Bureau of Sport Fisheries and Wildlife.

July 17, 1973.

[FR Doc.73-14935 Filed 7-19-73;8:45 am]

PART 32—HUNTING

Arrowwood and Chase Lake National Wildlife Refuges, North Dakota

The following special regulations are issued and are effective on July 20, 1973.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

NORTH DAKOTA

ARROWWOOD NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Arrowwood National Wildlife Refuge, North Dakota, is permitted only on the area des-

ignated by signs as open to hunting. This open area, comprising 15,900 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 10597 West 6th Avenue, Denver, Colorado 80215. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following conditions:

(1) Hunting with guns is not permitted.

(2) The open season for hunting deer on the refuge is from 12:00 Noon to sunset on August 24, 1973 and from ½ hour before sunrise to sunset thereafter thru the day before the 1973 waterfowl hunting season starts. Bow hunting will be permitted again on November 19, 1973 and remain open until December 31, 1973.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1973.

CHASE LAKE NATIONAL WILDLIFE REFUGE

Public hunting of deer on Chase Lake National Wildlife Refuge, North Dakota, is closed for the 1973 season.

JIM MATTHEWS,  
Refuge Manager, Arrowwood National Wildlife Refuge, Edmunds, North Dakota.

July 11, 1973.

[FR Doc.73-14888 Filed 7-19-73;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 2-73-2R]

PART 127—SECURITY ZONES

McClellan-Kerr Arkansas River Navigation System, Arkansas

This amendment to the Coast Guard's Security Zone Regulations establishes the Arkansas River, from Mile 51.7 to Mile 19.0, the Arkansas Post Canal, from Mile 19.0 to Mile 9.8, and the White River, from Mile 9.8 to Mile 7.1, as a security zone. This security zone is established to provide for safe movement and installation of a newly constructed bridge span from the construction site at Mile 50.5, Arkansas River, to the installation site at Mile 7.5, White River.

This amendment is issued without publication of a notice of proposed rule-making and this amendment is effective in less than 30 days from the date of publication, because good cause exists and public procedures are impracticable because safety considerations require movement of the bridge span during river conditions anticipated during the effective period.

In consideration of the foregoing, Part 127 of Title 33 of the Code of Federal Regulations is amended by adding § 127.202, to read as follows:

§ 127.202 Security Zone, McClellan-Kerr Arkansas River Navigation System, Mile 51.7 to Mile 7.1.

The waters within the following boundary is a security zone: a line beginning at Swan Lake Light, Mile 51.7, Arkansas River; thence along the left descending river bank to the entrance to the Arkansas Post Canal; thence along the left descending bank of the Arkansas Post Canal to the juncture of the White River; thence along the left descending bank of the White River to Benzal Light, Mile 7.1; thence along a line perpendicular to the axis of the river across the river to the opposite bank; thence upstream along the right descending bank of the White River to the juncture of the Arkansas Post Canal; thence along the right descending bank of the Arkansas Post Canal to the juncture of the Arkansas River; thence along the right descending river bank to a point on a line from Swan Lake Light, Mile 51.7, Arkansas River, perpendicular to the axis of the river; thence to the beginning point.

(46 Stat. 220, as amended, Section 6(b), 80 Stat. 937, 50 U.S.C. Section 191, 49 U.S.C. Section 1655(b); E.O. 10173, E.O. 10277, E.O. 10352, E.O. 11249; 3 CFR, 1949-1953 Comp. 356, 778, 873, 3 CFR, 1964-1965 Comp. 340, 33 CFR Part 6, 49 CFR 1.46(b))

Effective date. This amendment is effective from 6:00 a.m. C.d.t., July 23, 1973 to 12:00 Midnight C.d.t., August 15, 1973.

Dated: July 17, 1973.

H. D. MUTH,  
Captain, U.S. Coast Guard,  
Acting Commander, Second Coast Guard District, St. Louis, Missouri.

[FR Doc.73-15036 Filed 7-19-73;8:45 am]

Title 7—Agriculture

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

[Lemon Reg. 595]

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 22-28, 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 averages returns to the parity price for lemons.

§ 910.895 Lemon Regulation 595.

(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 regulation to limit the quantity of lemons that may be marketed during the ensuing week stems from the production and marketing situation confronting the lemon industry.

(i) The committee has submitted its recommendation with respect to the quantity of lemons it deems advisable to be handled during the ensuing week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the demand for lemons continues similar to last week, strong for first grade fruit and somewhat weaker for second grade fruit. Demand for 165's and smaller continues strong, is steady for 140's, and has improved for 115's and larger. Supplies generally are adequate for larger sizes and are short for 140's and smaller lemons. Average f.o.b. price was \$4.96 per carton the week ended July 14, 1973, compared to \$5.04 per carton the previous week. Track and rolling supplies at 163 cars were down 52 cars from last week.

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

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information 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 regulation 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 17, 1973.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period July 22, 1973, through July 28, 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 19, 1973.

CHARLES R. BRADER,  
Acting Deputy Director, Fruit  
and Vegetable Division, Agri-  
cultural Marketing Service.

[FR Doc. 73-15088 Filed 7-19-73; 11:51 am]

[Lime Reg. 5]

#### 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 22-July 28, 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.

##### § 911.405 Lime Regulation 5.

(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 regulation to limit the quantity of limes that may be marketed during the ensuing week stems from the production and marketing situation confronting the Florida lime industry.

(i) The committee has submitted its recommendation with respect to the quantity of limes which it deems advisable to be handled during the succeeding week. Such recommendation results from consideration of the factors enumerated in the order. The committee further reports the fresh market demand for limes is fair to good, and prices are firmer but are unchanged. Prices f.o.b. packinghouse continue to range \$1.35 to \$1.55 per 10 pound container. Fresh shipments for the weeks ended July 14, 1973, and July 7, 1973, were 24,512 bushels and 15,815 bushels, respectively.

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

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Florida limes, and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation 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 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 17, 1973.

(b) *Order.* (1) The quantity of limes grown in Florida which may be handled during the period July 22, 1973, through July 28, 1973, is hereby fixed at 26,000 bushels.

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

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

Dated: July 18, 1973.

CHARLES R. BRADER,  
Acting Deputy Director, Fruit  
and Vegetable Division, Agri-  
cultural Marketing Service.

[FR Doc. 73-15087 Filed 7-19-73; 11:51 am]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 1427—COTTON

Subpart—1973-Crop Supplement to Cotton Loan Program Regulations

On April 9, 1973, there was published in the FEDERAL REGISTER a notice of proposed rulemaking regarding certain determinations Commodity Credit Corporation was preparing to make with respect to the loan programs for the 1973 crops of upland and extra long staple cotton. Nine responses were received concerning the proposal to adopt strict low middling 1/16-inch as the base quality for computing upland cotton loans. Eight responses favored the proposal and one opposed. Ten responses were received concerning the proposed new schedule of micronaire differentials for extra long staple cotton. Six responses favored the proposal and four opposed. Other comments received dealt with matters not covered in this supplement.

The Cotton Loan Program Regulations issued by Commodity Credit Corporation and containing the regulations of a general nature with respect to loan operations for cotton are supplemented as shown below for the 1973 crop of cotton. Section 1427.101 contains the schedule of base loan rates for upland cotton and is based on strict low middling 1/16-inch cotton. Section 1427.105 contains the new schedule of micronaire differentials for extra long staple cotton which are to be used in determining loan rates for extra long staple cotton.

The material previously appearing in §§ 1427.100 through 1427.104 remains in full force and effect as to previous crops of cotton.

- Sec. 1427.100 Purpose.
- 1427.101 Schedule of base loan rates for eligible 1973-crop upland cotton by warehouse location.
- 1427.102 Schedule of premiums and discounts for grade and staple length of eligible 1973-crop upland cotton.
- 1427.103 Schedule of micronaire differentials for 1973-crop upland cotton.
- 1427.104 Schedule of loan rates for eligible qualities of 1973-crop extra long staple cotton by warehouse location.
- 1427.105 Schedule of micronaire differentials of 1973-crop extra long staple cotton.

AUTHORITY: The provisions of this subpart issued under sec. 4, 5, 62 Stat. 1970, as amended; sec. 101, 103, 401, 63 Stat. 1051, as amended; 15 U.S.C. 714 b and c; 7 U.S.C. 1421, 1441, 1444.

§ 1427.100 Purpose.

This subpart is for the purpose of announcing that loans will be available on upland and extra long staple cotton of the 1973 crop under the terms and conditions stated in the Cotton Loan Program Regulations issued by Commodity Credit Corporation and contained in this Part 1427. This subpart also contains schedules to be used in determining loan rates on 1973-crop cotton.

§ 1427.101 Schedule of base loan rates for eligible 1973-crop upland cotton by warehouse location.

[In cents per pound, net weight]

City	County	Basis SLM White 1 1/16 *4134* loan rate
ALABAMA		
Akron	Hale	21.00
Alberville	Marshall	21.10
Alleeville	Pickens	21.00
Arab	Marshall	21.10
Atmore	Escambia	21.00
Attalla	Etowah	21.25
Belle Mina	Limestone	21.10
Berry	Fayette	21.10
Birmingham	Jefferson	21.10
Boligee	Greene	21.00
Brent	Bibb	21.10
Camden	Wilcox	21.00
Centre	Cherokee	21.25
Centreville	Bibb	21.10
Clayton	Barbour	21.10
Cullman	Cullman	21.10
Decatur	Morgan	21.10
Demopolis	Marion	21.00
Dutton	Jackson	21.10
Electric	Elmore	21.10
Elkton	Limestone	21.10
Enfauia	Barbour	21.10
Eutaw	Greene	21.00
Evergreen	Conecuh	21.00
Fayette	Fayette	21.10
Frisco City	Monroe	21.00
Gadsden	Etowah	21.25
Georgiana	Butler	21.10
Geraldine	De Kalb	21.10
Goodway	Monroe	21.00
Greensboro	Limestone	21.10
Greensboro	Hale	21.00
Haleyville	Winston	21.10
Hamilton	Marion	21.00
Hartford	Geneva	21.10
Hartselle	Morgan	21.10
Havana Junction	Hale	21.00
Headland	Henry	21.10
Huntsville	Madison	21.10
Hurtsboro	Russell	21.25
Jasper	Walker	21.10
Lafayette	Chambers	21.25
Livingston	Sumter	21.00
McCullough	Escambia	21.00
Madison	Madison	21.10
Marion	Perry	21.10
Mobile	Mobile	21.00
Montgomery	Montgomery	21.10
Moundville	Hale	21.00
Newbern	Hale	21.00
New Hope	Madison	21.10
Newville	Henry	21.10
Northport	Tuscaloosa	21.00
Oneonta	Blount	21.10
Opelika	Lee	21.25
Opp	Covington	21.10
Panola	Sumter	21.00
Reo Bay	Franklin	21.00
Rogersville	Landerdale	21.00
Russellville	Franklin	21.00
Samantha	Tuscaloosa	21.00
Samson	Geneva	21.10
Scottsboro	Jackson	21.10
Section	Jackson	21.10
Selma	Dallas	21.10
Stevenson	Jackson	21.10
Sulligent	Lamar	21.00
Sweet water	Marango	21.00
Sylacauga	Talladega	21.25
Talladega	Talladega	21.25
Tallassee	Elmore	21.10
Tusculmbia	Colbert	21.00

City	County	Basis SLM White 1 1/16 *4134* loan rate
ALABAMA—Continued		
Tuskegee	Macon	21.10
Union Springs	Bullock	21.10
Uniontown	Perry	21.10
Wetumpka	Elmore	21.10
ARIZONA		
Eloy	Pinal	19.90
Phoenix	Maricopa	19.90
Picacho	Pinal	19.90
Safford	Graham	20.20
Yuma	Yuma	19.90
ARKANSAS		
Batesville	Independence	20.85
Blytheville	Mississippi	20.90
Bradley	Lafayette	20.75
Brinkley	Monroe	20.90
Camden	Ouachita	20.75
Clarendon	Monroe	20.90
Cotton Plant	Woodruff	20.90
Dardanelle	Yell	20.85
Dell	Mississippi	20.90
Dumas	Desha	20.85
Earle	Crittenden	20.90
England	Lonoke	20.85
Eudora	Chicot	20.85
Evadale	Mississippi	20.90
Forrest City	St Francis	20.90
Fort Smith	Sebastian	20.75
Helena	Phillips	20.90
Hope	Hempstead	20.75
Hughes	St Francis	20.90
Jonesboro	Craighead	20.90
Leachville	Mississippi	20.90
Lepanto	Poinsett	20.90
Little Rock	Pulaski	20.85
Lonoke	Lonoke	20.85
McCrory	Woodruff	20.90
McGehee	Desha	20.85
Marianna	Lee	20.90
Marked Tree	Poinsett	20.90
Marvell	Phillips	20.90
Newport	Jackson	20.85
North Little Rock	Pulaski	20.85
CALIFORNIA		
Bakersfield	Kern	19.90
Brawley	Imperial	19.90
Calico	Kern	19.90
El Centro	Imperial	19.90
Fresno	Fresno	19.90
Imperial	Imperial	19.90
Kerman	Fresno	19.90
Los Angeles	Los Angeles	19.90
Pinedale	Fresno	19.90
Tulare	Tulare	19.90
FLORIDA		
Jay	Santa Rosa	21.10
GEORGIA		
Adairsville	Bartow	21.40
Alamo	Wheeler	21.25
Albany	Douglas	21.25
Albentown	Wilkinson	21.40
Arabi	Crisp	21.25
Arlington	Calhoun	21.10
Athens	Clarke	21.50
Atlanta	Fulton	21.40
Augusta	Richmond	21.50
Bartow	Jefferson	21.40
Blakely	Early	21.10
Bronwood	Terrill	21.25
Buena Vista	Marion	21.40
Bulter	Taylor	21.40
Byronville	Dooley	21.25

City	County	Basis SLM White 1½% *4134* loan rate
<b>GEORGIA—Continued</b>		
Cadwell	Laurens	21.40
Camilla	Mitchell	21.10
Carrollton	Carroll	21.40
Cedartown	Polk	21.40
Chauncey	Dodge	21.40
Chester	Dodge	21.40
Cochran	Blockley	21.40
Colquitt	Miller	21.10
Columbus	Muscogee	21.40
Coner	Madison	21.50
Concord	Pike	21.40
Cordele	Crisp	21.25
Coverdale	Turner	21.25
Cuthbert	Randolph	21.10
Davisboro	Washington	21.40
Dawson	Terrell	21.25
DeSota	Sumter	21.25
Doerun	Laurens	21.10
Doerun	Colquitt	21.10
Donalsonville	Seminole	21.25
Douglas	Coffee	21.04
Dublin	Laurens	21.40
Dudley	Laurens	21.40
Eastman	Dodge	21.40
East Point	Fulton	21.40
Edison	Calhoun	21.10
Elko	Houston	21.40
Ellaville	Schley	21.40
Fitzgerald	Ben Hill	21.25
Fort Gaines	Clay	21.10
Fulton	Colquitt	21.10
Gay	Meriwether	21.40
Glenville	Fattnall	21.25
Greenville	Meriwether	21.40
Harlan	Coweta	21.40
Hawkinsville	Polaski	21.40
Hobokenville	Pike	21.40
Idol	Macon	21.40
Jeffersonville	Twiggs	21.40
Jesup	Wayne	21.40
Kingston	Bartow	21.40
Leslie	Sumter	21.25
Louisville	Jefferson	21.40
Lumpkin	Stewart	21.25
Luthersville	Meriwether	21.40
Lyons	Toombs	21.25
McDonough	Henry	21.40
Madison	Morgan	21.40
Mansfield	Newton	21.40
Marshallville	Macon	21.40
Meigs	Thomas	21.10
Metter	Candler	21.40
Midville	Burke	21.40
Millen	Jenkins	21.40
Monroe	Walton	21.40
Montezuma	Macon	21.40
Moultrie	Colquitt	21.10
Norman Park	Colquitt	21.10
Oelma	Irwin	21.25
Oglethorpe	Macon	21.40
Omega	Tift	21.25
Parrott	Terrell	21.25
Pinehurst	Dooly	21.25
Pineola	Bartow	21.40
Pine Mountain	Harris	21.40
Pitts	Wilcox	21.25
Plain	Sumter	21.25
Portia	Bulloch	21.40
Quitman	Brooks	21.10
Rebecca	Turner	21.25
Rentz	Laurens	21.40
Reynolds	Taylor	21.40
Rochelle	Wilcox	21.25
Rome	Floyd	21.40
Rutledge	Morgan	21.40
Sandersville	Washington	21.40
Sasser	Terrell	21.25
Senola	Coweta	21.40
Shellman	Randolph	21.10
Social Circle	Walton	21.40
Soperton	Trentlen	21.40
Statesboro	Bulloch	21.40
Swainsboro	Emanuel	21.40
Sycamore	Turner	21.25
Sylvester	Worth	21.40
Sylvester	Worth	21.25
Tennille	Washington	21.40
Trion	Chattooga	21.40
Twin City	Emanuel	21.40
Unadilla	Dooly	21.25
Vienna	Dooly	21.25
Wadley	Jefferson	21.40
Warrenton	Warren	21.50
Warwick	Worth	21.25
Watkinsville	Oconee	21.50
Waynesboro	Burke	21.40
Winder	Barrow	21.50
Wrightsville	Johnson	21.40
Yatesville	Upson	21.40
Youth	Walton	21.40

City	Parish	Basis SLM White 1½% *4134* loan rate
<b>LOUISIANA</b>		
Alexandria	Rapides	20.75
Bernee	Union	20.75
Cheneyville	Rapides	20.75
Comshatta	Red River	20.75
Delhi	Richland	20.85
Ferriday	Concordia	20.85
Franklinton	Washington	20.90
Haynesville	Clasborne	20.75
Lake Providence	East Carroll	20.95
Mansfield	De Soto	20.75
Mor Rouge	Morehouse	20.85
Monroe	Orachita	20.85
Natchitoches	Natchitoches	20.75
New Orleans	Orleans	20.90
Oak Grove	West Carroll	20.85
Opelousas	St. Landry	20.75
Plain Dealing	Bossier	20.75
Rayville	Richland	20.85
Shreveport	Caddo	20.75
Tallulah	Madison	20.85
Winnboro	Franklin	20.85

City	County	Basis SLM White 1½% *4134* loan rate
<b>MISSISSIPPI</b>		
Aberdeen	Monroe	20.95
Batesville	Panola	20.95
Belzoni	Humphreys	20.90
Boonville	Prenfiss	20.95
Brookhaven	Lincoln	20.90
Canton	Madison	20.95
Carthage	Leake	20.95
Clarksdale	Cahoon	20.90
Cleveland	Bolivar	20.90
Columbia	Marion	20.90
Columbus	Lowndes	20.95
Come	Panola	20.95
Corinth	Alcorn	20.95
Drew	Sunflower	20.90
Flora	Madison	20.90
Greenville	Washington	20.90
Greenwood	Leflore	20.90
Grenada	Grenada	20.95
Gulfport	Harrison	20.90
Hattiesburg	Forsyth	20.90
Hollandale	Washington	20.90
Holly Springs	Marshall	20.95
Houston	Chickasaw	20.95
Indianola	Sunflower	20.90
Inverness	Sunflower	20.90
Ita Bena	Leflore	20.90
Jackson	Hinds	20.90
Kosciusko	Attala	20.95
Leland	Washington	20.90
Macon	Noxbee	20.95
Magoo	Simpson	20.90
Magroha	Pike	20.90
Marks	Quitman	20.90
New Albany	Union	20.95
Oklona	Chickasaw	20.95
Oxford	Lafayette	20.95
Philadelphia	Neshoba	20.95
Pontotoc	Pontotoc	20.95
Prentiss	Jefferson Davis	20.95
Quitman	Clarke	20.95
Ripley	Tipphah	20.90
Rolling fork	Sharkey	20.90
Rosedale	Bolivar	20.90
Ruleville	Sunflower	20.90
Shaw	Bolivar	20.90
Shelby	Bolivar	20.95
Shugnak	Noxbee	20.90
Sledge	Quitman	20.90
Summit	Pike	20.90
Tunica	Tunica	20.90
Tupelo	Lee	20.95
Tutwiler	Tallahatchie	20.90
Tylertown	Walsh	20.90
Union	Newton	20.95
Vicksburg	Warren	20.90
West Point	Clay	20.95
Yazoo City	Yazoo	20.90

City	County	Basis SLM White 1½% *4134* loan rate
<b>MISSOURI</b>		
Arbyrd	Dunklin	20.90
Caruthersville	Pemiscot	20.90
Charleston	Mississippi	20.90
Gideon	New Madrid	20.90
Hayti	Pemiscot	20.80
Kennett	Dunklin	20.90
Lilbourn	New Madrid	20.90
Malden	Dunklin	20.90
Portageville	New Madrid	20.90
Sikeston	Scott	2.000

City	County	Basis SLM White 1½% *4134* loan rate
<b>NEW MEXICO</b>		
Artesia	Eddy	20.45
Carlsbad	Eddy	20.45
Deming	Luna	20.40
Las Cruces	Dona Ana	20.45
Lovington	Lea	20.55
Rowell	Chaves	20.45

City	County	Basis SLM White 1½% *4134* loan rate
<b>NORTH CAROLINA</b>		
Battleboro	Nash	21.55
Butner	Granville	21.55
Candler	Montgomery	21.65
Charlotte	Mecklenburg	21.65
Cherryville	Gaston	21.65
Clinton	Sampson	21.55
Conway	Northampton	21.55
Dunn	Hartnett	21.55
Eden	Chowan	21.55
Enfield	Halifax	21.55
Fayetteville	Cumberland	21.55
Gastonia	Gaston	21.65
Gibson	Scotland	21.55
Goldboro	Wayne	21.55
Henderson	Vance	21.55
Jackson	Northampton	21.55
Laurinburg	Scotland	21.55
Lewiston	Bertie	21.55
Lincolnton	Lincoln	21.65
Lumberton	Robeson	21.55
Mooreville	Iredell	21.65
Morven	Anson	21.65
Murfreesboro	Hertford	21.55
Nashville	Nash	21.55
Newton	Catawba	21.60
Parkton	Robeson	21.55
Pembroke	Robeson	21.55
Raeford	Hoke	21.55
Raleigh	Wake	21.55
Rich Square	Northampton	21.55
Ronoke Rapids	Halifax	21.55
Rowland	Robeson	21.55
Saint Pauls	Robeson	21.55
Salisbury	Rowan	21.65
Scotland Neck	Halifax	21.55
Seaboard	Northampton	21.55
Selma	Johnston	21.55
Shelby	Cleveland	21.65
Smithfield	Johnston	21.55
Tarboro	Edgecombe	21.55
Wagram	Scotland	21.55
Wake Forest	Wake	21.55
Washington	Beaufort	21.55
Weidon	Halifax	21.55
Williamston	Martin	21.55
Wilson	Wilson	21.55
Woodland	Northampton	21.55

City	County	Basis SLM White 1½% *4134* loan rate
<b>OKLAHOMA</b>		
Altus	Jackson	20.65
Anadarko	Caddo	20.65
Chickasha	Grady	20.65
Frederick	Tillman	20.65
Hobart	Kiowa	20.65
Idabel	McCurtain	20.75
Mangum	Greer	20.65
Mountain View	Kiowa	20.65
Oklahoma City	Oklahoma	20.65

City	County	Basis SLM White 1½% *4134* loan rate
<b>SOUTH CAROLINA</b>		
Abbeville	Abbeville	21.65
Allendale	Allendale	21.55
Anderson	Anderson	21.65
Bamberg	Bamberg	21.55
Barnwell	Barnwell	21.55
Bennettsville	Marlboro	21.55
Bishopville	Lee	21.55
Bowman	Orangeburg	21.55
Branchville	Orangeburg	21.55
Brunson	Hampton	21.65
Calhoun Falls	Abbeville	21.55
Cameron	Calhoun	21.55
Charleston	Charleston	21.65
Cheraw	Chesterfield	21.65
Chester	Chester	21.65
Chesterfield	Chesterfield	21.65
Coto	Marlboro	21.65
Columbia	Richland	21.55
Dalzell	Sumter	21.55
Darlington	Darlington	21.55
Denmark	Bamberg	21.55
Dillon	Dillon	21.65
Edgefield	Edgefield	21.55
Ellerbe	Orangeburg	21.55
Estill	Hampton	21.55
Fountain Inn	Greenville	21.65
Gaffney	Cherokee	21.65
Garnett	Hampton	21.55
Greenville	Greenville	21.65
Greenwood	Greenwood	21.65

City	County	Basis SLM White 1½¢ *4134* loan rate
SOUTH CAROLINA—Continued		
Hartsville	Darlington	21.55
Heath Springs	Laurens	21.65
Jefferson	Chesterfield	21.65
Kingstree	Williamsburg	21.55
Lake City	Florence	21.55
Lamar	Darlington	21.55
McColl	Marlboro	21.55
Manning	Clarendon	41.55
Marion	Marion	21.55
Mountville	Laurens	21.65
Mullins	Marion	21.55
Newberry	Newberry	21.65
Norway	Orangeburg	21.55
Oransta	Florence	21.55
Orangeburg	Orangeburg	21.55
Pendleton	Sumter	21.65
Pinewood	Anderson	21.55
Prosperity	Newberry	21.65
Ridgeway	Fairfield	21.65
Rock Hill	York	21.65
Saluda	Saluda	21.65
Spartanburg	Spartanburg	21.65
St. Matthews	Calhoun	21.55
Summerton	Clarendon	21.55
Sumter	Sumter	21.55
Swansea	Lexington	21.65
Timmonsville	Florence	21.55
Union	Union	21.65
Wagener	Aiken	21.65
Williston	Barnwell	21.55

TENNESSEE		
Brownsville	Haywood	20.95
Chattanooga	Hamilton	21.25
Covington	Tipton	20.95
Decherd	Franklin	21.10
Dyersburg	Dyer	20.95
Five Points	Lawrence	21.00
Henderson	Chester	20.95
Jackson	Madison	20.95
Lawrenceburg	Lawrence	21.00
Memphis	Shelby	20.95
Milan	Gibson	20.95
Ripley	Lauderdale	20.95
Tiptonville	Lake	20.95

TEXAS		
Abernathy	Hale	20.55
Ablene	Taylor	20.65

City	County	Basis SLM White 1½¢ *4134* loan rate
TEXAS—Continued		
Ballinger	Runnels	20.65
Bay City	Matagorda	20.65
Big Spring	Howard	20.55
Bovina	Parmer	20.55
Brady	McCulloch	20.65
Brenham	Washington	20.65
Brownfield	Terry	20.55
Brownsville	Cameron	20.55
Brownwood	Brown	20.65
Bryan	Brazos	20.65
Burnet	Washington	20.65
Camerton	Milam	20.65
Childress	Childress	20.65
Cleburne	Johston	20.65
Colorado City	Mitchell	20.65
Commerce	Hunt	20.75
Corpus Christi	Nueces	20.65
Corsicana	Navarro	20.65
Crosbyton	Crosby	20.55
Dallas	Dallas	20.65
Dimmitt	Castro	20.55
Elgin	Bastrop	20.65
Enloe	Delta	20.65
Ennis	Ellis	20.65
Fabens	El Paso	20.45
Fauna	Harris	20.75
Floydada	Floyd	20.65
Fort Stockton	Pecos	20.55
Gainesville	Cooke	20.75
Galveston	Galveston	20.75
Garland	Dallas	20.75
Greenville	Hunt	20.75
Hamilin	Jones	20.65
Harlingen	Cameron	20.55
Hart	Castro	20.55
Haskell	Haskell	20.65
Hearne	Robertson	20.65
Hillsboro	Hill	20.65
Hoddy Grove	Fannin	20.75
Houston	Harris	20.75
Hubbard	Hill	20.65
Kaufman	Kaufman	20.75
Kenedy	Karnes	20.65
Knox City	Knox	20.65
La Grange	Payette	20.65
Lamesa	Dawson	20.55
Levelland	Hoekley	20.55
Littlefield	Lamb	20.55
Lockhart	Caldwell	20.65
Lockney	Floyd	20.55
Lubbock	Lubbock	20.55
McKinney	Collin	20.75
Marlin	Falls	20.65
Memphis	Hall	20.65
Mexia	Limestone	20.65

City	County	Basis SLM White 1½¢ *4134* loan rate
TEXAS—Continued		
Morton	Cochran	20.55
Muleshoe	Bailey	20.55
Munday	Knox	20.65
Navasota	Grimes	20.65
Needville	Fort Bend	20.75
Odonnell	Lynn	20.55
Paducah	Cottle	20.65
Paris	Lamar	20.75
Pecos	Reeves	20.55
Plainview	Hale	20.55
Pyote	Ward	20.55
Quanah	Hardeman	20.65
Quittaque	Briscoe	20.55
Ralls	Crosby	20.55
Raymondville	Willacy	20.55
Roaring Springs	Motley	20.65
Rochester	Haskell	20.65
Rosebud	Falls	20.65
Rosenberg	Fort Bend	20.75
Rotan	Fisher	20.65
Rule	Haskell	20.65
San Angelo	Tom Green	20.65
Seagraves	Gaines	20.55
Seymour	Baylor	20.65
Shamrock	Wheeler	20.65
Slaton	Lubbock	20.55
Snyder	Scurry	20.65
Stamford	Jones	20.65
Stanton	Martin	20.55
Sudan	Lamb	20.55
Sweetwater	Nolan	20.65
Tahoka	Lynn	20.55
Taylor	Williamson	20.65
Temple	Bell	20.65
Terrell	Kaufman	20.75
Texarkana	Bowie	20.75
Tulla	Swisher	20.55
Turkey	Hall	20.55
Vernon	Wilbarger	20.65
Waco	McLennan	20.65
Waxahachie	Ellis	20.65
Wellington	Collingsworth	20.65
Wichita Falls	Wichita	20.65
Winters	Runnels	20.65
Wills Point	Van Zandt	20.75

VIRGINIA		
Broadax	Brunswick	21.55

§ 1427.102 Schedule of premiums and discounts for grade and staple length of eligible 1973-crop upland cotton.

GRADE <sup>1</sup>	Code	Staple (inches)													
		1¾ (26)	¾ (28)	2½ (29)	1¾ (30)	2½ (31)	1 (32)	1½ (33)	1½ (34)	1½ (35)	1¼ (36)	1½ (37)	1¾ (38)	1½ (39)	1½ long (40)
White:															
GM and better	(01)-(11)	Pts. -400	Pts. -365	Pts. -310	Pts. -250	Pts. -175	Pts. -65	Pts. +80	Pts. +215	Pts. +250	Pts. +300	Pts. +365	Pts. +455	Pts. +635	Pts. +785
SM	(21)	-405	-370	-320	-260	-180	-70	+75	+210	+245	+290	+350	+440	+620	+775
MID plus	(30)	-420	-390	-340	-275	-200	-90	+50	+185	+225	+265	+320	+405	+580	+735
MID	(31)	-435	-405	-355	-290	-215	-115	+30	+165	+205	+245	+300	+375	+535	+665
SLM plus	(40)	-495	-460	-415	-350	-300	-210	-75	+65	+95	+130	+165	+250	+385	+515
SLM	(41)	-530	-490	-440	-385	-330	-260	-135	Base	+30	+75	+105	+175	+310	+430
LM plus	(50)	-590	-560	-515	-460	-405	-340	-200	-160	-135	-115	-100	-75	-50	0
LM	(51)	-620	-590	-540	-495	-445	-390	-315	-225	-200	-175	-165	-150	-125	-100
S/GO plus	(60)	-715	-695	-660	-605	-560	-500	-460	-415	-405	-400	-400	-400	-400	-400
S/GO	(61)	-790	-785	-785	-745	-705	-660	-630	-595	-585	-585	-585	-585	-585	-585
GO plus	(70)	-840	-815	-785	-745	-705	-660	-630	-595	-585	-585	-585	-585	-585	-585
GO	(71)	-885	-855	-830	-795	-750	-705	-670	-645	-645	-640	-640	-640	-640	-640
Light spotted:															
GM	(12)	-445	-405	-355	-305	-240	-160	-25	+85	+120	+145	+190	+265	+440	+665
SM	(22)	-455	-415	-365	-310	-250	-170	-40	+70	+105	+135	+170	+245	+420	+590
MID	(32)	-500	-465	-425	-370	-315	-245	-130	-15	+20	+55	+100	+170	+300	+430
SLM	(42)	-595	-555	-505	-460	-415	-360	-290	-210	-195	-170	-160	-140	-130	-95
LM	(52)	-710	-675	-635	-590	-555	-515	-470	-430	-425	-425	-425	-425	-425	-425
Spotted:															
GM	(13)	-550	-515	-480	-425	-380	-335	-280	-235	-220	-205	-195	-185	-160	-135
SM	(23)	-520	-485	-450	-400	-350	-300	-245	-200	-195	-195	-195	-195	-175	-155
MID	(33)	-615	-575	-535	-490	-450	-410	-370	-330	-325	-315	-310	-310	-310	-310
SLM	(43)	-710	-670	-630	-580	-540	-500	-460	-420	-405	-400	-400	-400	-400	-400
LM	(53)	-815	-775	-740	-705	-675	-640	-610	-600	-595	-590	-590	-590	-590	-590
Tinged:															
GM	(14)	-790	-655	-625	-590	-575	-560	-540	-535	-530	-530	-530	-530	-530	-530
SM	(24)	-710	-670	-635	-600	-590	-570	-550	-545	-540	-540	-540	-540	-540	-540
MID	(34)	-765	-725	-690	-655	-635	-620	-605	-595	-595	-595	-595	-595	-595	-595
SLM	(44)	-850	-810	-775	-730	-720	-700	-685	-680	-680	-680	-680	-680	-680	-680
LM	(54)	-955	-920	-890	-850	-840	-820	-805	-800	-800	-800	-800	-800	-800	-800
Yellow stained:															
GM	(15)	-875	-830	-805	-775	-760	-740	-730	-720	-720	-720	-720	-720	-720	-720
SM	(25)	-890	-845	-820	-785	-770	-750	-740	-730	-730	-730	-730	-730	-730	-730
MID	(35)	-935	-900	-875	-845	-825	-805	-795	-790	-790	-790	-790	-790	-790	-790

GRADE <sup>1</sup>	Code	Staple (Inches)													
		1 1/4 (26)	3/4 (28)	2 1/2 (29)	1 1/2 (30)	2 1/2 (31)	1 (32)	1 1/2 (33)	1 1/4 (34)	1 3/4 (35)	1 1/2 (36)	1 5/8 (37)	1 3/4 (38)	1 7/8 (39)	1 1/2 long (40)
Light gray:		Pts.	Pts.	Pts.	Pts.	Pts.	Pts.	Pts.	Pts.	Pts.	Pts.	Pts.	Pts.	Pts.	Pts.
GM.....	(16)	-475	-440	-400	-340	-270	-185	-65	+55	+90	+130	+175	+230	+330	+505
SM.....	(26)	-515	-480	-440	-385	-325	-255	-145	-25	+5	+55	+95	+145	+275	+395
MID.....	(36)	-605	-570	-530	-485	-430	-375	-305	-220	-200	-170	-100	-140	-115	-85
SLM.....	(46)	-750	-720	-690	-640	-590	-530	-495	-400	-445	-435	-435	-435	-435	-435
Gray:		Pts.	Pts.	Pts.	Pts.	Pts.	Pts.	Pts.	Pts.	Pts.	Pts.	Pts.	Pts.	Pts.	Pts.
GM.....	(17)	-575	-535	-495	-445	-390	-325	-245	-155	-135	-100	-65	-15	+60	+125
SM.....	(27)	-630	-595	-555	-505	-455	-400	-335	-260	-245	-220	-205	-190	-175	-140
MID.....	(37)	-770	-735	-705	-650	-610	-570	-510	-470	-465	-455	-455	-455	-455	-455
SLM.....	(47)	-885	-850	-825	-775	-740	-705	-670	-640	-635	-630	-630	-630	-630	-630

Grade symbols: GM—Good Middling; SM—Strict Middling; MID—Middling; SLM—Strict Low Middling; LM—Low Middling; SGO—Strict Good Ordinary; GO—Good Ordinary.

<sup>1</sup> Grade and staple codes. Staple below 2 1/4 is coded 24 and is not eligible for loan. Any grade code starting with an 8 is "below grade" and is not eligible for loan.

#### § 1427.103 Schedule of micronaire differentials for 1973-crop upland cotton.

Micronaire Reading	Points Per Pound
5.3 and above	Discount of 150
5.0 through 5.2	Discount of 65
3.5 through 4.9	0
3.3 through 3.4	Discount of 70
3.0 through 3.2	Discount of 180
2.7 through 2.9	Discount of 300
2.6 and less	Discount of 450

#### § 1427.104 Schedule of loan rates for eligible qualities of 1973-crop extra long staple cotton by warehouse location.

[In Cents Per Pound, Net Weight]  
Staple Length (Inches)

Code grade	1 1/4 (44)		1 3/4 (46)		1 1/2 and Longer (48)	
	Arizona and California	N. Mex., Texas and other States	Arizona and California	N. Mex., Texas and other States	Arizona and California	N. Mex., Texas and other States
1.....	39.70	40.20	40.05	40.55	40.20	40.70
2.....	39.55	40.05	39.95	40.45	40.05	40.55
3.....	39.20	39.70	39.65	40.15	39.75	40.25
4.....	38.60	39.10	38.90	39.40	39.10	39.60
5.....	36.50	37.00	36.80	37.30	36.90	37.40
6.....	27.95	28.45	28.20	28.70	28.25	28.75
7.....	23.25	23.75	23.40	23.90	23.50	24.00
8.....	20.25	20.75	20.35	20.85	20.45	20.95
9.....	18.60	19.10	18.70	19.20	18.80	19.30

#### § 1427.105 Schedule of micronaire differentials for 1973-crop extra long staple cotton.

Micronaire Reading	Points Per Pound
3.5 and above	0
3.3 through 3.4	Discount of 20
3.0 through 3.2	Discount of 120
2.7 through 2.9	Discount of 320

Effective date: July 19, 1973.

Signed at Washington, D.C., on July 12, 1973.

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

[FR Doc.73-14845 Filed 7-19-73; 8:45 am]

#### CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

##### SUBCHAPTER F—SECURITY SERVICING AND LIQUIDATIONS

[FHA Instruction 465.1]

#### PART 1872—REAL ESTATE SECURITY

##### Subpart A—Servicing and Liquidations

Subpart A of Part 1872, Title 7, Code of Federal Regulations (35 FR 8803; 37

FR 13159) currently in effect under §§ 1872.1 through 1872.28 is revised to reflect a change in title, "Servicing and Liquidation of Real Estate Security for Loans to Individuals;" to renumber and add sections to update policies and procedures for servicing and liquidating real estate loans, and to incorporate the provisions of the Consolidated Farm and Rural Development Act. (P.L. 92-419) The changes as set out below are being published without proposed rulemaking because of delay in making available assistance provided by this revision would be contrary to the public interest because such a delay would postpone granting advantages which buyers and sellers are now entitled to under P.L. 92-419, and its immediate adoption will enable the Farmers Home Administration to service a larger volume of loans than it can under present regulations. The change in leasing policies, the longer term on transfers, and the clarification of policies on Rural Housing loans will expedite servicing actions, and revised authorizations will save FHA personnel and borrower's time and expense.

It is the policy of this Department that rules relating to public property, loans, grants, benefits or contracts shall be published for comment notwithstanding the exemption in 5 U.S.C. 553 with respect to such rules. See the Secretary of Agriculture's statement setting forth the policy on public participation in rulemaking 36 FR 13804, dated July 24, 1971. In accordance with the spirit of that policy, interested parties may submit written comments, suggestions, date or arguments to the Office of the Deputy Administrator Comptroller, Farmers Home Administration, U.S. Department of Agriculture, Room 5007, South Building, Washington, D.C. 20250, prior to August 20, 1973. Material thus submitted will be evaluated and acted upon in the same manner as if this document were a proposal. However, this Subpart shall remain effective until it is amended, in order to permit the public business to proceed expeditiously.

**Effective Date.** This revision is to become effective on July 19, 1973. The major changes are:

1. Contacts with holders of insured loans will be made by the Director, Finance Office, and in certain situations by the State Director.

2. Section 1872.2, permits the State Director to consider a subsequent loan or subordination to permit another lender to make a loan to a borrower to satisfy a third-party action for him to save his farm, and clarifies the procedure on payment of costs under a prior lien foreclosure sale.

3. Section 1872.3, authorized reamortization of FHA loans when subordinating FHA security to permit a loan of another lender; permits another lender to use its funds to reduce certain FHA debts; authorizes the County Supervisor to approve transactions up to \$35,000 for refinancing, development and enlargement; authorizes the District Supervisor to approve any transactions up to \$50,000; permits the approval of subordinations involving refinancing when the real estate secures only Farm Ownership (FO) or Recreation, or an FO loan and any other type FHA loan, and requires a mortgage and title services on any land acquired in the transaction.

4. Also § 1872.3, permits advances by the prior lender for taxes, insurance, emergency repairs for maintenance, and

liquidation expenses; permits the approval of transactions up to \$5,000 without preparing a formal appraisal report; authorizes the State Director to approve a sale of a portion of farm security on terms of ten percent down and not to exceed ten annual installments of principal plus interest at least equal to seven percent, and nonfarm security on terms of ten percent down and not to exceed five annual installments; permits use of proceeds from sale of real estate security for payment on inadequately secured FHA loans under certain conditions.

5. Section 1872.8, permits leasing of small allotment acreages that are not feasible for a borrower to operate; requires a borrower to resume personal operation of the property within three years rather than two; requires that rental income in pending liquidation cases will be applied to the FHA secured debts as extra payments; and authorizes the District Supervisor to approve annual leases for not more than five consecutive years.

6. Section 1872.10 authorizes the County Supervisor to consent to a severance agreement up to \$5,000 and the District Supervisor up to \$10,000.

7. Section 1872.11 includes lease proceeds in certain situations and excepts lease proceeds in some situations.

8. Section 1872.14 provides for issuance of a State Instruction for more specific guidance on handling bankruptcy and insolvency cases.

9. Section 1872.16(a) provides that the release conditions do not cover basic security for OL and EM loans and only permits release of real estate for such loans when it was taken as additional security.

10. Section 1872.17(g) authorizes the State Director to consent to an acceleration agreement for a period not to exceed 10 years for FO, SW, RL, and RH loans on farms. The acceleration of OL, EM, and RH loans on nonfarm tracts will not exceed a period of five years.

11. Section 1872.18 authorizes District Supervisors to approve transfers when the secured debts do not exceed \$50,000, permits a transfer of a portion of the security with an assumption of the total indebtedness by the transferee and a release of the security retained by the borrower from the Government's lien, authorizes the State Director to consider a request by a borrower to transfer real estate as security as parcels to each of different transferees with assumption of the appropriate portion of the debt, authorizes a subordination to enable the transferor to take a first mortgage to secure his equity payment or to permit another lender to furnish the funds needed in connection with the transfer, to settle a divorce action, a subsequent loan may be made or a subordination may be granted to the remaining borrower to obtain a loan for an amount not to exceed the equity in the property, further defines an ineligible transferee to include a farming corporation or a farming partnership, requires at least a 10

percent downpayment in transfers to an ineligible applicant, and provides for a maximum of 10 amortized installments for FO, RL, SW, and RH loans on farms but the State Director under certain conditions may authorize a repayment term up to 15 years. Transfer of nonfarm security to an ineligible applicant may not exceed five years.

12. Section 1872.19 authorizes the District Supervisor to approve voluntary conveyance transactions provided the total debt against the security does not exceed \$50,000, provides for title clearance to be handled by designated attorneys and approved title insurance companies, and provides that the value of the security to be conveyed will be the estimated sale price of the property based on its present market value, and for the State Director to determine whether the property is suitable for sale to eligible applicants or as surplus property according to Subpart C of Part 1872 of this chapter.

13. Section 1872.20 permits acceptance of payment in full, voluntary conveyance, or transfer after issuance of the acceleration notice without contacting the OGC, authorizes the State Director to issue acceleration notices under certain conditions without prior review by the OGC, provides that the estimated resale value means the present market value of the security, provides that when a deficiency judgment is not to be obtained, the case will be reclassified to collection-only, only when the debt cannot be settled under the provision of Part 1864 of this chapter.

14. Section 1872.21 provides for using the same mortgage form, Form FHA 427-1 (State), and describing both FHA direct and insured FHA notes on that same mortgage when a real estate lien is taken as additional security.

As amended, Subpart A of Part 1872 reads as follows:

**Subpart A—Servicing and Liquidation of Real Estate Security for Loans to Individuals;**

- Sec.
- 1872.1 General
- 1872.2 Preservation of security property and protection of liens.
- 1872.3 Subordination of FHA mortgage to permit refinancing, extension, reamortization, or increase in amount of existing prior lien or to permit a prior lien.
- 1872.4 Consent by partial release, subordination, or otherwise, to sale or other disposition of portion of or interest in security except leases.
- 1872.5 Subordination of FHA real estate mortgages to easements to the Bureau of Sport Fisheries and Wildlife.
- 1872.6 Subordination of FHA's lien to the Commodity Credit Corporation's (CCC's) security interest taken for loans for farm storage and drying equipment.
- 1872.7 Consent to junior liens.
- 1872.8 Consent to borrower's granting lease of security.
- 1872.9 Transfer of upland cotton, peanut or tobacco allotments.
- 1872.10 Severance agreements.

- Sec.
- 1872.11 Disposition of proceeds of partial release, subordination, and consent transactions.
- 1872.12 Servicing real estate purchased, refinanced, or improved with economic opportunity (EO) loans to individuals and taking real estate as security.
- 1872.13 Deceased borrower.
- 1872.14 Bankruptcy and insolvency.
- 1872.15 Servicing note-only cases.
- 1872.16 Release of FHA mortgage without monetary consideration on basis of additional security or because of mutual mistake or nonexistence of evidence of indebtedness or valueless liens.
- 1872.17 Liquidation action.
- 1872.18 Transfer or real estate security.
- 1872.19 Voluntary conveyance of security to FHA.
- 1872.20 Foreclosure by the government.
- 1872.21 Taking liens on real estate as additional security in servicing FHA loans.
- 1872.22 Assignment of direct and insured notes and security instruments outside the program.
- 1872.23 Cosigners—RH loans.
- 1872.24 Assignment and release of soil bank or similar program payments.
- 1872.25 Submission to National Office of certain partial release, subordination, consent or other transactions.
- 1872.26 State instructions and reference to the Office of the General Counsel.
- 1872.27 Redlegation of authority.
- 1872.28 Nondiscrimination.

AUTHORITY, 7 U.S.C. 1989; 42 U.S.C. 1480; 40 U.S.C. 442; 42 U.S.C. 5 U.S.C. 301; delegation of authority by the Secretary of Agriculture, 38 FR 14944, 14944, 7 CFR 2.23; delegation of authority by the Assistant Secretary for Rural Development, 38 FR 14944, 14952, 7 CFR 2.70; delegations of authority by Director OEO, 29 FR 14764, 33 FR 9850.

**Subpart A—Servicing and Liquidation of Real Estate Security for Loans to Individuals.**

§ 1872.1 General.

(a) *Purpose.* The purpose of this Subpart is delegate authority and prescribe policies and procedures for servicing and liquidating real estate security for Farmers Home Administration (FHA) loans to individuals, including loans on leasehold interests except Rural Rental Housing (RRH) and Labor Housing (LH) loans to individuals operating under a loan agreement.

(b) *General policies.* Real estate security will be serviced in a manner to accomplish the loan objectives and protect the Government's financial interest. To accomplish these purposes, the real estate security will be serviced in accordance with the security instruments and related agreements, including any authorized modifications, so long as the borrower has reasonable prospects of accomplishing the loan objective, continues to make payments on the loan in accordance with his ability, properly maintains and accounts for the security, and otherwise meets the loan obligation in a satisfactory manner. When the above conditions are not satisfied, or it is determined that the loans must be liquidated for other reasons and sufficient legal grounds for liquidation exist, prompt action will

be taken to liquidate the security to protect the Government's financial interest.

(c) *Borrower's responsibility.* Each borrower is responsible for the payment of real estate taxes, providing adequate property insurance, maintaining, protecting, and accounting to the FHA for all real estate security, and complying with other loan requirements.

(d) *County Supervisor's responsibility.* The County Supervisor is responsible for informing each borrower of his responsibilities in connection with the loan, seeing that the security is being properly maintained and accounted for and for servicing the security in accordance with this Subpart. The County Supervisor will inspect the security in accordance with § 1872.2 (a). If the security or part of the security is located in another County Office area, the County Supervisor for that area may be requested to inspect that property. When a borrower fails to maintain, protect, or account for the security to the extent that the FHA's financial interest is in jeopardy or makes unauthorized disposition or use of any security, prompt action will be instituted to protect the FHA's interests.

(1) *County Supervisor's relationship with the Office of the General Counsel (OGC) and the United States Attorney.* The County Supervisor will obtain any legal advice he needs from the OGC through the State Director and not from the designated attorney(s) except for those transactions handled and closed by the designated attorney. In cases that have been referred to the OGC for legal action, no further action will be taken by the County Supervisor or other FHA personnel without prior clearance with the OGC. If the case has been referred to the United States Attorney, clearance with him will be obtained through the OGC.

(e) *Servicing insured loans.*

(1) *Contact with holder.* Contacts with holders of insured loans will be made by the Director, Finance Office except as provided by subparagraph (2) of this paragraph.

(2) *Servicing actions.* Servicing actions for insured loans will be the same as for direct loans except that in voluntary conveyance, and foreclosure cases, the Finance Office will be requested to obtain assignment of the insured loan to the Government as provided in §§ 1872.19 and 1872.20, respectively; and when an insured Farm Ownership (FO) mortgage running to the lender as mortgagee is not held by the FHA under trust assignment, or declaration of trust, or in the insurance fund (called insured FO mortgage held by the lender in this Subpart) and a written subordination or partial release or other servicing document is requested, the document will be executed by the holder on a form prepared or approved by the OGC. In such cases, contacts with the holder will be made by the State Director and the holder's execution of the document will constitute his consent.

(3) *Execution of documents by Government.*—(1) *Servicing documents.* When the mortgage names the United States

as mortgagee, or when a mortgage running to the lender is not under a trust or declaration of trust and the note is held by the insurance fund, the servicing documents will be executed in the name of "United States of America."

(ii) *Execution of documents.* When an FO mortgage is held under a trust assignment or declaration of trust, regardless of whether the note is held by a lender or by the insurance fund, servicing documents will be executed in the name of "United States of America, for Itself and as Trustee."

(iii) *Trust documents.* When the mortgage named in an FO mortgage is the United States as Trustee for a State Rural Rehabilitation Corporation (SRRC) and the mortgage is not under a trust assignment or declaration of trust and the note is not held by the insurance fund, the servicing documents will be executed in the name of "United States of America, Trustee of the Assets of the (State) Rural Rehabilitation Corporation."

(iv) *County Supervisor authority.* The County Supervisor is authorized to execute all necessary forms, satisfactions and releases, and other documents required to complete any transactions in this Subpart after the action has been approved by the appropriate approval official.

(f) *Consent of lienholders.* When this Subpart requires the consent of other lienholders, before the FHA consents to a transaction which affects its security or its lien, such consent will be obtained and furnished to the FHA by the borrower. The consent will, unless otherwise provided in a State requirement, include agreement as to the disposition of any funds involved in the transaction.

(g) *Definitions.* Unless otherwise indicated, the terms "FHA loans," "FHA accounts," "FHA interests," "FHA security," "FHA debts," and similar terms apply to indebtedness owed to or insured by the United States of America acting through the FHA, and to related security instruments. The term "note" includes any note, bond, assumption agreement, or other evidence of indebtedness. The term "mortgage" includes deeds of trust and similar real estate security instruments and chattel security instruments where appropriate.

#### § 1872.2 Preservation of security property and protection of liens.

(a) *Inspection of security.* For FO, Recreation, Soil and Water (SW), and Rural Housing (RH) farm borrowers whose accounts are current, an inspection of the property will ordinarily be made every three years. An annual inspection will be made only when such a borrower is delinquent or otherwise in default or problems exist involving the security property. In such cases involving borrowers with loans on nonfarm tracts, periodic inspections ordinarily will be made only if liquidation action is likely to be taken, the property has been abandoned, or when necessary to protect the interest of the Government.

(b) *Action by FHA for account of borrower.* When necessary to protect the interest of the Government, actions will be taken by FHA for the account of the borrower as provided in this section. Advances made for such purposes will be paid by Standard Form 1034, "Public Voucher For Purchases and Services Other Than Personal," and charged to the borrower's account.

(1) *Operation of security by lessee or caretaker.* When approved by the State Director, the County Supervisor will take possession of the property and will enter into a lease or caretaker's agreement for the account of the borrower on the best terms obtainable but not to exceed the time limitations provided in § 1872.8(a). Lease or caretaker's agreements will not be used as an alternative for, or as a means of delaying, prompt liquidation of the loan. Lease agreements will be entered into on Form FHA 465-2, "Lease of Security Property," and caretaker's agreements on Form FHA 465-3, "Caretaker's Agreement (Real Property Only)."

(2) *Taxes and assessments.* Real estate taxes and assessments will be handled in accordance with Part 1863 of this chapter.

(3) *Insurance.* For FO, SW, Recreation, RH, RRH, LH, and Other Real Estate (ORE) loans, property insurance will be required and serviced in accordance with FHA Part 1806 of this chapter. For other FHA loans secured by liens on real estate, property insurance will be obtained and serviced in accordance with requirements for the kind of loan involved.

(4) *Maintenance.* Where emergency repairs are necessary to protect interests of the FHA, the State Director may authorize such repairs only in abandonment and pending liquidation cases without prior approval of the National Office. Such repairs will be properly documented on Form FHA 424-1, "Development Plan." If a prior lien is involved, expenditures for maintenance will not be made unless the prior lienholder refuses to make them. Evidence of his unwillingness to do so should be included in the case file.

(c) *Actions by third parties which affect security.* The borrower will be expected to protect his own interest in condemnation, trespass, quiet title and other cases affecting the security. Third party actions include court or other actions in which the security property is involved. The complete facts concerning any action taken by third parties which may affect the security will be furnished immediately to the State Director together with the County Supervisor's recommendations and the County Office case file. When the Government is made a party to a court action, information furnished by the County Supervisor will include a copy of the petition or complaint, if available to him, a Statement of Account, a current appraisal report, the name and address of borrower's attorney, if any, and any other pertinent information. The State Director will,

after receiving the advice of the OGC, then advise the County Supervisor of the actions to be taken to protect the Government's interest. When the State Director determines that foreclosure or other action which would cause the borrower to lose possession of his farm is imminent he may give consideration to making a subsequent FO or Recreation loan, as appropriate, or approving a subordination to permit another lender to make a loan to satisfy such action when necessary to enable the borrower to retain his farm provided he has the ability and resources necessary to overcome the problems that caused the action and the third party agrees to postpone further action pending the processing of a subsequent loan or subordination. The State Director will notify the County Supervisor of the actions to be taken to protect the Government's interest.

(1) *Sale under prior lien foreclosure.* When a prior lien foreclosure sale is to be held and the State Director determines that a substantial net recovery on the Government's interest can be made by acquiring and reselling the security, he will authorize a bid in accordance with § 1872.20(b) (4) (vi) and (vii). Such bid may provide for payment of the prior lien indebtedness and costs incidental to the sale which must be paid from the sale proceeds. If the amount of the check needed to cover the Government's bid exceeds \$40,000, the prior concurrence of the National Office will be obtained before a bid on behalf of the FHA is authorized. When under State law it is necessary prior to such foreclosure to acquire the prior lienholder's rights to protect the Government's junior lien interest, and in other situations when it is advantageous to the Government to pay the prior lien in full before the foreclosure sale, payment of the prior lien and required costs may be made with the advice of the OGC, provided prior approval of the National Office is obtained for any payment in excess of \$40,000; the Government will obtain a greater recovery of the secured debt (not an inventory profit) than it could by bidding at the prior lien foreclosure sale; and the FHA account after acquisition of the prior lien will be liquidated as provided in § 1872.17. Information clearly supporting the action as being the Government's financial advantage must be documented and made a part of the file. An insured loan which is not held by the insurance fund will, whenever possible, be assigned to the insurance fund before the foreclosure sale. Otherwise, the assignment will be made as soon as feasible after the foreclosure sale.

(1) *Lienholder debt.* The prior lienholder will be contacted to determine the amount of his indebtedness including the cost of foreclosure sale and if SF-1034 is acceptable to him if the Government is the successful bidder at the sale. If, however, the prior lienholder requires a cash payment, SF-1034 will be processed in sufficient time for the County Supervisor to receive a U.S.

Treasury check before the sale. Requesting the check, payment of the bid and any other costs by use of SF-1034 will be in accordance with the applicable portions of § 1872.20. The costs will be charged to the borrowers account.

(ii) *Title evidence.* Prior to making a bid on the property or acquisition of the prior lienholders rights, title evidence as required by OGC will be obtained.

(iii) *Assignment.* An insured loan which is not held by the insurance fund will, whenever possible to be assigned to the insurance fund before the foreclosure sale. Otherwise, the assignment will be completed as soon as feasible after the foreclosure sale.

(iv) *Final reporting.*

(A) When FHA enters a bid or is the successful bidder at the foreclosure sale, reporting actions will be in accordance with § 1872.20.

(B) When the State Director determines that no bid will be entered by FHA, the County Supervisor will nevertheless attend the sale and make a narrative report to the State Director outlining the results of the foreclosure sale and plans for future servicing of the account. A narrative report will be sent to the Finance Office when no recovery is made by the Government. If the Government is to rely on redemption rights, that fact will be indicated in the report.

(v) *Servicing Government redemption rights.* If the Government did not have an opportunity or for other reasons did not protect its interest at the time of the foreclosure sale by a prior lienholder and has any redemption rights, it will be determined whether to redeem the property before the redemption period expires. Such determination will be made after considering all factors including the value of the property or changes in its value after the sale and any other pertinent information. This determination will be made at a time sufficiently prior to expiration of the redemption period to permit exercise of the Government's rights. If redemption of the property is appropriate, the State Director's recommendation, accompanied by complete information showing the basis for not acquiring the security at the sale, and factors which justify redemption of the property should be sent to the National Office for prior consideration. The report should be accompanied by an opinion of the OGC stating that the redemption is legally authorized. If it is decided not to redeem the property, the right of redemption may be sold for its value by the State Director. There is no authority to dispose of redemption rights without consideration.

(2) *Foreclosure sale subject to FHA mortgage.* If a lien junior to the FHA lien is foreclosed and the property is sold subject to the FHA mortgage, the account will be transferred under § 1872.18, if appropriate. Otherwise, it will be liquidated as provided in § 1872.17.

(d) *Divorce actions.* When borrowers with loans on farms are involved the County Supervisor will submit the case to the State Director after the final di-

vorce decree has been granted. The case will then be handled in accordance with § 1872.2(c). A subsequent loan made to settle a divorce action will be handled in accordance with § 1872.18(b) (14). When borrowers whose loans are secured by a mortgage on a nonfarm tract are involved in divorce actions, the County Office file will be submitted to the State Director for advice only if the County or District Supervisor is uncertain of the servicing actions needed to protect the Government's interest or if continuation of the loan with the remaining borrower is not authorized.

§ 1872.3 *Subordination of FHA mortgage to permit refinancing, extension, reamortization, or increase in amount of existing prior lien or to permit a prior lien.*

(a) *Reamortizing existing FHA debts.* Existing FHA loans may be reamortized to permit a loan of another lender in lieu of a subsequent loan of the kind involved with prior approval of the District Supervisor or State Director as applicable. The reamortization of each existing loan may be made only within the remaining period of that loan. Authority to reamortize an account will be granted in those cases in which it is determined that the borrower cannot reasonably be expected to meet installments due unless the account is reamortized. When a loan is reamortized it will be processed in accordance with Subpart A of part 1861 of this chapter.

(b) *Use of other lender funds to reduce FHA debts.* In connection with subordination primarily for other purposes, funds of another lender may be used to pay on a FO, SW, Recreation, Operating or EM loan only to the extent that is necessary to accomplish the objectives of the FHA loan involved and to establish the borrower's operations on a sound basis within his ability to pay. Also, when a borrower owes any of the aforementioned loans and an RH loan, the funds of another lender may be used to pay the amount delinquent on the RH loan, or to refinance the total RH debt when necessary. In such cases, the narrative justification and the case file will be sent to the National Office prior to development of the subordination. It is not intended that the FHA lien will be subordinated for removal of a delinquency that the borrower could be expected to pay within five years. It is also the policy to only permit payment of that portion of the FHA debt that is necessary to avoid failure in connection with obtaining additional resources essential to success. This authority will be used in those cases that will provide for meeting the FHA objectives as specified in § 1872.2(b).

(c) *Conditions for subordination.* A subordination may be granted subject to the following conditions:

(1) *Refinancing.* The borrower is unable to refinance FHA on terms which he can reasonably be expected to meet;

(2) *Objectives.* The transaction will further the objectives for which the FHA loan was made;

(3) *Prior lien.* The terms and conditions of the prior lien will be such that the borrower can reasonably be expected to meet them, as well as all other debts;

(4) *Market value.* The amount of any prior lien plus the balance of the FHA debt will not exceed the market value of the security; except for an FO, Recreation, Land Conservation and Development (LCD) or SW loan, it will not exceed the market value of the security or \$100,000, whichever is less. When the FHA indebtedness was not fully secured by the market value of the security before the transaction, a subordination may be granted only if the market value of the total security will be increased by an amount at least equal to the amount of the additional advance. The \$100,000 limitation will not apply to loans if, because of fire, flood, windstorm, or other casualties, the subordination is necessary for land development or for the repair or replacement of essential buildings to put the property in livable and operable condition or to protect it against further deterioration. However, the subordination will not permit the total indebtedness to exceed the present market value of the security.

(5) *Stock.* An assignment of the beneficial interest in any stock required in connection with a loan will be obtained as collateral security, when possible, and when needed for security; and

(6) *Security.* The FHA secured indebtedness after the subordination will be adequately secured or will not be adversely affected by the transaction.

(d) *Purposes of subordination.* A subordination may be granted to:

(1) *Refinance, extend, or reamortize.* Refinance, extend, or reamortize an existing prior lien provided the amount of the indebtedness secured by the prior lien as of the date of the transaction is not increased by more than reasonable costs incident to loan closing plus funds for the purchase of any required stock.

(2) *Increase.* Increase the amount of the prior lien or permit a new prior lien when the funds will be used:

(i) *Nonfarm tract.* On a nonfarm tract securing RH loans for purposes for which RH nonfarm loans are authorized subject to the limitations that would be applicable if an RH loan were made. When the mortgage includes nonfarm property larger than a minimum adequate site, the subordination may be granted on the excess land for purposes not inconsistent with the best interests of the borrower and the Government.

(ii) *Purposes.* On a farm which secures an FO loan only or on FO and any other type FHA loan, for any purpose for which an FO loan can be made. Also, a Recreation loan may be subordinated for any purpose for which it is made. However, if the RH loan was made to finance a dwelling and the RH loan is secured only by the dwelling and dwelling site, the RH loan will be subordinated only for purposes for which an RH nonfarm loan may be made.

(iii) *Requirements.* Any transaction approved under subdivision (i) or (ii) of

this subparagraph must meet the following additional requirements:

(A) The proposed use of the funds will improve the borrower's ability to repay the FHA loan(s) or is necessary to place his operation on a sound basis.

(B) In the case of either an Operating loan or FO loan the use of the funds will not result in the farm being larger than a family farm or family farming operation.

(C) Any proposed development will be planned and performed in accordance with Subpart A of Part 1804 of this chapter in a manner directed by the creditor which reasonably attains the objectives of Subpart A of Part 1804 of this chapter concurred in by the State Director.

(D) Funds to be used for development or to acquire land will be handled as prescribed for FO loan funds in Part 1803 of this chapter, except that if the creditor will not permit the use of a supervised bank account, arrangements satisfactory to the FHA which will assure that the funds will be spent for the planned purposes may be substituted.

(E) In case of land purchase, or exchange of property, the FHA will obtain a valid mortgage on such acquired land and title clearance and loan closing will be required the same as for an initial or subsequent FO loan as appropriate. The mortgage will be recorded when the subordination is delivered to the other lender or immediately after the other lender records its mortgage.

(e) *Request for subordination.* When a borrower request the FHA to subordinate a mortgage taken in connection with a direct or insured loan so that he can refinance, extend, reamortize, or increase the amount of a prior lien, or place a lien ahead of the FHA lien, Form FHA 465-1, "Application for Partial Release, Subordination, or Consent," will be prepared. If an agreement to give notice of foreclosure is required for approval of an initial FHA loan, an agreement with a new prior lienholder will be obtained as required in Part 1807 of this chapter. In case of an insured FO mortgage held by the lender, the holder's consent will be obtained in accordance with § 1872.1(e). Any junior lienholder's consent to the transaction and use of the proceeds will be obtained as provided in § 1872.1(f). A current appraisal report will be obtained unless there is an appraisal report in the docket not over two years old which will permit the official authorized to approve the transaction to make the determination required in this section. When property is exchanged or purchased a new appraisal report will be obtained. However, a new appraisal will not be required in a refinancing, extension, or reamortization or a prior lien when the existing debt will remain the same except for a reasonable closing cost. When an appraisal is required by FHA in connection with a subordination being granted to the Federal Land Bank (FLB), the appraiser may recommend or the loan approval official may find the market value of the total security to be equal to the

market value of the real estate plus the value of the FLB stock. This determination will be recorded on a separate sheet and attached to the appraisal report.

(f) *Approval authority.* The County Supervisor, District Supervisor and State Director are authorized to approve transactions under this section when the total indebtedness against the security, including the amount of the lien(s) being subordinated, does not exceed \$35,000, \$50,000, and \$100,000 respectively. The County Supervisor, however, may not approve transactions that involve an exchange of property or refinancing of an FHA debt.

(g) *Processing.* When the approval of the transaction by the State Director is required or the County or District Supervisor desires advice before his approval of the transaction, the borrower's case folder with current documents to support the applicable determinations such as, where appropriate, Forms FHA 431-2, "Farm and Home Plan," FHA 431-1, "Long-Time Farm and Home Plan," FHA 431-3, "Family Budget," FHA 422-1, "Appraisal Report (Farm Tract)," FHA 422-8, "Property Information and Appraisal Report-Rural Housing Nonfarm Tract," FHA 440-2, "County Committee Certification or Recommendation," and other necessary forms along with Form FHA 465.1 will be sent to the State Office. After approval of the transaction, it will be closed in accordance with State requirements to the maximum extent possible as provided in § 1872.26. However, where legal advice on an individual case is necessary, Form FHA 465-1, any subordination form furnished in connection therewith, the original or a copy of the FHA mortgage, the refinancing mortgage or agreement, and related documents will be submitted to the OGC for review and preparation of the necessary instruments and closing instructions. The documents and closing instructions will be sent to the County Office. If the signature of the State Director is required on some of the instruments, the docket and closing instructions will be routed through the State Office. The transaction will be completed in accordance with the closing instructions.

§ 1872.4 Consent by partial release, subordination, or otherwise, to sale or other disposition of portion of or interest in security except leases.

The consent of FHA or other lienholders may be in the form of a partial release, subordination, or other form of written consent, depending on the circumstances. The consent authorized herein is applicable to the disposition of security or an interest in the security rather than to a release of security granted to a mortgagor upon his reduction of the debt from regular or other personal funds. A formal release may not be delivered for 15 days after the payment is received unless such payment is made in the form of cash, money order, certified check, or check from a reputable lending agency. Other executed releases not delivered will usually be voided

30 days after notification to the requesting party that the release is available. A subordination of the FHA lien will not be required for FHA financed water and waste disposal facilities in accordance with Subpart A of Part 1823 of this chapter.

(a) *Provisions of FHA mortgages.* In all FHA mortgages except RH loan mortgages prepared before October 1, 1950, and a few Operating loan, Emergency (EM) loan, Special Livestock (SL) loan, and Water Facilities (WF) loan mortgages, the borrower has agreed not to sell, transfer, assign, mortgage, or otherwise encumber the security or any portion of or interest in it, without the prior written consent of the mortgagee. Furthermore, even in the case of the few RH, Operating, EM, SL, and WF loan mortgages not requiring FHA consent, any property, or any part thereof or interest therein, which is subject to the FHA mortgage and which is disposed of by the borrower without consent remains subject to the mortgage lien. In all FHA mortgages the borrower expressly agrees not to engage, without prior consent, in certain specified transactions, including the cutting or removal of timber, or mining or removal of gravel, oil, gas, coal, or other minerals, aside from small amounts used by the borrower for ordinary domestic purposes.

(b) *Consent and partial release and subordination forms.* When FHA consent is requested, it will be given by approving a completed Form FHA 465-1 if the transaction meets the conditions of paragraph (c) of this section. Also, when requested, the FHA will give a written partial release or subordination on Form FHA 460-1, "Partial Release," Form FHA 460-2, "Subordination by the Government," or other form, approved by the OGC. Written consent of any prior or junior lienholders will be obtained by the borrower and delivered to the FHA if any proceeds are not to be applied on liens in accordance with their priorities. When an insured FO mortgage is held by the lender, his consent will be obtained only if a written partial release, subordination, or other written servicing document is requested. Any such consent will be obtained in accordance with § 1872.1(e).

(c) *Conditions of FHA consent.* FHA consent may be granted and a partial release of subordination executed if the consideration is adequate for the security property being disposed of or rights granted; orderly repayment of the FHA indebtedness will not be impaired; the transaction will not interfere with successful operation of any farming enterprise or other enterprise providing repayment ability of the borrower; the market value of the remaining security is adequate to secure the unpaid balance of the FHA debts, or if the market value of the security before the transaction was inadequate to fully secure the FHA debts, the FHA's security interest is not adversely affected; and the provisions of paragraphs (d) and (e) of this section and § 1872.11 are complied with. Excep-

tions to the foregoing sentence are provided in subparagraphs (1) and (2) of this paragraph.

(1) *Condemnations.* The second and third clauses of this paragraph will not apply in condemnation cases after final judgment or award which is not appealed.

(2) *Costs.* In any case of consent, partial release, or subordination the County Supervisor may authorize the borrower to use a portion of the proceeds to pay customary incidental costs appropriate to the transaction and reasonable in amount, which the borrower cannot arrange to pay from personal funds or have the purchaser pay, including real estate taxes which must be paid in order to consummate the transaction. Such costs may, for example, include the following in justifiable cases: Costs of title examination, surveys, abstracts, title insurance, reasonable attorneys' fees, and recording fees; reasonable attorneys' fees and court costs in condemnation cases; costs necessary to determine the reasonableness of an offer or asking price, such as fees for appraisal of minerals, land, or timber where the necessary appraisal cannot be obtained without costs; real estate brokers' commissions when a borrower can reasonably expect to obtain proceeds in an amount at least equal to the commission in excess of what could otherwise be obtained; and additional income tax which the borrower is required to pay for the year because of the capital gain or mineral royalty payments on the transaction. The amount of the estimated tax on the particular transaction will be deposited in the supervised bank account. Any deposited funds not needed to pay the borrower's adjusted tax liability for the year of the transaction will immediately be applied on the account as an extra payment. In any State in which it is necessary to obtain the insured note from the lender to present to the recorder before a release of a portion of the land from the mortgage, the borrower must pay any costs for postage and insurance of the note while in transit. The County Supervisor will advise the borrower when he requests a partial release that he must pay such costs. If the borrower is unable to pay the cost from personal funds they may be deducted from the sales proceeds. The amount of the charge will be based on the statement of actual cost furnished by the lender. A subordination approval will also include additional advances by the lender as may be necessary for taxes, insurance, emergency repairs for maintenance and liquidation expenses.

(3) *Appraisals.* When the official authorized to approve the transaction is uncertain whether a proposed consideration is adequate or for any other reason considers an appraisal necessary in order to complete Form FHA 465-1, or when the transaction involves more than \$5,000 a new appraisal report will be obtained in accordance with the applicable appraisal procedure. However, a new appraisal report need not be obtained if there is an appraisal report not over two

years old in the case file which will permit the official authorized to approve the transaction to make the proper determination as to the market value of the property being retained as well as the present market value of the portion to be released. When a new appraisal is not required, the appraiser will indicate his determination of values and the basis for it in the comments section of the existing appraisal report. The notation will be initialed and dated. Where a new appraisal report is required, it will be completed to show the present market value of the property being retained. Also, the present market value of the property being released will be shown under the comments section of the same appraisal report. Information in regard to sales of comparable properties used in arriving at the present market value of the property being released will be shown in the comments section or on an attached sheet.

(i) *Stationary units.* If timber or minerals including sand, gravel, or stone, which appear to be worth more than \$2,000 are to be sold on the basis of the timber stand or the mineral deposit rather than the units to be removed, the borrower will be encouraged to obtain the assistance of a qualified technician other than an FHA employee to advise him as to the quantity or value of the timber or minerals, and the manner in which they should be sold. Generally, such assistance can be obtained from State or Federal employees who are located in the area.

(ii) *Units removed.* When timber or minerals, including sand, gravel, or stone, are to be sold on the basis of the units to be removed, or when an easement or a right-of-way is to be sold or granted, the employee authorized to make the appraisal may insert, date, and initial a notation on the existing appraisal report instead of making a new appraisal report. The notation should show the unit value of timber or minerals, or the value of the easement or right-of-way, based on the consideration being paid for similar items in the area, and the manner in which the remaining property will be affected. If the market value of the remaining property is significantly decreased, a market value appraisal of the remaining property usually will be required.

(d) *Authority of County and District Supervisors.* The County Supervisor and District Supervisors are authorized to approve transactions under this section when the total indebtedness against the security does not exceed \$35,000 and \$50,000 respectively. Also, when liquidation in accordance with § 1872.17 is not pending, the County Supervisor is authorized to approve transactions when the entire proceeds (other than costs authorized in paragraph (c) (2) of this section, or normal income as defined in § 1872.11(b)) will be applied on the liens in the order of their priority. The County Supervisor is authorized to approve transactions in amounts that are within his approval authority as set forth above

for development and enlargement purposes. The employee who appraises the property cannot approve the transaction. For example, if the Assistant County Supervisor makes the appraisal, the transaction may be approved by the County Supervisor; if the County Supervisor makes the appraisal, the transaction may be approved by the District Supervisor. In case of a three percent loan for forestry purposes, the application for consent or release involving the harvest or sale of forest products will be forwarded to the State Office for approval if the harvest or sale is not in strict accordance with provisions of the initially-approved forestry plan; future repayments on the three percent advance are scheduled on any basis other than equal annual installments; there is a lien on the forest land prior to the lien of the FHA; there is a delinquency on any FHA real estate loan.

(e) *State Director's authority.* The State Director is authorized to approve transactions involving exchange of all or part of the security for other real estate; use of all or part of the proceeds for development or enlargement, or as provided in subparagraph (3) of this paragraph; an easement or fee title right-of-way granted or conveyed without monetary compensation or for a token consideration if the Government's security interests are not adversely affected; sale of a portion of the security, except security for RH loans on nonfarm tracts, for its market value and on terms not less favorable than 10 percent down, and not to exceed 10 annual installments of principal plus interest at not less than 7 percent per annum; and sale of a portion of the security for RH loans on nonfarm tracts for its market value on terms not less favorable than 10 percent down, and not to exceed five annual installments of principal plus interest at not less than 7 percent per annum, provided: The Government's security rights, including the right to foreclose, are retained; The downpayment and subsequent payments are applied to the FHA debts, prior liens, or used as authorized in this section; Any security instruments the borrower obtained in the transaction are assigned to the FHA; The property sold is not released prior to full payment of the account or receipt of the sale price with proper application or release of such proceeds; and unless appropriate reamortization is made in accordance with Subpart A of Part 1861, the borrower understands and agrees that such sale proceeds will not affect his primary and continued obligation for making payments under the note. In any case in which the proceeds under § 1872.11(a) will not be applied on prior liens or FHA accounts secured by real estate liens, the following requirements must be complied with:

(1) *Development or enlargement.* Use of any proceeds for development or enlargement must be necessary to improve the borrower's debt-paying ability and to place his operation on a sound basis or otherwise further the objectives of the

loan. In the case of an FO or Operating loan, the use of proceeds for such purposes will not result in making the farm larger than an adequate family farm.

(2) *Development.* Any proposed development work will be in accordance with Subpart A of Part 1804 of this chapter.

(3) *Inadequately secured loans.* When FHA loans secured by a lien on real estate will be adequately secured after the transaction, proceeds not to exceed an amount equal to the equity in the security may, with the consent of other lienholders, be applied to inadequately secured FHA loans, to reduce them to the extent that the security is adequate or up \$2,500 may be used for development of nonowned land essential to the borrower's operation whether or not taken as security for the loan. If funds are used on nonowned land it must be determined that the improvements are essential to his operation or repayment ability and that the borrower has tenure arrangements that will justify the use of such proceeds on that land. Proceeds released for payments on other FHA debts will be applied as extra payments unless the State Director approves a specific written request from the borrower to apply proceeds on a delinquency or currently maturing installment because the borrower is otherwise unable to make such payments. That part of the proceeds not applied to any prior lien or inadequately secured FHA loans must be applied to the FHA lien on the security property of the highest priority if not used to develop or enlarge the security.

(4) *Funds.* Funds to be used for farm development or enlargement will be handled in the manner prescribed for FO loan funds in Part 1803 of this chapter.

(f) *Processing.* When the approval of a transaction by the State Director is required or the County Supervisor desires advice in connection with his approval of the transaction, the borrower's case folder along with Form FHA 465-1 and any other information pertinent to the transaction will be sent to the State Office. In an exchange of security, the provisions of this Subpart applicable to a sale of a portion of the security will apply to the property being released and the present market value of the property being released will be used. The provisions of Subpart A of Part 1821 of this chapter applicable to the purchase of land will apply to land being acquired in connection with FO, Recreation and SW loans. The provisions of that Subpart applicable to the title clearance, security, and appraisals will apply to lands being acquired in connection with other loans.

§ 1872.5 Subordination of FHA real estate mortgages to easements to the Bureau of Sport Fisheries and Wildlife.

(a) *General.* The policies and procedures for subordinating FHA mortgages on wetlands on which the Bureau of Sport Fisheries and Wildlife obtain easements for waterfowl nesting habitats are set forth herein. A Memorandum of

Understanding between Bureau of Sport Fisheries and Wildlife and the Farmers Home Administration outlines the procedure to follow in the processing of such subordinations. To the extent of any conflict, with other provisions of this chapter, the Memorandum of Understanding takes precedence. The following is the "Memorandum of Understanding between the Bureau of Sport Fisheries and Wildlife and the Farmers Home Administration" which is to be followed in processing subordinations.

"The purpose of this memorandum is to simplify and facilitate the obtaining by the Bureau of Sport Fisheries and Wildlife (Bureau) of subordination of mortgages held by the Farmers Home Administration (FHA) on lands with respect to which the Bureau obtains a "Conveyance of Easement for Waterfowl Management Rights" (3-1916 Rev. April 1970). In order to accomplish this purpose it is agreed that:

1. In each case in which the Bureau proposes to take an easement from a landowner whose land is subject to a mortgage held by FHA and the Bureau's proposal is acceptable to the landowner, the Bureau will notify the local FHA county supervisor. The notification will show the amount of consideration to be offered for the easement and the legal description of the land to be affected by the easement. Where there are existing drainage facilities on the land, the affected wetland areas that are to be excluded from coverage by the easement will be outlined on a map and furnished to FHA and the landowner.

2. Where a subordination agreement is required, the FHA county supervisor will advise the designated local official of the Bureau as to whether the consideration is adequate from the standpoint of FHA as mortgagee.

3. Where a subordination is required and the county supervisor advises that the consideration is adequate, said easement form will be amended by: inserting at the end of the instrument the following: "in consideration of payment which is determined to be adequate from the standpoint of the FHA as mortgagee, for the foregoing easement as provided in paragraph 5 thereof, the United States of America acting through FHA hereby subordinates its mortgage dated \_\_\_\_\_, recorded in Book \_\_\_\_\_, page \_\_\_\_\_, of the real estate records in \_\_\_\_\_ county, State of \_\_\_\_\_, to said easement.

Date

'UNITED STATES OF AMERICA.

By \_\_\_\_\_  
FHA County Supervisor'

4. Where a subordination is not required of FHA, because of a waiver of the need for a subordination by the United States Attorney General, the Bureau nevertheless will send a copy of the agreement and the check for the easement consideration, which will include FHA as a co-payee, to the FHA county supervisor.

5. In all cases where an FHA mortgage is involved, the easement form will be amended by: inserting at the end of paragraph 5 an additional sentence as follows: "The check for the easement consideration will be made payable to the Farmers Home Administration (FHA) and the landowners, as co-payees, and will be mailed to the FHA to be applied to its mortgage unless applied on a prior mortgage debt or released for other use as permitted by FHA regulations."

6. The Bureau and FHA will issue such procedures or directives to their respective field offices as may be necessary to effectuate this memorandum of understanding.

Dated: September 14, 1967.

A. V. TUNISON,  
Acting Director, Bureau of  
Sport Fisheries and Wildlife.

Dated: August 20, 1967.

HOWARD BERTSCH,  
Administrator,  
Farmers Home Administration.

(b) *Authorization.* When a request for a subordination is received from the Bureau, the County Supervisor will handle the request in accordance with the steps outlined in the Memorandum of Understanding and applicable portions of § 1872.3 not in conflict with the Memorandum.

§ 1872.6 Subordination of FHA's lien to the Commodity Credit Corporation's (CCC's) security interest taken for loans for farm storage and drying equipment.

The CCC makes loans under its Farm Storage and Drying Equipment Loan program for the purchase, construction, erection, remodeling, or installation of either farm storage or drying equipment or both and requires that a loan of \$10,000 or more, or for any loan at the discretion of the approving committee, be secured by a lien on the real estate. The Memorandum of Understanding and Blanket Consent and Subordination Agreement between Commodity Credit Corporation and Farmers Home Administration does not apply to loans on which the CCC requires a real estate lien.

(a) *CCC loan.* When the CCC proposes to make a loan to an FHA borrower and requests a subordination of the FHA real estate lien, the request will be handled on an individual case basis in accordance with the authorizations and requirements of § 1872.3.

(b) *FHA consent.* A borrower's request for the FHA's consent to a severance agreement or other similar instrument for an item or items to be acquired with a CCC loan will be handled in accordance with § 1872.10.

§ 1872.7 Consent to junior liens.

(a) *Policy.* As a general policy, FHA borrowers will be discouraged from giving to other creditors junior liens on real estate securing an FHA loan. When consent is required by the FHA mortgage, the County Supervisor may consent by executing Form FHA 465-1 provided:

The loan is necessary for the successful operation of the borrower's farm or because of his financial condition; the terms of the junior lien debt are such that its payment will not likely jeopardize payment of the FHA loan; any operating plans made with the junior mortgageholder are consistent with any plans made by the FHA with the borrower; and the junior creditor agrees in writing that he will not foreclose his mortgage before a discussion with the County Supervisor and after giving a reasonable specified period of notice to the FHA.

(b) *Servicing action.* When a junior lien is placed on any property without FHA consent and consent is required by the mortgage and may not be granted in accordance with the policy indicated in paragraph (a) of this section, the County Supervisor will submit the case with his recommendations to the District Supervisor. He will determine if any servicing or liquidation action is needed at that time to protect the Government's interest and notify the County Supervisor of appropriate action to be taken. For example, even though consent to a junior lien may not be given, the District Supervisor may authorize continuance with a borrower so long as he makes payments on loans as agreed and properly maintains the security.

§ 1872.8 Consent to borrower's granting lease of security.

When consent to a lease is required by the security instruments and a borrower requests FHA's consent to lease all or a portion of the security or the County Supervisor discovers that a borrower is leasing the security without consent, Form FHA 465-1 will be prepared. That form will show the terms of the proposed lease and will specify the use of proceeds including any proceeds to be released to the borrower. When another lienholder's mortgage requires consent to lease, his consent will be obtained as provided in § 1872.1(f). FHA's consent to the lease may be granted on the basis of the situation at the time of the proposed action when the lease or its terms will not adversely affect the repayment of the loan or the Government's rights under the mortgage; leasing is not an alternative to, or means of, delaying liquidation action; the operation of all or a portion of the security under the lease will not adversely affect any applicable crop allotments; the lease and use of any proceeds will further the objectives of the loan; if liquidation is not pending, rental income sufficient to make regular payments under the note, pay taxes and insurance, and maintain the security is assigned to FHA for these purposes unless such payments are otherwise reasonably assured; the lease is advantageous to the borrower and is not to the Government's disadvantage; and if foreclosure action has been approved, consent to lease and use of proceeds will be granted only under directions by the OGC or U. S. Attorney, as appropriate. Consent to lease will be subject to the additional conditions specified below for each kind of lease:

(a) *Leases of security for agricultural purposes.*

(1) *County Supervisor's authority.* When liquidation in accordance with § 1872.17 is not pending, the County Supervisor is authorized to approve annual leases on all or a part of the security for borrowers with:

(i) Section 502 RH or LH loans on farms, or SW, Recreation or ORE loans. A section 502 RH loan under this provision includes a Senior Citizen RH loan on a farm only for lease of the security property other than dwelling. For the purposes of this paragraph, leases for an annual term with option to the lessor to renew for a longer term with option to the lessor to cancel at least at the end of each year, will be considered annual leases. The consent of the FHA will reserve the right to withdraw the consent at the end of any year should liquidation or other servicing action be required by FHA.

(ii) *503 RH, Operating and FO loans.* Section 503 RH loans, Operating, or FO loans provided:

(A) Failure to personally operate the security to be leased is due to old age, poor health, or death in family and the borrower or his family will continue to occupy the security as a home, or

(B) The part of the security to be leased is insignificant to total farm acreage and is surplus to the borrower's need. For example, a surplus building, wasteland, or a few acres of land inconveniently located or otherwise unsuitable and unnecessary for the successful operation of the farm by the borrower. This will also include the leasing of small allotment acreages that are not feasible for the borrower to operate because of special equipment needs, additional labor requirements or other economical or management reasons. It must be determined that the leasing of these allotted acres will not reduce the borrower's operation to less than that of a family farm. This is not intended to cover substantial amounts of allotted crop acres that are an important part of the total farming operation. It must also be determined that the allotted acreage in question cannot be economically disposed of by the borrower in accordance with § 1872.4 and § 1872.9.

(C) Annual consent is not given for more than two consecutive years without further authorization from the State Office.

(2) *State Director's authority.* The State Director is authorized to approve annual leases when:

(i) *Conditions (Health).* Failure to personally operate section 503 RH loans, Operating, EM, or FO security is due to old age, poor health, or death in the family and the borrower or his family will continue to occupy the security as a home. In such a situation, the State Director should authorize the County Supervisor to grant consent annually to a lease of the security property so long as the borrower's situation does not change to make further consent for a lease inappropriate.

(ii) *Adverse conditions.* Failure to personally operate section 503 RH loans, Operating, EM, or FO security is due to adverse conditions beyond the borrower's control and it is determined that the borrower will resume personal operation of the property within a reasonable period of time generally not to exceed three years.

(iii) *Pending liquidation.* Liquidation in accordance with § 1872.17 is pending and the lease is to protect the Government's interests. Form FHA 465-2 will be used and the rental income will be applied to the FHA secured debt as extra payments or prior lien(s). However, when the value of the property is adequate to cover the secured debts and foreclosure action has not been approved, the proceeds may be applied on unsecured or undersecured FHA debts.

(iv) *Time limit.* Consent is not granted for a lease effective for a period in excess of one year at a time without prior concurrence of the National Office.

(3) *District Supervisor's authority.* The District Supervisor is authorized to approve annual leases on the same basis as the State Director provided annual consent is not given for more than five consecutive years without further authorization from the State Office.

(b) *Lease of nonfarm tracts.* When a borrower who received an RH loan on a nonfarm tract no longer occupies the dwelling purchased, improved, or constructed and given as security for the RH loan, the loan will be serviced promptly for liquidation in accordance with § 1872.17, unless it is determined that the borrower vacated the dwelling for reasons beyond his control and intends personally to reoccupy the dwelling within a reasonable period, usually not to exceed two years.

(1) *County Supervisor's limit.* When it is determined that a borrower's request for permission to lease his RH security meets the conditions outlined above, the County Supervisor is authorized to approve the leasing for two consecutive one-year periods.

(2) *District Supervisor's limit.* When the borrower does not intend to resume personal occupancy of the dwelling but is willing to voluntarily liquidate the account, or if foreclosure is contemplated, the District Supervisor is authorized to approve the leasing pending liquidation. If the lease is for a term of more than one month it will provide for cancellation by 30 days' notice.

(3) *Additional authority.* In any other case, the County Supervisor will submit the case file along with the Form FHA 465-1 and his recommendations to the District Supervisor. He may consent to leasing for an additional one-year period or may require immediate liquidation.

(4) *Submission to National Office.* Requests for leases not authorized above may be submitted by the State Director to the National Office for advice.

(c) *Leases of security under conditions other than specified in this paragraph.*

(1) *State Director's authority.* The State Director is authorized to grant consent to

the lease of the security for periods not to exceed one year at a time provided:

(i) *Conditions.* The lease is advantageous to the Government and the borrower and will not adversely affect the borrower's personal operation of the farm securing any FHA loan or the occupancy of the dwelling by a borrower with an RH loan on a nonfarm tract or a Senior Citizens RH loan and the land or building to be leased is surplus to the borrower's needs.

(ii) *Time limit.* Annual consent for lease is not granted for more than three consecutive years or consent for a lease covering a period in excess of one year at a time as specified in this section is not granted without prior approval of the National Office. In any such case recommended by the State Director, the County Office case file, the justification for a lease for a longer period of time, and the reasons why a lease is preferable to disposition of the property will be sent to the National Office for consideration.

(d) *Mineral leases.* The County Supervisor, unless restricted by a State requirement, or liquidation is pending, and the State Director in any case, are each authorized to consent on behalf of the Government and to execute recordable forms and such other forms as may be necessary, under the following conditions:

(1) *Compensation damages.* The lessee agrees in the lease or elsewhere, or is liable without any agreement, to pay adequate compensation for any damage to the real estate surface, improvements, and growing crops. When an oil and gas lease provides for payment of damage to growing crops and contains other provisions which are generally included in so-called "standard" lease forms that are used in the area, the State Director may determine that it will not be necessary to obtain any additional agreement for payment of damages if the value of the security likely will not be lessened. Damage compensation will be assigned to the FHA by the use of Form 443-16, "Assignment of Income from Real Estate Security," or to the prior lienholder. However, the crop damage payment liability requirement may be omitted or deleted from the lease on small nonfarm tract cases.

(2) *Assignment.* Royalty payments are adequate and are assigned on Form FHA 443-16.

(3) *Lease amount.* The bonus and rentals are at least equal to any minimum amounts established by a State requirement. All or a portion of delay rentals and bonus payments may be assigned on Form FHA 433-16 if needed for protection of the Government's interest.

(4) *Lease forms.* The lease, subordination, or consent form is prepared by or is acceptable to the OGC. If standard lease forms are acceptable, the use of such forms may be authorized by the State Director.

(e) *Naval stores leases.* The County Supervisor, unless liquidation is pending, and the State Director in any case, are each authorized to execute Form FHA

465-1 giving FHA consent to lease of naval stores and to execute such other forms on behalf of the FHA as may be necessary. No lease may be consented to unless it requires operation consistent with approved naval stores practices in the community and any requirement by the State Director on this subject. When naval stores are not managed or operated by the borrower, an assignment of the proceeds will be taken on Form 443-16.

#### § 1872.9 Transfer of upland cotton, peanut or tobacco allotments.

(a) *General.* Agricultural Stabilization and Conservation Service (ASCS) regulations pursuant to approved legislation permits the transfer of upland cotton, peanut, or tobacco allotments by one or more of the following transactions: Sale, lease, or transfer by the owner to another farm owned or controlled by him. These regulations require, among other things, that no allotment may be transferred from a farm which is subject to a mortgage or other lien, unless the transfer is agreed to by the lienholder. It is the policy of the FHA to approve the transfer of any crop allotments permitted by the ASCS regulations if the conditions and requirements of this section can be met. FHA personnel should familiarize themselves with the State ASCS policies and requirements concerning the sale, lease, or transfer of allotments to assure compliance with established FHA policies and servicing of security.

(b) *Authorization.* The County Supervisor is authorized to approve a transfer of upland cotton, peanut, or tobacco allotment by execution of a completed Form FHA 465-1. He is also authorized to execute the lienholder or mortgagee agreement on appropriate ASCS forms provided for this purpose for those cases in which he approves a transfer.

(c) *Transfer by sale.* Crop allotments enhance the value of a farm mortgaged to the FHA and constitute basic security for the FHA loan. Accordingly, when an applicant whose farm is mortgaged to the FHA inquires about the sale of any of his allotted acres or requests the FHA to sign the required lienholder or mortgagee agreement, the request will be treated the same as for a sale of a portion of the security and approval of the sale can be granted only in accordance with the applicable conditions and requirements of § 1872.4. The sale proceeds may be used only as authorized in that section after obtaining the concurrence of the employee authorized to permit the use of the proceeds for other than application on the secured debt.

(d) *Transfer of allotment by lease.* The County Supervisor's authority to approve lease of all or a portion of an allotment for a one-year period is contingent upon compliance with the policy outlined in the introductory statement of § 1872.8, except that the operation of all or a portion of the security under the lease will not adversely affect any applicable crop allotments. If the one-year lease is approved, the lease proceeds may be used

as normal income. Leases for a period of more than one year will be granted only with the concurrence of the District Supervisor. When a lease is for more than one year, an assignment of the rental proceeds should be obtained for application on the appropriate FHA debt in accordance with the distribution formula for regular payments as outlined in Subpart A of Part 1861 of this chapter.

(e) *Transfer of allotment by owner to other land owned or controlled by him.* A transfer by an owner to land owned or controlled by him is normally interpreted by the ASCS as a permanent transfer and can be avoided only by stipulating in the mortgage approval that the transfer is to be considered as a lease for the appropriate number of years. This type of transfer will be approved only as a lease under conditions outlined in paragraph (d) of this section to assure that the crop allotment on the security is not adversely affected.

#### § 1872.10 Severance Agreements.

When a borrower requests the FHA's consent to a severance agreement or other instrument of similar effect under which an item to be acquired by him through other credit will not become a part of the real estate securing the FHA debt, such as a silo, storage bin, bulk milk tank, irrigation or a nonfarm enterprise facility or recreational equipment, or other income-producing facilities and such facilities will be subject to a chattel lien, Form FHA 465-1 will be completed.

The County Supervisor, if the value of the item does not exceed \$5,000, the District Supervisor, if the value of the item does not exceed \$10,000, and the State Director in any case, are each authorized to give FHA consent by executing Form FHA 465-1 and any necessary severance agreements provided the following determinations are made: The financing arrangements are sound and proper; the transaction will not adversely affect the FHA's security position and will be within the borrower's debt-paying ability; and the facility is not in excess of the borrower's needs, but is modest in cost and design and otherwise in line with FHA financing policies. In any case in excess of the County Supervisor's approval authority, the County Supervisor will forward to the State Director the Form FHA 465-1, the borrower's case file, and his recommendations regarding the request. The OGC will be requested to prepare or approve the severance agreement and, where necessary, issue closing instructions.

#### § 1872.11 Disposition of proceeds of partial release, subordination, and consent transactions.

(a) *Payment on FHA account or prior lien or use for development or enlargement.* Proceeds from the sale of a portion of the security, the granting of an easement or right-of-way, proceeds from leases referred to in § 1872.8(a)(2)(iii), royalties and damage compensation payments, except for compensation for damages for growing crops, the sale of timber

that clearly depletes the Government's security, other than that harvested on a selective cutting basis as authorized in paragraph (b) of this section, naval stores production not managed by or under the supervision of the borrower, and all similar transactions will be either released for payment on the prior lien, applied as an extra payment on the FHA loan as provided in Subpart A of Part 1861 of this chapter, used for replacement or repair of damages for which compensation was paid, or used as provided in § 1872.4 (c), (d), and (e).

(b) *Normal Income.* Proceeds from leases authorized in § 1872.8 except lease proceeds referred to in § 1872.8(a)(2)(iii), bonuses and rentals under mineral leases, proceeds from the sale of timber that is harvested on a selective cutting basis that does not deplete the Government's security or from naval stores production managed by or under the supervision of the borrower, compensation to the borrower for growing crops, labor or services in cutting, loading, and hauling of security, and all similar transactions will be considered as normal income and may be used for the same purposes as for normal income security as outlined in Subpart A of Part 1871 of this chapter. When forestry products income is received by the borrower even though it is considered normal income, the County Supervisor must determine the amount of such proceeds that may be released to the borrower. In making such a determination, protection of the Government's security position must be fully considered in the light of the amount of forest resources remaining and the unpaid balance of the loan, together with any other debts owed the FHA.

(c) *Assignment.* Any proceeds to be paid to the FHA subsequent to the time of closing the transaction and not otherwise assigned or made payable to the FHA will be assigned by the use of Form FHA 443-16 or other assignment form approved by the OGC.

#### § 1872.12 Servicing real estate purchased, refinanced or improved with economic opportunity (EO) loans to individuals and taking real estate as security.

(a) *General.* The policies and authorities are herein set forth for servicing and liquidation of real estate purchased, refinanced, or improved with Economic Opportunity (EO) loan funds when such property does not serve as security for such loans, and taking real estate as security for EO loans in addition to the security policies contained in loan making instructions. In the servicing of EO loans, liens on real estate will be taken and serviced in accordance with the applicable provisions of this Instruction.

(b) *Servicing of nonsecurity real property purchased, refinanced, or improved with EO loan funds.* Borrowers will be expected to maintain such property so as to accomplish the objectives of the loan. County Supervisors will provide borrowers with appropriate supervision to protect the interest of the borrower as

well as the FHA. The EO loans of deceased borrowers will be serviced in accordance with the provisions of Subpart B of Part 1871 of this chapter. If an EO borrower becomes involved in bankruptcy or insolvency, the case will be serviced in accordance with the provisions of Subpart B of Part 1871 of this chapter.

(1) *Sale or transfer by the borrower.* If the borrower is reliable and can obtain a reasonable price for the nonsecurity real property, he will be requested to sell it and apply the necessary proceeds representing his equity in the EO debt.

(i) *Transfer with assumption of EO debt.* If a satisfactory sale of such property cannot be made for cash, sale with assumption of the EO debt may be accomplished in accordance with the provisions of Subpart B of Part 1871 of this chapter, except that:

(A) The transferring borrower will not be released of liability since the EO property involved is not security.

(B) The assuming party will be required to make as large a downpayment on the EO debt as he is financially able to under the circumstances. However, the assumption may be approved without any downpayment if the assuming party is not financially able to make a downpayment, and the approval official determines that the assumption will be in the best financial interest of FHA.

(2) *Voluntary conveyance of the nonsecurity real property to FHA.* If the nonsecurity real property is not sold as provided for in subparagraph (1) of this paragraph, and it appears that FHA could realize a substantial net amount on the borrower's equity in the property, he will be encouraged to deed it to FHA. This will be done with the understanding that his EO account will be credited with an amount equal to his equity determined by FHA on the basis of a present market value appraisal of the property. The borrower will not be released from personal liability since security property is not involved. Before such actions are taken, the case should be referred to the OGC for advice, particularly with respect to whether FHA will receive marketable title to the property. Any cash costs in connection with title examination and transfer will be paid from EO loan funds, if available, and charged to nonrecoverable costs. If real property is deeded to FHA, it will be managed and sold in accordance with the applicable provisions of Subpart C of Part 1872 of this chapter.

(3) *Referral of facts to OGC.* If the nonsecurity real property cannot be disposed of in accordance with subparagraph (1) or (2) of this paragraph, then subject to the limitations in Subpart B or Part 1871 of this chapter, the facts in the case will be referred to OGC for any appropriate action to protect the interests of FHA. Such action may involve taking possession of the property under the loan agreement through court action or obtaining judgment and levying on the property or other actions deemed appropriate by OGC.

### § 1872.13 Deceased borrower.

Deceased borrower cases will be handled in accordance with the policy outlined in Subpart B, Part 1871 of this chapter for such cases.

### § 1872.14 Bankruptcy and insolvency.

Bankruptcy and insolvency cases will be handled in accordance with the policy outlined in Subpart B, Part 1871 of this chapter for such cases, except that in continuation cases a form or acknowledgment of debt and new promise to pay prepared or approved by OGC may be used in lieu of Form FHA 452-1, "Renewal Promissory Note." The handling of bankruptcy cases varies from State to State. Therefore, the State Director will issue requirements for more specific guidance when it will expedite the handling of such cases.

### § 1872.15 Servicing note-only cases.

Each loan made on a note-only basis without mortgage security will be serviced in a manner consistent with the best interests of the borrower and the FHA.

(a) *Sale of real property on which improvements were made with note-only FHA funds except EO loans.* Any loan evidenced only by an unsecured note will be collected by voluntary means, at the time of the sale of the property, if possible. If such collection is not possible, the loan may be assumed by the purchaser of the property on the terms of the note if such assumption is determined to be to the FHA's best financial interests. If such collection or assumption cannot be affected, consideration should be given to settling the account in accordance with Part 1864 of this chapter. If it is eligible, obtaining a judgment, or classifying it as collection-only. In case of a judgment sale, the State Director with the advice of the OGC and the United States Attorney will authorize an employee to attend the sale and if appropriate, enter a bid on behalf of the Government in accordance with § 1872.20.

(b) *Assumption of note-only (except EO loans) when real property securing another FHA loan is involved.* When a borrower has an FHA loan secured by real estate and another FHA loan evidenced only by a note and the entire secured real estate debt is to be assumed, all or a part of the unsecured note up to the present market value of the property in excess of existing liens, must be assumed as appropriate under § 1872.18, if approval of assumption of the secured note and transfer of the real estate is approved. If the entire note-only account is assumed, it may be assumed by use of Form FHA 460-9, "Assumption Agreement (Same Terms—Eligible Transferee)," in accordance with the terms of the existing note. Otherwise, it may be assumed by use of Form FHA 460-5, "Assumption Agreement (New Terms)," by an applicant who meets the eligibility requirements for the type of loan involved and on terms applicable to such a loan. Form FHA 460-5 or Form 460-9 will be modified as appropriate,

with the advice of OGC. The loan approval official may require a note-only loan being assumed to be secured by obtaining a new mortgage.

(c) *Deceased borrower cases.* When a borrower who dies owes an FHA unsecured note, the case will be handled in accordance with the applicable policies in Subpart B of Part 1871 of this chapter. If it is determined that there are no assets in the estate from which the claim can be collected and there are no survivors or others who will assume the account and continue to make payments on the note in accordance with its terms, the account will be settled immediately in accordance with Part 1864 of this chapter.

### § 1872.16 Release of FHA mortgage without monetary consideration on basis of additional security or because of mutual mistake or non-existence of evidence of indebtedness or valueless liens.

(a) *Additional real estate, chattel, or miscellaneous security.* Real estate, chattel, or miscellaneous items which were taken as additional security for a loan secured by real estate may be released by the State Director without consideration before the loan is paid in full, if the market value of the remaining security for the loan is clearly adequate to secure the unpaid balance of the loan. No part of the FO, SW, Recreation, or RH farm, or the borrower's dwelling for an RH, FO, or Recreation loan is considered as additional security for this purpose. This paragraph does not cover basic security for Operating and EM loans and only permits release of real estate for such loans when it was taken as additional security. It must be determined that there is reasonable assurance that orderly payments can be made on the FHA indebtedness, and

(1) *Release.* The release is needed to help finance the borrower's operations, or

(2) *Purposes.* The purposes for which the loan was made would be facilitated, or

(3) *Repayment.* The borrower's ability to repay the loan will be improved.

(b) *Release of real estate from mortgage because of mutual mistake.* Land or buildings included in the mortgage through mutual mistake when substantiated by the factual situation may be released from the mortgage by the State Director. The release is contingent on the State Director with the advice of the OGC determining that a mutual error existed at the time such property was included in the Government's mortgage.

(c) *No evidence of indebtedness.* The FHA mortgage may be released by the County Supervisor in situations where there is no evidence of an existing indebtedness secured by the mortgage to be released in the records of the FHA County, State, or Finance Office.

(a) *Release of valueless liens.* State Directors are authorized to release FHA mortgages or other contract liens which have no present or prospective value or when their enforcement would likely

be ineffectual or uneconomical. This authority does not extend to valueless judgment liens or valueless statutory redemption rights except with the consent of the OGC and the U.S. Attorney. The following will be obtained:

(1) *Appraisal report.* A market value appraisal report on the security prepared by an FHA employee authorized to make appraisals.

(2) *Lienholders.* The names of the holders of prior liens on the property and the amount secured by each lien which is prior to the FHA. Such information will be recorded in the running case record of the borrower's County Office case folder and submitted to the State Director for his review.

### § 1872.17 Liquidation action.

When it is determined by the County Supervisor, with the advice of the County Committee and the District Supervisor, that continued servicing of the loan will not accomplish the objectives of the loan or that for other reasons further servicing cannot be justified under the policy stated in § 1872.1 (b), liquidation of the account(s) will be accomplished as expeditiously as possible.

(a) *General.* When the borrower is willing to voluntarily liquidate the account immediately by selling the property and paying the account in full, transferring the total security with an assumption of all or the appropriate portion of the debt under § 1872.18, selling the property for not less than its present market value under paragraph (1) of this section, or conveying the security to the FHA under § 1872.19, the County Supervisor may give him 60 days to accomplish such action. If the property is to be sold for its present market value which is less than the total secured debts against it, the County Supervisor will appraise the property immediately. If the unpaid FHA security debt and any prior lien does not exceed \$35,000, the County Supervisor will establish the present market value of the security. Otherwise, he will obtain the concurrence of the District Supervisor for secured debts of not more than \$50,000 and the concurrence of the State Director if the secured debts exceed \$50,000.

(b) *Problem case report.* If the borrower is unwilling to take any of the actions specified in paragraph (a) of this section, or fails to carry out any such action within 60 days, the County Supervisor will complete Form FHA 465-7, "Report on Real Estate Problem Case," and send it to the State Office through the District Supervisor so that the District Supervisor's recommendation may be attached. If the State Director agrees that forced liquidation is appropriate, he should approve such liquidation. If he considers it justifiable, he may give the borrower additional time to make the sale, transfer, or voluntary conveyance before sending the case to the OGC for initiation of foreclosure action.

(c) *Acceleration of account.* In all cases in which the State Director approves forced liquidation, the account should be accelerated even though he

gives the borrower additional time to voluntarily liquidate the account. He should place a time limit on the borrower which usually should not exceed three months in the first instance. The original period fixed by the State Director plus any extension granted by him should in no case exceed one year without prior concurrence of the National Office. Prior to granting any extension after the original period fixed by him, the State Director will require the County Supervisor to report the steps taken by the borrower to liquidate the account. If a sale is involved, the County Supervisor's report should indicate whether the borrower's asking price is reasonable and whether the asking price is delaying the sale unreasonably. Acceleration or granting time for voluntary liquidation as provided for above will not preclude exercise of the authority in paragraph (g) of this section. However, the above authority should never be used for the purpose of extending the liquidation period under paragraph (f) of this section.

(d) *Assignment.* When an insured loan case is sent to the OGC to initiate liquidation action, the insured loan will be simultaneously assigned to the fund as provided in Part 1873, Subpart A of Part 1874 or Subpart B of Part 1874 of this chapter.

(e) *Multiple loans.* When a borrower is indebted to the FHA for more than one type of FHA loan, a thorough study should be made of each loan and of the effect liquidation of one or more of the loans would have on any other loan. When liquidation of one or more FHA loans secured by real estate is necessary and it will jeopardize the repayment of or the accomplishment of the purposes of other FHA loans, all FHA loans should be liquidated, for example, an Operating and FO loan, the liquidation action will be started simultaneously, and the liquidation of real estate and chattel security will be coordinated to the extent possible. However, the chattel security will be liquidated in accordance with Subpart B of Part 1871 of this chapter, except that when an account(s) is secured by both real estate and chattels and the account(s) will be transferred, such transfer(s) will be accomplished in accordance with § 1872.18.

(f) *Requirement.* An RH borrower who obtained a loan on a nonfarm tract or a section 502 Senior Citizens RH or a loan borrower who no longer lives in the dwelling or any FO or Recreation loan borrower who without FHA consent does not personally operate the farm or recreational facility or when required by the mortgage does not live on the security property, is violating his agreements with FHA. Such a borrower, if available, will be promptly contacted in person by the County Supervisor and advised of the violation and that it will be necessary to liquidate the account by payment in full by refinancing or otherwise, unless definite agreements are reached to remove the violation by reoccupying or resuming personal operation of the property as required or consent for lease is

granted as authorized in this Subpart. If the borrower is not available for personal contact or definite agreements cannot be reached or consent to a lease is not authorized, the County Supervisor will make a narrative report of the circumstances to the State Director. Upon receiving such a report, the State Director will write the borrower, notifying him of the violation involved and advising him that, because of the violation, it will be necessary to liquidate the account and give a reasonable period of time (60 to 90 days) in which to comply. If during such period the borrower fails to remove the violation or take appropriate action for liquidation of the account in full, a notice of acceleration will be sent to the borrower by the State Director. Following the notice of acceleration, the borrower may be given additional time to voluntarily liquidate the account in accordance with the policy outlined in the general statement of this section.

(g) *Acceleration agreement.* When liquidation of the account is necessary because of failure to refinance or for other reasons and the remaining loan repayment period exceeds ten years for real estate loans and two years for Operating and EM loans, the State Director may, in lieu of foreclosure, permit the borrower to pay the account under an acceleration agreement providing for not to exceed ten equal amortized annual installments of combined principal and interest for real estate loans except RH loans on nonfarm tracts, and not to exceed five equal amortized annual installments of combined principal and interest for Operating, EM and RH nonfarm loans except that less than a full payment may be scheduled on the first January 1 after the date of the action if such period is substantially less than a full year and the borrower will not have ability to pay the full payment. Interest will be at the rate shown in the note. The State Director will determine that the FHA interests will not be adversely affected, the borrower can reasonably be expected to meet the accelerated payments, and the borrower will continue to comply with other requirements of the loan and security instruments. However, in an unusual case where a borrower owes a small amount and the remaining period of the loan is ten years or less for real estate loans and two-years or less for Operating and EM loans, the State Director may authorize acceleration of the account for a shorter period, as appropriate. When an understanding to accelerate is reached with the borrower, Form FHA 465-11, "Accelerated Repayment Agreement," will be completed and executed. Separate Forms FHA 465-11 will be used for each type of loan and for direct or insured loans. If the borrower fails to meet any installment when due as provided in such an agreement, foreclosure action will be initiated.

(h) *Authority.* If an account is to be liquidated by a method other than immediate payment in full by cash, the County Supervisor will, after approval by the State Director, take appropriate

action and execute all necessary forms, including satisfactions, releases, and so forth, for completion of the transaction except for those actions specifically reserved to the State Director by this Subpart.

(1) *Cash sale.* The County Supervisor is authorized to approve a cash sale of mortgaged real estate for not less than its present market value established in accordance with paragraph (a) (1) of this section, and to authorize release of the Government's liens, provided:

(1) *Substantial recovery.* A substantial recovery can be made on the FHA secured indebtedness based on a recent appraisal report showing the present market value of the property.

(2) *Application.* All the proceeds are applied on the mortgage debts in accordance with their prospective priorities except authorized costs as specified in § 1872.4.

(3) *Release.* The FHA liens are not released by the County Supervisor until receipt of the appropriate sale proceeds for application on the Government's claim. The release will be made on forms approved or prepared by the OGC. The borrower is not released from personal liability for any deficiency and the borrower is reclassified as collection-only by use of Form FHA 404-1, "Case Reclassification," unless he owes other FHA accounts and is classified as an active borrower. Also Form FHA 450-10, "Advice of Borrower's Change of Address or Name," will be sent to the Finance Office.

#### § 1872.18 Transfer of real estate security.

When the mortgage requires the consent of the FHA to any proposed sale or other transfer of real estate security for FHA loans, borrower should be so advised; therefore, before firm agreements have been reached with purchasers for sale of all or a portion of the security, they should contact the County Supervisor relative to the proposed sale. If the proposed sale would not result in the FHA account being paid in full at the time of the sale, the County Supervisor should explain thoroughly the requirements of this section and § 1872.4 or § 1872.17, as appropriate, to the transaction. When the transferor is receiving a substantial downpayment in connection with the sale of his property, the purchaser should be required to contact other sources of credit to secure a loan for repayment of the FHA loan in full and make the transfer unnecessary. When real estate security, including water rights, is sold and the mortgage requires FHA consent to the sale and the transaction cannot be approved under the appropriate paragraphs of this subpart, the account will be liquidated as required in § 1872.17.

(a) *Authority.* County Supervisors, District Supervisors, and State Directors are authorized to approve transfers with assumption of FHA accounts to eligible or ineligible transferees in accordance

with this paragraph and release of liability when the secured debts do not exceed \$35,000, \$50,000 and \$100,000 respectively. State Directors also are authorized to approve such transfers to and assumptions by ineligible transferees regardless of the amount of the outstanding FHA debts or the amount of prior liens. Proposed transfers to and assumptions by eligible transferees which will exceed the authorizations and limitations of the State Director for an initial or subsequent loan of the same type will be submitted to the National Office for review prior to approval.

(b) *General policies.* The following general policies will be applicable when an FHA borrower transfers or proposes to transfer real estate which is security for an FHA loan(s) and the loan account(s) is to be assumed by use of either Form FHA 460-9 or Form 460-5.

(1) *Agreement.* Form FHA 465-5, "Transfer of Real Estate Security," will be completed to reflect the agreement between the transferor and the transferee.

(2) *Assignment.* If an insured loan is involved, the Finance Office will have the insured note assigned to the fund when the assumption agreement changes the terms of the note.

(3) *Value.* All transfers will be based on present market value. When the total secured FHA debt(s) exceeds the present market value, the transferee will assume an amount equal to the present market value as determined in accordance with § 1872.17(a) less prior liens. Otherwise, the transferee will assume the total FHA secured debt(s).

(4) *Assumption agreement.* Notwithstanding that part of Part 1807 of this chapter, regarding the effect of a wife's signature on a promissory note, a deceased borrower's spouse will execute an assumption agreement when the spouse is not already liable for the indebtedness because of not having signed the note(s) or would be absolved from liability under State law after having signed the note(s). The assumption agreement, when required in such cases, will be completed and sent to the Finance Office. The interest rate and terms of the assumption agreement of such a spouse usually will remain the same as they were in the note(s). If, however, the number of years over which a note was amortized needs to be extended to be within the repayment ability of the assuming spouse, the reamortization period may be extended but cannot exceed the repayment period applicable to the kind of loan being assumed.

(5) *Joint borrowers.* When one of the joint borrowers (including the jointly liable spouse of a divorced borrower) withdraws from the operation and conveys his interest in the security or any EO property to the remaining borrower who desires to assume the total indebtedness as between himself and the other party, the assumption will be made on the basis of the existing note(s) by use of Form FHA 460-9, or in case of an ineligible transferee, on Form FHA 460-5, on

terms applicable to ineligible applicants. In such case, the other spouse or joint owner will be released of liability for the indebtedness if the conditions of § 1872.17 (f) are met.

(6) *Assumption.* When the spouse or another member of a borrower's family who is eligible for the kind of loan involved will assume the indebtedness along with one or more of the existing borrowers, the assumption will be made on the same basis as the existing note(s) by use of Form FHA 460-9. Such assumptions are frequently made in accordance with all of the applicable requirements of § 1872.17 when an aged couple has a son or daughter who will assist in operating the farm or live in the RH house; help make the payments; obtain title to the property individually or jointly with the borrower(s); or subject to a life estate reservation by the existing borrower(s).

(7) *Loan type.* The kind(s) of loan will remain the same for all loans except that loans which are transferred to ineligible applicants will be classified as ORE.

(8) *Title.* Generally, title to all FHA real estate security, including water rights, must be conveyed to the transferee not later than the date of closing the transfer. However, a transfer of a portion of the FHA real estate security with an assumption of the total indebtedness may be approved, provided the portion of the FHA security transferred has a present market value at least equal to the total indebtedness owed by the borrower or such indebtedness is reduced by a cash payment to the present market value of such property, and the transaction is advantageous to the Government and the borrower. In such a transaction, the transferor will be released from personal liability for the debts. The security he retained will be released from the Government's lien.

(9) *Portion of debt.* When a request is made by a borrower to transfer the real estate security as parcels to each of different transferees with assumption of a portion of the debt, the County Supervisor may send the proposed action to the State Director for consideration if it is recommended after a determination has been made that such transaction would be advantageous to the Government. In such a case, the County Supervisor will submit to the State Director the complete factual information concerning the transaction. It will include appraisal reports showing the present market value of each portion to be transferred and such value of the total unit before subdivision, the amount of indebtedness to be assumed by each transferee, and the case file with other pertinent information outlining the reasons for the proposed actions.

(10) *Dual security.* When the account(s) is secured by both chattel and real estate, all the chattel security must be transferred, sold, or liquidated by the time of the transfer of the account(s), except that in case of EM or SL security, the real estate security may be transferred without transfer or liquidation of

the chattel security upon prior approval of the National Office.

(11) *Consent.* The written consent of any lienholder must be obtained if required by the mortgage.

(12) *Junior lien.* When the full amount of the FHA debt is assumed, there must be no liens, judgments, or other claims against the security which are junior to any FHA liens being assumed unless the State Director determines that such liens, judgments, or claims will not adversely affect the Government's security interest and that the transferee's ability to pay the FHA debt will not be impaired thereby.

(13) *Restrictions.* When less than the full amount of the FHA debt is being assumed, there must be no liens, judgments, or other claims against the security which are junior to any FHA loans being assumed.

(14) *Loans.* An initial or subsequent loan for which the transferee is eligible may be made in connection with a transfer subject to the policies and procedures governing the kind of loan being made. When the transfer is being made to an eligible FO applicant, FO loan funds may be used to pay equity. When real estate security for an RH loan is transferred to a person eligible under Subpart A of Part 1822 of this chapter for an RH loan to purchase such real estate, RH loan funds may be used to pay the equity. This, however, does not include income producing land or buildings. In lieu of the subsequent loan of the kind involved, the Government's lien may be subordinated to enable the transferor to take a first mortgage to secure the amount of his equity payment or to permit another lender to furnish the funds needed in connection with the transfer. In such cases, the subordination will be processed in accordance with the applicable provisions of § 1872.3. The transferor may convey title to the property by warranty deed or when he agrees to take a first lien to secure his downpayment, he may sell the property by purchase contract or similar instrument that meets the conditions of Subpart A of Part 1821 of this chapter. In such cases, prior lienholders' agreements will be obtained in accordance with Part 1807 of this chapter. When necessary to settle a divorce action, a subsequent loan may be made or a subordination may be granted to permit the remaining borrower to obtain a loan in an amount not to exceed the equity in the property.

(15) *Payments.* If a payment to the transferor is to be made in connection with the transfer, the total FHA debt must be assumed unless the payment received by the transferor is applied on a prior lien or to the portion of the transferor's FHA debt not assumed.

(16) *Requirement.* When the full amount of the FHA secured debt is being assumed and other FHA debts owed by the transferor are not adequately secured, the State Director may, as a condition of approving the transfer, require that all or a part of any equity payment be applied on such debts.

(17) *Downpayment.* The transferee will make a downpayment on the FHA secured debts if he is financially able. When a payment is required, the transfer will not be closed nor the appropriate assumption agreement executed prior to receipt of such payment.

(18) *Date.* The effective date of the transfer will be the actual date the transfer is closed. This is the date on which Forms FHA 460-5, or FHA 460-9 are signed. In connection with use of either form, the unpaid principal balance and accrued interest will be shown in Table 1 and the accrued interest will be computed from Form FHA 451-26, "Transaction Record," or Form FHA 451-31, "Borrower Transaction Record." If Form FHA 460-9 is used the transferee will be informed of the amount of principal and interest owed, as shown on the latest Transaction Record. He also will be advised as to the total amount paid as of that date which has not been credited to the account and the amount that would be required to be paid to place the account on schedule as of the previous installment due date and any accounts that must be paid to bring any monthly payments up to date.

(19) *Civil Rights Act.* When the property transferred was subject to Title VI of the Civil Rights Act of 1964, and will continue to be used for the same or similar purpose for which Federal financial assistance was extended, the transferee will sign Form FHA 400-4, "Nondiscrimination Agreement."

(c) *Transfer of FHA direct or insured loans to eligible applicants—(1) Eligibility.* A direct or insured loan may be transferred to an applicant who meets the eligibility requirements for the kind of loan being assumed or whose situation after the transfer will satisfy such eligibility requirements. Also, an RH Senior Citizen loan may be transferred to anyone eligible for a section 502 RH loan. An ORE loan may be transferred to an applicant who meets the eligibility requirements for an FO loan, or to an applicant who meets the eligibility requirements for an RH loan if it is a nonfarm tract and was security for an RH loan originally. An RH loan to a person of low or moderate income may be transferred to a person whose income is above moderate and who meets the other requirements of an eligible transferee, only if there are no eligible low or moderate income applicants available for the transfer, and if the approval official determines that the transfer will be in the best financial interest of FHA. An above-moderate loan may be transferred to an applicant whose income may not be in the above moderate category provided his income is sufficient to meet the terms of the loan. Such a loan, after the transfer will continue to be classified as above moderate. Livestock or other emergency-type loans no longer being made may be transferred to an applicant who meets current EM loan requirements. Any other type of loan for which there are no present authorizations or eligibility requirements may be transfer-

red only with the advice of the National Office after considering the recommendation of the State Director and reviewing the case file.

(2) *Repayment and reamortization terms—(i) Form FHA 460-9.* Except as noted below for RH loans, assumption of any FHA loan may be approved without any change in the balance owed, interest rate, or other terms. In such cases Form FHA 460-9 will be used. A loan may be transferred even though it is on schedule, ahead of schedule, or behind schedule. Whenever reasonably possible, any delinquency should be paid at the time of assumption. However, this is not required if the total FHA debt to be assumed is within the debt paying ability of the transferee.

(A) Rural Housing Disaster loans will be transferred at the current rate for section 502 loans unless the transferee is eligible for a Rural Housing Disaster loan.

(B) Direct sections 502, 503, and direct Senior Citizen RH loans will be transferred at the current rate for Section 502 loans unless the transferee is eligible for a Senior Citizen RH loan.

(C) Low and moderate RH loans transferred to a person having an above-moderate income will be transferred at the current rate for an above-moderate section 502 loan. Loans referred to in subdivision (i) (A), (B) and (C) of this subparagraph will be transferred in accordance with subdivision (ii) of this subparagraph.

(ii) *Form FHA 460-5.* If an extension of the existing loan repayment period is necessary to enable the transferee to be successful, Form FHA 460-5 will be used. The new repayment period will be the same as the repayment period for a new loan of the type involved; for example, FO—40 years, Operating—7 years, and RH—33 years. If a new repayment period is used and the current interest rate is higher than the rate specified in the note, the current interest rate for a new loan of the type involved will be used, and any insurance charge applicable to such a loan will be provided for, except in assumptions by a surviving spouse under paragraph (b) (4) of this section. In determining the new repayment period and interest rate, an ORE loan will be considered an FO or RH loan in accordance with paragraph (c) (1) of this section and a livestock or other emergency-type loan no longer being made will be considered an EM loan.

(d) *Transfer of direct and insured loans to ineligible transferees.* When a borrower sells or proposes to sell the real estate security to a person(s) who is not eligible to assume the indebtedness in accordance with paragraph (c) of this section and the mortgage requires the Government's consent for transaction, it will be the policy to immediately liquidate the account unless it is to the best financial interest of the FHA to permit assumption of the account. Except for RH loans, a person as herein used may include a farming corporation or a farming partnership but it does not include

other corporations or partnerships, realtors, or financing institutions. For any type of loan for which there are no existing authorizations or eligibility requirements in FHA regulations, the loan may be transferred under the requirements and conditions of this section. If the approval official determines that it is to the best financial interest of the FHA to transfer the account, he may consent to the transfer by assumption agreement provided:

(1) *Downpayment.* Each transferee is required to make as large a downpayment on the FHA secured debt as he is financially able to make under the circumstances. However, no transfer to an ineligible applicant may be approved without at least a 10 percent downpayment.

(2) *Terms—farm.* Except for RH loans on nonfarm tracts, the balance of the FHA debt assumed is scheduled for repayment in not to exceed 10 amortized annual installments with interest to the borrower at the rate being charged for section 502 RH loans to moderate-income applicants at that time or at the rate of interest specified in the note being assumed, whichever is greater. When it has been definitely determined that a property cannot be transferred on terms of 10 years or less because of conditions in the area, the State Director may authorize a longer repayment term not to exceed 15 years.

(3) *Terms—nonfarm.* For RH loans secured by a lien on a nonfarm tract, the balance of the RH debt assumed may be scheduled for repayment is not to exceed five amortized annual installments. Interest on the amount assumed will be charged at the rate currently applicable to above-moderate RH loans, including insurance charges, or at the rate of interest specified in the note being assumed, whichever is greater.

(4) *Payment.* The transferee has ability to pay the FHA debt in accordance with the assumption agreement and the legal capacity to enter into the contract.

(5) *County Committee.* Except when use of the County Committee has been waived for RH loans, the County Committee finds that the transferee will honestly endeavor to make payments in accordance with the assumption agreements, maintain the security property, and carry out his other obligations in connection with the loan.

(6) *Conditions.* The transfer will not adversely affect the FHA program in the area.

(e) *Consent of FHA not required to transfer.* Where the FHA mortgage(s) does not require the Government's consent to the sale of the security and the borrower conveys or proposes to convey the security to a person who is ineligible or unwilling to assume the FHA debt in accordance with paragraph (c) or (d) of this section, the Government will not consent to the sale. In such a case, the County Supervisor will advise the State Director of the sale. If the account is delinquent or the loan is otherwise in default, the County Supervisor also will

advise the State Director of the nature of the default, and any specific plans that may have been made to correct the default. If it is determined to continue with the account, it will be serviced in the name of the borrower and otherwise serviced in the usual manner.

(1) *Release of transferor from liability.* When all of the real estate security for an FHA loan is transferred under paragraphs (c) or (d) of this section, and the total outstanding debt is assumed it will be the policy to release the borrower (and any cosigner for an RH loan) from personal liability to the FHA. However, if a portion of the outstanding debt is not assumed, the following conditions must be satisfied:

(1) *Certification.* The County Committee has made the appropriate certification and recommendations prescribed in paragraph (g) (6) of this section.

(2) *Debt-paying ability.* The transferor and any cosigner do not have reasonable debt-paying ability considering his assets and income at the time of the transfer.

(3) *Release.* For an RH loan involving a cosigner, the transferor may be released from personal liability only if the cosigner also can be released.

(g) *Processing transfer by assumption of indebtedness.* When the transfer is not within the County Supervisor's approval authority, the docket with the transferor's case file will be sent to the District Supervisor or State Office, as appropriate, for approval or disapproval.

(1) *Refund of unused funds, loan funds not advanced, transaction record.* Unexpended funds in the supervised bank account will be applied as a refund unless FO, SW, Recreation, RH, RRH, LH, or EM security is involved and the funds are needed for completing planned development. Any obligation of or request for loan funds not yet advanced will be canceled. Form FHA 451-26 or Form FHA 451-31 will be used to compute the unpaid balance due on the effective date of the transfer.

(2) *Preparation and distribution of transfer docket.*

(i) *Checking docket forms.* When the transfer docket forms listed in regulations available in all FHA offices have been completed, they will be checked thoroughly to determine that the proposed transfer conforms to the applicable requirements; each form is prepared correctly in accordance with appropriate instructions; and items such as names, addresses, and the amount of the indebtedness to be assumed are the same on all forms in which such items appear.

(ii) *Information on the availability of other credit.* The County Supervisor will record in the Running Case Record the pertinent information concerning the negotiations made by an eligible transferee and the discussion by FHA personnel with the applicant's creditors and other lenders. The investigation and availability of other credit for eligible transferees will be documented as required for the kind of loan being assumed. This must be sufficiently clear and adequate to establish that other

credit is not available to pay the debt in full and make the transfer unnecessary. Any letters from lenders or other evidence which may have been obtained indicating that the applicant is unable to obtain satisfactory credit elsewhere will be included in the loan docket.

(iii) *Distribution of transfer docket forms.* The loan docket will include the forms and documents listed in regulations available in all FHA County Offices.

(3) *Collections and receipts.* During the period that a transfer is pending in the County Office, payments received by the Finance Office will continue to be applied to the transferor's account and Form FHA 451-26 or Form FHA 451-31 will be forwarded to the County Office. This includes any downpayments made in connection with the transfer for reducing the amount of the debt to be assumed. When the County Supervisor has received a payment on the account for which no Transaction Record has been issued, he should deduct such amounts from the total amount of principal and interest calculated from the latest Transaction Record before completing the assumption agreement and having it signed.

(i) *Transaction record.* When the borrower has made a direct payment to the Finance Office and there is no record of the payment in the County Office, the account will be assumed on the basis of the latest Transaction Record. In such cases, the application of the direct payment will be reversed from the account and the assumption agreement will be processed in the Finance Office. The Director of the Finance Office will contact the County Supervisor to determine the disposition of the proceeds from the direct payment.

(ii) *Identification.* For payments received on the date of transfer, Form FHA 451-2, "Schedule of Remittances," will be prepared to show "Transfer in process of account owed by (borrower's name and case number) to be transferred to (name of transferee and case number, if known)." If the borrower number portion of the case number has not yet been assigned for a transferee only the state and county portion of the case number will be shown. A statement for the information of the Finance Office will be attached to the assumption agreement showing the date of Form FHA 451-2 and the amount paid.

(iii) *Payment.* When a payment is due on the assumption agreement shortly after the transfer is completed, such a payment should, if possible, be collected at the time of transfer and remitted in the name of the transferee.

(4) *Farm and home plans and financial statements.* When the transfer involves an ineligible transferee, Form FHA 431-3 or Form FHA 431-2 will be used with Tables A and B being completed in the same manner as for any other borrower but other tables and portions of the Form will be completed only to the extent necessary to determine the debt-paying ability of the transferee and to give sufficient information for completing Table J. When a transfer is to be

made for less than the amount of the indebtedness and a release of liability is involved, a current financial and income statement of transferor will be obtained on Form FHA 431-3 or Form FHA 431-2.

(5) *Appraisal report.* Forms FHA 422-1, FHA 422-3, "Appraisal Report for Multiunit Housing," or FHA 422-8 as appropriate will be obtained when the amount to be assumed is less than the full amount of the indebtedness; when required in connection with an initial or subsequent FO, Recreation, SW, RH, RRH, or LH loan to be processed with the transfer; or the loan approval official requests a current appraisal.

(6) *County Committee certification and recommendation.* The complete transfer docket, except where use of the County Committee for determining the eligibility of RH applicants has been waived, will be presented to the County Committee for review.

(i) *Applicants.* The transfer will be contingent upon the County Committee making its appropriate certification on Form FHA 440-2 for an eligible applicant other than RH applicants excepted above, or in every case when transfer is to an ineligible applicant, completing the following memorandum:

"In our opinion, the transferee, (name of transferee), will honestly endeavor to make payments in accordance with the assumption agreement, maintain the security, and carry out the other obligations in connection with the loan."

(ii) *Release.* When the County Committee recommends a release of the transferor and any cosigner from liability in any case where real estate security is being transferred under paragraph (c) or (d) of this section, with an assumption of less than the total debt, it will provide the following statement to be added to Form FHA 440-2 for an eligible applicant or the memorandum statement for an ineligible applicant:

"(Name of transferor and any cosigner), in our opinion do not have reasonable debt-ability to pay all or a substantial part of the balance of the debt not assumed after considering their assets and income at the time of the transfer. Transferors have cooperated in good faith, used due diligence to maintain the security against loss, and otherwise fulfilled the covenants incident to the loan to the best of their ability. Therefore, we recommend that the transferor and any cosigner be released of personal liability upon the transferees' assumption of that portion of the indebtedness equal to the present market value of the security."

(7) *Property insurance.* The transferee will obtain property insurance in accordance with the requirement for the loan(s) involved unless the approval official requires additional insurance as a condition of approval. If insurance is required, it may be obtained either by transfer of the existing coverage by the transferor or by acquisition of new coverage by the transferee. The insurance company will be notified by the County Supervisor immediately after completion of the transfer. When the full amount of the FHA indebtedness is being assumed and an insurance premium has

been advanced to the account, the transfer will not be completed until the amount of the premium has been charged to the transferor's account.

(8) *Title clearance and legal services.* Title clearance and legal services for closing transfers will be accomplished in accordance with FHA Part 1807 of this chapter, in case of a transfer involving an FO, Recreation, RH, RRH to an individual, LH, or SW not coded J, or an LCD loan. Title clearance and legal services for such loans, however, is not required when a joint borrower conveys his interest in the security to the remaining borrower who assumes the total indebtedness provided a subsequent loan or subordination is not involved. For all other kinds of loans being transferred, title clearance and loan closing services will not be required unless the approval official, with the advice of the OGC, determines that such services are needed in order to maintain the FHA's security position or for other reasons. If other than an FHA mortgage is involved which requires the mortgagee's consent to the transfer, such consent will be obtained.

(9) *Assumption agreement, release from personal liability, receipts.* Forms FHA 460-5 or FHA 460-9, and FHA 451-1, "Acknowledgement of Cash Payment," and FHA 465-8, "Release from Personal Liability," in each case where the full amount of the debt is assumed or a release from personal liability is otherwise approved under this Subpart and all of the security is being transferred, will be completed and executed simultaneously with closing of the transaction. The original (and signed copy for insured loan) Form FHA 460-5 or Form FHA 460-9 and, when applicable, Form FHA 451-1, and a signed copy of Form FHA 465-8 will be transmitted immediately to the Finance Office.

(10) *Transfer of unused development funds.* Any remaining funds not to be refunded that are in the transferor's supervised bank account will be transferred to the transferee's supervised bank account simultaneously with the closing of the transfer for use in completing planned development.

(11) *Case folder.* The transferor's County Office case folder will be used for the transferee after adjustments have been made.

(12) *Nondiscrimination agreement.* If the original loan was subject to Title VI of the Civil Rights Act of 1964, the transferee will sign Form FHA 400-4, "Nondiscrimination Agreement."

(h) *Transfer not completed.* If for any reason the transfer is not completed, the Finance Office will be notified to resume servicing of the account in the name of the transferor.

#### § 1872.19 Voluntary conveyance of security to FHA.

When voluntary conveyance of security to the FHA is determined to be appropriate, the voluntary conveyance docket will be assembled and submitted to the State Director or District Supervisor, as

appropriate, with the borrower's County Office case folder(s). If voluntary conveyance is approved as being to the best financial interest of the Government by permitting a substantial recovery on the Government's loan, the State Director will send to the County Office any title information or evidence of ownership of water rights held in the State Office. When a prior lien(s) exist, such lien(s) will be paid by Standard Form 1034, only if it is determined that a substantially greater recovery on the Government's investment can be obtained, or the property is suitable for sale to an eligible applicant subject to the terms of the prior lien and the holder of the prior lien(s) will not agree for the Government to acquire the property and resell it subject to his lien(s). If the property is acquired subject to a prior lien(s), payment of annual installments on the prior mortgage may be made while title to the property is held by the Government. All junior liens on the property except FHA liens and taxes and assessments which are or will become a lien on the property must be satisfied by the borrower without FHA assistance, unless the State Director determines that payment of the junior liens by Government voucher will better protect the Government's interests, in the light of all pertinent factors including the results of any delay that foreclosure action would involve. The word "property" as used in this section includes the real estate items which are considered real estate, items which customarily pass with the real estate in the change of ownership, and any irrigation equipment and other equipment such as bulk milk tanks, feed storage facilities which are chattel security if it is necessary for the successful operation of the farm, will enhance the sale of the farm, and is a part of the security for the loan involved in the conveyance.

(a) *Authority.* The State Director, subject to the policies outlined in this paragraph, is authorized to approve a voluntary conveyance with or without release of personal liability. The State Director is authorized to consent to release of a borrower and any cosigner in connection with a voluntary conveyance as set forth in § 1872.18(f) applicable to a transfer. The District Supervisor is authorized to approve transactions under this section on the same basis as the State Director provided the total debts against the security do not exceed \$50,000.

(b) *Preparation, processing, and distribution of voluntary conveyance docket.* When a borrower offers to voluntarily convey his property to the FHA and agrees to carry out all the conditions contained in Form FHA 465-4, "Offer to Convey Security," the form will be completed and he will signify his agreement by signing the form. A warranty deed on a State-approved form or a deed meeting the requirements of part 1807 of this chapter will be required and, whenever possible, completed and signed simultaneously with Form 465-4; however,

it will not be recorded until closing of the transaction. Also, if water rights involved are not fully conveyed in the deed, any necessary assignments or transfers of water stock or membership certificates or other water right documents required will be obtained simultaneously with the execution of Form FHA 465-4 whenever possible but not later than the execution of the deed and will be recorded, if necessary or appropriate, in connection with closing the transaction. When the borrower executes Form 465-4, a preliminary determination will be made by the County Supervisor as to whether the property constitutes a family farm as defined in Subpart A of Part 1821 of this chapter.

(1) *Acceptance of offer.* When the offer provides only for a credit to be allowed on the account equal to the value of the security as determined by the FHA less any prior liens that are to remain outstanding, the approval official will immediately accept the offer subject to the conditions outlined in Form FHA 465-4, irrespective of the amount of credit to be allowed as the value of the security. If the offer provides for full satisfaction of all FHA debts secured by the real estate, it will be accepted when it is determined that the value of the security less any prior liens to remain outstanding will satisfy the FHA debts or that the borrower will be released from personal liability for the deficiency. If the offer to convey in full satisfaction of such debts is not acceptable, it will be returned to the County Supervisor and he will attempt to obtain an offer which will convey the security for its value as determined by the FHA. When an insured loan not held by the insurance fund is involved and the State Director decides to accept the offer to convey, he will request the Director, Finance Office, to have the insured loan assigned to the insurance fund.

(2) *Taxes.* When Form FHA 465-4 is submitted to the approval official, Standard Form 1034 will be attached thereto for the payment of any taxes and assessments which are a lien or will become a lien on the property or water assessments or charges to protect the right to receive water, which are due and payable and when Form FHA 465-4 does not obligate the borrower to pay. If Form FHA 465-4 is accepted, the approval official will forward the voucher to the Finance Office.

(3) *Appraisals.* A current appraisal report for the property will be obtained in each case and will reflect the market value of the property in its present condition.

(4) *County Committee's certification and recommendation.* When property is to be voluntarily conveyed for a credit on the borrower's account of less than the FHA indebtedness secured by the property, the County Committee will determine whether in its opinion the borrower should be released of liability for any balance owned on such indebtedness. If the County Committee recommends that the borrower and any cosigner be released of liability for such balance, it will make the following certification:

"In our opinion (Name or borrower(s) and any cosigner) do not have reasonable debt-paying ability to pay all or a substantial part of the balance of the debt owed after the voluntary conveyance, taking into consideration their assets and income at the time of the conveyance. The borrower has cooperated in good faith, used due diligence to maintain the security property against loss, and otherwise fulfilled the covenants incident to the loan to the best of his ability. Therefore, we recommend that the borrower and any cosigner be released of personal liability for any balance due on the secured indebtedness upon conveyance of the property to the Government."

(5) *Determining the value of security to be conveyed.* The value of the security will be voluntarily conveyed to the FHA will be determined in accordance with § 1872.17(a) taking into consideration a recently prepared appraisal report. The value of such security will be the estimated sale price of the property based on its present market value. Based on the recommendation of the County Supervisor, a decision will be made by the District Supervisor or State Director as appropriate at the time of acquisition of the property as to whether such property is suitable for sale under the terms and conditions or Subpart c of Part 1872 of this chapter to eligible applicants, or as surplus property. The County Supervisor will be notified of the determination and given instructions for selling the property in accordance with Subpart c of Part 1872 of this chapter.

(6) *Obtaining statement of account and refunding unused loan funds.* Any funds remaining in the supervised bank account will be applied as a refund on the loan prior to assembling the voluntary conveyance docket. A statement of account will be requested by use of Form FHA 451-10, "Request for Statement of Account."

(7) *Checking docket forms.* When the docket forms have been completed, they will be checked thoroughly to determine that each form is prepared correctly in accordance with requirements and items such as names and addresses are the same on all forms in which such items appear.

(8) *Distribution of voluntary conveyance docket forms.* The loan docket will include the forms and documents listed in regulations available in all FHA County Offices.

(9) *Title examination and closing instructions.* Upon acceptance of the borrower's offer, the County Supervisor will determine whether title clearance and closing of conveyance will be accomplished by the assistance of the designated attorney, title insurance company, or combination thereof, or by other method, as outlined in State requirements. The County Supervisor will notify the designated attorney or insurance company to furnish title services in accordance with Part 1807 of this chapter. All junior liens and taxes and assessments to be advanced by the FHA will be removed by the borrower, unless the State Director determines that payment of the junior liens by Government vouchers will better protect the Gov-

ernment's interests, in the light of all pertinent factors including the results of any delay that foreclosure action would involve. Any additional title defects or encumbrances will be removed by the borrower except those recited in the FHA mortgage or subsequently approved by the FHA. When title defects or encumbrances will be removed as required, the title examination information will be submitted to the designated attorney or title insurance company with a memorandum also with Form FHA 465-4, the deed of conveyance, any water right documents the original or a conformed copy of the FHA mortgage and any assignment instruments, and conformed copies of any remaining encumbrances such as mineral leases, agricultural leases, easements, rights-of-way, and partial releases. The memorandum will include information as to items of expense incident to conveyance of title which have been paid by the FHA, but are not shown on the statement of account, items of expense which are to be paid by the FHA, a statement as to whether the account is to be fully satisfied, a request for preparation of necessary legal instruments including any necessary separate instruments of assignment (which will become effective when the deed is recorded) pursuant to Form FHA 465-4 and request a date for closing the conveyance. The designated attorney or title insurance company will determine the manner in which any necessary notices of assignment of leases will be given to the lessees. The assistance of the OGC will be obtained only in unusual or complex cases.

(10) *Closing of conveyance.* The State Director will issue regulations containing general guidelines for closing a voluntary conveyance when it will expedite such closing. The conveyance transaction will be closed by the designated attorney or title insurance company representative. When an insured loan is involved the Finance Office will be requested to repurchase and assign the borrower's promissory note to the appropriate insurance fund. The conveyance transactions may be closed and deed recorded pending, however, assignment of the insured note to the insurance fund. Expenses incident to the closing of the transaction, as authorized in the closing regulations will be paid by Standard Form 1034. After the designated attorney or title insurance company determines that the transaction has been properly closed, he will return to the County Supervisor all documents submitted to him and advise as to the date when title to the property was vested in the Government. A copy of this memorandum to the County Supervisor will be forwarded to the State Director and to the Finance Office. The County Supervisor will notify the District Supervisor of completion of any conveyance which he approved. Property insurance will be handled in accordance with Part 1806 of this chapter.

(11) *Credit of value of property on indebtedness and inventory records.* The

credit to be allowed on the account will be either the value of the security to be conveyed as determined in accordance with Subparagraph (5) of this paragraph, or the total amount of the indebtedness owed on the account after all expense items have been charged thereto, whichever is less. Immediately after the transaction is closed in accordance with the closing instructions and the amount of the credit to be allowed on the account is determined, Form FHA 465-6, "Advice of Mortgaged Real Estate Acquired," and where applicable, Form FHA 465-8 will be completed and transmitted to the Finance Office by the County Supervisor for processing. Any assigned agricultural, mineral, or other lease on the property will be sent to the Finance Office along with Form FHA 465-6. In an oral lease of the property or on a portion of the property exists, it will be reduced to writing on Form FHA 462-2, "Statement of Conditions on which Lien will be Released," and if possible its execution by the lessee will be obtained. A copy of the Form FHA 465-2 will be sent to the Finance Office. After the Finance Office assigns an advice number to Form FHA 465-6 and a contract number to the lease, it will advise the County Supervisor by memorandum with a copy to the State Office of such number for proper identification of the inventory property and lease.

(i) *Satisfied account.* The Finance Office will stamp the borrower's note "Satisfied by the surrender of security and release from liability" when the account is fully satisfied or the borrower is released from personal liability for any deficiency. The Finance Office will forward the stamped note to the County Supervisor for delivery to the borrower.

(ii) *Unsatisfied account.* Where the account is not fully satisfied by surrender of the security and the borrower is not released from personal liability for the deficiency, the borrower will be classified as collection-only if appropriate by processing Form FHA 404-1 and Form FHA 450-10 and submitting them to the Finance Office together with Form FHA 465-6. The remaining amount will be accelerated by written notice of grounds for acceleration exist. The Finance Office will retain the note(s) and send the County Office a current Form FHA 451-11. Upon receipt of Form FHA 451-11 from the Finance Office, the loan record card will be reconciled with the statement of account and the account will be serviced as a collection-only case in accordance with Subpart A of Part 1861 of this chapter.

#### § 1872.20 Foreclosure by the Government.

Foreclosure action will be recommended in a default case when liquidation has been decided upon, a substantial net recovery can be obtained on the FHA account, and foreclosure is determined to be the most practicable method of liquidation by which the interest of the FHA can be protected or failure to foreclose would adversely affect the FHA

program in the area. If these requirements cannot be met under the circumstances existing when foreclosure is first considered, but conditions change so that the requirements can be met at a later date, foreclosure will be instituted at a later date.

When there is a prior lien(s) and the State Director has determined that foreclosure is necessary, he will contact the prior lienholder, either directly or through the County Supervisor, and give him an opportunity to institute the foreclosure proceedings, if his lien is in default, with the FHA taking whatever action is necessary to protect the interests of the Government. If the prior lienholder is unable or unwilling to institute the foreclosure, the FHA will institute foreclosure proceedings, subject to the prior lien if feasible. Whether foreclosure of the FHA mortgage will be subject to the prior lien will depend upon such factors as the State law, the action or inaction of the prior lienholder, the condition of the prior lien account, the amount of the prior lien debt in relation to the debt, and other factors. After issuance of the acceleration notice, account and security servicing actions other than acceptance of payment in full, voluntary conveyance or permitting of transfer, including payment of insurance and taxes, will be taken only with the advice of the OGC. Expenses incident to the foreclosure action which are approved by the OGC for payment by the FHA will be paid in accordance with applicable regulations. If the OGC advises that a credit on the borrower's account or a Standard Form 1034 will not be acceptable for payment of the FHA bid, the State Director will obtain a check from the Finance Office for making the payment. Standard Form 1034 will be used for this purpose and will fully explain why it is necessary to immediately obtain a check for such payment.

(a) *Authority.* The State Director is authorized to approve foreclosures and to execute any necessary documents. After such approval, the County Supervisor will take appropriate action and execute all necessary forms for completion of the transaction except as otherwise provided in this paragraph.

(b) *Processing.*

(1) *Form FHA 465-7 and recommendation for deficiency judgment.* If Form FHA 465-7 has not been recently submitted to the State Office and foreclosure is recommended in accordance with § 1872.17, the form will be completed; and if chattel security is involved, Form FHA 455-1, "Request for Legal Action," and Form FHA 455-2, "Evidence of Conversion," when appropriate, providing necessary supplementary information will be attached to Form FHA 465-7. The completed Form FHA 465-7 will be forwarded with the County Office case file to the State Office through the District Supervisor so that the District Supervisor's recommendation may be attached. If it appears that the recovery to the Government from a sale by foreclosure will be insufficient to fully satisfy the indebtedness, the borrower's situation

will be reviewed by the County Supervisor to determine if there is a possibility of making a further recovery on the account. The facts revealed by his review should be included in the recommendation made on Form FHA 465-7. Where foreclosure action does not automatically result in a deficiency judgment and there are other assets from which a substantial recovery can be made, the OGC will be requested by the State Director on Form FHA 465-7 to obtain such a judgment if legally permissible.

(2) *Appraisal report, additional instructions and withdrawal of funds in supervised bank account.* The State Director will obtain a present market value appraisal report unless there is a current appraisal report that can be relied upon for completing Form FHA 465-7. Any additional instructions and the case folder will be returned to the County Office. Also, when foreclosure is approved, the State Director will include any title information or evidence of ownership of water rights held in the State Office. Any order to the bank will be included for withdrawal of any funds remaining in the supervised bank account.

(3) *Foreclosure not approved.* If foreclosure is not approved, the State Director will instruct the County Supervisor on Form FHA 465-7 on future servicing of the account. The original of Form FHA 465-7 will be forwarded to the County Supervisor, a copy retained in the State Office and a copy sent to the District Supervisor.

(4) *Actions after approval of foreclosure.* When foreclosure action is approved, steps will be taken to consummate the foreclosure as follows:

(i) *Unused loan funds.* Any funds remaining in the supervised bank account will be refunded.

(ii) *Statement of account.* Form FHA 451-10 will be forwarded to the Finance Office to obtain a statement of account for each account to be included in the foreclosure and to request the Finance Office not to issue any statements of account to the borrower until further notice.

(iii) *Issuance of acceleration notice.* When an FHA mortgage is in monetary default the State Director will date, sign, and forward the acceleration notice, if he has not already issued one in accordance with § 1872.17(c), to the borrower with two conformed copies to the County Supervisor, along with the case folder and any necessary instructions. For all other types of default the account will not be accelerated until review by the OGC. In such cases a State regulation will be issued to prescribe the information to be assembled and sent to OGC. In any case where the borrower is in the Armed Forces of the United States the acceleration notice will not be prepared until clearance is obtained from the Regional Attorney. A copy of Form FHA 465-7 will be retained in the State Office and a copy forwarded to the District Supervisor. Thereafter, except as otherwise provided in the State requirements where State law requires acceptances of defaulted installments after accelera-

tion, the County Supervisor will not accept payment of less than the full amount of the indebtedness but will notify the State Director of any such offer and ask for instructions.

(iv) *Cancellation of foreclosure action.* When it has been determined that foreclosure is warranted and circumstances change which, in the opinion of the State Director, makes liquidation of the account unnecessary, he may stop the action or request that it be stopped. If the action is stopped, the account will be reinstated. The State and County Office records will be properly noted to indicate the situation and the borrower will be informed. The Finance Office will be notified. The OGC also will be informed of the situation if it has been consulted.

(v) *Forwarding docket to the OGC and institution of foreclosure action.* When the period provided by the acceleration notice expires, or, if one is not issued upon the advice of the OGC the following action will be taken:

(A) If a direct loan is involved, the State Director will request the Finance Office to send the original or conformed copy of the note as required by State requirements to the County Office. If an insured loan is involved and the note is not held by the insurance fund, the State Director will request the Finance Office to have the loan assigned to an insurance fund in accordance with Parts 1872, Subpart A of Part 1874, or Subpart B of 1874 of this chapter. The Finance Office will send the original or conformed copy of the assigned note as required by State requirements and related documents to the State Director with instructions as to any necessary action in connection with the assignment.

(B) The borrower's case folder, including a conformed copy of each FHA note and any assumption or cosigner agreements involved and such additional information and copies it may require will be forwarded by the State Director to the OGC for appropriate instructions to complete the foreclosure action. Also, title evidence required by the OGC will be obtained and furnished to it at that time so that an opinion can be issued as to whether the FHA will obtain a title merchantable in fact if it is the successful bidder.

(C) Ordinarily, no curative action will be taken with respect to title defects before foreclosure sale. However, where for special reasons the State Director with the advice of the OGC determines it would be in the best interest of the FHA to cure certain defects before the foreclosure sale, the State Director may authorize the necessary curative action.

(D) The expiration date of the property insurance will be called to the attention of the OGC so that office will be aware of the fact that an additional cost will be incurred if the sale is not completed before the expiration date of insurance. A copy of the acceleration notice will be sent to the Finance Office. When it has been determined that a title merchantable in fact can be obtained, the OGC will advise the County Supervisor, who will prepare and submit

Standard Form 1034 to the Finance Office for payment of all real estate taxes and assessments including water assessments which are due and payable. The OGC also will request the Finance Office to send it a current statement of account which reflects the amounts of vouchers it advised the County Supervisor to process in connection with foreclosure.

(E) The OGC will, except in judicial foreclosure cases, route the docket through the State Office so that any advertising notices, and so forth, may be prepared in the State Office or signed by the State Director if they were prepared by OGC.

(F) Title VI of the Civil Rights Act of 1964 applies as long as any real property continues to be used for the same or similar purposes for which the federal financial assistance was extended. If the property being sold was subject to Title VI, the advertisement of foreclosure sale should include a statement that the purchaser will be required to sign Form FHA 400-4, if he intends to use the property for its original or similar purposes.

(vi) *Maximum bid.* The State Director will establish the maximum amount of the FHA bid. Such bid will be either the estimated resale value of the security or gross investment, whichever is less.

(A) The estimated resale value means the present market value. In establishing the estimated resale value, the State Director will consider the effect that any outstanding mineral rights, easements, other interests, or title defects will have on the resale of the property, any prior liens that will remain outstanding after the foreclosure sale, and any other pertinent information affecting or indicating the resale price including an appraisal report.

(B) Gross investment means the amount of the FHA secured indebtedness, including all advances made by the FHA and charged to the mortgage debt before the foreclosure sale, plus the amount of any prior liens or other costs which the OGC advises must be paid from the proceeds of the foreclosure sale before payment of the FHA mortgage debts.

(vii) *Bidding.* The State Director of an employee designated by him is authorized to bid on behalf of the FHA. In appropriate cases the State Director may designate the U.S. Marshal. However, if the bid is to include an amount for payment of a prior lien(s) exceeding \$40,000, the prior concurrence of the National Office will be obtained before authorizing the bid on behalf of the FHA. The State Director will inform the County Supervisor by memorandum, as to the maximum amount to be bid whether he or some other person is authorized to bid. A copy of this memorandum will be sent to the OGC. Ordinarily, the State Director will designate the County Supervisor to bid on behalf of the FHA unless circumstances make it necessary or desirable to designate another person. In court action foreclosures, the OGC will inform the United States Attorney of the maximum amount

recommended by the FHA to bid and will suggest that an FHA employee will be available at the sale to make the bid. The FHA employee will make only one bid and that will be for the authorized maximum bid. This bid will be made when no other party makes a bid or when it appears that the bidding has slowed down and likely will stop and result in the property being sold for less than the authorized maximum bid.

(viii) *Final report on foreclosure sale.* Immediately after a foreclosure sale at which the bidder on behalf of the FHA is an FHA employee, the County Supervisor will furnish the OGC a narrative statement giving complete information relative to the sale, including a copy of Form FHA 465-6 if sufficient information is available for completion of the form at that time. When the OGC received a report of a foreclosure sale, whether from FHA or the United States Attorney, he will furnish the County Supervisor any necessary instructions for completing the transactions and advise of any rights of the Government, taking into consideration privileges provided by law and any other pertinent information. As soon as practicable, the OGC will also furnish the County Supervisor a final title opinion on any acquired property. The final opinion will include instructions concerning any additional steps which should be taken to complete the transaction. A copy of this opinion will be forwarded to the State Director and to the Finance Office.

(ix) *Completion of Form FHA 465-6.* If the FHA is the successful bidder at the foreclosure sale, Form FHA 465-6 will be completed and forwarded to the Finance Office by the County Supervisor as soon as all information necessary for completion of the Form is available except the date the Government acquired title to the property, without waiting for the final opinion of the OGC. A copy of information furnished by the OGC relative to the Government's rights acquired at the sale should be sent to the Finance Office, along with Form FHA 465-6. The form will be dated as of the date of the sale.

(x) *Leases.* If the sale is made subject to an agricultural, mineral, or other lease in which the lessor's interest is acquired by the FHA through the sale, the original or a copy of the lease will be submitted to the Finance Office along with Form FHA 465-6 for processing in accordance with § 1872.19 (b) (10). Any oral lease in effect at the time the Government acquires the property will be reduced to writing using Form FHA 465-2 and its execution by the lessee will be obtained if possible. The County Supervisor will notify any lessee in writing that the Government has acquired the lessor's rights under the lease and will direct the lessee to remit all payments to the County Office. Payments to FHA under a lease which by its terms were due and payable prior to the date of the foreclosure sale will be applied first on any deficiency claim resulting from the foreclosure and then on any other FHA claim against the borrower. Any surplus remaining will be remitted to

the borrower. Payments due and payable to the FHA after the date of foreclosure will be collected and forwarded to the Finance Office as miscellaneous income. Receipts for collections made in accordance with this paragraph will be issued to: "Lease proceeds from property formerly owned by (borrower's name and case number) and leased to (name of lessee)." After a foreclosure sale is held, if a redemption period is involved and the borrower has possession of the property during such period or a right to lease proceeds during the redemption period, a lease will not be obtained by the Government or be sent to the Finance Office until the redemption period has expired and the Government has a right to such proceeds.

(xi) *Deficiency judgment.* When a deficiency judgment is obtained, the account will be classified as a judgment case and the County Supervisor will send Form FHA 455-20, "Notice of Judgment," to the Finance Office and the account will be serviced in accordance with Subpart B of part 1871 of this chapter. When action to obtain a deficiency judgment is pending at the time Form 465-6 is sent to the Finance Office, the fact that it is pending will be indicated on Form FHA 465-6. When a deficiency judgment is not to be obtained, the case will be reclassified to collection-only, the debt cannot be settled under the provisions of part 1864 of this chapter. When a case is to be reclassified to collection-only, Form FHA 404-1 and FHA 450-10 will be forwarded to the Finance Office.

(xii) *Property insurance.* Property insurance will be handled in accordance with part 1806 of this chapter.

#### § 1872.21 Taking liens on real estate as additional security in servicing FHA loans.

(a) *Liens.* In servicing FHA loans the best lien obtainable will be taken on any real estate owned by the borrower, including any real estate which already serves as security for another loan. Normally, the prior concurrence of the District Supervisor will be obtained. Such liens will be taken only when:

(1) *Inadequate security.* Present security for the loan is not adequate to protect the interest of the FHA, and

(2) *Equity.* The borrower has substantial equity in the real estate to be mortgaged and it is determined that the taking of such mortgage will not prevent making of an FHA real estate loan, which he might need in the foreseeable future.

(b) *Real estate.* Before taking real estate as additional security for an FHA loan, the following items will be documented in the running record:

(1) *Justification.* The facts justifying the taking of such real estate lien;

(2) *Value.* A conservative estimate of the present market value of the real estate to be mortgaged; (It will not be necessary to submit an appraisal of the property to be mortgaged.)

(3) *Description.* A brief description of any existing liens on such property including the repayment terms and the unpaid balance on the debts secured by such

existing liens, unless this is accurately reflected on a recent financial statement; and

(4) *Identification.* The name of the title holder and how title of the property is held. (Title evidence need not be required.)

(c) *Security form.* Each real estate lien taken as additional security for both FHA direct and insured loans will be taken on Form FHA 427-1 (State), "Real Estate Mortgage for \_\_\_\_\_ (Insured Loans to Individuals)," unless a State regulation requires the use of a form of mortgage comparable to that which secures the existing loan(s) to be additionally secured. The notes evidencing both FHA direct and insured loans for which the additional security will be taken will be described in the same mortgage.

**§ 1872.22 Assignment of direct and insured notes and security instruments outside the program.**

The policy described in Subpart A of part 1871 of this chapter for assigning notes and security instruments to third parties will apply to all loans secured by real estate and where the State Director determines it is to the financial advantage of the Government or where the borrower has failed to refinance after an appropriate request. Payment of the FHA debt in full will be collected and transmitted to the Finance Office at the time the assigned instruments are delivered.

(a) *Insured loans.* For insured loans, an assignment may be made on a noninsured basis after the note has been assigned to the insurance fund in accordance with part 1873, Subpart A of 1874 or Subpart B of 1874 of this chapter, as appropriate. The assignment will be effected on an assignment form furnished by the OGC which will include provisions for releasing the FHA from liability as for insurer and collection agent. The Government's endorsement of the promissory note will be made without recourse. The State Director will execute the assignment instruments unless he delegates authority to the County Supervisor in a State regulation. At the time the assigned instruments are delivered, the County Supervisor will write "Insurance Contract Canceled" across the face of the Government's insurance endorsement and will sign and date such cancellation.

**§ 1872.23 Cosigners—RH loans.**

A cosigner as defined in Subpart A of part 1822 of this chapter is personally liable for payment of the RH debt. He is not entitled as a cosigner to any interest in the security property or the rights of the borrower under the loan agreements or security instruments. However, he may pay the account in full and take any assignment of FHA's interest.

(a) *Transfer or other servicing action.* In a case of a transfer, a cosigner may

be given preference to assume the FHA indebtedness as either an eligible or ineligible applicant, whichever is appropriate. Otherwise, the cosigner's status does not make inapplicable any conditions or provisions required for transactions authorized in this subpart.

(b) *Substitution or replacement of cosigner.* Any person, as determined by the County Supervisor, with ability to repay the RH loan in accordance with its terms may be substituted for the other party who is previously obligated as cosigner on the loan. The new cosigner will execute an agreement to pay the balance owed on the RH debt. This agreement will be made in consideration of the release of the existing cosigner from personal liability. The original of the new cosigner's agreement will be attached to the original note and a copy will be attached to each copy of the note. The new agreement will be prepared by OGC.

(c) *Release of liability.* A cosigner of an RH note may be released from personal liability for the debt upon satisfactory substitution of a new cosigner. The release may be accomplished by modifying and using Form FHA 465-8 with the advice of the OGC or on an appropriate form prepared by the OGC.

**§ 1872.24 Assignment and release of soil bank or similar program payments.**

The County Supervisor may take an assignment on income to be received under a Soil Bank or similar contract to protect the financial interest of the Government or to facilitate loan servicing. The assignment of all or a portion of the income from the assignment may be released to the borrower by the County Supervisor when not to the financial detriment of the Government, and payments due on all FHA loans have been made from other income or the income is urgently needed to meet emergency or other justifiable uses.

**§ 1872.25 Submission to National Office of certain partial release, subordination, consent or other transactions.**

The State Director may submit to the National Office for determination by the Administrator or his delegate any proposed transaction in which the conditions prescribed in the foregoing paragraphs for partial release, subordination, or consent by the FHA cannot be satisfied, or any servicing action that, in the opinion of the State Director, is necessary for the protection of the Government's interests and the OGC has advised that there are no legal objections to the proposed transaction. The State Director must determine that either the FHA secured indebtedness remaining after the transaction will be adequately secured or the Government's security interest will not be adversely affected, and that the transaction and use of any

proceeds will further the purposes for which the loan was made; improve the borrower's debt-paying ability, and permit necessary payment of reasonable costs and expenses incident to the transaction which the borrower is unable to pay from other sources. This section is primarily intended to be used for those cases in which the use of the proceeds would be necessary for the borrower to retain the farm or rural residence that otherwise usually could not be accomplished. The State Director will submit to the National Office the full facts and justification supporting his recommendation, together with the County Office files, and the OGC opinion.

**§ 1872.26 State requirements and reference to the OGC.**

State requirements will be prepared, with the advice of the OGC, as necessary, to carry out this regulation and forwarded to the National Office for prior approval. Whenever, in this Subpart, reference is made to advice or approval of the OGC it is contemplated that to the maximum extent possible the legal advice or approval may be stated in a general way whether included in State regulations, State Bulletins, or other statements or explanations, rather than on the submission of individual matters to the OGC. It should be possible under such a plan to procure most efficient legal assistance in handling real estate security servicing transactions.

**§ 1872.27 Redlegation of authority.**

The State Director is authorized to redelegate in writing any authority delegated to the State Director in this Subpart to one or more of the following State Office employees: Chief, Rural Housing; Chief, Farmer Programs; Chief, Community Programs; Rural Housing Specialist; Farmer Programs Specialist; and Community Programs Specialist.

**§ 1872.28 Nondiscrimination.**

Each instrument of conveyance for any transfer or foreclosure sale of real property subject to Title VI of the Civil Rights Act of 1964 will contain the following covenant: "The property described herein was obtained or improved through Federal financial assistance. This property is subject to the provisions of Title VI of the Civil Rights Act of 1964 and the regulations issued pursuant thereto for so long as the property continues to be used for the same or similar purposes for which the Federal financial assistance was extended."

Dated: July 11, 1973.

JOSEPH R. HANSON,  
Acting Administrator,  
Farmers Home Administration.

[FR Doc.73-14778 Filed 7-19-73;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 HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[ 21 CFR Part 1 ]

### FOOD LABELING FOR CERTAIN SOFT DRINKS

#### Proposal for Exemption When Trademark Serves as a Statement of Identity

Notice is given that a petition has been filed by the National Soft Drink Association (NSDA) 1101 16th St., NW, Washington, DC 20036, proposing that the food labeling regulations be amended to exempt certain soft drinks from § 1.8(d) (21 CFR 1.8) which requires that the statement of identity shall be in lines generally parallel to the base on which the package rests as it is designed to be displayed. NSDA's proposal provides that soft drinks be exempted when a trademark serves as a statement of identity and at least one trademark statement of identity appears in lines generally parallel to the base.

The grounds given in support of the proposal are as follows:

1. Section 1.8(d) requires that a statement of identity appear on the principal display panel of a package and that such statement be in bold type in lines "generally parallel to the base" of the package as displayed. In those cases where the statement of identity is also the trademark, and one statement of identity is parallel to the base of the package as required by § 1.8(d), additional statements of identity (i.e., trademarks) not parallel to the base do not cause or suggest consumer confusion.

2. Repetition and prominence of the trademarks even though not parallel to the base of the package would be of additional aid in identifying the product; therefore it is unnecessary for consumer protection that all statements of identity be parallel to the base of the package.

3. In almost all cases where the trademark also serves as the statement of identity, such trademark is well known to the consumer as the identity of a specific beverage, and is readily recognizable.

The Commissioner of Food and Drugs has considered the petition and other relevant information and concludes that reasonable grounds have been furnished to warrant publishing the proposal. Editorial changes of the petitioner's proposal have been made by the Commissioner for greater consistency with the wording of other exemptions in § 1.1c (21 CFR 1.1c), and to make it clear that the exemption encompasses only the requirement of parallelism of § 1.8(d).

Therefore, pursuant to provisions of the Fair Packaging and Labeling Act (Secs. 5(b), 6(a), 80 Stat. 1298, 1299-1300; 15 U.S.C. 1453, 1455) and the Federal Food, Drug and Cosmetic Act (Sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371) and under authority delegated to the Commissioner (21 CFR 2.120), it is proposed that Part 1 be amended in § 1.1c(a) (5) by adding a new subdivision (iv) to read as follows:

#### § 1.1c Exemptions from required label statements.

- (a) \* \* \*  
(5) \* \* \*

(iv) Where a trademark on a soft drink package also serves as or is a statement of identity, the use of such trademark on the package in lines not parallel to the base on which the package rests shall be exempted from the requirement of § 1.8(d) that the statement be in lines parallel to the base so long as there is also at least one statement of identity in lines generally parallel to the base.

Interested persons may, on or before September 18, 1973, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, Md. 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: July 16, 1973.

SAM D. FINE,  
Associate Commissioner for  
Compliance.

[FR Doc.73-14917 Filed 7-19-73; 8:45 am]

### [ 21 CFR Part 135 ]

#### SULFONAMIDE-CONTAINING DRUGS FOR USE IN FOOD-PRODUCING ANIMALS

##### Notice of Proposed Rule Making

The Drug Amendments of 1962 required, among other things, an evaluation of the effectiveness of all drugs cleared through new drug procedures from 1938 until October 10, 1962. Following this evaluation, newer knowledge and improved technology required a re-evaluation of the data upon the basis of which sulfonamide-containing animal drugs were originally marketed. Consequently, the need for additional residue data was announced in the FEDERAL REGISTER of October 23, 1970 (35 FR 16538) by publication of § 135.102 *Sulfonamide-containing drugs for the*

*oral or parenteral treatment of food-producing animals* (21 CFR 135.102). This regulation provided an interim basis for the continued use of sulfonamide-containing drugs in food-producing animals pending receipt of residue data to support a safe withdrawal period for their use to assure that edible products from treated animals are safe for consumption.

Recently available studies indicate that the degree of thyroid response to exposure to sulfonamide drugs should be given greater significance in the evaluation of sulfonamide toxicity and the establishment of "no-effect" levels. Consequently, the determination of "no-effect" levels for sulfonamide-containing drugs, including thyroid response as one parameter of effect, is necessary for evaluation of sulfonamide toxicity and response to 21 CFR 135.102, as well as for a reevaluation of the adequacy of the tolerances and methods of analysis for negligible residues of sulfonamides in edible products.

The Commissioner of Food and Drugs has carefully evaluated the data and other information available to him to determine whether this new evidence, evaluated together with the evidence available when new animal drug applications for some of these drug products were approved, shows that any or all of them are not shown to be safe for use under the conditions of use upon the basis of which the applications were approved, and thus should be withdrawn from use pursuant to section 512(e) (1) (B) of the Federal Food, Drug, and Cosmetic Act. Upon the basis of all of the evidence available, the Commissioner concludes that these drugs have been shown to be safe under the conditions of use within the meaning of that term as used in section 512 of the act, and thus that there is presently no basis for withdrawing approval of any of these drugs solely on safety grounds under section 512(e) of the act. However, questions about potential and theoretical hazard continually arise and deserve special consideration. Where these questions indicate a significant health hazard, withdrawal should immediately be ordered. Where a question relates only to a potential or theoretical hazard, which does not indicate that such drug is not shown to be safe, it is the opinion of the Commissioner that the appropriate procedure is to require the submission of additional data in the form of records and reports, pursuant to section 512(d) of the act, to facilitate a determination of whether there is a ground for withdrawing approval of the drug in question under section 512(e) of the act. Failure to submit such required records and re-

ports is itself a violation of the act, justifying withdrawal of approval of the application. The Commissioner has therefore concluded that while there is insufficient evidence to justify a finding that these drugs have not been shown to be safe, there is sufficient question to invoke the authority under section 512(1) to fully investigate these questions in order to obtain more definitive data to resolve the issues.

In view of the foregoing, the Commissioner is of the opinion that no sulfonamide-containing drug labeled for oral, injectable, intrauterine or intramammary use in food-producing animals can properly be considered generally recognized as safe and effective within the meaning of section 201(w) of the act. Therefore, all such drugs are new animal drugs for which approved new animal drug applications are required. All persons or firms marketing such drugs which are not now the subject of an approved new animal drug application must submit a new animal drug application within 90 days following the effective date of an order acting on this proposal if marketing is to continue during the interim. Following that 90-day period any such drug then on the market which is not the subject of a new animal drug application submitted for such drug will be deemed adulterated within the meaning of section 501(a) (5) of the act and subject to regulatory action. The submission of applications for sulfonamide-containing drugs pursuant to § 135.109 which are required to be submitted by July 19, 1973 will be considered adequate to meet the requirements for submission of an application pursuant to this section.

Accordingly, the Commissioner proposes to amend § 135.102, as set forth below, to require that each sponsor of an approved new animal drug application for such use submit for each such drug the results of 90-day subacute toxicity studies in one rodent and one nonrodent species. The studies shall include a determination of a "no-effect" level using thyroid response as one parameter. Protocols may be submitted to the Food and Drug Administration for review prior to the initiation of studies. If an evaluation of the results of these studies shows that the existing methodology used to establish negligible tolerances for residues of the sulfonamide drugs in edible products from treated animals is not of adequate sensitivity and specificity, improved methodology will be required.

Accordingly, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 512, 701(a), 52 Stat. 1055, 82 Stat. 343-351; 21 U.S.C. 360b, 371(a)) and under authority delegated to the Commissioner (21 CFR 2.120), it is proposed that § 135.102 be revised to read as follows:

**§ 135.102 Sulfonamide-containing drugs for oral, injectable, intramammary, or intrauterine use in food-producing animals.**

(a) The Commissioner of Food and Drugs announced in the FEDERAL REGISTER of October 23, 1970 (35 FR 16538)

the need for additional information regarding the labeling and residues of sulfonamide-containing drugs as follows:

(1) New information available to the Commissioner of Food and Drugs has shown that, under certain circumstances where food-producing animals have been treated with oral or parenteral sulfonamide-containing drugs, sulfonamide residues may be detected in the edible products of such animals when they are slaughtered within 10 days of the last treatment.

(2) The presence of sulfonamide residues in food constitutes an adulteration within the meaning of section 402(a) (2) (D) of the act in the absence of a tolerance for such residues established pursuant to section 512(i) of the act.

(3) To assure that edible products from treated animals are safe for human consumption, the labeling of preparations which contain sulfonamide drugs intended for oral or parenteral use and which are not the subject of a regulation providing for such use shall bear:

(i) A statement that the use of the drug (other than use in poultry) must be discontinued 10 days before treated animals are slaughtered for food; or

(ii) A statement of withdrawal period which has been established based upon data submitted to the Commissioner and found satisfactory for the elimination of drug residues from edible products.

(4) It has been concluded that, because of poultry husbandry practices, withdrawal periods exceeding 5 days for drugs administered continuously, are not generally practical and cannot reasonably be expected to be followed. Therefore, it is concluded that such sulfonamide drugs are not to be used in poultry unless a withdrawal period which does not exceed 5 days has been established in accordance with subparagraph (3) (ii) of this paragraph.

(5) Labeling revisions required for compliance with this paragraph were to be made at the earliest possible time and, in any case by January 21, 1971. Any such products now on the market and not in compliance with this paragraph are subject to regulatory action.

(6) The labeling requirements of subparagraph (3) (i) of this paragraph were adopted as an interim measure. Sponsors of sulfonamide-containing drugs subject to the provisions of this section were required to submit by October 22, 1971, adequate data to permit the establishment of appropriate withdrawal periods as required by subparagraph (3) (ii) of this paragraph.

(b) Recently available studies indicate that the degree of thyroid response to exposure to sulfonamide drugs should be given greater significance in the evaluation of sulfonamide toxicity and in the determination of "no-effect" levels of the drugs in laboratory animals to support the establishment of tolerances for negligible residues of sulfonamides, in edible products from treated animals.

(c) The Commissioner has concluded that because of questions raised regarding sulfonamide toxicity there is a need

to facilitate a determination of whether there are grounds to invoke section 512 (e) of the act regarding the continued use of these sulfonamide-containing drugs. Therefore, it has been concluded that sulfonamide-containing drugs for oral, injectable, intrauterine or intramammary use in food-producing animals are new animal drugs for which approved new animal drug applications are required. All persons or firms marketing such drugs which are not now the subject of an approved new animal drug application must submit a new animal drug application on or before October 18, 1973 on this matter if marketing is to continue during the interim. Any such drug then on the market which is not the subject of an application submitted for such drug will be deemed adulterated within the meaning of section 501(a) (5) of the act and subject to regulatory action. The submission of applications for sulfonamide-containing drugs pursuant to § 135.109 (38 FR 9811) which are required to be submitted by July 19, 1973 will be adequate to meet the requirements for submission of an application pursuant to this section. No extension of time will be granted.

(d) Under the provisions of section 512(i) of the act, within 12 months of the date of publication of the final regulation on this matter, each sponsor of a new animal drug application for a sulfonamide-containing drug labeled for oral, injectable, intrauterine or intramammary use in food-producing animals shall submit, for each such drug, the results of 90-day subacute toxicity studies in one rodent and one non-rodent species. The studies shall include a determination of a "no-effect" level of the drug using thyroid response as one parameter. Protocols may be submitted to the Food and Drug Administration for review prior to the initiation of studies. If an evaluation of the results of these studies shows that existing methodology used to establish negligible tolerances for residues of the sulfonamide drugs in edible tissues is not of adequate sensitivity and specificity, improved methodology will be required. Any such drug then on the market which is not the subject of such submitted studies will be deemed adulterated within the meaning of section 501(a) (5) of the act and subject to regulatory action. No extension of time will be granted.

(e) New animal drug applications and the data required by this section pursuant to section 512(i) of the act shall be submitted to the Food and Drug Administration, Bureau of Veterinary Medicine, Division of New Animal Drugs, VM-300, 5600 Fishers Lane, Rockville, MD 20852.

Interested persons may, on or before September 18, 1973, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the

above office during working hours, Monday through Friday.

Dated: July 16, 1973.

SAM D. FINE,  
Associate Commissioner for  
Compliance.

[FR Doc. 73-14918 Filed 7-19-73; 8:45 am]

Office of Human Development

[ 45 CFR Chapter XIII ]

JUVENILE DELINQUENCY PREVENTION  
PROGRAMS AND ACTIVITIES

Notice of Proposed Rule Making

Notice is hereby given that the regulations set forth in tentative form below are proposed by the Assistant Secretary for Human Development, with the approval of the Secretary of Health, Education, and Welfare. The proposed regulations implement the Juvenile Delinquency Prevention Act, Public Law 92-381, approved August 14, 1972 which authorizes programs and activities for the prevention of juvenile delinquency.

These regulations will replace those in Part 270 of this title established for Public Law 90-445, the Juvenile Delinquency Prevention and Control Act of 1968. Title I of Public Law 92-381 provides for grants for the establishment of coordinated youth services systems for the prevention of delinquency. Titles II, III, and IV (Training, Technical Assistance and Information Services, Administration) are essentially the same as those in Public Law 90-445, with the exception that the entire focus of Public Law 92-381 is on prevention of delinquency rather than on rehabilitation.

Prior to the adoption of the proposed regulations, consideration will be given to any comments, suggestions, or objections thereto which are submitted in writing to the Acting Assistant Secretary for Human Development, Office of the Secretary, Department of Health, Education, and Welfare, 330 Independence Avenue, SW., Washington, D.C. 20201 on or before August 20, 1973. Comments received will be available for public inspection in Room 2038, Switzer Building, 301 C Street, SW., Washington, D.C. on Monday through Friday of each week from 8:30 a.m. to 5:00 p.m. (area code 202-963-4131).

Federal financial assistance extended under Part 1350 is subject to the regulations in 45 CFR Part 80, issued by the Secretary of Health, Education, and Welfare, and approved by the President, to effectuate the provisions of section 601 of the Civil Rights Act of 1964 (42 U.S.C. 2000d).

Dated: June 6, 1973.

STANLEY B. THOMAS, Jr.,  
Acting Assistant Secretary for  
Human Development.

Approved: July 16, 1963.

FRANK CARLUCCI,  
Acting Secretary.

(Catalog of Federal Domestic Assistance Program No. 13.764, Youth Development and Delinquency Prevention.)

Title 45 of the Code of Federal Regulations is amended as set forth below:

1. Section 204.1 of Chapter II is revised by deleting the reference to title I of the Juvenile Delinquency Prevention and Control Act of 1968 as follows:

§ 204.1 Submittal of State plans for Governor's review.

A State plan under title I, IV-A, IV-B, X, XIV, XVI, or XIX of the Social Security Act, section 5 or 15 of the Vocational Rehabilitation Act, title I of the Mental Retardation Facilities and Community Mental Health Centers Construction Act, or title III of the Older Americans Act, must be submitted to the State Governor for his review and comments, and the State plan must provide that the Governor will be given opportunity to review State plan amendments and long-range program planning projections or other periodic reports thereon. This requirement does not apply to periodic statistical or budget and other fiscal reports. Under this requirement, the Office of the Governor will be afforded a specified period in which to review the material. Any comments made will be transmitted to the Social and Rehabilitation Service with the documents.

§§ 270.1—270.214 [Revoked]

2. Part 270 of Chapter II is revoked.

3. Chapter XIII is amended by changing the heading thereof, and by adding a new Part 1350, as set forth below:

CHAPTER XIII—OFFICE OF HUMAN  
DEVELOPMENT, DEPARTMENT OF  
HEALTH, EDUCATION, AND WELFARE  
PART 1350—JUVENILE DELINQUENCY  
PREVENTION PROGRAMS AND ACTIVITIES

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Subpart G—Contracts

1350.80 Contracts.

AUTHORITY: SECS. 101-411, 86 Stat. 532-539 (42 U.S.C. 3811-3891)

Subpart A—Definitions

§ 1350.1 Definitions.

For the purposes of this part, unless the context otherwise requires:

(a) "Act" means the Juvenile Delinquency Prevention Act;

(b) "Assistant Secretary" means the Assistant Secretary for Human Development;

(c) "Construction" means construction of new buildings and acquisition, expansion, remodeling, and alteration of existing buildings, and initial equipment of any such buildings, or any combination of such activities (including architects' fees but not the cost of acquisition of land for new buildings). For the purpose of this paragraph, the term "equipment" includes machinery, utilities, and built-in equipment and any necessary enclosures or structures to house them;

(d) "Coordinated youth services system" means a comprehensive community-based service delivery system, separate from the system of juvenile justice (which encompasses agencies such as the juvenile courts, law enforcement agencies, and detention facilities) for providing youth services to an individual who is in danger of becoming delinquent and to his family in a manner designed to:

(1) Facilitate accessibility to and utilization of all appropriate youth services provided within the geographic area served by such system by any public or private agency or organization which desires to provide such services through such system;

(2) Identify the need for youth services not currently provided in the geographic area covered by such system, and, where appropriate, provide such services through such system;

(3) Make the most effective use of youth services in meeting the needs of young people who are in danger of becoming delinquent, and their families;

(4) Use available resources efficiently and with a minimum of duplication in order to achieve the purposes of the Act; and

(5) Identify the types and profiles of individual youths who are to be served by such a comprehensive system;

(e) "Local educational agency" means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools;

(f) "Nonprofit private agency" means any accredited institution of higher education, and any other agency, organization, or institution no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual, or which is owned and operated by one or more such agencies, but only if such agency, organization, or institution was in existence at least two years before the date of an application under the Act. The term shall not be construed to include the Office of Economic Opportunity. Participation by the Office of Economic Opportunity is expressly prohibited in administering the Act;

(g) "Office" means the Office of Human Development of the Department of Health, Education, and Welfare;

(h) "Public agency" means a duly elected political body or a subdivision thereof and shall not be construed to include the Office of Economic Opportunity. Such term includes an Indian tribal council;

(i) "State" means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands;

(j) "Technical assistance" refers to consultation to State, local, or other public or private agencies or organizations in matters relating to prevention of delinquency;

(k) "Youth in danger of becoming delinquent" refers to any youth whose conduct is such as to bring him within the jurisdiction of the juvenile court;

(l) "Youth services" means services which assist in the prevention of juvenile delinquency, including but not limited to: individual and group counseling; family counseling; diagnostic services; remedial education; tutoring; alternate schools (institutions which provide education to youths outside the regular or traditional school system); vocational testing and training; job development and placement; emergency shelters; halfway houses; health services; drug abuse programs; social, cultural, and recreational activities; the development of paraprofessional or volunteer programs; community awareness programs; foster care and shelter care homes; and community-based treatment facilities or services.

### Subpart B—Preventive Services

#### § 1350.10 Purpose.

(a) The purpose of this subpart is to assist States, local educational agencies and other public and nonprofit private agencies to establish and carry out community-based programs, including programs in schools, for the prevention of delinquency in youths.

(b) Grants will be made under this subpart for the purpose of establishing or operating coordinated youth services systems.

(c) For contracts, see Subpart G of this part.

#### § 1350.11 Eligibility.

Grants under this subpart may be made to public or nonprofit private agencies: *Provided, however*, That agencies which are part of the juvenile justice system such as police, courts, correctional institutions, detention homes, and probation and parole authorities are not eligible applicants. Multiple-function agencies having authority to administer a variety of programs, which may include corrections, are eligible applicants: *Provided*, That the corrections or other juvenile justice component is not responsible for the administration of the grant or the operation of the project and that the coordinated youth services system is developed and operated separately from such component.

#### § 1350.12 Duration of Federal assistance for project.

(a) A project grant shall be awarded for a specified period not in excess of 24 months, and only for the period reasonably necessary for the community to assume responsibility for the continuation of the coordinated youth services system.

(b) The project period may be extended, without additional grant support, for a period not in excess of 12 months where required to assure adequate completion of the approved project.

#### § 1350.13 Matching requirements.

(a) Federal financial participation for delinquency prevention services projects will not exceed 75 percent of the total cost of the project or program for which the grant is made, except as provided in paragraph (c) of this section. See also § 1350.20 for Federal financial participation in construction costs.

(b) Grantee funds or services derived from other Federal funds or used for matching any other Federal grant may not be used to match the Federal funds in this program, except as otherwise specifically allowed by Federal statute.

(c) If an applicant applying for a grant does not have sufficient funds available to meet the non-Federal share of the cost of a project or program, the Assistant Secretary may increase the Federal share of the cost to the extent necessary. An application from an applicant requesting an increased Federal share must be accompanied by a complete financial statement showing that no existing re-

sources of the applicant can reasonably be diverted to support the project and that it is not reasonable to expect that any additional funds can be obtained from other sources for this purpose.

#### § 1350.14 Application; scope.

An application for establishing or operating a coordinated youth services system may include planning and construction. No application will be considered which is limited either to planning or to construction, or both.

#### § 1350.15 Application; content.

(a) An application for funds under this subpart shall contain the following information:

(1) A budget and budget justification;

(2) A description of the qualifications for the principal staff positions to be responsible for the project;

(3) A statement of the goals of the proposed coordinated youth services system, and how it relates to the purposes of delinquency prevention;

(4) A description of the methods to be employed in implementing the goals of the system;

(5) A description of the services for youths who are in danger of becoming delinquent and which are available in the State or community;

(6) A statement of the method or methods of linking the agencies and organizations, public and private, providing these and other services, including local educational agencies and nonprofit private schools;

(7) The functions and services to be included;

(8) The procedures which will be established for protecting the rights, under Federal, State and local law, of the parents, guardians and youth who are recipients of services, and for insuring appropriate privacy with respect to records relating to such services, provided to any individual under the coordinated youth services system developed by the applicant;

(9) The procedures through which the applicant agency can adequately carry out its continuing responsibility and accountability for services to recipients;

(10) When the application includes funds for construction:

(i) A set of schematic drawings;

(ii) A description of the proposed facility and staffing pattern, and

(iii) A description of the facility's function in the proposed coordinated youth services system;

(11) The procedures which will be established for evaluation;

(12) The strategy for phasing out support under the Act and the continuance of a proven program through other means;

(13) A description of the relationship of the project to other Federal, State or local preventive services within the designated area of concern;

(14) A description of how public and private agencies and organizations concerned with youth, as well as youth themselves, have been involved signifi-

cantly in determining the appropriateness of the project and in designing the nature and scope of the activities to be conducted;

(15) A statement showing the different sources of funding and the amount each has currently committed and proposed for future commitment;

(16) When the application includes funds for planning, a description of the nature of such planning; and

(17) Such other information as the Assistant Secretary may require.

(b) In addition, an application shall contain assurances that:

(1) Steps have been taken or will be taken toward the provision, within a reasonable period of time, of a program of coordinated youth services in the area served which will make a substantial contribution toward the prevention of delinquency of youths, including diagnosis and treatment of youths in danger of becoming delinquent;

(2) The applicant will make special efforts to assure that the services provided by the coordinated youth services system will be available for youths with the most serious behavioral problems;

(3) The applicant (if it is not a local educational agency) has consulted on its application with the local educational agencies, nonprofit private schools, and other youth services agencies in the area to be served and has adopted procedures to coordinate its project with related efforts being made by these schools and agencies;

(4) The applicant will provide, to the extent feasible, for coordinating on a continuing basis, its operations with the operations of other agencies and nonprofit private organizations, furnishing youth services within the geographic area, taking into account the services and expertise of such agencies and organizations, and with a view to adopting such services to the better fulfillment of the purposes of this subpart;

(5) The applicant will make reasonable efforts to secure or provide any services which are necessary for diagnosing and treating youths in danger of becoming delinquent and which are not otherwise being provided in the community, or if being provided are not adequate to meet its needs;

(6) Maximum use will be made under the program of other Federal, State or local resources available for the provision of such services;

(7) In developing coordinated youth services, youth and public or private agencies, and organizations providing youth services within the geographic area to be served by the applicant, will be given the opportunity to present their views to the applicant with respect to such development;

(8) The applicant will be responsible for organizing, maintaining, and facilitating accessibility to all available youth services; and

(9) Participation has been formally committed by those public and private agencies whose services are necessary to the system's success.

(c) The application shall be executed by an individual authorized to act for

the applicant and to assume on behalf of the applicant the obligations imposed by the terms and conditions of any award, including the provisions of this part.

(d) Any major proposed amendments to an approved application shall be submitted in writing, in advance to the Assistant Secretary. No such changes shall be put into effect without the approval of the Assistant Secretary.

#### § 1350.16 Factors considered in evaluating applications.

(a) In determining whether or not to approve an application under this subpart, the Assistant Secretary shall consider the following factors in the geographic area to be served. Information concerning each factor shall accompany the application:

(1) The relative costs and effectiveness of the project;

(2) The incidence of, and rate of increase in, youth offenses and juvenile delinquency;

(3) School dropout rates;

(4) The adequacy of existing facilities and service for carrying out the purposes of the project;

(5) The extent of comprehensive planning in the community;

(6) Youth unemployment rates;

(7) The extent to which the proposed program incorporates new or innovative techniques within the State or community;

(8) The extent to which the proposed program will make effective use of the facilities and services of the appropriate local educational agencies;

(9) The extent to which the proposed program incorporates participation of the parents of youths who are in danger of becoming delinquent, as well as the participation of other adults or youth who offer guidance or supervision to such youths; and

(10) The extent to which the proposed program will be coordinated with similar programs assisted under other Federal laws related to the purposes of this subpart.

(b) The Assistant Secretary, in making grants under this subpart, shall give priority to applications serving communities which exhibit to the highest degree the factors listed in subparagraphs (2), (3), and (6) of paragraph (a) of this section.

#### § 1350.17 Characteristics of a coordinated youth services system.

A project, to be eligible for funding, must provide for a coordinated youth services system, with the following basic procedural and operational characteristics:

(a) *Procedural.* (1) The involvement of Federal, State and local public and private agencies and organizations in the planning and development phases;

(2) The involvement of adults and youth, in the planning and development phases of the system, who are from the area to be served, including those who may be recipients of services;

(3) Structure and procedures of such a nature as to insure flexibility and

adaptability on the part of the system to meet the changing needs of youth;

(4) A plan for the continuation of the system following termination of funds under the Act.

(b) *Operational.* (1) Evidence that, in addition to the funds required to meet the non-Federal share of the cost of the project, community funding is available from multiple sources at the Federal, State, or local levels to support the system;

(2) The involvement of adults and youth, in the operational phase, who are from the area to be served, including those who may be recipients of service;

(3) Provision for services which are comprehensive in scope;

(4) An Information and Referral Service to insure that all youth within the geographic area served will receive assistance in the resolution of problems directly or by referral;

(5) The provision of services (which are not otherwise being provided or if being provided are not adequate to meet the community's needs) directly by the applicant agency or by member agencies of the system through contract or written agreements with the applicant agency;

(6) A centralized data collection and maintenance system sufficient in substance to enable the applicant agency to discharge its continuing responsibility and accountability for services to the individual recipient, as well as to carry out an effective evaluation of the system or one of its component parts;

(7) Provision of services to the recipient on a consensual basis without involving in any way the authority of the juvenile justice system;

(8) The applicant is not a juvenile justice agency and the system will be developed and operated separately and apart from the juvenile justice system.

#### § 1350.18 Notification to jurisdictions affected.

(a) Applicants must send copies of the application and attachments to:

(1) The governor or his designee;

(2) The State Law Enforcement Planning Agency required under section 202 of the Omnibus Crime Control and Safe Streets Act of 1968, P.L. 90-351; and

(3) The governing body of the general purpose government in which the system is geographically located.

(b) Such governing bodies, officials and planning agencies have thirty days from the receipt of copies of the application to submit comments or recommendations on the proposed coordinated youth services system. They may request additional time to comment from the Assistant Secretary. The applicant shall indicate to whom copies of the application have been submitted for comment.

#### § 1350.19 Construction; purpose.

Grants under this subpart are available to pay part of the cost of construction of community-based special purpose or innovative types of facilities, including halfway houses, and small residential facilities, for the diagnosis and treatment of youth who are in danger of

becoming delinquent, when needed for the effective operation of a coordinated youth services system.

§ 1350.20 Construction; matching requirements.

(a) Federal financial participation in construction costs may not exceed 50 percent of the total cost of construction.

(b) Grantee funds or services derived from other Federal funds or used for matching any other Federal grant may not be used to match the Federal funds in this program, except as otherwise specifically allowed by Federal statute.

§ 1350.21 Construction; use of funds.

(a) Project funds, Federal and matching, may be used for:

- (1) Construction of new buildings;
- (2) Acquisition of existing buildings;
- (3) Expansion, remodeling or alteration of existing buildings;
- (4) Initial equipment for such buildings;
- (5) Architectural plans and designs.

(b) Project funds, Federal and matching, may not be used for:

- (1) Purchase of land for new buildings;
- (2) Off-site improvements.

§ 1350.22 Construction; application and assurances.

(a) If an application includes a request for funds for construction of new buildings, such application must be sent to State and regional or metropolitan clearinghouses for comment in accordance with the requirements of Office of Management and Budget Circular A-95.

(b) Application for funds for construction, as part of the total application for support of a coordinated youth services system, shall be made on HEW construction application forms. In addition to any other requirement imposed by law, each construction grant shall be subject to the condition that the applicant will furnish and comply with assurances set forth in HEW construction application forms. The Assistant Secretary may, at any time, approve exceptions to these conditions and assurances where he finds that such exceptions are not inconsistent with the Act and the purposes of the system.

§ 1350.23 Construction; standards.

Construction shall be in accordance with applicable State and local codes and regulations for the type of facility involved.

§ 1350.24 Common provisions.

See Subpart F of this part.

Subpart C—Training

§ 1350.30 Purpose.

(a) The purpose of this subpart is to utilize training as a means of increasing the number of qualified individuals to work with youth in danger of becoming delinquent; to increase the capacity and ability of persons now employed in such activities; to improve counseling or instruction of parents in the supervision of youth in danger of becoming delinquent; and to provide special programs with

training for career opportunities for youths and adults.

(b) Grants made under this subpart are for the development of courses of study and of interrelated curricula in schools, colleges and universities, the establishment of short-term institutes for training at schools, colleges and universities, in-service training and traineeships, and stipends, including allowances for travel and subsistence expenses.

(c) For contracts, see Subpart G of this part.

§ 1350.31 Eligibility.

Grants under this subpart may be made to any Federal, State or local public agency or any private nonprofit agency or organization: *Provided, however,* That agencies which are part of the juvenile justice system are not eligible applicants. Multiple-function agencies having authority to administer a variety of programs, which may include corrections, are eligible applicants provided that the corrections or other juvenile justice component is not responsible for the administration of the grant or the operation of the project.

§ 1350.32 Matching requirements.

There are no specific matching requirements. The Assistant Secretary shall require the recipient to contribute money, facilities or services, to the extent he deems appropriate.

§ 1350.33 Application.

(a) An application for funds under this subpart shall contain the following:

- (1) A budget and budget justification;
- (2) A description of the qualifications for the principal staff positions to be responsible for the project;
- (3) A statement of the goals of the proposed project, and how they relate to the purposes of delinquency prevention;

(4) A description of the methods to be employed in implementing the goals of the proposed project;

(5) Where appropriate, a description of the types of training materials, publications, films, curriculum materials, training tapes or other products anticipated from the project;

(6) Where appropriate, a description of the role of youth in the project;

(7) A description of the provisions that have been made for a systematic evaluation of the project results;

(8) A description of the criteria to be used in selecting trainees, and the methods to be used in evaluating their progress during training and their suitability for employment;

(9) Such other information as the Assistant Secretary may require.

(b) The application shall be executed by an individual authorized to act for the applicant, and to assume on behalf of the applicant the obligations imposed by the terms and conditions of any award, including the provisions of this part.

(c) An award of a grant under this subpart will be forwarded by the Assistant Secretary or other delegate offi-

cial to the Secretary of Labor or his designee for concurrence.

(d) Any major proposed amendments to an approved application shall be submitted in writing, in advance to the Assistant Secretary. No change shall be put in effect without the approval of the Secretary of Labor or his designee and the Assistant Secretary.

§ 1350.34 Factors considered in evaluating applications.

In evaluating an application, the Assistant Secretary will consider a number of factors, including the following:

(a) The relative need for the project in relation to national, State or local priorities;

(b) The relative extent to which financial support is committed by the applicant for the operation of the project;

(c) The relative ability of the applicant to employ innovative and effective methods and techniques;

(d) The relative extent to which the project will result in new employment and new career opportunities in the field of delinquency prevention.

§ 1350.35 Common provisions.

See Subpart F of this part.

Subpart D—Technical Assistance

§ 1350.40 Purpose.

(a) Grants made under this subpart are to aid States, local or other public or private agencies or organizations in matters relating to the prevention of delinquency, through the provision of technical assistance. Particular emphasis will be placed on providing technical assistance in the development of coordinated youth services systems under Subpart B of this part.

(b) For contracts, see Subpart G of this part.

§ 1350.41 Eligibility.

Grants under this subpart may be made to any public agency or nonprofit private agency or organization: *Provided, however,* That agencies which are part of the juvenile justice system are not eligible applicants. Multiple-function agencies having authority to administer a variety of programs, which may include corrections, are eligible applicants provided that the corrections or other juvenile justice component is not responsible for the administration of the grant or the operation of the project.

§ 1350.42 Matching requirements.

There are no specific matching requirements for grants under this subpart. However, to the extent deemed appropriate, the Assistant Secretary may require matching funds, facilities or services for carrying out the project.

§ 1350.43 Application.

(a) An application for funds under this subpart shall contain the following:

- (1) A budget and budget justification;
- (2) A description of the qualifications for the principal staff positions to be responsible for the project;

(3) A narrative description of the methods to be used by the applicant in rendering technical assistance, and the time schedule for rendering this assistance;

(4) An assurance that reports and recommendations, including the supporting data, will be submitted to the recipient of the technical assistance in writing, with a copy to the Assistant Secretary;

(5) Such other information as the Assistant Secretary may require.

(b) The application shall be executed by an individual authorized to act for the applicant, and to assume on behalf of the applicant, the obligations imposed by the terms and conditions of any award, including the provisions of this part.

(c) Any major proposed amendments to an approved application shall be submitted in writing, in advance to the Assistant Secretary. No such changes shall be put into effect without the approval of the Assistant Secretary.

#### § 1350.44 Common provisions.

See Subpart F of this part.

#### Subpart E—Grants to States for Technical Assistance to Local Units

##### § 1350.50 Purpose.

The purpose of this subpart is to provide for grants to States for the provision of technical assistance to local public agencies and nonprofit private agencies and organizations engaged in, or preparing to engage in, activities for which aid may be provided under Subpart B of this part.

##### § 1350.51 Eligibility.

Grants under this subpart may be made to any non-Juvenile Justice State agency which is able and willing to provide such technical assistance.

##### § 1350.52 Matching requirements.

(a) Federal financial participation in the cost of providing technical assistance shall not exceed 90 percent of the total cost of the technical assistance for which the grant is made.

(b) Grantee funds or services derived from other Federal funds or used for matching any other Federal grant may not be used to match the Federal funds in this program, except as otherwise specifically allowed by Federal statute.

##### § 1350.53 Application.

(a) An application for funds under this subpart shall contain the following:

(1) A budget and budget justification;

(2) A description of the qualifications for principal staff positions to be responsible for the project;

(3) A statement of the goals of the proposed technical assistance project, and how they relate to the purposes of the Act;

(4) A narrative description of the methods to be used by the applicant in rendering technical assistance, and the time schedule for rendering this assistance;

(5) An assurance that reports and recommendations, including the support-

ing data, will be submitted to the recipient of the technical assistance in writing, with a copy to the Assistant Secretary;

(6) Such other information as the Assistant Secretary may require.

(b) The application shall be executed by an individual authorized to act for the applicant, and to assume on behalf of the applicant, the obligations imposed by the terms and conditions of any award, including the provisions of this part.

(c) Any major proposed amendments to an approved application shall be submitted in writing, in advance to the Assistant Secretary. No such changes shall be put into effect without the approval of the Assistant Secretary.

##### § 1350.54 Factors considered in evaluating proposals.

In evaluating applications, the Assistant Secretary will consider a number of factors, including the following:

(a) The need for the technical assistance project;

(b) The capability of the State agency to provide technical assistance;

(c) The capability of the State agency to continue such technical assistance after support is terminated.

##### § 1350.55 Common provisions.

See Subpart F of this part.

#### Subpart F—Common Provisions

##### § 1350.60 Applicability.

The provisions of this part are applicable to the programs conducted under Subparts B, C, D, and E of this part.

##### § 1350.61 Protection of rights of recipient.

(a) No child shall be the subject of any research or experimentation, under this part, other than routine testing and normal program evaluation, unless the parent or guardian is informed and given an opportunity as of right to exempt such child therefrom.

(b) No child shall be subject to medical, psychiatric or psychological treatment, under this part, without the consent of the parent or guardian unless otherwise permitted under State law.

(c) All information obtained by a grantee as to personal facts about individuals served by the coordinated youth services system, including lists of names and records of addresses and evaluation, shall be held to be confidential. The use of such information and records shall be limited to purposes directly connected with the system and may not be disclosed, directly or indirectly, other than in the administration thereof, unless the consent of the agency providing the information and the individual to whom the information applies, or his representative, has been obtained in writing. Descriptive material or evaluation reports of the project shall not reveal any information that may serve to identify any person about whom information has been obtained without his written consent, or the written consent of his representative.

##### § 1350.62 Application review.

All applications which meet the legal requirements for a grant under the Act will be reviewed by the Office. The applicant may be requested to submit additional information either before or after review of the application. The Office may submit the application to technical consultants. On the basis of the recommendations received, the Assistant Secretary or other delegated official determines the action to be taken with respect to each application and notifies the applicant accordingly.

##### § 1350.63 Grant awards.

All grant awards shall be in writing, shall specify the amount of funds and the purposes for which these funds are granted, the budget period for which support is given, and the total project period for which support is contemplated. For continuation support, grantees must make separate applications in the form and detail required by the Assistant Secretary.

##### § 1350.64 Expenditures.

(a) Except as otherwise authorized, where the applicant for any grant under this part is a State or local public agency, the administrative provisions of State or local law applicable to the monies appropriated to the agency shall apply to Federal monies paid to the agency under this part.

(b) Grants under this part are available for the following types or expenditures for approved coordinated youth services systems, training projects or technical assistance projects:

(1) Salaries, cost of travel, and related expenses of system or project personnel;

(2) Necessary supplies and equipment (subject to such prior approval as the Assistant Secretary may require);

(3) For preventive projects under Subpart B of this part;

(i) Alterations or remodeling of existing buildings and related expenses; and

(ii) Purchase or provision of services to individuals served by the coordinated youth services system.

(b) Grants under this part are available for the following types of expenditures for approved coordinated youth services systems, training projects or technical assistance projects:

(1) Salaries, cost of travel, and related expenses of system or project personnel;

(2) Necessary supplies and equipment (subject to such prior approval as the Assistant Secretary may require);

(3) For preventive projects under Subpart B of this part;

(i) Alterations or remodeling of existing buildings and related expenses; and

(ii) Purchase or provision of services to individuals served by the coordinated youth services system, including purchase of preventive services from a juvenile justice or correctional agency on condition that such services are provided outside of and separate and apart from its juvenile justice and correctional activities, and the services to be purchased are

not otherwise available in the community;

(4) Costs of administration and other indirect costs, subject to such limitations as are set forth in Office of Management and Budget Circulars A-21 and A-87, and as the Assistant Secretary may establish;

(5) For training projects under Subpart C of this part, stipends, traineeships, travel allowances, and subsistence;

(6) Such other items as are included in the approved application subject to applicable limitations set forth in Office of Management and Budget circulars on allowable costs.

(c) Expenditures shall be in connection with the conduct of the system or project as approved.

#### § 1350.65 Payments.

(a) The Assistant Secretary shall from time to time authorize payments to a grantee of all or a portion of any grant award, either in advance or by way of reimbursement for expenses to be incurred in the project period, to the extent he determines such payments are necessary to promote prompt initiation and advancement of the approved project. All such payments shall be recorded by the grantee in accounting records separate from all other fund accounts, including funds derived from other grant awards. Amounts paid shall be available for expenditure by the grantee in accordance with the regulations of this part throughout the project period, subject to such limitations as the Assistant Secretary may prescribe.

(b) In the case of construction funds under Subpart B of this part, payments will be made on the basis of a certification by a qualified individual as to the amounts due the applicant for the cost of work performed and materials and equipment furnished. Such certification shall be based on adequate inspections to determine that the work has been performed upon a project or purchases have been made in accordance with the approved plans and specifications. Payments shall be made at periodic intervals consistent with the construction progress of the project. In extraordinary circumstances, when necessary to maintain construction progress, advance payments may be made. Final payment shall not be made until after the completion of the project.

#### § 1350.66 Reports and records.

The grantee shall make reports to the Assistant Secretary in such form and containing such information as may reasonably be necessary to enable the Assistant Secretary to perform his functions under this part, and shall keep such records and afford such access thereto as the Assistant Secretary may find necessary to assure the correctness and verification of such reports.

#### § 1350.67 Fiscal and auditing procedures.

(a) *Fiscal procedures.* The grantee shall provide for such fiscal control and fund accounting procedures as are necessary to assure proper disbursement of,

and accounting for, the Federal funds paid to it. Accounts and supporting documents relating to project expenditures shall be adequate to permit an accurate and expeditious audit. All grant accounting records shall be retained for periods prescribed in manuals or other issuances of the Assistant Secretary.

(b) *Auditing procedures.* Each grantee shall make appropriate provision for the auditing of project expenditure records, and such records, as well as the audit reports, shall be available to auditors of the Federal government.

#### § 1350.68 Publications and copyrights.

(a) *Publications.* Grantees under this part may publish the results of any project without prior review by the Office, provided that such publications carry an acknowledgment of assistance received under the Act, and a statement that the claimed findings and conclusions do not necessarily reflect the views of the Office; *And provided,* That copies of the publications are furnished to the Office.

(b) *Copyright.* Where the grant-supported activity results in a book or other copyrightable material, the grantee is free to copyright, but the Office reserves a royalty-free, nonexclusive and irrevocable license to reproduce, publish, translate, or otherwise use, and to authorize others to use, all copyrightable or copyrighted material resulting from the grant-supported activity.

#### § 1350.69 Interest.

Pursuant to section 203 of the Intergovernmental Cooperation Act of 1968 (Public Law 90-577), a State, as defined in section 102 of that Act, will not be held accountable for interest earned on grant funds pending their disbursement for program purposes. A State, as defined in the Intergovernmental Cooperation Act, section 102, means any one of the several States, the District of Columbia, Puerto Rico, any territory or possession of the United States, or any agency or instrumentality of a State, but does not include the governments of the political subdivisions of the State. All other grantees must return to the Office all interest earned on grant funds.

#### § 1350.70 Termination.

(a) A grant may be terminated, in whole or in part, at any time within the project period whenever it is determined by the Office that the grantee has failed to comply with the terms and conditions of the grant. The grantee shall be promptly notified of such termination in writing and given the reasons therefor. Payments and recoveries shall be in accord with the legal rights and liabilities of the Office and the grantee.

(b) The Office or the grantee may terminate grants, in whole or in part, when both parties agree that continuation would not produce beneficial results commensurate with the further expenditure of funds. Termination conditions and procedures shall be in accordance with requirements set forth in manuals or other issuance of the Assistant Secretary.

### Subpart G—Contracts

#### § 1350.80 Contracts.

(a) Subject to applicable provisions of this part, the Assistant Secretary is authorized to make contracts under Subparts B, C, and D of this part.

(b) *Provisions.* Any contract under this part shall be entered into in accordance with, and shall conform to all applicable laws, regulations and Department policy.

(c) *Payments.* Payments under any contract under this part may be made in advance or by way of reimbursement and in such installments and on such conditions as the Assistant Secretary may determine.

[FR Doc.73-14946 Filed 7-19-73;8:45 am]

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

[46 CFR Parts 35, 78, 97, 196]

[CGD 72-134P]

### MANEUVERING CHARACTERISTICS

#### Proposed Requirements for Information in Pilotheuse

The Coast Guard is considering amendments to the operations regulations for several classes of vessels to require that tankships and ocean and coastwise vessels of 1,600 gross tons or more carry maneuvering information in their pilothouses.

Interested persons may participate in this rule making by submitting written data, views, or arguments to the Coast Guard (GCMC), Room 8234, 400 Seventh Street SW., Washington, D.C. 20590 (phone 202-426-1477). Each person submitting a comment should include his name and address, identify the notice (CGD 72-134P), the specific section of the proposal to which each comment is addressed, and the reasons for any recommendation.

Copies of all written comments received will be available for examination in Room 8234 of the above stated address. The proposal may be changed in the light of the comments received. The deadline for comments on this notice will be August 31, 1973.

No hearing is contemplated but may be held at a time and place set in a later notice in the FEDERAL REGISTER, if requested by an interested person desiring an opportunity to comment orally at a public hearing and raising a genuine issue.

The Coast Guard published a notice of proposed rule making in the August 22, 1972 issue of the FEDERAL REGISTER (37 FR 16879) which proposed amendments to the operations regulations for several classes of vessels of 1600 gross tons or more to require maneuvering information posted in the pilothouse. Two oral comments were made at the public hearing which was held on September 28, 1972 in Washington, D.C., and 9 written comments were submitted before October 13, 1972.

Most commenters felt that requirements in paragraph (a) of each of the

proposed sections for information "computed at normal load and normal light condition" (normal ballast conditions in the tanker regulations) were too restrictive. One commented that the information should not be a requirement for certification of a new vessel but that a reasonable operating time after delivery should be allowed for development of the information.

The Coast Guard recognizes that, as some respondents commented, wind, sea, current, conditions of loading, depth of water, conditions of hull, and similar conditions, will vary and that seldom will two situations be identical. The proposed information was intended to be used only as a guideline. In response to the comments, the Coast Guard changed the proposal to include a warning that the vessel's response may differ significantly under different conditions. Also, a requirement for the prominent display of the information in the pilothouse has been added and the wording of the regulation was made less restrictive. A section was added which requires that preliminary information be provided before a vessel is issued a certificate of inspection and allows up to nine months for verification or modification of the information based on operational experience. Wording has also been included which will allow the use of established information for a sister vessel.

Several comments were received suggesting a table of shaft revolutions for each knot of the vessel's speed instead of the proposed requirement which would result in awkward figures such as "58.62 revolutions per minute gives 10 knots." Based on this suggestion, wording was changed to require a table of revolutions per minute for a representative range of speeds.

It was also pointed out that for vessels with controllable pitch propellers "revolutions per minute" has little meaning. Accordingly, a provision was added that allows vessels with controllable pitch propellers to indicate control settings for a representative range of speed.

Comments were received suggesting the inclusion of information for vessels equipped with bow thrusters or other devices designed to assist in maneuvering a vessel. A requirement was added for vessels equipped with such auxiliary devices to include information as to the maximum speed at which the device is effective in maneuvering the vessel.

Most respondents felt that since there is presently no recognized criteria to judge when a vessel loses steerage, the requirement for the lowest constant shaft revolutions per minute at which the vessel can be steered in still water is unrealistic. The Coast Guard approved the comment and deleted the proposed amendment.

Several comments were received regarding problems created in each paragraph (a) (3) of the proposed regulations pertaining to turning circles at constant shaft revolutions per minute. In general, the comments pointed out that careful adjustment of the throttle would be necessary to maintain constant RPM. The

Coast Guard agreed with the comments and changed the words "constant shaft revolutions per minute" to "constant power settings" which reflects the actual situation.

Comments made on paragraph (a) (4) of the proposed regulations suggested including the time required for the transmission of an order and the reaction of the machinery. The Coast Guard accepted this comment and changed the requirement from, "The approximate time and distance to stop the vessel from full and half speed, after the application of emergency full astern power" to, "The time and distance to stop the vessel from full and half speed while maintaining approximately the initial heading with minimum application of rudder."

With all the changes made, the Coast Guard determined that the regulations were substantively different from those proposed on August 22, 1972. It is necessary, under the circumstances, to withdraw the original proposal, and issue a new proposal that contains those changes described in this preamble.

In consideration of the foregoing, it is proposed to amend Chapter I of Title 46, Code of Federal Regulations, as follows:

1. By amending Subpart 35.20 by adding a new § 35.20-40 to follow § 35.20-20 and to read as follows:

§ 35.20-40 Maneuvering characteristics—T/ALL.

For each tankship of 1600 gross tons or over, the following apply:

(a) The following maneuvering information must be prominently displayed in the pilothouse on a Fact Sheet before a vessel is issued a certificate of inspection:

(1) For full and for half speed, a turning circle diagram to port and starboard that shows the time and the distance of advance and transfer required to alter the course 90 degrees with maximum rudder angle and constant power settings.

(2) The time and distance to stop the vessel from full and half speed while maintaining approximately the initial heading with minimum application of rudder.

(3) For each vessel with a fixed propeller, a table of shaft revolutions per minute for a representative range of speeds.

(4) For each vessel with a controllable pitch propeller, a table of control settings for a representative range of speed.

(5) For each vessel that is fitted with an auxiliary device to assist in maneuvering, such as a bow thruster, the maximum vessel speed at which the auxiliary device is effective in maneuvering the vessel.

(b) The maneuvering information must be established in the normal load and normal ballast condition for:

- (1) Calm weather;
- (2) No current;
- (3) Deep water conditions; and
- (4) Clean hull.

(c) At the bottom of the Fact Sheet, the following statement must appear:

WARNING

The response of the (name of vessel) may be different than those listed above if the conditions are changed, such as shallow water.

(d) The information on the Fact Sheet must be

(1) Verified six months after the vessel is placed in service; or

(2) Modified six months after the vessel is placed into service and verified 3 months thereafter.

(e) The information that appears on the Fact Sheet may be information that is established for another vessel that has a similar hull form, power, rudder, and propeller.

2. By amending Parts 78, 97, and 196 by adding Subparts 78.21, 97.19, and 196.19, headed "Maneuvering Characteristics" and consisting of §§ 78.21-1, 97.19-1, and 196.19-1 respectively, that read the same as § 35.20-40, except the headings of each section would read Data required and the introductory text of the sections and paragraph (b) would read as follows:

§ Data required.

For each ocean and coastwise vessel of 1600 gross tons or over, the following apply:

(b) The maneuvering information must be established in the normal load and normal light condition for—

(R.S. 4405, as amended, R.S. 4417a, as amended, R.S. 4462, as amended, sec. 6(b) (1), 80 Stat. 937; 46 U.S.C. 375, 391a, 416, 49 U.S.C. 1655(b) (1); 49 CFR 146 (b) and (c) (4))

Dated, July 16, 1973.

D. H. CLIFTON,  
Captain, U.S. Coast Guard Acting Chief, Office of Merchant Marine Safety.

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[ 33 CFR Part 117 ]

[CGD 73-1427]

SACRAMENTO RIVER, OLD RIVER, GEORGIANA SLOUGH AND STEAMBOAT SLOUGH, CALIF.

Proposed Drawbridge Operation Regulations

At the request of the Southern Pacific Transportation Company, the Atchison, Topeka and Santa Fe Railway Company, the State of California and the County of Sacramento, the Coast Guard is considering amending the regulations for the drawbridges across the Sacramento River at Isleton, Walnut Grove, Paintersville, Freeport and a highway bridge and a railroad bridge at Sacramento; across Steamboat Slough at Grand Island; across Old River at Orwood and at Victoria Island and the highway drawbridges across Georgiana Slough at Isleton and Walnut Grove and the railroad bridge at Isleton. These changes would reduce the times at which the draws of these bridges would be required to open on signal. This is being considered be-

cause of reduced navigation on these stretches of the waterway due in part to the increased use of the Sacramento River Deep Water Ship Channel. The proposal pertaining to the Georgiana Slough was originally published in the FEDERAL REGISTER as a notice of proposed rulemaking (CGFR 71-65) on July 10, 1971 (36 FR 12987). However, the proposal is being reissued with some modifications to integrate it in this proposal.

Interested persons may participate in this proposed rulemaking by submitting written data, views, or arguments to the Commander (oan), Twelfth Coast Guard District 630 Sansome Street, San Francisco, California 94126. Each person submitting comments should include his name and address, identify the bridge, and give reasons for any recommended change in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, Twelfth Coast Guard District.

The Commander, Twelfth Coast Guard District, will forward any comments received before August 21, 1973, with his recommendations to the Chief, Office of Marine Environment and Systems, who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations, be amended by:

1. Adding paragraph (k) to § 117.714 to read as follows:

§ 117.714 San Joaquin River and its tributaries, California

(k) *Old River*—(1) *Atchison, Topeka, and Santa Fe Railway Company bridge at Orwood.* (i) From April 1 through November 30, the draw shall open on signal from 6 a.m. to 10 p.m.

(ii) From December 1 through March 31, the draw shall open on signal from 9 a.m. to 5 p.m.

(iii) At all other times, the draw shall open on signal if at least 4 hours notice is given, except that the draw shall open on signal if at least 1 hour's notice is given for emergency vessels owned, operated, or controlled by the United States or the State of California.

(2) *State of California highway bridge between Victoria Island and Byron Tract.* (i) From May 1 through October 31, the draw shall open on signal from 6 a.m. to 10 p.m.

(ii) From November 1 through April 30, the draw shall open on signal from 9 a.m. to 5 p.m.

(iii) At all other times, the draw shall open on signal if at least 4 hours notice is given, except that the draw shall open on signal if at least 1 hours notice is given for emergency vessels owned, operated or controlled by the United States or the State of California.

2. Revising § 117.715 to read as follows:

§ 117.715 Georgiana Slough, California.

(a) Opening signal. One long blast followed by one short blast.

(b) Sacramento County highway bridges near Isleton and Walnut Grove.

(1) From March 1 through March 31 and from November 1 through November 30 the draws of these bridges shall open on signal from 9 a.m. to 5 p.m. on Saturdays, Sundays and holidays.

(2) From April 1 through October 31 the draws of these bridges shall open on signal from 8 a.m. to 9 p.m.

(3) At all other times the draws shall open on signal if at least 16 hours notice is given. However, the District Commander may require constant draw-tender attendance for such periods as he deems necessary for the safety of navigation and the draws shall open on signal during such periods.

(c) Southern Pacific railroad bridge near Isleton. The draw shall be maintained in the fully open position, except that the draw may close for the passage of trains. When the draw is closed and visibility from the drawtender's station is less than 1 mile up or down the channel, the drawtender shall sound 2 long blasts every minute. When the draw is reopened, the drawtender shall sound one long blast followed by one short blast.

3. Revising § 117.716(a) (1) by adding subparagraphs (iii), (iv) and (v) immediately after subparagraph (ii) and paragraphs (a) (2) and (b) to read as follows:

§ 117.716 Sacramento River and its tributaries, California.

(a) *Sacramento River*—(1) *Sacramento County highway bridge at Walnut Grove and State of California highway bridge at Paintersville.* \* \* \*

(iii) From May 1 through October 31, the draws of these bridges shall be opened on signal from 6 a.m. to 10 p.m.

(iv) From November 1 through April 30, the draws of these bridges shall be opened on signal from 9 a.m. to 5 p.m.

(v) At all other times, the draws of these bridges shall open on signal if at least 4 hours notice is given, except that the draws shall open on signal if at least 1 hours notice is given for emergency vessels owned, operated or controlled by the United States.

(2) *State of California highway bridges at Isleton and Sacramento Tower bridge, Sacramento-Yolo Counties highway bridge at Freeport and Southern Pacific Company railroad I Street bridge at Sacramento.* (i) From May 1 through October 31, the draws of these bridges shall open on signal from 6 a.m. to 10 p.m.

(ii) From November 1 through April 30, the draws of these bridges shall open on signal from 9 a.m. to 5 p.m.

(iii) At all other times, the draws of these bridges shall open on signal if at least 4 hours notice is given, except that the draws shall open on signal if at least 1 hours notice is given for emergency vessels owned, operated or controlled by the United States or the State of California.

(iv) The signal for opening the Southern Pacific Railroad Company bridge shall be four long blasts.

(b) *Steamboat Slough State of California highway bridge at the head of Grand Island.* (i) The opening signal for this bridge is two long blasts followed by one short blast.

(ii) From May 1 through October 31, the draw shall open on signal from 6 a.m. to 10 p.m.

(iii) At all other times, the draw shall open on signal if at least 4 hours notice is given, except that the draw shall open on signal if at least 1 hours notice is given for emergency vessels owned, operated or controlled by the United States or the State of California.

(Sec. 5, 26 Stat. 362, as amended, sec. 6(g) (2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g) (2); 49 CFR 1.46(c) (5), 33 CFR 1.05-1(c) (4)).

Dated: July 12, 1973.

J. D. McCANN,  
Captain, U.S. Coast Guard  
Acting Chief, Office of Marine  
Environment and Systems.

[FR Doc. 73-14891 Filed 7-19-73; 8:45 am]

Federal Aviation Administration

[ 14 CFR Part 71 ]

[Airspace Docket No. 73-CE-8]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Dubuque, Iowa.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received by August 19, 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 Regional Air Traffic Division Chief.

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.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

A new public use instrument approach procedure is being developed for the

Dubuque, Iowa, Municipal Airport. Accordingly, in order to adequately protect aircraft executing this new approach procedure it is necessary to alter the Dubuque, Iowa, transition area.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

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

**DUBUQUE, IOWA**

That airspace extending upward from 700 feet above the surface within an 8½ mile radius of the Dubuque Municipal Airport (latitude 42°24'10" N., longitude 90°42'32" W.; and within 3 miles on either side of the Dubuque VORTAC 321° radial, extending from the VORTAC to 8 miles northwest of the airport reference point; and within 3½ miles on either side of the Dubuque VORTAC 131° radial, extending from the VORTAC to 15½ miles southeast of the airport reference point, and that airspace extending upward from 1200 feet above the surface, bounded by a line beginning at latitude 42°05'00" N., longitude 91°00'00" W., thence W along latitude 42°05'00" N., to and N along longitude 92°15'00" W., to and counterclockwise along the arc of a 29-mile radius circle centered on the Waterloo, Iowa VORTAC, to and E along the S edge of V-100, to and clockwise along the arc of a 29-mile radius circle centered on the Dubuque VORTAC, to and SE along the SW edge of V-218, to and S along longitude 89°55'00" W., to and SW along the NW edge of V-216, to 90°08'00" W., and S to the N edge of V-172, to and N along longitude 91°00'00" W., to the point of beginning, excluding the portion which overlies the State of Illinois.

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

Issued in Kansas City, Missouri, on June 27, 1973.

**JOHN M. CYROCKI,**  
*Director, Central Region.*

[FR Doc.73-14883 Filed 7-19-73; 8:45 am]

**[ 14 CFR Part 71 ]**

[Airspace Docket No. 73-CE-12]

**ALTERATION OF TRANSITION AREA**

**Notice of Proposed Rule Making**

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Lincoln, Nebraska.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received by August 19, 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 Administra-

tion officials may be made by contacting the Regional Air Traffic Division Chief.

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.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

Since designation of controlled airspace at Lincoln, Nebraska, an FAA Airport Surveillance Radar (ASR) has been installed at Lincoln so that the Lincoln Air Traffic Control Tower can provide radar control service to flights in the Lincoln terminal area. Accordingly, it is necessary to alter the 1200-foot floor transition area at Lincoln to enable the Lincoln Air Traffic Control Tower to provide this service. The existing 700-foot floor transition area designation at Lincoln is not affected by this alteration.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

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

**LINCOLN, NEBRASKA**

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Lincoln Municipal Airport (latitude 40°50'45" N., longitude 96°45'20" W.); within the area bounded by a line five miles west of and parallel to the Lincoln ILS localizer south course clockwise along a 17-mile arc centered on the Lincoln Municipal Airport to a line 2 miles east of and parallel to the Lincoln VORTAC 015° radial; and within 5 miles west and 9 miles east of the Lincoln ILS localizer south course, extending from the 9 mile radius area to 13 miles south of the OM; that airspace extending upward from 1,200 feet above the surface bounded by a line starting at the intersection of longitude 97°25'00" W., and the south edge of V-138, thence northwest to longitude 97°42'00" W., latitude 41°00'00" N., thence north to latitude 41°05'00" N., and the southeast edge of V-220, thence northeast following the southeast edge of V-220 until intercepting the south edge of V-172, thence east to longitude 96°22'00" W., and the south edge of V-172, thence south to longitude 96°22'00" W., latitude 41°15'00" N., thence along a 35-mile arc from the Lincoln Municipal Airport clockwise to the point of beginning, excluding that portion which overlies the Beatrice, Nebraska, Fremont, Nebraska, Columbus, Nebraska and Omaha, Nebraska transition areas.

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

Issued in Kansas City, Missouri, on June 27, 1973.

**JOHN M. CYROCKI,**  
*Director, Central Region.*

[FR Doc.73-14884 Filed 7-19-73; 8:45 am]

**[ 14 CFR Part 71 ]**

[Airspace Docket No. 73-NW-07]

**TRANSITION AREA**

**Proposed Alteration**

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Eugene, Oregon Transition Area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Operations, Procedures and Airspace Branch, Northwest Region, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, Washington, 98108. All communications received on or before August 20, 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 Regional Air Traffic Division Chief. 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.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Northwest Region, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, Washington 98108.

A review of the airspace requirements at Eugene, Oregon disclosed that additional controlled airspace would be required for vectoring aircraft in the Eugene area. In addition, the present description is being revised at this time to eliminate redundancy in description. Except as noted herein, the geographical boundaries of the area remain as presently described.

In consideration of the foregoing, the FAA proposes the following airspace action:

In § 71.181 (38 FR 435) the description of the Eugene, Oregon Transition Area is amended to read as follows:

**EUGENE, OREGON**

That airspace extending upward from 700' above the surface within 2-miles east and 10-miles west of the Eugene VORTAC 007° radial, extending from the VORTAC to 14-miles north; within 2-miles southeast and 3-miles northwest of the Eugene VORTAC 030° radial, extending from the VORTAC to 13-miles northeast; that airspace south of Eugene bounded on the east by a line 4.5 miles east of and parallel to the Eugene VORTAC 172° radial, on the south by an arc of a 21-mile radius circle centered on the Eugene VORTAC, on the west by a line 5-miles northwest of and parallel to the Eugene VORTAC 224° radial; within 2-miles each side of the Eugene VORTAC 272° radial extending from the VORTAC to 12-miles west; that airspace extending upward from 1200-feet above the surface, east of Eugene

bounded on the north by V-121; on the east by Longitude 123°01'00" W, on the south-east by V-452; that airspace northeast of Eugene, bounded on the north by V-536, on the south by V-121 and on the west by V-23E.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Seattle, Washington on July 12, 1973.

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

[FR Doc.73-14882 Filed 7-19-73;8:45 am]

[ 14 CFR Parts 71, 73 ]

[Airspace Docket No. 73-WA-31]

**RESTRICTED AREAS AND CONTINENTAL CONTROL AREA**

**Withdrawal of Proposed Designation and Alteration**

On April 24, 1973, a notice of proposed rulemaking (NPRM) was published in the FEDERAL REGISTER (38 FR 10117) stating that the Federal Aviation Administration (FAA) was considering amendments to Parts 71 and 73 of the Federal Aviation Regulations (FARs). This amendment would designate a joint-use restricted area, R-5107H, White Sands Missile Range (WSMR), N. Mex., within the VFR corridor between El Paso, Tex., and Alamogordo, N. Mex., and include it in the Continental Control Area. On May 17, 1973, a Supplemental NPRM was published in the FEDERAL REGISTER (38 FR 12934) that proposed an alteration of the time of designation for proposed restricted area R-5107H. The proposed restricted area would contain hazards which could result from inadvertent fallout of debris from missiles entering the restricted airspace over WSMR.

On May 10, 1973, an NPRM was published in the FEDERAL REGISTER (38 FR 12216) stating that the FAA was considering amendments to Parts 71 and 73 of the FARs that would designate a joint-use restricted area, R-6410, Blanding, Ut., and include it in the Continental Control Area. This proposal was developed by the using agency in conjunction with the proposal for R-5107H. This proposed restricted area would be used as the launching site for the Pershing missiles that would impact at WSMR.

Interested persons were afforded opportunities to participate in both proposed rule-making actions through the submission of comments. Public comments on the first proposal, proposed designation of R-5107H, were generally in opposition.

Subsequently, the military agencies concerned with the conduct of this test program have determined that, with computer assistance to the flight safety system, the missile impact points can be safely retargeted within the existing WSMR complex and its current associated restricted airspace so that proposed R-5107H would not be required. This re-

targeting has required that the launch area be moved from proposed restricted area R-6410, Blanding, Ut., (Airspace Docket No. 73-RM-15) to a former restricted area, R-6413, Green River, Ut. Therefore, the FAA has determined that rule-making actions on the proposed amendments are not appropriate at the present time, and that these notices should be withdrawn. Separate rule-making actions will be undertaken to propose the reestablishment of R-6413 (Airspace Docket No. 73-RM-21).

The withdrawal of these notices, however, does not preclude the FAA from issuing similar notices in the future or commit the FAA to any course of action.

In consideration of the foregoing, the proposals contained in Airspace Dockets Numbers 73-SW-20 (38 FR 10117), its Supplemental NPRM (38 FR 12934) and 73-RM-15 (38 FR 12216) are withdrawn.

This withdrawal of the notices of proposed rulemaking is made under the authority of Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on July 13, 1973.

CLAUDE FEATHERSTONE,  
Acting Chief, Airspace and Air  
Traffic Rules Division.

[FR Doc.73-14885 Filed 7-19-73;8:45 am]

[ 14 CFR Part 75 ]

[Airspace Docket No. 73-RM-19]

**JET ROUTE**

**Proposed Extension**

The Federal Aviation Administration (FAA) is considering an amendment to Part 75 of the Federal Aviation Regulations that would extend Jet Route 148 from Delta, Utah, to Coaldale, Nev.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Rocky Mountain Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Park Hill Station, P.O. Box 7213, Denver, Colo. 80207.

All communications received by August 19, 1973 will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue, SW., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The proposed amendment would extend J-148 from Delta, Utah, direct to Coaldale, Nev. Extending this airway would permit flight planning to Coaldale VORTAC thence via STAR route to the Oakland and San Francisco, Calif., ter-

minal areas. This amendment should reduce controller workload, increase safety and improve flight planning.

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

Issued in Washington, D.C., on July 16, 1973.

CLAUDE FEATHERSTONE,  
Acting Chief, Airspace and  
Air Traffic Rules Division.

[FR Doc.73-14881 Filed 7-19-73;8:45 am]

**CIVIL AERONAUTICS BOARD**

[ 14 CFR Part 399 ]

[Docket No. 25708; Reg. P8DR 36]

**FOREIGN AIR CARRIERS**

**Policy Statement on Oral Confirmed Reservations**

Notice is hereby given that the Civil Aeronautics Board proposes to amend Part 399 of its Statement of General Policy (14 CFR Part 399) so as to make applicable to foreign air carriers the Policy Statement on unfair or deceptive reservations practices involving orally confirmed reservations. The purpose of the proposed amendment is explained in the attached Explanatory Statement, and the proposed amendment is set forth in the proposed rule. The amendment is proposed under the authority of sections 204, 402, 403, 404, and 411 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 757, 758 (as amended by 74 Stat. 445), 760 (as amended by 86 Stat. 95), 769; 49 U.S.C. 1324, 1372, 1373, 1374, 1381.

Interested persons may participate in the proposed rule making through submission of twelve (12) copies of written data, views or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant material received on or before August 20, 1973, will be considered by the Board before taking final action on the proposed rule. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 712 Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C. upon receipt thereof.

Dated: July 17, 1973.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,  
Secretary.

*Explanatory statement.* The Board recently adopted a Policy Statement<sup>1</sup> to the effect that the Board considers it is an unfair or deceptive practice for an air carrier or ticket agent to purport to confirm reserved space by any means not provided for by the carrier's tariff; and simultaneously the Board amended its "denied boarding compensation" rule (Part 250 of its Economic Regulations) so as to apply not only to confirmed reservations noted on a passenger's

<sup>1</sup> PS-52, adopted May 23, 1973; 14 CFR 399.83.

ticket, but also to reservations confirmed by any other means provided for in an air carrier's tariff.<sup>8</sup>

The Board's purpose in adopting these amendments was to protect the public against employees and agents of carriers representing that telephone reservations for scheduled flights made by prospective passengers are "confirmed" when, in fact, under the terms of the carrier's tariff, they are not; and, on the other hand, to extend the remedy of denied boarding compensation<sup>9</sup> to passengers holding reservations confirmed in any manner provided for by the carrier's tariff, even if not evidenced by a ticket notation.

Subsequent to the adoption of these amendments, by notice of proposed rule making EDR-248, dated June 4, 1973, the Board gave notice that it had under consideration the adoption of a further amendment to Part 250, so as to extend its coverage (presently limited to certificated U.S. air carriers) to foreign air carriers holding a permit, issued by the Board pursuant to section 402 of the Act, to perform foreign air transportation on an individually-ticketed basis. If this proposed amendment to Part 250 is adopted, then the recent amendment to that part, made by ER-804, will by its terms apply to such foreign air carriers. However, adoption of the proposed amendment to Part 250 would not affect the recent amendment to Part 399, so that the latter would continue to apply by its terms only to U.S. certificated air carriers.

It seems clear that if foreign air carriers are to be covered by the "denied boarding compensation" rule to the same extent as U.S. certificated air carriers, then they should also be equally covered by the new Policy Statement on unfair or deceptive reservation practices, under section 411 of the Act, which applies to foreign and U.S. carriers. Accordingly, we are proposing herein to amend § 399.83 of the Board's Statements of General Policy so as to apply to foreign air carriers. Although the proceeding instituted herein is separate from the rule making proceeding instituted by EDR-248, we would expect to consider the two matters simultaneously when taking final action.

**Proposed rule.** It is therefore proposed to amend Part 399 of the Board's Statements of General Policy (14 CFR Part 399) as follows:

1. Amend the Table of Contents of Part 399 by changing the heading of § 399.83, the table as amended to read as follows:

<sup>8</sup>ER-804, adopted May 23, 1973; 14 CFR 250.1.

<sup>9</sup>In general, Part 250 requires certificated carriers, with certain exceptions, to file with the Board: (1) Priority rules for determining which passengers holding confirmed reserved space shall be denied boarding on oversold flights; (2) tariffs providing denied boarding compensation to such passengers at the rate of 100 percent of the value of the first remaining flight coupon with a \$25 minimum and a \$200 maximum; and (3) reports of unaccommodated passengers on a market and system basis.

Sec.  
399.82 Passing off \* \* \*  
399.83 Unfair or deceptive practice of air carrier, foreign air carrier, or ticket agent in orally confirming to prospective passenger reserved space on scheduled flights.

2. Amend § 399.83 to read as follows:

§ 399.83 Unfair or deceptive practice of air carrier, foreign air carrier, or ticket agent in orally confirming to prospective passenger reserved space on scheduled flights.

It is the policy of the Board to consider the practice of an air carrier, foreign air carrier, or ticket agent, of stating to a prospective passenger by telephone or other means of communication that a reservation of space on a scheduled flight in air transportation is confirmed before a passenger has received a ticket specifying thereon his confirmed reserved space, to be an unfair or deceptive practice and an unfair method of competition in air transportation or the sale thereof within the meaning of section 411 of the Act, unless the tariff of the particular air carrier or foreign air carrier provides for confirmation of reserved space by the means so used.

[FR Doc.73-14962 Filed 7-19-73; 8:45 am]

## ENVIRONMENTAL PROTECTION AGENCY

[ 40 CFR Part 180 ]

### STREPTOMYCIN

#### Proposed Tolerances

Dr. C. C. Compton, Coordinator, Interregional Research Project No. 4, State Agricultural Experiment Station, Rutgers University, New Brunswick, NJ 08903, on behalf of the Agricultural Experiment Stations of California, Florida, Idaho, Minnesota, North Carolina, North Dakota, Ohio, Oregon, South Carolina, South Dakota, Utah, Washington, and Wisconsin submitted a petition (PP 1E1095), proposing establishment of tolerances for negligible residues of the fungicide streptomycin in or on the raw agricultural commodities celery, hops, peppers, potatoes, and tomatoes at 0.25 part per million.

Subsequently, the petitioner amended the petition by withdrawing the requested tolerance for residues of the fungicide in or on hops.

Recent available information has indicated that (1) streptomycin is not absorbed in the gastrointestinal tract (2) the emergence of resistant strains of microorganisms in humans due to agricultural use of streptomycin is not likely, and (3) sensitization of exposed individuals occurs only through inhalation or skin absorption.

Based on consideration given data submitted in the petition and other relevant material, it is concluded that:

1. The fungicide is useful for the purpose for which the tolerances are proposed.

2. Residues, if any, in celery, peppers, potatoes, and tomatoes from the proposed uses, will not exceed the proposed tolerances. The tolerances of 0.25 part

per million represent the sensitivity of the analytical method.

3. There is no reasonable expectation of residues in eggs, meat, milk, or poultry, and § 180.6(a)(3) applies.

4. The proposed tolerances will protect the public health. Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (see 408(e), 68 Stat. 514; 21 U.S.C. 346a(e)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (36 FR 9038), it is proposed that § 180.245 be revised to read as follows:

### § 180.245 Streptomycin; tolerances for residues.

Tolerances of 0.25 part per million are established for negligible residues of the fungicide streptomycin in or on the raw agricultural commodities celery, peppers, pome fruits, potatoes, and tomatoes.

Any person who has registered or submitted an application for the registration of an economic poison under the Federal Insecticide, Fungicide, and Rodenticide Act containing any of the ingredients listed herein may request, on or before August 20, 1973, that this proposal be referred to an advisory committee in accordance with section 408(e) of the act.

Interested persons may, on or before August 20, 1973, file with the Hearing Clerk, Environmental Protection Agency, Room 3902A, 4th & M Streets, SW., Waterside Mall, Washington, D.C. 20460, written comments (preferably in triplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. All written submissions made pursuant to this proposal will be made available for public inspection at the office of the Hearing Clerk.

Dated: July 17, 1973.

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

[FR Doc.73-14971 Filed 7-19-73; 8:45 am]

## FEDERAL HOME LOAN BANK BOARD

[ 12 CFR Parts 541, 545 ]

[No. 73-955]

### FEDERAL SAVINGS AND LOAN SYSTEM Private Mortgage Insurance for 90-95% Loans

JULY 11, 1973.

Section 545.6-1(a)(5) of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.6-1(a)(5)) authorizes Federal savings and loan associations to make loans in excess of 90 percent of value secured by single-family dwellings subject to various requirements. Under subdivision (iv) of said § 545.6-1(a)(5) one of those requirements is that either the portion of the unpaid balance of such a loan which is in excess of 90 percent of value must be guaranteed or insured by a "qualified

private insurer" as determined by the Federal Home Loan Mortgage Corporation or the association must establish a specific reserve with respect to such loan in the amount specified in that subdivision.

The Board considers it desirable to amend the requirement relating to qualified private mortgage insurance so as to require that with regard to loans in excess of 90 percent of value secured by single-family dwellings, as long as the unpaid balance of such a loan is in excess of 90 percent of value, the portion of the unpaid balance of such loan which is in excess of 80 percent of value must be insured or guaranteed by a "qualified private insurer". The Board considers this increase in the required amount of mortgage insurance desirable in order to cause this mortgage insurance requirement to more accurately reflect default experience on loans in excess of 90 percent of value.

In addition, the phrase "value or purchase price of the real estate security, whichever is less, determined at the time the loan was made" is proposed to be added to § 545.6-1(a)(5)(iv)(a) in order to clarify when such value or purchase price is to be established for the purpose of that section.

Accordingly, the Board hereby proposes to amend § 545.6-1(a)(5)(iv) by revising subdivision (a) thereof to read as set forth below.

Interested persons are invited to submit written data, views, and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 101 Indiana Avenue, N.W., Washington, D.C., 20552, by August 20, 1973, as to whether this proposal should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.6 of the General Regulations of the Federal Home Loan Bank Board (12 CFR 505.6).

**§ 545.6-1 Lending powers under sections 13 and 14 of Charter K.**

Any Federal association which has Charter K may, under sections 13 and 14 thereof, make the following types of loans on the security of first liens on improved real estate and the use by such an association of loan plans, practices, and procedures which comply with the applicable provisions of §§ 545.6 to 545.6-13, are hereby approved by the Board:

(a) *Homes or combination of homes and business property—*

(1) *Monthly installment loans.* Subject to the limitations of § 545.6-7, installment loans may be made on homes or combinations of homes and business property for an amount not in excess of 75 percent of the value thereof, repayable monthly within 30 years or, if an insured or guaranteed loan, within the period acceptable to the insuring or guaranteeing agency: *Provided*, That, when the members of such an association

have authorized loans to be made for an amount exceeding 75 percent of the value, such loans may be made up to the percentage of value authorized by the members but not in excess of:

(i) 80 percent of the value, if the loan is not an insured or guaranteed loan;

(ii) The maximum percentage of the value acceptable to the insuring agency, if an insured loan;

(iii) 80 percent of the value, plus the amount guaranteed if a guaranteed loan.

(5) *Loans in excess of 90 percent of value.* The limitation of 80 percent set forth in paragraph (a)(1)(i) of this section shall be 95 percent in the case of any loan with respect to which the requirements set forth in paragraph (a)(4)(i), (iii), (iv), (v), (vi), and (viii) of this section are met with respect to which the following additional requirements are met:

(iv) *Either—*

(a) That as long as the unpaid balance of such a loan is in excess of an amount equal to 90 percent of the value or purchase price of the real estate security, whichever is less, determined at the time the loan was made, that portions of the unpaid balance of such loan which is in excess of an amount equal to 80 percent of such value or purchase price of the real estate security is guaranteed or insured by a mortgage insurance company which has been determined to be a "qualified private insurer" by the Federal Home Loan Mortgage Corporation; or

(b) The association establishes and maintains a specific reserve with respect to such loan equal to one percent of the unpaid principal balance thereof until the unpaid principal balance has been reduced to an amount not in excess of 90 percent of the value or purchase price of the real estate security, whichever is less, determined at the time the loan was made.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943-48 Comp., p. 1071)

By the Federal Home Loan Bank Board

[SEAL] HENRY A. CARRINGTON,  
Secretary.

[FR Doc.73-14954 Filed 7-19-73; 8:45 am]

**VETERANS ADMINISTRATION**

[ 38 CFR Part 21 ]

**VETERANS' EDUCATIONAL ASSISTANCE  
Entitlement Charges**

The proposed change to § 21.1045 provides for the charging of entitlement proportionately to the educational assistance or training allowance paid when a reduction in the monthly allowance was required due to excessive absences.

Interested persons are invited to submit written comments, suggestions or objections regarding the proposal to the

Administrator of Veterans Affairs (232H), Veterans Administration, 810 Vermont Avenue, N.W., Washington, D.C. 20420. All relevant material received before Aug. 20, 1973 will be considered. All written comments received will be available for public inspection at the above address only between the hours of 8 a.m. and 4:30 p.m. Monday through Friday (except holidays), during the mentioned 30-day period and for 10 days thereafter. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Assistance Unit in room 132. Such visitors to any VA field station will be informed that the records are available for inspection only in Central Office and furnished the address and the above room number.

Notice is also given that it is proposed to make any regulation that is adopted effective the date of final approval.

In § 21.1045(a), subparagraph (6) is added to read as follows:

**§ 21.1045 Entitlement charges.**

(a) *Residence courses.* \* \* \*  
(6) *Excessive absences and less than full payment for job training.* Where deductions are made throughout an enrollment period, the combined portions of a month for which deductions were made will be computed and no entitlement charge will be made for the combined deductions. Where the computation results in a period of time other than a full month, or other than exactly 3/4, 1/2 or 1/4 fractional part of a month, the figure will be raised to the next higher quarter fraction of a month.

Approved: July 13, 1973.

By direction of the Administrator.

[SEAL] RUFUS H. WILSON,  
Associate Deputy Administrator.

[FR Doc.73-14909 Filed 7-19-73; 8:45 am]

**DEPARTMENT OF THE TREASURY**

Internal Revenue Service

[ 26 CFR Part 1 ]

**INCOME TAX**

**Allocation and Apportionment of Deductions; Extension of Time for Comments**

Proposed amendments to the regulations under sections 861, 863, and 905 of the Internal Revenue Code of 1954, relating to allocation and apportionment of deductions, appear in the FEDERAL REGISTER for Monday, June 18, 1973 (38 FR 15840).

Written comments or suggestions pertaining to the proposed amendments were required to be submitted by August 17, 1973. The time for submission of written comments pertaining to the proposed regulations is hereby extended to October 17, 1973.

LAWRENCE B. GIBBS,  
Acting Chief Counsel.

[FR Doc.73-15060 Filed 7-19-73; 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 TREASURY

### Bureau of Customs

[T.D. 73-194]

### FOREIGN CURRENCIES

#### Certification of Rates

The Federal Reserve Bank of New York, pursuant to section 52- of the Tariff Act of 1930, as amended (31 U.S.C. 372(c)), has certified the following rates of exchange which vary by 5 per centum or more from the quarterly rate published in Treasury Decision 73-190 for the following countries. Therefore, as to entries covering merchandise exported on the dates listed, whenever it is necessary for Customs purposes to convert such currency into currency of the United States, conversion shall be at the following daily rates:

France franc:	
July 6, 1973	\$0.2600
Germany deutsche mark:	
July 6, 1973	.4420
Switzerland franc:	
July 6, 1973	.3705

[SEAL] R. N. MARRA,  
Director, Appraisal and  
Collections Division.

[FR Doc. 73-14911 Filed 7-19-73; 8:45 am]

[T.D. 73-196]

### VIKING SAUNA CO.

#### Notice of Recordation of Trade Name

On April 30, 1973, there was published in the FEDERAL REGISTER (38 FR 10646) a notice of application for the recordation under section 42 of the Act of July 5, 1946, as amended (15 U.S.C. 1124), of the trade name Viking Sauna Company used by Viking Sauna Company. The notice advised that prior to final action on the application, filed pursuant to § 133.12, Customs Regulations (19 CFR 133.12), consideration would be given to relevant data, views, or arguments submitted in opposition to the recordation and received not later than 30 days from the date of publication of the notice. No responses were received in opposition to the application.

The name "Viking Sauna Company" is hereby recorded as the trade name of Viking Sauna Company, a partnership composed of Robert H. Jones, Robert E. Hanley and Shoji Koga, located at 909 Park Avenue, San Jose, California 95126, when applied to electrical heaters and prebuilt insulated rooms which can be heated or cooled to a desired temperature and particularly heated for use as a sauna bath and the like, and accessories for such equipment including thermostats, electrical timing devices, etc.

The heating units are manufactured in Sweden. Thermometers are manufactured in Finland. The timing and clock apparatus are manufactured in France. The sauna rooms themselves are manufactured in the United States. Viking Sauna of Australia is authorized to use the trade name.

[SEAL] LEONARD LEHMAN,  
Assistant Commissioner,  
Office of Regulations and Rulings.

[FR Doc. 73-14912 Filed 7-19-73; 8:45 am]

## DEPARTMENT OF DEFENSE

### Office of the Secretary

### ARMED FORCES EPIDEMIOLOGICAL BOARD

#### Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Public Law 92-463, notice is hereby given that the Armed Forces Epidemiological Board will meet on 12-13 September 1973, at the Academy of Health Sciences, Fort Sam Houston, Texas at 8:30 a.m.

The agenda includes a briefing on the Health Service Command and the Academy of Health Sciences, followed by discussions of military preventive medicine problems, and an executive session.

The meeting is open to the public but limited by space accommodations. Interested persons wishing to participate should advise the Executive Secretary in writing, prior to the meeting, at the following address: Executive Secretary, Rm 6B118, Forrestal Building, 7th & Independence Avenues, SW., Washington, D.C. 20314.

NORMAN E. WILKS,  
LTC, MSC, US  
Executive Secretary.

JULY 16, 1973.

[FR Doc. 73-14922 Filed 7-19-73; 8:45 am]

## DEFENSE INTELLIGENCE AGENCY SCIENTIFIC ADVISORY COMMITTEE

### Notice of Closed Meeting

Pursuant to the provisions of section 10 of Public Law 92-463, effective January 5, 1973, notice is hereby given that a closed Panel meeting of the DIA Scientific Advisory Committee will be held on:

Friday, July 27, 1973

The meeting commencing at 9:00 a.m. will be to discuss classified matters.

MAURICE W. ROCHE,  
Director, Correspondence and  
Directives Division Office of  
the Assistant Secretary of  
Defense (Comptroller).

[FR Doc. 73-14921 Filed 7-19-73; 8:45 am]

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[INT DES 73-41]

### OUTER CONTINENTAL SHELF OFFSHORE MISSISSIPPI, ALABAMA, AND FLORIDA

#### Notice of Availability of Draft Environmental Impact Statement and of Public Hearing

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental impact statement relating to a possible Outer Continental Shelf general oil and gas lease sale of 159 tracts of submerged lands on the Outer Continental Shelf in the Gulf of Mexico offshore Mississippi, Alabama, and Florida.

Single copies of the draft environmental statement can be obtained from the Office of the Manager, New Orleans Outer Continental Shelf Office, Bureau of Land Management, Suite 3200, The Plaza Tower, 1001 Howard Avenue, New Orleans, Louisiana 70113, and from the Office of Public Affairs, Bureau of Land Management (130), Washington, D.C. 20240. Additional copies may be obtained by writing the National Technical Information Service, Department of Commerce, Springfield, Virginia 22151.

Copies of the draft environmental statement will also be available for public review in the main public libraries in the following cities: Gulf Port, Mississippi; Mobile, Alabama; and Pensacola, Panama City, Tallahassee, Tampa, and St. Petersburg, Florida.

A composite map of the area of the Gulf of Mexico offshore Mississippi, Alabama, and Florida, upon which tracts being considered for leasing have been depicted and a listing of these tracts may also be obtained from either the Bureau of Land Management's New Orleans Outer Continental Shelf Office or the Office of Public Affairs, Bureau of Land Management at the above listed addresses.

In accordance with 43 CFR 3301.4, a public hearing will be held beginning at 9:00 a.m. on August 21, 1973, in the Lee Hall Auditorium, Florida A & M University, South Boulevard Street, Tallahassee, Florida 32304, for the purpose of receiving comments and suggestions relating to the possible lease sale. The hearing has been scheduled to extend through August 23.

The hearing will provide the Secretary with additional information from both the public and private sectors to help evaluate fully the potential effects of the possible offering of the 159 tracts on the total environment, aquatic resources, aesthetics, recreation and other resources in the entire area during the exploration,

development and operation phases of the leasing program.

The hearing will also provide the Secretary, under section 102(2)(C) of the National Environmental Policy Act of 1969, with the opportunity to receive additional comments and views of interested state and local agencies.

Interested individuals, representatives of organizations and public officials wishing to testify at the hearing are requested to contact the Manager, New Orleans Outer Continental Shelf Office, Bureau of Land Management, at the above listed address by 4:15 p.m., August 15, 1973. Written comments from those unable to attend the hearing should be addressed to the Director (Attn: 390), Bureau of Land Management, U.S. Department of the Interior, Washington, D.C. 20240. The Department will accept written testimony and comments on the draft environmental statement until September 4, 1973. This should allow ample time for those unable to testify at the hearing to make their views known and for the submission of supplemental materials by those presenting oral testimony. Time limitations make it necessary to limit the length of oral presentations to ten minutes. An oral statement may be supplemented, however, by a more complete written statement which may be submitted to the hearing officer at the time of presentation of the oral statement. Written statements presented in person at the hearing will be considered for inclusion in the hearing record. To the extent that time is available after presentation of oral statements by those who have given advance notice, the hearing officer will give others present an opportunity to be heard.

After all testimony and comments have been received and analyzed a final environmental statement will be prepared.

GEORGE L. TURCOFF,  
Acting Director,  
Bureau of Land Management.

Approved: July 18, 1973.

LAURENCE E. LYNN Jr.,  
Assistant Secretary of the Interior.

[FR Doc.73-15023 Filed 7-19-73;8:45 am]

#### Fish and Wildlife Service

#### DIRECTOR'S WATERFOWL ADVISORY COMMITTEE

#### Notice of Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), announcement is made of the following Committee meeting:

Name: Director's Waterfowl Advisory Committee.

Date: August 7, 1973.

Place: Conference Room 2008, New Executive Office Building, 726 Jackson Place, NW., Washington, D.C. 20006.

Time: 9 a.m.

Purpose of meeting: The Committee will review the staff recommendations of the Bureau of Sport Fisheries and Wild-

life for 1973-74 waterfowl regulations, and present to the Director their recommendations for 1973-74 waterfowl season frameworks.

This meeting will be open to the public. Persons wishing to attend should notify the Director, Bureau of Sport Fisheries and Wildlife, U.S. Department of the Interior, Washington, D.C. 20240, or call AC202-343-8655. Statements of interested persons other than Committee members must be filed in writing with the Director before or after the meeting. To the extent time permits, the Chairman of the meeting will accept brief oral statements from the public at the close of the Committee's agenda providing that such statements are also submitted in writing before or after the meeting.

SPENCER H. SMITH,  
Director Bureau of Sport  
Fisheries and Wildlife.

JULY 13, 1973.

[FR Doc.73-14936 Filed 7-19-73;8:45 am]

#### National Park Service

[Order 5]

#### ADMINISTRATIVE OFFICER, BIGHORN CANYON NATIONAL RECREATION AREA, HARDIN, MONTANA

#### Delegation of Authority To Purchase and Contract

Section 1. *Administrative Officer.* The Administrative Officer may approve and administer contracts up to \$10,000. And may sign and issue purchase orders not in excess of \$10,000 for supplies, equipment and services in conformity with applicable regulations and statutory authority and subject to availability of funds.

Sec. 2. *Revocations.* This Order supercedes Order No. 4, dated May 15, 1972, and published June 28, 1972 (37 FR 12733).

(National Park Service Order No. 77 (38 FR 7478); Midwest Region Order No. 5 (37 FR 6324 and 6875), as amended).

Dated: June 15, 1973.

ARTHUR L. SULLIVAN,  
Superintendent,  
Bighorn Canyon NRA.

[FR Doc.73-14927 Filed 7-19-73;8:45 am]

[Order No. 2, Amdt. 1]

#### GENERAL SUPPLY SPECIALIST, ET AL

#### Delegation of Authority Regarding Purchase Orders for Supplies, Equipment or Services

2. *General Supply Specialist.* The General Supply Specialist, Cape Cod National Seashore, may issue Purchase Orders not in excess of \$1,000 for supplies, equipment or services in conformity with applicable regulations and statutory authority and subject to the availability of appropriated funds. This authority may be exercised by the General Supply Specialist in behalf of any area administered by the Superintendent of Cape Cod National Seashore.

Present paragraph 2. is renumbered as paragraph 3.

(National Park Service Order No. 77 (38 FR 7478); Northeast Regional Order No. 7 (37 FR 6325), as amended.)

Dated: June 21, 1973.

LESLIE P. ARNBERGER,  
Superintendent,  
Cape Cod National Seashore.

[FR Doc.73-14926 Filed 7-19-73;8:45 am]

[Order No. 5, Amendment 1]

#### SUPERINTENDENTS ET AL., NATIONAL CAPITAL PARKS

#### Delegation of Authority

National Capital Parks Order No. 5, published in the FEDERAL REGISTER of July 26, 1972, 37 FR 14892, is amended as follows:

Section 1 is hereby amended by adding paragraph (f) to read as follows:

(f) Authority to conduct archeological investigations and salvage activities.

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

(g) Authority to conduct archeological investigations and salvage activities.

Section 3 is hereby amended as follows:

Section 3. Associate Directors, Assistant Directors and Chief, Office of Programming and Budgeting. The Associate Directors, Assistant Directors, and the Chief, Office of Programming and Budgeting, may exercise all the authority of the Director, National Capital Parks, with respect to any matter which may come before them, except the authority to approve master plans and the authority to conduct archeological investigations and salvage activities.

(National Park Service Order No. 78 (38 FR 10477, published April 27, 1973))

Dated: June 22, 1973.

RUSSELL E. DICKENSON,  
Director, National Capital Parks.

[FR Doc.73-14925 Filed 7-19-73;8:45 am]

#### Office of Hearings and Appeals

[Docket No. M 73-70]

#### CONSOLIDATION COAL CO.

#### Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. section 861 (c) (1970), Consolidation Coal Company has filed a petition to modify the application of section 303(i)(3) and § 75.310 of the implementing regulations (30 CFR 75.310) to its Blacksville No. 1 Mine located at Monongalia County, West Virginia.

Section 303(i)(3) of the Act reads as follows:

(3) In virgin territory, if the quantity of air in a split ventilating the active workings in such territory equals or exceeds twice the minimum volume of air prescribed in subsection (b) of this section for the last open crosscut, if the air

in the split returning from such workings does not pass over trolley wires or trolley feeder wires, and if a certified person designated by the operator is continually testing the methane content of the air in such split during mining operations in such workings, it shall be necessary to withdraw all persons, except those referred to in section 104(d) of this Act, from the area of the mine endangered thereby to a safe area and all electric power shall be cut off from the endangered area only when the air returning from such workings contains 2.0 volume per centum or more of methane.

Petitioner requests modification of that portion of section 303(i)(3) which reads " \* \* \* if a certified person designated by the operator is continually testing the methane control of the air in such split during mining operations in such working \* \* \* ." As an alternative petitioner proposes that it be allowed to install a methane monitoring system. Petitioner states that some of the methane which is contained in the return air split comes from the working faces, but the major portion comes from rib liberations outby the last open crosscut. To implement the alternative plan, a permissible methane sensor head will be located in the return airway of the air split to be monitored at a point just inby the location where that air split joins another. The methane monitor in the intake entry will be located in close proximity to the sensor head and the monitor will be provided with a methane recorder.

The methane monitor will be set to de-energize all equipment on the section when the methane concentration in the return air reaches 2 volume per centum or a malfunction of the monitor occurs. A weekly calibration and function test will be made and the results will be recorded to determine the operation of the monitor and the system will provide a warning at an arbitrary concentration of methane less than 2 volume per centum.

Petitioner contends that the alternative method will at all times guarantee no less than the same measure of protection afforded the miners by the mandatory standard and will in fact provide greater safety than the standard requires. Petitioner contends that the system will assure a reliable and constant, rather than intermittent, methane testing system during mining operations and will reduce the human failure element. The system will provide a quicker notification time period to de-energize all equipment on the section in the return air split and in the face area when methane concentrations reach certain limits. The system will eliminate the need of having a person exposed to respirable dust in the return air and a test of the return air at or near the sensor head will be made to check with the methane recorder once each shift.

Persons interested in this petition may request a hearing on the petition or furnish comments by August 19, 1973. Such requests or comments must be filed with the Office of Hearings and Appeals,

Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia, 22203. Copies of the petition are available for inspection at that address.

JAMES M. DAY,  
Director,  
Office of Hearings and Appeals.

JULY 7, 1973.

[FR Doc.73-14928 Filed 7-19-73;8:45 am]

[Docket No. M 73-71]

#### CONSOLIDATION COAL CO.

##### Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. section 861(c) (1970), Consolidation Coal Company has filed a petition to modify the application of section 303(i)(3) and § 75.310 of the implementing regulations (30 CFR 75.310) to its Blacksville No. 2 Mine located at Monongalia County, West Virginia.

Section 303(i)(3) of the Act reads as follows:

(3) In virgin territory, if the quantity of air in a split ventilating the active workings in such territory equals or exceeds twice the minimum volume of air prescribed in subsection (b) of this section for the last open crosscut, if the air in the split returning from such workings does not pass over trolley wires or trolley feeder wires, and if a certified person designated by the operator is continually testing the methane content of the air in such split during mining operations in such workings, it shall be necessary to withdraw all persons, except those referred to in section 104(d) of this Act, from the area of the mine endangered thereby to a safe area and all electric power shall be cut off from the endangered area only when the air returning from such workings contains 2.0 volume per centum or more of methane.

Petitioner requests modification of that portion of the subparagraph which reads " \* \* \* if a certified person designated by the operator is continually testing the methane control of the air in such split during mining operations in such working \* \* \* ." As an alternative petitioner proposes that it be allowed to install a methane monitoring system. Petitioner states that some of the methane which is contained in the return air split comes from the working faces, but the major portion comes from rib liberations outby the last open crosscut. To implement the alternative a permissible methane sensor head will be located in the return airway of the air split to be monitored at a point just inby the location where that air split joins another. The methane monitor in the intake entry will be located in close proximity to the sensor head and the monitor will be provided with a methane recorder.

The methane monitor will be set to de-energize all equipment on the section when the methane concentration in the

return air reaches 2 volume per centum or a malfunction of the monitor occurs. A weekly calibration and function test will be made and the results recorded to determine the operation of the monitor and the system will provide a warning at an arbitrary concentration of methane less than 2 volume per centum.

Petitioner contends that the alternative method will at all times guarantee no less than the same measure of protection afforded the miners by the mandatory standard and will in fact provide greater safety than the standard requires. Petitioner contends that the system will assure a reliable and constant, rather than intermittent, methane testing system during mining operations and will reduce the human failure element. The system will provide a quicker notification time period to de-energize all equipment on the section in the return air split and in the face area when methane concentrations reach certain limits. The system will eliminate the need of having a person exposed to respirable dust in the return air and a test of the return air at or near the sensor head will be made to check with the methane recorder once each shift.

Persons interested in this petition may request a hearing on the petition or furnish comments by August 19, 1973. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES M. DAY,  
Director,  
Office of Hearings and Appeals.

JULY 7, 1973.

[FR Doc.73-14929 Filed 7-19-73;8:45 am]

[Docket No. M 73-69]

#### EASTERN COAL CORPORATION

##### Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. section 861(c) (1970), Eastern Coal Corporation has filed a petition to modify the application of 30 CFR 75.1403-10(j) to its Stone Nos. 4, 7 and 8 mines, F-1 Mine and A-4 Mine, all located at Stone, Kentucky.

30 CFR 75.1403-10(j) reads as follows:

(j) Operators of self-propelled equipment should face in the direction of travel.

Petitioner states that under the interpretation of this mandatory standard, the shuttle car operator must physically change his seating position each time he reverses the direction of travel. As an alternative method petitioner requests that the standard be modified so that the operator is not required to be seated facing the direction of travel, provided that the operator's body is in such a position that he can comfortably and readily turn his head to face the direction of travel. Petitioner contends that

most shuttle car operators at the affected mines are trained and experienced in operating the shuttle cars in the proposed alternative manner.

Petitioner avers that the application of the mandatory safety standard will result in a diminution of safety to miners at the affected mines in that at times the shuttle cars operate in heavily timbered seams as low as 36 inches. This causes abrupt changes in vertical clearances and a shuttle car operator that must sit facing the direction of travel can not readily adjust to such clearances. The operator tires more quickly while maintaining the position required by the mandatory standard. Petitioner contends that the miners prefer the proposed alternative method and that since the effective date of the mandatory standard, it has experienced more injuries to shuttle car operators than during a like period before such date.

Persons interested in this petition may request a hearing on the petition or furnish comments by August 19, 1973. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES M. DAY,  
Director,  
Office of Hearings and Appeals.

July 7, 1973.

[FR Doc. 73-14930 Filed 7-19-73; 8:45 am]

[Docket No. M 73-68]

#### KENTLAND-ELKHORN COAL CORP.

##### Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. section 861(c) (1970), Kentland-Elkhorn Coal Corporation has filed a petition to modify the application of 30 CFR 75.1403-10 (j) to its Kentland Nos. 2 and 3 mines, Feds Creek Nos. 2 and 3 mines and Peter Creek Mine all located at Mouthcard, Kentucky.

30 CFR 75.1403-10(j) reads as follows:

(j) Operators of self-propelled equipment should face in the direction of travel.

Petitioner states that under the interpretation of this mandatory standard, the shuttle car operator must physically change his seating position each time he reverses the direction of travel. As an alternative method petitioner requests that the standard be modified so that the operator is not required to be seated facing the direction of travel, provided that the operator's body is in such a position that he can comfortably and readily turn his head to face the direction of travel. Petitioner contends that most shuttle car operators at the affected mines are trained and experienced in operating the shuttle cars in the proposed alternative manner.

Petitioner avers that the application of the mandatory safety standard will result in a diminution of safety to miners at the affected mines in that at times the shuttle cars operate in heavily timbered seams as low as 36 inches. This causes abrupt changes in vertical clearances and a shuttle car operator that must sit facing the direction of travel can not readily adjust to such clearances. The operator tires more quickly while maintaining the position required by the mandatory standard. Petitioner contends that the miners prefer the proposed alternative method and that since the effective date of the mandatory standard, it has experienced more injuries to shuttle car operators than during a like period before such date.

Persons interested in this petition may request a hearing on the petition or furnish comments by August 19, 1973. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES M. DAY,  
Director,  
Office of Hearings and Appeals.

July 7, 1973

[FR Doc. 73-14931 Filed 7-19-73; 8:45 am]

[Docket No. M 73-66]

#### VALLEY CAMP COAL COMPANY

##### Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), the Valley Camp Coal Company has filed a petition to modify the application of 30 CFR 75.1105 and section 311(c) of the Act to its Alexander Mine located in Marshall County, West Virginia.

30 CFR 75.1105 and section 311(c) of the Act provide in identical language:

§ 75.1105 Housing of underground transformer stations, battery-charging stations, substations, compressor stations, shops, and permanent pumps.

Underground transformer stations, battery-charging stations, substations, compressor stations, shops, and permanent pumps shall be housed in fireproof structures or areas. Air currents used to ventilate structures or areas enclosing electrical installations shall be coursed directly into the return. Other underground structures installed in a coal mine as the Secretary may prescribe shall be of fireproof construction.

Petitioner requests that the application of the mandatory standard be modified as it applies to the 60 horsepower pump located near the 7 South Section. Petitioner states that the pump is located adjacent to the main haulage road and the road is ventilated with intake air from the Fourth Street fan. This air is discharged from the mine by way of the

Supply Slope and the Belt Conveyor Slope. Return airways outby the Fourth Street Shaft have not been maintained, therefore, there are no return airways in the immediate vicinity of this pump. Petitioner states that the pump is located in a lower area of the mine and must be operated daily to prevent flooding of the haulage road.

As an alternative method petitioner states that the pump will be housed in a fireproof enclosure equipped with fireproof doors which will remain closed. A fire suppression device that meets the requirements of the mandatory standards will be installed over the pump and no combustible material will be stored within the pump enclosure. Electrical circuits and inspections of the pump stations will comply with applicable standards.

Petitioner contends that the alternative method will provide no less than the same protection afforded the miners in the area by application of the mandatory safety standard. Petitioner avers that the intake air that passes this pump is not and can not be used to directly ventilate a working section and that the number of miners working outby the pump rarely exceeds 5.

Persons interested in this petition may request a hearing on the petition or furnish comments by August 19, 1973. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES M. DAY,  
Director,  
Office of Hearings and Appeals.

July 5, 1973

[FR Doc. 73-14932 Filed 7-19-73; 8:45 am]

[Docket No. M 73-62]

#### WESTMORELAND COAL COMPANY

##### Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. section 861(c) (1970), Westmoreland Coal Company has filed a petition to modify the application of section 314(f) of the Act and § 75.1405 of the Regulations (30 CFR § 75.1405) to its Eccles No. 5 and Eccles No. 6 mines located at Raleigh County, West Virginia.

Section 314(f) reads as follows:

All haulage equipment acquired by an operator of a coal mine on or after one year after the operative date of this title shall be equipped with automatic couplers which couple by impact and uncouple without the necessity of persons going between the ends of such equipment. All haulage equipment without automatic couplers in use in a mine on the operative date of this title shall also be so equipped within four years after the operative date of this title.

Petitioner states that with the installation of automatic couplers the present clearance of 4½ inches at the coping and below will be reduced to 1½ inches in the dump end and to 1½ inches on the opposite end. Above the coping, the present clearance of 2½ inches will be over extended by ⅓ of an inch.

As an alternative method, petitioner requests that it be allowed to use the existing cars at both mines. Mine cars at the Eccles No. 5 mine are equipped with semi-automatic couplers which couple on impact. Petitioner proposes to add a lever which would be used to uncouple the cars. The lever would extend to the side of the car and would permit the cars to be uncoupled without persons going between the cars. The design of mine cars used at the Eccles No. 6 mine limits available space and it is impractical to install an automatic coupler. Petitioner proposes that it be allowed to use coupling hooks so that cars may be coupled and uncoupled without requiring that persons go between the cars. Petitioner will institute a rigid training program in the use of coupling hooks and the hazards of going between cars.

Persons interested in this petition may request a hearing on the petition or furnish comment by August 19, 1973. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES M. DAY,  
Director,  
Office of Hearings and Appeals.

June 29, 1973.

[FR Doc.73-14933 Filed 7-19-73;8:45 am]

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[Docket No. NFD-109]

### MISSISSIPPI

#### Amendment to Notice of Major Disaster

Notice of Major Disaster for the State of Mississippi, dated March 27, 1973, and published April 2, 1973 (38 FR 8489); amended April 5, 1973, and published April 9, 1973 (38 FR 9049); amended April 12, 1973, and published April 18, 1973 (38 FR 9624); amended May 11, 1973, and published May 17, 1973 (38 FR 12958); and amended June 21, 1973, and published June 27, 1973 (38 FR 16937), is hereby further amended. Notice is hereby given that on July 14, 1973, the President amended his declaration of a major disaster of March 27, 1973, for Mississippi, as follows:

I hereby amend my March 27, 1973, declaration of a "major disaster" in the State of Mississippi to read as follows:

I have determined that the damage in certain areas of the State of Mississippi from heavy rains and flooding beginning on or about March 14, 1973, and tornadoes occurring on April 24, 1973, and May 27, 1973, is

of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 91-606. I therefore declare that such a major disaster exists in the State of Mississippi. You are to determine the specific areas within the State eligible for Federal assistance under this declaration.

In order to provide Federal assistance, you are hereby authorized to allocate, from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

The purpose of this amendment is to authorize Federal assistance for Tallahatchie County for the period March 14-June 10 for flood damage and for April 24 for tornado damage; for Lauderdale County for flood damage during the period March 14-18 and for tornado damage on May 27; for Clarke and Jones Counties for flood damage during the period March 14-June 10 and for tornado damage on May 27; and for Wayne County for tornado damage only on May 27.

In accordance with the President's amendment, the following county is hereby included among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of March 27, 1973:

The County of:

Wayne

(Catalog of Federal Domestic Assistance Program No. 50.002, Disaster Assistance)

Dated: July 16, 1973.

THOMAS P. DUNNE,  
Administrator, Federal Disaster,  
Assistant Administration.

[FR Doc.73-14956 Filed 7-19-73;8:45 am]

## ATOMIC ENERGY COMMISSION

[Source Material License SUB-1010]

### KERR-McGEE CORP.

Establishment of Atomic Safety and Licensing Board

On July 16, 1973, the Commission published in the FEDERAL REGISTER, 38 FR 18921, a notice of hearing to consider the May 10, 1972, application for amendment of Source Material License No. SUB-1010 held by the licensee. The notice indicated that the Safety and Licensing Board for this proceeding would be designated at a later date, and that notice of its membership would be published in the FEDERAL REGISTER.

Pursuant to the Atomic Energy Act of 1954, as amended, the regulations of Title 10, Code of Federal Regulations, Part 2, rules of practice, and the notice of hearing referred to above, notice is hereby given that the Safety and Licensing Board in this proceeding will consist of Dr. Dale F. Babcock, Mr. Lester Kornblith, Jr., and John B. Farmakides, Esq., Chairman.

The positions and mailing addresses of the Board members are as follows:

1. John B. Farmakides, Esq., Chairman, an attorney member of the Atomic Safety and Licensing Board Panel, U.S. Atomic Energy Commission, Washington, D.C. 20545.
2. Dr. Dale F. Babcock, 711 River Road, Wilmington, Delaware 19809.
3. Mr. Lester Kornblith, Jr., a technical member of the Atomic Safety and Licensing

Board Panel, U.S. Atomic Energy Commission, Washington, D.C. 20545.

As provided in the notice of hearing, the date and place of a prehearing conference and of a hearing will be scheduled by the Board and will be published in the FEDERAL REGISTER.

Dated at Washington, D.C., this 17th day of July 1973.

NATHANIEL H. GOODRICH,  
Chairman, Atomic Safety  
and Licensing Board Panel.

[FR Doc.73-14901 Filed 7-19-73;8:45 am]

[Docket No. 50-422]

## MITSUBISHI INTERNATIONAL CORP.

### Issuance of Facility Export License

Please take notice that no request for a hearing or a petition for leave to intervene having been filed following publication of notice of proposed action in the FEDERAL REGISTER on April 18, 1973 (38 FR 9616) and the Atomic Energy Commission having found that:

(a) The application filed by Mitsubishi International Corporation, Docket No. 50-422, complies with the requirements of the Act, and the Commission's regulations set forth in Title 10, Chapter I, Code of Federal Regulations, and

(b) The reactor proposed to be exported is a utilization facility as defined in said Act and regulations,

the Commission has issued License No. XR-87 to Mitsubishi International Corporation, authorizing the export of a pressurized water reactor with a thermal power level of 2,440 megawatts to the Kansai Electric Power Co., Inc., Osaka, Japan, (Takahama-Ohi-cho site).

The export of this reactor to Japan is within the purview of the present Agreement for Cooperation Between the Government of the United States of America and the Government of Japan Concerning Civil Uses of Atomic Energy.

Dated at Bethesda, Maryland this 13th day of July 1973.

For the Atomic Energy Commission.

RICHARD E. CUNNINGHAM,  
Acting Deputy Director for  
Fuels and Materials, Directorate of Licensing.

[FR Doc.73-14966 Filed 7-19-73;8:45 am]

## CIVIL AERONAUTICS BOARD

[Docket 24122, etc.]

### Automotive Cargo Investigation

#### Postponement of Prehearing Conference

Notice is hereby given that the prehearing conference in the above-entitled proceeding has been postponed from August 7, 1973 (38 FR 15474, June 12, 1973), to September 11, 1973, at 10 a.m. (local time) in Room 726, Universal Building, 1825 Connecticut Avenue, N.W., Washington, D.C.

Notice is also given that the date set for the prehearing conference submissions of parties other than the Bureau

of Operating Rights is postponed from July 18, 1973, to August 31, 1973.

Dated at Washington, D.C., July 16, 1973.

[SEAL] LOUIS W. SORNSON,  
Administrative Law Judge.  
[FR Doc.73-14960 Filed 7-19-73; 8:45 am]

## INTERSTATE COMMERCE COMMISSION

[Notice 300]

### ASSIGNMENT OF HEARINGS

JULY 17, 1973.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC 50862 Sub 5, White Circle Line, Inc., now being assigned hearing September 10, 1973, at Boston, Mass., in a hearing room to be later designated.

MC-P-11677, Brush Hill Transportation Company—Purchase (Portion)—Union Street Railway Company, now being assigned hearing September 12, 1973, at Boston, Mass., in a hearing room to be later designated.

MC-P-11748, Coastal Industries, Inc.—Control—P.B. Mutrie Motor Transportation, Inc., PD 27401, Coastal Industries, Inc., now being assigned hearing September 17, 1973, at Boston, Mass., in a hearing room to be later designated.

MC 107839 Sub 149, Denver-Albuquerque Motor Transport, Inc., MC 113678 Sub 477, Curtis, Inc., now assigned August 27, 1973, will be held in Room 587, Federal Bldg., 19th and Stout Street, Denver, Colo.

MC 71459 Sub 33, O.N.C. Freight Systems, now assigned September 4, 1973, hearing will be held at the Antlers Plaza Hotel, Chase Stone Center, Colorado Springs, Colo.

MC-P-11675, Thunderbird Freight Lines, Inc.—Control & Merger—Oakley Transfer & Storage Company, MC 69512 Sub 9, Thunderbird Freight Lines, Inc., now assigned September 10, 1973, hearing will be held at the Airport Marina Hotel, 2910 Yale Blvd., S.E., Albuquerque, New Mexico.

I&S 8813, General Increase in Rates and Charges, Sea-Land Service, Inc., I&S 8814 and Sub No. 1, General Increase The Alaska Railroad, I&S 8814 Sub 2, Increased Rates & Charges, from and to Alaska, now assigned July 23, 1973 at Seattle, Wash., July 30, 1973, at Fairbanks, Alaska and August 1, 1973, at Anchorage, Alaska are postponed indefinitely.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.73-14947 Filed 7-19-73; 8:45 am]

[Notice 316]

## 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 9, 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-74089. By order of July 11, 1973, the Motor Carrier Board approved the transfer to Central Moving & Storage Corp., 3100 W. Burleigh Street, Milwaukee, Wis. 53210, of the operating rights in Certificate No. MC-82226 issued December 16, 1970, to Robert W. Lister and Robert G. Wood, a partnership, doing business as Central Moving & Storage Company, 3100 W. Burleigh Street, Milwaukee, Wis. 53210, authorizing the transportation of household goods, as defined by the Commission, between points in Milwaukee County, Wis., on the one hand, and, on the other, points in Illinois, Indiana, Ohio, Minnesota, Iowa, and Michigan.

No. MC-FC-74438. By order of July 11, 1973, the Motor Carrier Board approved the transfer to Ronald Hackenberger, Doing Business As Ron's Trucking Service, Norwalk, Ohio, of Permit No. MC-129394 issued to State Sales, Inc., North Ridgeville, Ohio, authorizing the transportation of: Burnt lime and sludge, from Huron, Ohio, to specified points in West Virginia and Pennsylvania. J. A. Kundtz, Attorney, Cleveland, Ohio 44114.

No. MC-FC-74515. By order of July 13, 1973, the Motor Carrier Board approved the transfer to Keith E. Proud Moving & Storage, Inc., South Bend, Indiana, of Certificate No. MC-17804 issued August 20, 1943, to Keith E. Proud, South Bend, Indiana, authorizing the transportation of household goods between South Bend, Ind., and points within 15 miles of South Bend, on the one hand, and, on the other, points in Illinois, Michigan, Kentucky, Ohio, and Pennsylvania. Milton A. Johnson, 1800 American National Bank Bldg., South Bend, Ind. 46601, Attorney for Applicants.

No. MC-FC-74519. By order of July 13, 1973, the Motor Carrier Board approved

the transfer to John David, Oswego, Illinois, of Certificate of Registration No. MC 96986 (Sub-No. 1), issued October 18, 1963, to Valley City Transfer, Inc., Aurora, Illinois, evidencing a right to engage in transportation in interstate commerce corresponding in scope to Certificates of Convenience and Necessity No. 7355MC dated February 4, 1958, issued by the Illinois Commerce Commission. John David, Box 328 River-view Dr., Oswego, Illinois.

No. MC-FC-74530. By order of July 11, 1973, the Motor Carrier Board approved the transfer to Pace Motor Lines, Inc., Bloomfield, Conn., of the operating rights in Certificates No. MC-9268 and MC-9268 (Sub-No. 12) issued August 16, 1960 and September 18, 1972 respectively to Albert A. Fillmore, doing business as Fillmore Transportation, Bloomfield, Conn., authorizing the transportation of various commodities from, to and between specified points and areas in Connecticut, New York, New Jersey, Massachusetts and Rhode Island.  
John E. Pay, 630 Oakwood Ave., West Hartford, Conn., 06110 Attorney for applicants.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.73-14952 Filed 7-19-73; 8:45 am]

[Notice 92]

## MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 10, 1973.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67, (49 CFR 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and most consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

## MOTOR CARRIERS OF PROPERTY

No. MC 113908 (Sub-No. 276 TA) (CORRECTION) filed June 14, 1973, published in the FEDERAL REGISTER issue of July 5, 1973, and republished as corrected this issue. Applicant: ERICKSON TRANSPORT CORPORATION 2105 East Dale Street P.O. Box 3180 Glenstone Station Springfield, Mo. 65804 Applicant's representative: B. B. Whitehead (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Vinegar and vinegar stock*, in bulk, in tank and hopper type vehicles and (2) *fermented, quick process and distilled vinegar, vinegar malt naptha* (ethyl acetate), *salt* (calcium acetate), *vinegar acid* (acetic acid), and *vinegar wine*, etc., between the following points and the commercial zone thereof, except that no transportation service shall be provided wholly within the same or one state in Rogers, Ark.; Delta and Denver, Colo.; Chicago, Ill.; Hutchinson and Wichita, Kans.; Bailey, Belding and Fremont, Mich.; St. Paul, Minn.; Kansas City, Marionville and Nixa, Mo.; Lyndonville and North Rose, N.Y.; Charlotte, N.C.; Oklahoma City, Okla.; Memphis, Tenn.; Dallas, Houston and Paris, Tex.; and Wenatchee and Yakima, Wash., for 180 days. SUPPORTING SHIPPER: Speas Company, 2400 Nicholson Avenue, Kansas City, Mo. 64120. SEND PROTESTS TO: John V. Barry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 600 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106. Note: The purpose of this republication is to correct the MC number to No. MC 113908 (Sub-No. 276 TA) in lieu of No. MC 113908 (Sub-No. 277) which was published in error.

No. MC 119522 (Sub-No. 23 TA) (CORRECTION) filed May 21, 1973, published in the FEDERAL REGISTER issue of June 7, 1973, and republished as corrected this issue. Applicant: McLAIN TRUCKING, INC. P.O. Box 2159 2425 Walton Street Anderson, Ind. 46011 Applicant's representative: Donald W. Smith 900 Circle Tower Indianapolis, Ind. 46204 Note: The purpose of this republication is to show that applicant now seeks to operate as a *common carrier*, in lieu of a *contract carrier*, which was published in error. The rest of the application remains the same.

No. MC 123577 (Sub-No. 15 TA) (CORRECTION) filed June 18, 1973, published in the FEDERAL REGISTER issue of July 2, 1973, and republished as corrected this issue. Applicant: WARWICK-GREENWOOD LAKE AND NEW YORK TRANSIT, INC. (Donald A. Robinson, Trustee) 419 Anderson Avenue Fairview, N.J. 07022 Applicant's representative: Edward F. Boves 744 Broad Street Newark, N.J. 07102 Note: The purpose of this republication is to show the correct name of applicant. Also, the application is supported by various petitions with many signatures, copies of which are available for inspection here at the Interstate Commerce Commission in Washington,

D.C., or at the field office named below. The route description remains as previously published. SEND PROTESTS TO: District Supervisor Joel Morrrows, Bureau of Operations, Interstate Commerce Commission, 9 Clinton Street, Newark, N.J. 07102.

No. MC 136451 (Sub-No. 5 TA) filed July 3, 1973 Applicant: HUBBARD CARTAGE, INC. 3737 North Lincoln Chicago, Ill. 60613 Applicant's representative: James C. Hardman 127 N. Dearborn Street Chicago, Ill. 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, between Chicago, Ill., on the one hand, and, on the other, points in Wisconsin, pursuant to a continuing contract or contracts with Norwood Paper, Division of B & J Supply, Inc., for 180 days. SUPPORTING SHIPPER: Attention: Richard Blum, Norwood Paper, Division of B & J Supply, Inc., 6703 N. Oliphant, Chicago, Ill. 60631. SEND PROTESTS TO: Robert G. Anderson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Bldg., Room 1086, 219 S. Dearborn Street, Chicago, Ill.

No. MC 138826 TA (CORRECTION) filed June 19, 1973, published in the FEDERAL REGISTER issue of July 5, 1973, and republished as corrected this issue. Applicant: JERALD HEDRICK, doing business as HEDRICK & SON TRUCKING, R.R. 1, Warren, Ind. 46792. Applicant's representative: Alki E. Scopelitis, 815 Merchants Bank Bldg., Indianapolis, Ind. 46204. Note: The purpose of this partial republication is to correct the MC number to No. MC 138826 TA in lieu of No. MC 138836 TA which was published in error. The rest of the application remains the same.

No. MC 138852 TA filed June 28, 1973 Applicant: INTERSTATE TRAM RAIL CARRIER CORPORATION Walnut Street and Harvard Lane Westville, N.J. 08093 Applicant's representative: Joel Feldscher 3220 PSFS Building 12 South 12th Street Philadelphia, Pa. 19108 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat and meat products*, between Westville, N.J., on the one hand, and, on the other, points in Alabama, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, and the District of Columbia, for 180 days. SUPPORTING SHIPPER: George Wollman, Inc., Walnut Street and Harvard Lane, Westville, N.J. 08093. SEND PROTESTS TO: Richard M. Regan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 428 East State Street, Room 204, Trenton, N.J. 08608.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.73-14948 Filed 7-19-73; 8:45 am]

[Notice 56]

## MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

JULY 13, 1973.

The following applications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by Special Rule 1100.247<sup>1</sup> of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined

<sup>1</sup> Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

No. MC 200 (Sub-No. 261) filed May 24, 1973 Applicant: RISS INTERNATIONAL CORPORATION 903 Grand Ave. Kansas City, Mo. 64142 Applicant's representative: Ivan E. Moody 12th Floor Temple Bldg. 903 Grand Ave. Kansas City, Mo. 64106 Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General Commodities*, (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the warehouse site of Western Electric Company, Inc., at or near Underwood, Iowa as an off-route point in connection with applicant's regular-route operations to and from Council Bluffs, Iowa. Note: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr. or Kansas City, Mo.

No. MC 522 (Sub-No. 2) filed October 24, 1972 Applicant: GLEN B. SMITH AND J. MILFORD SMITH a Partnership, doing business as SMITH TRANSFER 511 East Ontario Street Missouri Valley, Iowa 51555 Applicant's representative: Patrick E. Quinn P.O. Box 82028 Lincoln, Nebr. 68501 Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, commodities in bulk, and commodities requiring special equipment), serving points in Harrison County, Iowa, as off-route points in connection with applicant's existing regular route authority between Omaha, Nebr., and Missouri Valley, Iowa. Note: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 730 (Sub-No. 348) filed June 4, 1973 Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO. a Corporation 1417 Clay Street, P.O. Box 958 Oakland, Calif. 94604 Applicant's representative: Alfred G. Krebs (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite facilities of Nelco Corporation at or near Orting, Wash., as an off-route point in connection with applicant's regular-route operations to and from Tacoma, Wash. Note: Common control may be involved.

If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash. or San Francisco, Calif.

No. MC 22229 (Sub-No. 75) (AMENDMENT) filed February 26, 1973, published in the FEDERAL REGISTER issue of March 29, 1973, and republished, as amended, this issue. Applicant: TERMINAL TRANSPORT COMPANY, INC., 248 Chester Avenue, S.E., Atlanta, Ga. 30316. Applicant's representative: Ralph B. Matthews (same address as applicant). Note: The sole purpose of this republication is to show that the location of the plantsite of the Pulvair Corporation is located in Shelby County, Tenn., rather than at Woodstock, Tenn., as originally published. The rest of the notice remains as previously published.

No. MC 6945 (Sub-No. 35) filed May 15, 1973. Applicant: THE NATIONAL TRANSIT CORPORATION, 4401 Stecker Avenue, Dearborn, Mich. 48126. Applicant's representative: A. David Millner, 744 Broad Street, Newark, N. J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk (other than metal scrap in bulk), and those requiring special equipment), serving the plant sites of Dow Chemical U.S.A. at Midland, Mich., as an off-route point in connection with carrier's presently authorized regular-route operations to and from Bay City, Mich. and Covington, Ky. Note: If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich. or Washington, D.C.

No. MC 19105 (Sub-No. 41) filed June 7, 1973 Applicant: FORBES TRANSFER COMPANY, INC. P.O. Box 3544 So. Goldsboro St. Ext. Wilson, N.C. 27893 Applicant's representative: Morton E. Kiel Suite 6193 5 World Trade Center New York, N.Y. 10048 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials* (except commodities in bulk), from the plant sites and facilities of United States Gypsum Company at Chamblee and Morrow, Ga., to points in Alabama, Arkansas, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee and Virginia; restricted to traffic originating at the above described facilities and destined to points in the above named territory. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C.

No. MC 19227 (Sub-No. 185) (CORRECTION) filed February 2, 1973, published in the FEDERAL REGISTER issue of March 15, 1973, and republished, as corrected, this issue. Applicant: LEONARD BROS. TRUCKING CO., INC. 2595 N.W. 20th Street Miami, Florida 33152 Applicant's representative: J. Fred Dewhurst (same address as applicant) Authority sought to operate as a *common carrier*,

by motor vehicle, over irregular routes, transporting: *Signs, sign parts, attachments, accessories and equipment* used in connection with or installation thereof, between points in California, on the one hand, and, on the other, points in Arizona, New Mexico, Texas, Nebraska, Kansas, Oklahoma, Colorado, Nevada, Oregon, Washington, Utah, Montana, and Idaho. Note: The purpose of this republication is to indicate that applicant seeks to perform a radial movement as described above, in lieu of a non-radial movement as previously published. Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif. or Washington, D.C.

No. MC 25798 (Sub-No. 239) filed May 31, 1973. Applicant: CLAY HYDER TRUCKING LINES, INC., 502 East Bridgers Avenue Auburndale, Fla. 33823. Applicant's representative: Tony G. Russell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Fountain Inn, S.C., to points in Arizona, California, Colorado, Kansas, Oregon, Texas and Washington. Note: Common control may be involved. Applicant states that its existing authority could be tacked with the requested authority at Fountain Inn, S.C., on frozen foods to provide a through service, but that it is not intended. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 28990 (Sub-No. 8) filed May 14, 1973 Applicant: SEYMOUR TRANSFER LINES, INC. 800 East Factory St. Seymour, Wis. 54165 Applicant's representative: Michael J. Wyngaard 329 West Wilson St. Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Class A & B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Fond du Lac and Oshkosh, Wis.: (1) from Fond du Lac over U.S. Highway 45 to Oshkosh, and return over the same route; (2) from Fond du Lac over U.S. Highway 41 to Oshkosh, and return over the same route; and (3) from Fond du Lac over Wisconsin Highway 175 to junction of U.S. Highway 45, thence over U.S. Highway 45 to Oshkosh, and return over the same route, serving all intermediate points on (1), (2), and (3) above. Note: If a hearing is deemed necessary, applicant requests it be held at either Madison, Oshkosh, or Fond du Lac, Wis.

No. MC 30530 (Sub-No. 11) filed May 16, 1973. Applicant: NORTH EASTERN MOTOR FREIGHT, INC., 5231 Monroe Street, Denver, Colo. 80216. Applicant's representative: Leslie R. Kehl, Suite 1600 Lincoln Center, 1600 Lincoln Street, Denver, Colo. 80202. Authority sought to operate as a *common carrier*,

by motor vehicle, over regular routes, transporting: *General commodities* (except household goods, commodities in bulk and those requiring special equipment), between Cheyenne, Wyo., and Billings, Mont.: From Cheyenne over Interstate 25 to the junction of Interstate Highway 90 and U.S. Highway 87, thence over Interstate Highway 90 and U.S. Highway 87 to Billings, and return over the same route, serving the intermediate points of Wheatland, Douglas, Casper, Buffalo and Sheridan, Wyo. and Hardin and Crow Agency, Mont. Note: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Denver, Colo., Billings, Mont., or Casper, Wyo.

No. MC 30657 (Sub-No. 27) filed May 29, 1973. Applicant: DIXIE HAULING COMPANY, a Corporation, 540 Englewood Avenue, S.E., Atlanta, Ga. 30315. Applicant's representative: Monty Schumacher, Suite 310, 2045 Peachtree Road, N.E., Atlanta, Ga. 30309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pipe and pipe covering, preventive coating and wrapping materials, steel piling, steel bearing pile, pile hammers and extractors, steel rail and track materials, and related parts, fittings and accessories* used in the installation and repair of such commodities, from the plant sites of L. B. Foster Company and Southern Pipe Coating Company at: (1) Savannah, Ga., to points in Florida, North Carolina, Georgia, South Carolina, Alabama, Tennessee and Mississippi; (2) Orlando, Fla., to points in Georgia, Alabama, North Carolina, South Carolina, Tennessee and Mississippi; (3) Birmingham, Ala., to points in Mississippi, Florida, Georgia, Tennessee, North Carolina and South Carolina; (4) points in Gwinnett County, Ga., to points in North Carolina and South Carolina; and (5) Charlotte, N.C., to points in South Carolina, Georgia, Alabama, Florida, Mississippi and Tennessee, restricted to a transportation service to be performed under a continuing contract, or contracts, with L. B. Foster Company of Doraville, Ga. Note: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 30844 (Sub-No. 462) filed April 20, 1973. Applicant: KROBLIN REFRIGERATED XPRESS, INC. 2125 Commercial Street, P.O. Box 5000, Waterloo, Iowa 50702. Applicant's representative: Paul Rhodes (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods, as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) from points in Connecticut, the District of Columbia, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, to points in Arkansas, Colorado, Kansas, Louisiana, Mississippi, Missouri, Oklahoma, Tennessee, and

Texas; and (2) from points in Illinois, Missouri, and Wisconsin to points in Arkansas, Colorado, Louisiana, Oklahoma and Texas, restricted to shipments originating at and destined to the terminal and other facilities of A B C Freight Forwarding Corporation, Midland Forwarding Corporation, Inc., and National Carloading Corporation, located in the above-named states, and further restricted to shipments moving on bills of lading issued by the above-named carloaders. Note: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y. or Washington, D.C.

No. MC 35320 (Sub-No. 137) (CORRECTION) filed May 4, 1973, published in the FEDERAL REGISTER issue June 28, 1973, and republished, as corrected, this issue. Applicant: TIME-DC, INC. 2598 74th Street P.O. Box 2550 Lubbock, Tex. 79405 Applicant's representative: Chandler L. van Orman 704 Southern Building 15th and H Streets, N.W. Washington, D.C. 20005 Note: The sole purpose of this partial republication is to correct the restriction to read: "restricted against the handling of traffic originating at, destined to, or interlined at Memphis, Tenn., and its Commercial Zone" in lieu of "restricted to," which was published in error in the original notice. The rest of the publication remains as previously published.

No. MC 41432 (Sub-No. 133) filed May 24, 1973. Applicant: EAST TEXAS MOTOR FREIGHT LINES, INC., 2355 Stemmons Freeway, P.O. Box 10125, Dallas, Tex. 75207. Applicant's representative: W. P. Furrh (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Birmingham, Ala., and South Bend, Ind., from Birmingham over Interstate Highway 65 to Indianapolis, Ind., thence over U.S. Highway 31 to South Bend, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicants presently authorized operations. Note: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 52464 (Sub-No. 8) filed May 10, 1973. Applicant: EVANS TRUCKING CO., a Corporation 2773 Darlington Road, Beaver Falls, Pa. 15010. Applicant's representative: Irwin W. Goldstein (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, between points in Allegheny and Beaver Counties, Pa. on the one hand, and, on the other, points in New York, Ohio, West

Virginia and Maryland. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 57311 (Sub-No. 10) filed June 7, 1973. Applicant: PUTNAM TRANSFER & STORAGE CO. a Corporation 1502 Woodlawn Avenue Zanesville, Ohio 43701. Applicant's representative: A. Charles Tell 100 East Broad Street Columbus, Ohio 43215 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pebble stone* from Newark, Ohio, to Glass Rock and Millwood, Ohio, restricted to shipments having a prior movement by rail TOFC service. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 57591 (Sub-No. 16) (AMENDMENT) filed December 8, 1972, published in the FEDERAL REGISTER issue of March 29, 1973, and republished as amended this issue. Applicant: EVANS DELIVERY COMPANY, INC. P.O. Box 268 Pottsville, Pa. 17901 Applicant's representative: Kenneth R. Davis 999 Union Street Taylor, Pa. 18517 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), in cargo containers or cargo vans, between Philadelphia, Pa., on the one hand, and, on the other, points in Lancaster, Montgomery, Lebanon, Berks, Dauphin, Schuylkill, Lehigh, Northampton, Carbon, Northumberland, Union, Montour, Columbia, Luzerne and Lycoming (south of U.S. Highway 220) Counties, Pa., restricted to shipments having a prior or subsequent movement by water. Note: The purpose of this republication is to indicate that applicant seeks authority to points in Lycoming County, Pa. south of U.S. Highway 220 in its destination territory, in lieu of points in Lycoming County, Pa., west of Interstate Highway 80 and north of U.S. Highway 611, as previously published. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 59150 (Sub-No. 78) filed May 18, 1973 Applicant: PLOOF TRANSFER COMPANY, INC. 1901 Hill Street Jacksonville, Fla. 32202 Applicant's representative: Martin Sack, Jr. 1754 Gulf Life Tower Jacksonville, Fla. 32207 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Composition board, particle board and plywood, accessories, materials and supplies* used in the sale and installation thereof from points in Calhoun County, Fla., to points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas (including the District of Columbia); and (2) *materials,*

supplies and accessories used in the manufacture and installation of the commodities in (1) above from the destination points specified in part (1) above to the plant and warehouse sites of Abitibi Corporation in Calhoun County, Fla., (1) and (2) above are restricted against the transportation of commodities in bulk. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla.

No. MC 59150 (Sub-No. 79) filed June 4, 1973 Applicant: PLOOF TRANSFER COMPANY, INC. 1901 Hill Street Jacksonville, Fla. 32202 Applicant's representative: Martin Sack, Jr. 1754 Gulf Life Tower Jacksonville, Fla. 32207 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap or waste paper*, from points in Alabama, Tennessee, Georgia, South Carolina, Virginia, and District of Columbia, to the plant site and facilities of the Celotex Corporation located in Wayne County, N.C. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Tampa or Jacksonville, Fla.

No. MC 61502 (Sub-No. 7) filed May 24, 1973 Applicant: Wm McCULLOUGH TRANSPORTATION CO., INC. 1130 U. S. Highway 1 Elizabeth, N.J. 07201 Applicant's representative: A. David Millner, 744 Broad Street, Suite 2005 Newark, N.J. 07102 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic materials*, such as plastic powder, flakes, granules, lumps, pellets, or solid mass in bulk, in plastic liners, in van type vehicles, on traffic having a prior or subsequent movement by water, from the plantsite of General Electric Company located at or near Selkirk, N.Y., to the New York-New Jersey Port Authority Terminals in Port Elizabeth and Port Newark, N.J. Note: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y. or Washington, D.C.

No. MC 73165 (Sub-No. 326) filed June 11, 1973 Applicant: EAGLE MOTOR LINES, INC. 830 North 33rd Street P.O. Box 11086 Birmingham, Ala. 35202. Applicant's representative: Robert M. Pearce, P.O. Box E, Bowling Green, Ky. 42101 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Aluminum, aluminum articles, and aluminum products*; and (2) *materials, equipment and supplies used in connection with the manufacture of the commodities described in (1) above, (except commodities in bulk), between points in Colbert County, Ala., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).* Note: Applicant states that the requested authority cannot or will not be tacked

with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 74321 (Sub-No. 84) filed May 25, 1973 Applicant: B. F. WALKER, INC. 650 17th Street Denver, Colo. 80202 Applicant's representative: Richard P. Kissinger (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Material handling equipment*, from Fort Worth, Tex., to points in the United States (except Alaska and Hawaii). Note: Applicant states that the requested authority cannot or will not be tacked with its existing authority. Applicant further states that no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 75206 (Sub-No. 5) filed May 18, 1973 Applicant: JOHN EMMERT, doing business as EMMERT TRANSFER Diamond Alley and Pine Street Bangor, Mich. 49013 Applicant's representative: William J. Verdonk 531 Phoenix Street South Haven, Mich. 49090 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pizza sauce* in containers, from the plant site of Emmert Transfer Warehouse at Bangor, Mich. to the plant sites of Saluto Foods Corporation at or near Benton Harbor, Mich. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich.

No. MC 80430 (Sub-No. 147) filed May 14, 1973 Applicant: GATEWAY TRANSPORTATION CO., INC. 455 Park Plaza Drive La Crosse, Wis. 54601 Applicant's representative: Joseph E. Ludden (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A & B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), serving Henderson, Ky. as an off-route point in connection with applicant's presently authorized operations. Note: If a hearing is deemed necessary, applicant requests that it be held at Louisville, Ky. or Cincinnati, Ohio.

No. MC 82492 (Sub-No. 83) filed June 11, 1973 Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC. P.O. Box 2853 2109 Olmstead Road Kalamazoo, Mich. 49003 Applicant's representative: William J. Boyd 29 South LaSalle Street Suite 330 Chicago, Ill. 60603 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foodstuffs*, from Chicago, and Deerfield, Ill. to points in Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill. or Washington, D.C.

No. MC 82841 (Sub-No. 121) filed May 29, 1973 Applicant: HUNT TRANSPORTATION, INC., 10770 "I" Street, Omaha, Nebr. 68127. Applicant's representative: Donald L. Stern, 530 Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Axles, wheels and accessories*, from Wausau, Wis., to Lincoln, Nebr. Note: Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 95084 (Sub-No. 93) filed June 13, 1973 Applicant: HOVE TRUCK LINE a Corporation Stanhope, Iowa 50246 Applicant's representative: Kenneth F. Dudley 611 Church Street P.O. Box 279 Ottumwa, Iowa 52501 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Materials, equipment and supplies used in the manufacture, processing, sale and distribution of agricultural implement parts (except commodities in bulk), from points in Arkansas, Colorado, Kansas, Kentucky, Michigan, Minnesota, Nebraska, Oklahoma and West Virginia, to Perry, Iowa;* (2) (a) *industrial machinery and equipment, hoists, truck bodies and boxes, and refuse containers and compactors, from Grundy Center, Mason City, Nev., and Sioux City, Iowa, to points in the United States (except Alaska and Hawaii);* (b) *materials, equipment and supplies used in the manufacture, processing, sale and distribution of the commodities named in (2) (a) above (except commodities in bulk), from points in the United States (except Alaska and Hawaii), to Grundy Center, Mason City, Nev. and Sioux City, Iowa;* and (3) *agricultural machinery and equipment, industrial machinery and equipment, and parts and attachments for agricultural machinery and equipment and industrial machinery and equipment, from Blackwell, Okla., to points in the United States (except Alaska and Hawaii).* Note: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo. or Chicago, Ill.

No. MC 95540 (Sub-No. 868) filed March 23, 1973 Applicant: WATKINS MOTOR LINES, INC. 1940 Monroe Drive, N.E. P.O. Box 1636 Atlanta, Ga. 30301 Applicant's representative: Paul E. Weaver (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products, and articles distributed by meat packing houses, as described in Sections A & C of Appendix*

I to the report in *Descriptions in Motor Carriers Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, and hides), from New Orleans, La., Gulfport, Jackson, and West Point, Miss., to points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Louisiana, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Tennessee, Texas, Oklahoma, and Wisconsin. Note: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 95540 (Sub-No. 884) filed June 15, 1973 Applicant: WATKINS MOTOR LINES, INC. 1940 Monroe Drive, N.E. P.O. Box 1636 Atlanta, Ga. 30301 Applicant's representative: Jerome F. Marks (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in cans, from points in Wisconsin and Michigan to points in Iowa, Nebraska, Kansas, Oklahoma, Texas, Alabama, Georgia, Arkansas, North Carolina and Florida. Note: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill. or Washington, D.C.

No. MC 100449 (Sub-No. 35) filed May 21, 1973 Applicant: MALLINGER TRUCK LINE, INC. R.F.D. 4 Fort Dodge, Iowa 50501 Applicant's representative: William L. Fairbank 900 Hubbell Building Des Moines, Iowa 50309 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beer*, from St. Louis, Mo., to Fort Dodge, Iowa. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 100666 (Sub-No. 247) filed May 29, 1973 Applicant: MELTON TRUCK LINES, INC. P.O. Box 7666 Shreveport, La. 71107 Applicant's representative: Wilburn L. Williamson 280 National Foundation Life Bldg. 3535 N.W. 58th Oklahoma City, Okla. 73112 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Composition board, particle board, and plywood, and accessories, materials and supplies* used in the sale and installation thereof, from points in Calhoun County, Fla., to points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas, including the District of Columbia, and (2) *materials, supplies and accessories* used in the manufacture and installation of the commodities in (1) above, from the destination points in (1) above, to the plant and warehouse sites of Abitibi Corporation in Calhoun County, Fla., restricted against the transportation of commodities in bulk. Note: Applicant states that the requested

authority cannot be tacked with its existing authority. Applicant further states no duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 104004 (Sub-No. 193) filed May 18, 1973. Applicant: ASSOCIATED TRANSPORT, INC., 380 Madison Avenue, New York, N. Y. 10017. Applicant's representative: John P. Tynan, 65-12 69th Place, Middle Village, N.Y. 11379. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) Serving the Watts Bar Nuclear Plant and Dam Site of the Tennessee Valley Authority located at or near Spring City, Tenn., as an off-route point in connection with applicant's regular-route operations between Knoxville and Nashville, Tenn.; (2) Between the Watts Bar Nuclear Plant and Dam Site of the Tennessee Valley Authority located at or near Spring City, Tenn., Plainville, Ga., and Newport, Ky., serving the intermediate point of Chattanooga, Tenn. for the purpose of joinder only with no service except as otherwise authorized; (a) From the Watts Bar Nuclear Plant and Dam Site of the Tennessee Valley Authority over Tennessee Highway 68 to junction U.S. Highway 27, thence over U.S. Highway 27 to junction Interstate Highway 75, thence over Interstate Highway 75 to junction Georgia Highway 53, thence over Georgia Highway 53 to junction unnumbered highway (approximately five miles northeast of Shannon, Ga.) thence over unnumbered highway to Plainville; (b) From the Watts Bar Nuclear Plant and Dam Site of the Tennessee Valley Authority over Tennessee Highway 68 to junction Tennessee Highway 58, thence over Tennessee Highway 58 to junction U.S. Highway 70 (also from the aforesaid Tennessee Valley Authority site over Tennessee Highway 68 to junction U.S. Highway 27, thence over U.S. Highway 27 to junction U.S. Highway 70), (also from the aforesaid T.V.A. site over Tennessee Highway 58 to junction U.S. Highway 11, thence over U.S. Highway 11 to junction U.S. Highway 70), thence from the junction of U.S. Highway 70 to junction Interstate Highway 75, thence over Interstate Highway 75 to Newport, Ky., and return over the same route. Note: If a hearing is deemed necessary, applicant requests it be held at either Nashville, or Chattanooga, Tenn. or Washington, D.C.

No. MC 105678 (Sub-No. 25) filed May 21, 1973 Applicant: SECO TRUCKING CO., a Corporation 219 North Jackson Mason City, Iowa 50401 Applicant's representative: Thomas F. Kilroy P.O. Box 624 Springfield, Va. 22150. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Refrigerators and parts thereof and cooling units*; (1) from Chicago, Ill.; Elkhart, Ind.; and Houston,

Tex., to Forest City, Iowa, and Salina, El Dorado, and Junction City, Kans.; and (2) from Houston, Tex., to Elkhart, Ind., under contract with Domestic Sales Corp. Note: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill. or Washington, D.C.

No. MC 106074 (Sub-No. 18) filed June 4, 1973. Applicant: B AND P MOTOR LINES, INC., Hazelwood, N.C. 28738. Applicant's representative: James N. Golding, 4 S. Pack Square, P.O. Box 7316, Asheville, N.C. 28807. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, crated, from points in Graham County, N.C. and Nantahala, N.C. to points in the District of Columbia, Illinois, Indiana, Maryland, Michigan, New Jersey, New York, Ohio, Pennsylvania, Virginia, Rhode Island, Massachusetts, and Connecticut; and (2) *damaged or defective shipments* of new furniture on return, from the named destinations to points in Graham County, N.C. Note: Common control may be involved. Applicants states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at either Asheville, Charlotte, or Raleigh, N.C.

No. MC 107064 (Sub-No. 95) filed May 29, 1973. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, 2808 Fairmount St., Dallas, Tex. 75221. Applicant's representative: Hugh T. Matthews, 630 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Flour*, from points in Colorado to points in New Mexico; and (2) *liquid sugar, syrups and sweeteners and blends thereof*, between points in New Mexico and Colorado. Note: Applicant states that the requested authority would be tacked with its pending authority in its Sub 90, if granted, to transport Blackstrap Molasses from New Orleans, La., to Farmington, N. Mex. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 107295 (Sub-No. 645) filed May 31, 1973 Applicant: PRE-FAB TRANSIT CO., a Corporation 100 South Main Street Farmer City, Ill. 61842 Applicant's representative: Mack Stephenson (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molding*, from Covington, Tenn., to points in Minnesota, Wisconsin, Iowa, Missouri, Arkansas, Illinois, Michigan, Indiana, Kentucky, Ohio, Georgia, North Carolina, South Carolina, Virginia, West Virginia, Maryland, Pennsylvania, Delaware, New Jersey, New York, Connecticut, Rhode Island, and Massachusetts. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary,

applicant requests it be held at Memphis, Tenn.

No. MC 107295 (Sub-No. 648) filed June 7, 1973 Applicant: PRE-FAB TRANSIT CO., a Corporation 100 South Main Street P.O. Box 146 Farmer City, Ill. 61842 Applicant's representative: Mack Stephenson (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hardwood flooring* from Warren, Ark. to points in Connecticut, Delaware, Illinois, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, and Vermont. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 107496 (Sub-No. 893) filed May 17, 1973 Applicant: RUAN TRANSPORT CORPORATION Third at Keosauqua Way P.O. Box 855 Des Moines, Iowa 50309 Applicant's representative: H. L. Fabritz (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wax*, in bulk, from Casper, Wyo., to Edison, N.J.; (2) *phosphatic fertilizer solution*, from Topeka, Kans., to points in Missouri, Kansas, Iowa, and Nebraska; (3) *litharge*, dry, in bulk, from St. Paul, Minn., to Denver, Colo.; Omaha, Nebr.; St. Joseph, Mo.; Burlington, Iowa; Zanesville, Ohio; Leavenworth, Kan.; Chicago Heights and Kankakee, Ill.; Trenton, N.J.; and Lynchburg, Va.; (4) *lignin sulfinate*, in bulk, between points in Wyoming; (5) *cleaning compounds, water reducing admixture, and petroleum oil agricultural wetting agent*, in bulk, from Shakopee, Minn., to points in North Dakota, South Dakota, Iowa, Nebraska, Wisconsin, Kansas, Missouri, and Oklahoma; and (6) *phosphatic solution*, in bulk, from Weeping Water, Nebr., to points in Iowa, Montana, North Dakota and Minnesota. Note: Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority, but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Chicago, Ill.

No. MC 109540 (Sub-No. 29) filed June 1, 1973 Applicant: YEARLY TRANSFER COMPANY, INC. 2171 Christian Road Lexington, Ky. 40505 Applicant's representative: George M. Catlett 703-706 McClure Building Frankfort, Ky. 40601 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, and iron and steel articles* between points in Kentucky. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed neces-

sary, applicant requests it be held at Lexington or Louisville, Ky.

No. MC 110420 (Sub-No. 681) filed May 21, 1973 Applicant: QUALITY CARRIERS, INC. P.O. Box 186 Pleasant Prairie, Wis. 53158 Applicant's representative: Fred H. Figge (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar and syrups*, liquid and blends thereof, and *products of corn*, in bulk, from points in the Kansas City, Kans.-Kansas City, Mo. Commercial Zone, to points in Arkansas, Louisiana, New Mexico and Texas. Note: Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority at St. Louis, Mo. to provide a through service to points in Louisiana, but indicates that it has no present intention to tack. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 110420 (Sub-No. 682) filed May 31, 1973 Applicant: QUALITY CARRIERS, INC. P.O. Box 186 Pleasant Prairie, Wis. 53158 Applicant's representative: Fred H. Figge (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from the plantsite of Armak Industrial Chemical, Grundy County, Ill., to points in Alabama, Arkansas, Connecticut, Indiana, Kansas, Maryland, Massachusetts, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Texas, Virginia and Wisconsin. Note: Common control may be involved. Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 110525 (Sub-No. 1059) filed June 13, 1973 Applicant: CHEMICAL LEAMAN TANK LINES, INC. 520 E. Lancaster Avenue Downingtown, Pa. 19335 Applicant's representative: Thomas J. O'Brien (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from the plantsite of Commercial Solvents Corp., at or near Sterlington, La., to points in Alabama, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia and West Virginia, restricted to traffic originating at the plant site of Commercial Solvents Corp. Note: Applicant states that the requested authority can be tacked with its existing authority, but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking.

Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 110525 (Sub-No. 1060) filed June 15, 1973 Applicant: CHEMICAL LEAMAN TANK LINES, INC. 520 E. Lancaster Avenue Downingtown, Pa. 19335 Applicant's representative: Thomas J. O'Brien (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Caustic soda and chlorinated solvents*, in bulk, in tank vehicles, from the plant site of Axton Cross Co. at North Haven, Conn., to points in Massachusetts, Rhode Island and New York. Note: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y. or Providence, R.I.

No. MC 110525 (Sub-No. 1061) filed June 25, 1973 Applicant: CHEMICAL LEAMAN TANK LINES, INC. 520 East Lancaster Avenue Downingtown, Pa. 19335 Applicant's representative: Thomas J. O'Brien (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from the plant site of Armak Chemical Co., located in Grundy County, Ill., to points in California, Connecticut, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Massachusetts, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Virginia, West Virginia and Wisconsin. Note: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 110563 (Sub-No. 107) filed April 30, 1973 Applicant: COLDWAY FOOD EXPRESS, INC. P.O. Box 747 Sidney, Ohio 45365 Applicant's representative: Joseph M. Scanlan 111 W. Washington Chicago, Ill. 60602 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses* (except hides and commodities in bulk), as described in Sections A and C of Appendix

I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, between Minneapolis-St. Paul and St. Cloud, Minn.; Mason City, Dubuque, Davenport and Tama, Iowa; Chicago (except those points in the Chicago, Ill. Commercial Zone in Indiana), Aurora and Rochelle, Ill.; Denver and Pueblo, Colo.; and points in Nebraska. Note: Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Lincoln or Omaha, Nebr.

No. MC 110988 (Sub-No. 297) filed May 29, 1973 Applicant: SCHNEIDER TANK LINES, INC. 200 West Cecil Street Neenah, Wis. 54956 Applicant's representative: D. A. Petersen (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid feed supplements and liquid feed ingredients, and molasses*, in bulk, in tank vehicles, between Oswego and Romeoville, Ill., on the one hand, and on the other, points in Indiana, Iowa, Michigan and Wisconsin. Note: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 111545 (Sub-No. 187) filed June 1, 1973 Applicant: HOME TRANSPORTATION COMPANY, INC. 1425 Franklin Road Marietta, Ga. 30062 Applicant's representative: Robert E. Born P.O. Box 6426, Station A Marietta, Ga. 30062 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, wood poles, board, and paneling*, (1) between points in California, Oregon, Washington, Idaho, Nevada, and Arizona, on the one hand, and, on the other, points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas; and (2) between points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, and South Carolina, on the one hand, and, on the other, points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas. Note: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no *present* intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga. or Washington, D.C.

No. MC 111720 (Sub-No. 11) filed June 12, 1973 Applicant: RAY WILLIAMS AND ARLENE WILLIAMS d/b/a WILLIAMS TRUCK SERVICE 2300 East 11th Street P.O. Box 40 Sioux Falls, S. Dak. 57101 Applicant's representative: Donald L. Stern 530 Univac Building Omaha, Nebr. 68106 Authority

sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plant site and storage facilities of John Morrell & Co., Humbolt, Iowa, to points in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia and West Virginia, under contract with John Morrell & Co. restricted to traffic originating at the named facilities. Note: If a hearing is deemed necessary, applicant requests it be held at Sioux Falls, S. Dak.

No. MC 112822 (Sub-No. 276) filed June 6, 1973 Applicant: BRAY LINES INCORPORATED P.O. Box 1191 (1401 N. Little) Cushing, Okla. 74023 Applicant's representative: Marion F. Jones Suite 1600 Lincoln Center 1660 Lincoln Street Denver, Colo. 80203 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugars and syrups, liquid, and products of corn*, in bulk, in tank vehicles, from points in the Kansas City, Mo.-Kansas City, Kans. Commercial Zone, to points in Arkansas, Louisiana, New Mexico and Texas. Note: Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City or St. Louis, Mo.

No. MC 112963 (Sub-No. 43) filed June 5, 1973 Applicant: ROY BROS., INC. 764 Boston Road Pinehurst, Mass. 01866 Applicant's representative: Leonard E. Murphy (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Everett, Mass., to points in Maine, New Hampshire and Vermont. Note: Applicant states that the requested authority can be tacked with its existing authority, but indicates that it has no present intention to tack, and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 113666 (Sub-No. 77) filed June 6, 1973 Applicant: FREEPORT TRANSPORT, INC. 1200 Butler Road Freeport, Pa. 16229 Applicant's representative: Daniel R. Smatanick (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials and supplies* (except in bulk), from Warwick, N.Y., to points in Connecticut, Delaware, District of Columbia, Indiana, Kentucky, Maine,

Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, North Carolina, Tennessee, Vermont, Virginia and West Virginia. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa. or Washington, D.C.

No. MC 113908 (Sub-No. 278) filed June 18, 1973 Applicant: ERICKSON TRANSPORT CORP. 2105 East Dale Street P.O. Box 3180 G.S.S. Springfield, Mo. 65804 Applicant's representative: B. B. Whitehead (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Distilled spirits* in bulk, in tank and hopper type vehicles, from Bardstown, Ky., to Lakeland, Fla. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests that it be held at Kansas City, Mo., Chicago, Ill., St. Louis, Mo., or Dallas, Tex.

No. MC 114045 (Sub-No. 385) filed May 31, 1973 Applicant: TRANS-COLD EXPRESS, INC. P. O. Box 5842 Dallas, Tex. 75222 Applicant's representative: J. B. Stuart (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in containers, in vehicles equipped with mechanical refrigeration, from the plantsite of the Upjohn Company, located at or near Houston, Tex., to points in Iowa. Note: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Houston or Dallas, Tex.

No. MC-114552 (Sub-No. 83) (CLARIFICATION) filed May 25, 1973, published in the FEDERAL REGISTER issue of July 6, 1973, and annotated in republication this issue. Applicant: SENN TRUCKING COMPANY a Corporation P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr. 919 18th St., N.W. Washington, D.C. 20006. Note: The purpose of this republication is: (a) to correctly identify applicant's name as SENN TRUCKING COMPANY, in lieu of SEEN TRUCKING COMPANY, which was previously published in error; (b) to identify the address of the applicant's representative at 919 18th St., N.W., Washington, D.C. 20006, which was inadvertently published in error; and (c) to properly identify the requested origin as the facilities of Litcraft-Luminous Ceilings, Division of The Celotex Corporation at or near Scottsboro, Ala., which was inadvertently misspelled in the previous publication. The rest of the notice remains as previously published.

No. MC 114897 (Sub-No. 107) filed May 17, 1973 Applicant: WHITFIELD TANK LINES, INC. 300-316 N. Clark Rd. P.O. Drawer 9897 El Paso, Tex. 79989 Applicant's representative: J. P. Rose

(same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, (1) from points in New Mexico to points in Texas; and (2) between points in New Mexico. Note: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at El Paso, Tex., or Albuquerque, N. Mex.

No. MC 115162 (Sub-No. 273) filed May 14, 1973 Applicant: POOLE TRUCK LINE, INC. Post Office Drawer 500 Evergreen, Ala. 36401 Applicant's representative: Robert E. Tate (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Composition board, particle board and plywood, accessories, materials and supplies used in the sale and installation thereof*, from points in Calhoun County, Fla., to points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, including the District of Columbia; and (2) *materials, supplies and accessories used in manufacture and installation of the commodities in (1) above from the destination points specified in part (1) above to the plant and warehouse sites of Abitibi Corporation in Calhoun County, Fla.*, restricted against the transportation of commodities in bulk. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests that it be held at Atlanta, Ga. or Chicago, Ill.

No. MC 115311 (Sub-No. 152) filed May 30, 1973 Applicant: J & M TRANSPORTATION CO., INC. P.O. Box 488 Milledgeville, Ga. 31061 Applicant's representative: Paul M. Daniell P.O. Box 872 Atlanta, Ga. 30301 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood, veneer, panels and paneling*, from New Orleans, La., to points in Arkansas, Alabama, Georgia, Florida, Mississippi, North Carolina, South Carolina, Kentucky, Virginia, West Virginia and Tennessee. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 115826 (Sub-No. 251) filed May 14, 1973 Applicant: W. J. DIGBY, INC. 1960 31st. Street Denver, Colo. 80217 Applicant's representative: Charles J. Kimball 2310 Colorado National Bank Bldg. 1600 Broadway Denver, Colo. 80202 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods and potato products not frozen (except in bulk)*, from Laramie, Wyo., to points in California, Colorado, Arizona, Idaho, Montana, New Mexico, Nevada, Oregon, Utah, Washington. Note: Applicant states that the requested authority cannot be tacked with its existing

authority. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo. or Cheyenne, Wyo.

No. MC 116073 (Sub-No. 268) filed June 6, 1973 Applicant: BARRETT MOBILE HOME TRANSPORT, INC. 1825 Main Avenue P.O. Box 919 Moorhead, Minn. 56560 Applicant's representative: Robert G. Tassar 1819 4th Avenue South Moorhead, Minn. 56560 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers designed to be drawn by passenger automobiles, in initial movements, and buildings, complete or in sections, transported on wheeled undercarriages*, from points in Clark, Cowlitz and Lewis Counties, Wash., to points in Idaho, Montana, Nevada, Oregon, Utah and Wyoming. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Olympia or Seattle, Wash.

No. MC 116073 (Sub-No. 269) filed June 6, 1973 Applicant: BARRETT MOBILE HOME TRANSPORT, INC. 1825 Maine Avenue P.O. Box 919 Moorhead, Minn. 56560 Applicant's representative: Robert G. Tassar 1819 4th Avenue South Moorhead, Minn. 56560 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers designed to be drawn by passenger automobiles, in initial movements, and buildings, complete or in sections, from points in Orangeburg County, S.C., to points in the United States (except Alaska and Hawaii)*. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbia, S.C.

No. MC 116254 (Sub-No. 137) filed June 18, 1973 Applicant: CHEM-HAULERS, INC. P.O. Drawer M Sheffield, Ala. 35660 Applicant's representative: Walter Harwood 1822 Parkway Towers Nashville, Tenn. 37219 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals and petroleum products, from points in the United States (except Alaska and Hawaii), to the plant site of Reichhold Chemicals, Inc., at or near Tuscaloosa, Ala.* Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Nashville, Tenn.

No. MC 116273 (Sub-No. 162) filed June 18, 1973. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Avenue, Cicero, Ill. 60650. Applicant's representative: Arnold L. Burke, 127 No. Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry plastics, in bulk*, (a) from Peru, Ill. to points in Maryland, New Jersey, New York, North Carolina, South Carolina, Virginia, and West Virginia, and (b) from points in Arkansas,

Indiana, Iowa, Kansas, Kentucky, Maryland, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin, to Peru, Ill., restricted to traffic originating at or destined to facilities of Foster Grant Co., Inc. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 116763 (Sub-No. 256) filed June 8, 1973. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Applicant's representative: H. M. Richters (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs (except frozen foods and commodities in bulk) from Decatur, Ind., to points in Alabama, Connecticut, Delaware, Georgia, Florida, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia*. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill. or Columbus, Ohio.

No. MC 117565 (Sub-No. 85) filed February 16, 1973 Applicant: MOTOR SERVICE COMPANY INC. Route 3 P.O. Box 448 Coshocton, Ohio 43812 Applicant's representative: John R. Hafner (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Conduit and pipe (other than iron and steel), accessories, parts, fittings, and attachments, thereof*, from Rootstown Township (Portage County) Ohio, to points in Alabama, Arkansas, Florida, Louisiana, Mississippi, and Tennessee. Note: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant has contract carrier authority pending under MC 135701 Sub 1, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio.

No. MC 117883 (Sub-No. 179) filed June 7, 1973 Applicant: SUBLER TRANSFER, INC. 791 East Main St. Versailles, Ohio 45380 Applicant's representative: Edward J. Subler P.O. Box 62 Versailles, Ohio 45380 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs (except frozen foods and commodities in bulk)*, from Decatur, Ind., to points in Connecticut, Delaware, Illinois, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. Note: Applicant states

that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Columbus, Ohio.

No. MC 119340 (Sub-No. 2) filed June 6, 1973 Applicant: CENTRAL COAST TRUCK SERVICE, INC. P.O. Box AD Watsonville, Calif. 93635 Applicant's representative: Roland R. Schmidt (same address as applicant) Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cooked, cured or preserved meats and sausage*, moving in vehicles equipped with mechanical refrigeration, from the plantsite of Made Rite Sausage, Inc., located at or near Sacramento, Calif., to the distribution center of Made Rite Sausage, Inc., located at or near Medford, Oreg., under contract with Made Rite Sausage, Inc., Sacramento, Calif. Note: If a hearing is deemed necessary, applicant requests it be held at San Francisco, or Sacramento, Calif.

No. MC 119422 (Sub-No. 53) (CLARIFICATION) filed February 8, 1973, published in the FEDERAL REGISTER issue of March 22, 1973, and corrected in publication on April 5, 1973, and in third publication this issue. Applicant: Ee-JAY MOTOR TRANSPORTS, INC. 15th and Lincoln Streets East St. Louis, Ill. 62204 Applicant's representative: Ernest A. Brooks II 1301 Ambassador Building St. Louis, Missouri 63101 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastics and resins*, in bulk, from Belleville, Ill. and points in its Commercial Zone (including those in East St. Louis, Ill.), to points in Missouri, Kansas, Colorado, Arkansas, Oklahoma, Texas, Louisiana, Mississippi, Alabama, Tennessee, Kentucky, Illinois, Indiana, Ohio, Michigan, Wisconsin, Minnesota, Iowa, and Nebraska, restricted to traffic having an immediately prior movement by rail. Note: The purpose of this republication is to clarify applicant's requested origin territory and indicate the restriction as described above. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo. or Washington, D.C. The order of May 24, 1973, by which this application was directed for handling under modified procedure is vacated and set aside by order of the Commission issued July 5, 1973.

No. MC 119632 (Sub-No. 58) filed May 25, 1973 Applicant: REED LINES, INC. 634 Ralston Avenue Defiance, Ohio 43512 Applicant's representative: John P. McMahon 100 East Broad Street Columbus, Ohio 43215 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, canned, prepared or preserved, cooking or edible oils, matches, oleo-margarine and shortening, from the plantsite and warehouse facilities of Hunt-Wesson Foods, Inc. at or near Toledo, Ohio, and its Commercial Zone, to points in West Virginia and

those in Kentucky east of Kentucky Highway 7. Note: Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa. or Washington, D.C.

No. MC 119864 (Sub-No. 54) filed June 4, 1973 Applicant: HOFER MOTOR TRANSPORTATION CO. a Corporation 26740 Eckel Road Perrysburg, Ohio 43551 Applicant's representative: Dale K. Craig (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Archbold, Ohio to points in Indiana, Illinois, Kentucky, Michigan, and St. Louis, Mo. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 123067 (Sub-No. 118) filed June 4, 1973 Applicant: M & M TANK LINES, INC. P.O. Box 30006 Washington, D.C. 20014 Applicant's representative: William P. Sullivan Federal Bar Building West 1819 H Street, N.W. Washington, D.C. 20006 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, from points in Chatham County, Ga., to points in South Carolina. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 123872 (Sub-No. 10) filed May 15, 1973 Applicant: W & L MOTOR LINES, INC. P.O. Drawer 2607 10th & C Sts., S.E. Hickory, N.C. 38601 Applicant's representative: Theodore Polydoroff 1250 Connecticut Avenue, N.W. Washington, D.C. 20036 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture and furniture parts*, from the facilities of Elkin Furniture Company at or near Elkin, N.C., to points in California, Colorado, Iowa, Kansas, Minnesota, Nebraska, New Mexico, Oklahoma, Texas, and Wisconsin. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Hickory or Charlotte, N.C.

No. MC 123872 (Sub-No. 11) filed May 15, 1973 Applicant: W & L MOTOR LINES, INC. P.O. Drawer 2607 10th & C Sts., S.E. Hickory, N.C. 28601 Applicant's representative: Theodore Polydoroff 1250 Connecticut Avenue, N.W. Washington, D.C. 20036 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, between points in Carter and Washington Counties, Tenn., on the one hand, and, on the other, points in California, Colorado, Iowa, Kansas, Minnesota, Nebraska, New Mexico, North Carolina, Oklahoma, Texas and Wisconsin. Note: Applicant states that the requested

authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Hickory or Charlotte, N.C.

No. MC 123885 (Sub-No. 14) filed June 5, 1973 Applicant: C & R TRANSFER CO. a Corporation 1315 West Blackhawk Sioux Falls, S. Dak. 57101 Applicant's representative: James W. Olson 506 West Boulevard Rapid City, S. Dak. 57701 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from points in Pennington County, S. Dak., to points in North Dakota. Note: Dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Rapid City, S. Dak., or Sioux Falls, S. Dak.

No. MC 124711 (Sub-No. 18) filed June 11, 1973 Applicant: BECKER AND SONS, INC. P.O. Box 1050 El Dorado, Kans. 67042 Applicant's representative: T. M. Brown 600 Leininger Building Oklahoma City, Okla. 73112 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Ponca City, Okla. and Borger and Sheerin, Tex., to points in Kansas. Note: Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority, but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo. or Topeka, Kans.

No. MC 124711 (Sub-No. 19) filed June 11, 1973 Applicant: BECKER AND SONS, INC. P.O. BOX 1050 El Dorado, Kans. 67042 Applicant's representative: T. M. Brown 600 Leininger Building Oklahoma City, Okla. 73112 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Sugar Creek, Mo., to points in Kansas. Note: Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority, but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo. or Topeka, Kans.

No. MC 126844 (Sub-No. 21) filed May 24, 1973 Applicant: R. D. S. TRUCKING CO., INC. 1713 North Main Road Vineland, N.J. 08360 Applicant's

representative: Jacob P. Billig 1108 16th Street, N.W. Washington, D.C. 20036 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared flour mixes and frosting mixes*, from Chelsea, Mich., to points in Pennsylvania, New Jersey, New York, Maine, Massachusetts, Connecticut, Vermont, New Hampshire, Rhode Island, Virginia, Maryland, Delaware, and the District of Columbia. Note: Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 126899 (Sub-No. 65) filed June 8, 1973 Applicant: USHER TRANSPORT, INC. 3925 Old Benton Road Paducah, Ky. 42001 Applicant's representative: George M. Catlett 703-706 McClure Building Frankfort, Ky. 40601 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, and *related advertising material*, and *empty malt beverage containers* on return, from Detroit, Mich., to Chandler, Ind. Note: Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Evansville, Ind.

No. MC 128343 (Sub-No. 22) filed June 6, 1973 Applicant: C-LINE, INC. Tourtellot Hill Road Chepachet, R.I. 02814 Applicant's representative: Ronald N. Cobert 1730 M Street, N.W., Suite 501 Washington, D.C. 20036 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic materials, plastic products, and supplies*, used in the manufacture and distribution of plastic materials and plastic products, from North Smithfield, R.I. and Jerome, Idaho to points in Minnesota and Wisconsin, under contract with The Tupperware Co. Note: If a hearing is deemed necessary, applicant requests it be held at Providence, R.I.

No. MC 128878 (Sub-No. 29) filed May 31, 1973 Applicant: SERVICE TRUCK LINE, INC. P.O. Box 3904 Shreveport, La. 71103 Applicant's representative: Ewell H. Muse, Jr. 415 Perry-Brooks Building Austin, Tex. 78701 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from the plant site of Commercial Solvents Corporation at Sterlington, La., to points in Alabama, Arkansas, Louisiana, Mississippi, Oklahoma, Tennessee, and Texas, restricted to traffic originating at the plant site of Commercial Solvents Corporation. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Shreveport, La., Baton Rouge, La., or Little Rock, Ark.

No. MC 128878 (Sub-No. 30) filed June 11, 1973 Applicant: SERVICE TRUCK LINE, INC. P.O. Box 3904

Shreveport, La. 71103 Applicant's representative: Ewell H. Muse, Jr. 415 Perry-Brooks Building Austin, Tex. 78701 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insulating materials*, from Simsboro, La. to points in the United States (except Alaska and Hawaii). Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Shreveport, La., or New Orleans, La., or Houston, Tex.

No. MC 129516 (Sub-No. 16) filed May 23, 1973. Applicant: PATTON'S, INC. 2300 Canyon Road Ellensburg, Wash. 98926 Applicant's representative: James T. Johnson 1610 IBM Building Seattle, Wash. 98101 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dehydrated potato granules*, from the ports of entry on the International Boundary line between the United States and Canada located in Washington, Idaho, Montana and North Dakota, to points in Wisconsin, Illinois, and those in or west of Minnesota, Iowa, Missouri, Arkansas and Louisiana; and (2) *meat, meat products and meat by-products*, from the ports of entry on the International Boundary line between the United States and Canada located in Montana, Idaho, North Dakota and Minnesota, to points in California, Iowa, Minnesota and Washington, restricted in (1) above to traffic moving in foreign commerce from points in Canada. Note: Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash., or Portland, Oreg.

No. MC 129600 (Sub-No. 13) filed May 29, 1973 Applicant: POLAR TRANSPORT, INC. 176 King St. Hanover, Mass. 02339 Applicant's representative: Frank J. Weiner 15 Court Square Boston, Mass. 02108 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Ice cream, ice cream confections, ice water confections and sherbert*, (a) from Suffield, Conn., to points in Alabama, Delaware, Florida, Georgia, Illinois, Indiana, Maryland, Maine, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Texas, Virginia and the District of Columbia; (b) from Laurel, Md. and York, Pa., to Suffield, Conn.; and (2) *packaging materials, and materials, supplies, and ingredients* used in the manufacture of ice cream, ice cream confections, ice confections, ice water confections, sherbert, and dairy products, from points in New Jersey and New York to Suffield, Conn. and Agawam, Mass. RESTRICTION: Restricted to a transportation service to be performed under a contract or continuing contracts with H. P. Hood, Inc., Charlestown, Mass. Note: If a hearing is deemed necessary, appli-

cant requests it be held at Boston, Mass. or Washington, D.C.

No. MC 134721 (Sub-No. 5) filed June 18, 1973 Applicant: GEORGE M. DZIAK, doing business as DZIAK PRODUCE CO. E. 3417 Springfield Spokane, Wash. 99202 Applicant's representative: Donald A. Ericson 708 Old National Bank Building Spokane, Wash. 99201 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fiberboard and pulpboard*, corrugated and non-corrugated, and *boxes, fiberboard and pulpboard*, corrugated and non-corrugated, from the plant site of Boise Cascade Corp. at or near Wallula, Wash., and from points in Spokane County, Wash. to points in Montana. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Spokane, Wash., Seattle, Wash., or Portland, Oreg.

No. MC 134925 (Sub-No. 1) filed June 19, 1973 Applicant: CUMMINGS TRUCKING COMPANY, INC. P.O. Box 10492 Birmingham, Ala. 35401 Applicant's representative: William P. Jackson, Jr. 919 Eighteenth Street, N.W. Washington, D.C. 20006 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles, pipe, valves, fittings, hydrants, castings and accessories* thereof, from the facilities of Central Foundry Company at or near Holt, Ala., to points in Mississippi, Tennessee, North Carolina, South Carolina, Georgia and Florida. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Birmingham or Tuscaloosa, Ala.

No. MC 136211 (Sub-No. 15) filed June 11, 1973 Applicant: MERCHANTS HOME DELIVERY SERVICE, INC. 210 St. Mary's Drive, Suite G Oxnard, Calif. 93030 Applicant's representative: G. M. Rebman 1230 Boatmen's Bank Bldg. 314 North Broadway St. Louis, Mo. 63102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from the warehouse and shipping facilities of Levitz Furniture Corporation of Illinois, Inc., at Fairview Heights (near Belleville), Ill., to points in St. Louis, St. Charles, Franklin and Jefferson Counties, Mo., and St. Louis, Mo., and returned shipments of the above named commodity, from the above described destination territory, to the warehouse and shipping facilities of Levitz Furniture Corporation of Illinois, Inc., at Fairview Heights (near Belleville), Ill., under continuing contract with Levitz Furniture Corporation of Illinois, Inc. Note: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Washington, D.C.

No. MC 136318 (Sub-No. 9) filed May 31, 1973 Applicant: COYOTE

TRUCK LINE, INC. 395½ B West Fleming Drive Morganton, N.C. 28655 Applicant's representative: Walter F. Jones, Jr. 601 Chamber of Commerce Bldg. Indianapolis, Ind. 46204 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from High Point, Morganton, Marion and Spruce Pine, N.C., to points in Texas, California, Arizona and Colorado, under a contract with Henredon Furniture Industries, Inc. of Morganton, N.C. Note: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or Raleigh, N.C.

No. MC 136319 (Sub-No. 3) filed March 9, 1973 Applicant: CUSTOM TRANSIT, INC. 2406 Glenbrook South Garland, Tex. 75040 Applicant's representative: Glen M. White 3100 Fidelity Union Tower Dallas, Tex. 75201 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Mineral wool, and mineral wool conduit or pipe*, from Dallas, Tex., to points in Oklahoma, under contract with Certain-Teed Products Corporation. Note: If a hearing is deemed necessary, applicant requests it be held at Dallas or Fort Worth, Tex.

No. MC 136511 (Sub-No. 3) filed May 31, 1973 Applicant: VIRGINIA APPALACHIAN LUMBER CORPORATION P.O. Box 48 Big Island, Va. 24526 Applicant's representative: Frank B. Eand, Jr. P.O. Box 446 Winchester, Va. 22601 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, crated, as described in Appendix II to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, (1) from points in Augusta, Henrico, Lunenburg, Roanoke and Appomattox Counties, Va.; Caldwell, Graham and Guilford Counties, N.C.; and Marion County, S.C., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington and Wyoming; and (2) from points in Henry County, Va., to points in New Mexico, Colorado, Idaho and Texas. Note: Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 136987 (Sub-No. 4) filed May 24, 1973 Applicant: REMINGTON FREIGHT LINES, INC. 604 North Main Street Remington, Ind. 47977 Applicant's representative: Warren C. Moberly 777 Chamber of Commerce Bldg. Indianapolis, Ind. 46204 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Industrial chemicals*, from Sewaren, N.J. and Middletown, Conn., to points in Alabama, Arkansas, Delaware, Florida, Georgia, Illinois, Indiana, Iowa Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin,

under contract with Phillip Brothers Chemicals, Inc. Note: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind. or Washington, D.C.

No. MC 138195 (AMENDMENT) filed November 6, 1972, published in the FEDERAL REGISTER issue of December 28, 1972, and republished, as amended, this issue. Applicant: MID-ISLAND MESSENGER SERVICE, INC. 1044 Northern Boulevard Roslyn, L.I., N.Y. Applicant's representative: Arthur J. Piken One Lafrak City Plaza Flushing, N.Y. 11368 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, limited to shipments not exceeding 100 pounds, in messenger service, (restricted against the transportation of baggage, personal effects for campers, and household appliances and furniture), between New York, N.Y., and points in Nassau, Suffolk, and Westchester Counties, N.Y., on the one hand, and, on the other, points in New York, New Jersey and Connecticut. Note: The purpose of this republication is to indicate that applicant seeks to include New York in its destination territory. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 138375 (Sub-No. 5) filed June 7, 1973 Applicant: J. H. WARE TRUCKING, INC. 909 Brown Street P.O. Box 398 Fulton, Mo. 65251 Applicant's representative: J. H. Ware (same address as applicant) Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Magazines, periodicals, printed matter, and advertising and displays*, from the plant-site and warehouse facilities utilized by Triangle Publications, Inc. at or near Philadelphia, Pa., to points in California, Washington, Oregon, Idaho, Nevada, Wyoming and Montana, under a contract with Triangle Publications, Inc. Note: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo. or Lincoln, Nebr.

No. MC 138395 (Sub-No. 2) filed June 5, 1973. Applicant: DOUGLAS H. WEST, Post Office Box 1274, Salisbury, Md. 21801. Applicant's representative: Charles E. Creager, Suite 523, 816 Easley Street, Silver Spring, Md. 20910. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap steel* from Salisbury, Md., to Philadelphia, Pa., and Camden and Burlington, N.J. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 138561 filed March 19, 1973. Applicant: FRANK PARKER, doing business as MARV'S WRECKER SERVICE, 231 St. Joe Street, Rapid City, S. Dak. 57701. Applicant's representative: Robert S. Stauffer, 3539 Boston Road, Cheyenne, Wyo. 82001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transport-

ing: *Wrecked or disabled motor vehicles and replacements therefor*, between points in South Dakota, on the one hand, and, on the other hand, points in Montana, Minnesota, Nebraska, N. Dakota and Wyoming. Note: Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Rapid City, S. Dak., Billings, Mont., or St. Paul, Minn.

No. MC 138596 (Sub-No. 1) filed April 19, 1973 Applicant: EDWARD HUEBNER, doing business as ED'S TOWING & REPAIR 1831 E. North Street Rapid City, S. Dak. 57701 Applicant's representative: Ken C. Graves 520 Kansas City Street Rapid City, S. Dak. 57701 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, disabled, replacement, stolen or repossessed vehicles*, in tow-away service, between points in South Dakota and points in Wyoming, Montana, North Dakota, Iowa, Nebraska, Minnesota and Colorado. Note: If a hearing is deemed necessary, applicant requests it be held at Pierre, or Rapid City, S. Dak.

No. MC 138602 (Sub-No. 2) filed June 13, 1973 Applicant: FOREST TRANSPORT CORP. P. O. Box 7015 Savannah, Ga. 31408 Applicant's representative: W. Randall Tye 1500 Candler Building Atlanta, Ga. 30303 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Peeler cores* (trees cut to length, peeled), from Savannah, Ga. and Whiteville, N.C., to Russellville, S.C. Note: Applicant has concurrently filed a motion for dismissal. If a hearing is deemed necessary, applicant requests it be held at Atlanta or Augusta, Ga.

No. MC 138698 filed May 2, 1973. Applicant: KAYDOR TRUCKING COMPANY, INC., P.O. Box 205, Metuchen, N.J. 08840. Applicant's representative: Maxwell A. Howell, 1100 Investment Building, 1511 K Street, N.W., Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paint, paint materials and supplies, and chemicals*, (except in bulk) between Elizabethport, N.J., and points in Somerset and Middlesex Counties, N.J., on the one hand, and, on the other, points in Arkansas, Delaware, Kentucky, Kansas, Illinois, Indiana, Maryland, Michigan, Missouri, Nebraska, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, West Virginia and Wisconsin. RESTRICTION: The operations authorized herein are limited to a transportation service to be performed under a continuing contract, or contracts with H. L. Industries, Inc., New York, N.Y. Note: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 138758 (Sub-No. 2) filed June 11, 1973. Applicant: NORTHERN GAS, INC., Lyndonville, Vt. 05851. Applicant's representative: John P. Monte, 61

Summer St., Barre, Vt. 05641. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Propane gas* in bulk, from port of entry on the International Boundary line between the United States and Canada at or near Champlain, N.Y., Highgate Springs, Derby Line and Northon, Vt., to points in New Hampshire, New York and Vermont. Note: If a hearing is deemed necessary, applicant requests it be held at Montpelier, Vt., Albany, N.Y., or Boston, Mass.

No. MC 138795 filed May 21, 1973 Applicant: MOTOR EQUIPMENT TRANSPORT, INC. P.O. Box 849, Highway 65B Conway, Ark. 72032 Applicant's representative: George O. Jernigan, Jr. P.O. Box 3003 Little Rock, Ark. 72032 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Buses, vans, trucks and motor vehicles* of various types and design, by drive-away service, between points in the United States, including Alaska (but excluding Hawaii), under a contract with Ward School Bus Mfg., Inc. Note: If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 138807 filed May 29, 1973 Applicant: TOM ALEXANDER, doing business as TOM ALEXANDER & SON P.O. Box 5717 Jackson, Miss. 39208 Applicant's representative: K. Edward Wolcott 1600 First Federal Building Atlanta, Ga. 30303 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cleaning, scouring and washing compounds, toilet preparations, shampoo, soap, perfume, toiletries, advertising material and packaging material*, from Jackson, Miss., and Memphis, Tenn. to points in Washington, Arizona, California, Nevada, Oregon, Utah, Colorado, and New Mexico, and returned, rejected or outdated merchandise, from points in the above named destination states, to Jackson, Miss., and Memphis, Tenn., under contract with American Cyanamid Company. Note: If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss., New Orleans, La., or Memphis, Tenn.

No. MC 138810 filed June 4, 1973 Applicant: DETROIT TRANSFER COMPANY, a Corporation 1700 Waterman Detroit, Mich. 48209 Applicant's representative: John W. Ester Suite 1700—One Woodward Avenue Detroit, Mich. 48226 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by retail department stores*, between points in Michigan and Ohio, restricted to traffic originating at or destined to the stores or other facilities of J. L. Hudson Co., under a continuing contract with J. L. Hudson Co. Note: If a hearing is deemed necessary, applicant requests it be held at Detroit or Lansing, Mich.

No. MC 138811 filed May 31, 1973 Applicant: NICHOLAS I. RUIZ &

EDYTHE M. RUIZ doing business as ARLINGTON PACKAGING AND MOVING COMPANY 3125 Tenth Street Riverside, Calif. 92507 Applicant's representative: George R. LaBissoniere Suite 101 130 Andover Park East Seattle, Wash. 98188 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, restricted to the transportation of traffic having a prior or subsequent movement beyond said points in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating and decontainerization of such traffic, between points in Riverside, San Bernardino, Orange, Los Angeles, San Diego and Imperial Counties, Calif. Note: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, or Riverside, Calif.

No. MC 138818 filed May 29, 1973 Applicant: ETHEL DOLIN doing business as, DOLIN'S TRUCKING, INC. Route 2, #8 Nova Place Charleston, W. Va. 25314 Applicant's representative: Ethel Dolin (same address as applicant) Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Flake petroleum pitch*, in bulk, in dump trucks, from the facilities of Ashland Oil Company, Leech, Ky., to the facilities of Union Carbide Tech Center at South Charleston, W. Va., under a continuing contract with Union Carbide Corporation. Note: If a hearing is deemed necessary, applicant requests it be held at Charleston, W. Va.

No. MC 138830 filed June 1, 1973 Applicant: DONALD HOLLAND TRUCKING, INC. 1300 Main Street Keokuk, Iowa 52632 Applicant's representative: Kenneth F. Dudley 611 Church Street P.O. Box 279 Ottumwa, Iowa 52501 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Silicon metal, manganese metal, ferro alloys and pig iron* in dump vehicles and flatbed trailers, from Keokuk, Iowa to points in Illinois, Kansas, Minnesota, Missouri, Nebraska and Wisconsin; and (2) *Scrap metal*, from points in Illinois, Kansas, Minnesota, Missouri, Nebraska and Wisconsin; to Keokuk, Iowa. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

#### APPLICATIONS FOR FILING BROKERAGE LICENSES

No. MC 130077 (Sub-No 1) (AMENDMENT) filed April 2, 1973, published in the FEDERAL REGISTER issue of June 1, 1973 and republished as amended this issue. Applicant: STAATS-HEROLD CORPORATION doing business as: STAATS-HEROLD TOURS 60-20 Broadway Woodside, N.Y. 11377 Applicant's representative: Larsh B. Mewhinney 235 Mamaroneck Ave. White Plains,

N.Y. 10605 For a license (BMC-5) to engage in operations as a *broker* at Miami, Fla., in arranging for transportation, by motor vehicle, in interstate or foreign commerce, of *passengers and their baggage* in special and round-trip operations, in sightseeing and pleasure tours, beginning and ending at Miami, Fla., and extending to points in the United States (except Florida, Alaska and Hawaii). Note: The purpose of this republication is to clarify applicant's request for authority by deleting "North Miami Beach, Fla." as the location for applicant's brokerage facilities and as the initial and terminal points for applicant's operations, and substituting in lieu thereof "Miami, Fla."

No. MC 130203 filed May 16, 1973 Applicant: GULLIVER'S TRAVELS, INC. One Charlottetown Center Suite 479 Charlotte, N.C. 28204 Applicant's representative: Bart William Shuster 112 N. Myers Street Charlotte, N.C. 28202 For a license (BMC-5) to engage in operations as a *broker* at Charlotte, N.C., Gastonia, N.C. and Honolulu, Hawaii, in arranging for transportation, by motor vehicle, in interstate or foreign commerce, of *individual passengers and groups of passengers and their baggage*, in special and charter operations, from points in Mecklenburg and Gaston Counties, N.C., to points in the United States including Alaska and Hawaii.

#### APPLICATION FOR FILING WATER CARRIER

No. W-471 (Sub-No. 5) filed July 3, 1973 Applicant: MERRY SHIPPING COMPANY, INC. 604 East Bay Street Savannah, Ga. 31402 Applicant's representative: William P. Jackson, Jr. 919 18th Street, N.W. Washington, D.C. 20006 Authority sought to engage in operation, in interstate or foreign commerce as a *common carrier by water* in the transportation, by towing vessels, of *general towage of non-self-propelled vessels* having a prior or subsequent movement by mother ship, between ports and points along the Atlantic Coast and inland tributary waterways from Newbern, N.C., to Miami, Fla., inclusive. Note: If a hearing is deemed necessary, applicant requests it be held at Savannah, Ga.

#### MOTOR CARRIER OF PASSENGER

No. MC 138802 filed May 24, 1973 Applicant: SUMMIT TOWN TRANSIT RENTAL, INC. 211 Wilmer Street P.O. Box 426 Glassboro, N.J. 08028 Applicant's representative: Charles J. Williams 47 Lincoln Park Newark, N.J. 07102 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in round-trip charter operations, beginning and ending at Vineland, N.J., and points in Gloucester County, N.J., and extending to Chicago, Ill., Detroit, Mich., and points in Connecticut, Delaware, the District of Columbia, Florida, Georgia, Maryland, Massachusetts, New Hampshire, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia and West Virginia. Note: If a

hearing is deemed necessary, applicant requests it be held at Camden, N.J.

APPLICATION FOR FILING POSTAL  
CERTIFICATES

INTERSTATE COMMERCE COMMISSION, No. MC-137024, (NOTICE OF FILING AN APPLICATION FOR A POSTAL CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY), filed May 21, 1973. Applicant: MARION ALLEN MITCHELL 12206 Bellafonte Drive Dallas, Tex. 75231 Applicant's representative: Gerald A. Braswell 512 Candlewood Road Fort Worth, Tex. 76103 By application filed May 21, 1973, applicant seeks a Postal Certificate of Public Convenience and Necessity to transport *Mail* in the following territory: (1) Between Dallas and Josephine, Tex., from Dallas, over Texas Highway 66 to Caddo Mills, thence over Texas Farm Road 6 to Josephine, and return over the same route, serving the intermediate points of Garland, Rockwall, Fate, Royce City, and Caddo Mills, and (2) between Dallas and Lake Dallas, Tex., from Dallas over Interstate Highway 35E to Carrollton, thence over Belt Line Road to Addison, thence over Belt Line Road to Copel, thence over Texas Highway 121 to Lewisville, thence over Interstate Highway 35E to Lake Dallas, and return over the same route, serving the named intermediate points. Appended to the application are copies of two postal contracts held by applicant which were in effect on July 1, 1971, the critical "grandfather" date: Route Nos. 75230 and 75234 (formerly Route Nos. 75010 and 75017, respectively), relating to service between Dallas and Josephine, Tex., and Dallas and Lake Dallas, Tex. Any interested person desiring to oppose the application may file with the Commission an original and one copy of his written representations, views, or arguments in opposition to the application within 30 days from the date of this publication in the Federal Register. A copy of each such pleading should be served upon applicant's representative.

INTERSTATE COMMERCE COMMISSION, No. MC 137025, (NOTICE OF FILING AN APPLICATION FOR A POSTAL CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY), filed March 22, 1973. Applicant: FRYE ENTERPRISES, INC. Box 368 Belleville, Kans. 66935 Applicant's representative: Verne A. Frye (same address) By application filed March 22, 1973, applicant seeks a Postal Certificate of Public Convenience and Necessity to transport *Mail* in the following territory:

(1) Between Wichita, Kans., and Kansas City, Mo., (a) from Wichita, Kans., over Interstate Highway 35 to Topeka, Kans., thence over Interstate Highway 70 to Kansas City, Mo., and return over the same route, serving the intermediate points of Emporia and Topeka, Kans., or (b) from Wichita, Kans. over U.S. Highway 50 to its junction with Interstate Highway 35 near Ottawa, Kans., and thence over Interstate Highway 35 to Kansas City, Mo.,

and return over the same route, serving the intermediate point of Emporia, Kans.; (2) between Wichita, Kans., and Omaha, Nebr., over Interstate Highway 35W to Salina, Kans., thence over U.S. Highway 81 to its intersection with Interstate Highway 80, thence over Interstate Highway 80 to Omaha, Nebr., and return over the same route, serving the intermediate point of Salina, Kans., and (3) between Concordia, Kans., and Kansas City, Mo., from Concordia, Kans., over U.S. Highway 81 to Salina, Kans., thence over Interstate Highway 70 to Kansas City, Mo., and return over the same route, serving the intermediate point of Salina, Kans. Appended to the application are copies of three postal contracts held by applicant which were in effect on July 1, 1971, the critical "grandfather" date: Route Nos. 67024, 68018, and 66910 relating to service between Wichita, Kans., and Kansas City, Mo., between Wichita, Kans. and Omaha, Nebr., and between Concordia, Kans., and Kansas City, Mo., respectively.

Any interested person desiring to oppose the application may file with the Commission an original and one copy of his written representations, views, or arguments in opposition to the application within 30 days from the date of this publication in the Federal Register. A copy of each such pleading should be served upon applicant's representative.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[PR Doc.73-14798 Filed 7-19-73;8:45 am]

[Notice 93]

MOTOR CARRIER TEMPORARY  
AUTHORITY APPLICATIONS

JULY 11, 1973.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67, (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in

field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 5470 (Sub-No. 79 TA) filed July 2, 1973 Applicant: TAJON, INC. P.O. Box 146 R.D. 5 Mercer, Pa. 16137 Applicant's representative: Donald E. Cross 918 - 16th Street, N.W. Suite 700 Washington, D.C. 20006 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alloys and Ores*, in dump vehicles, (A) from Philo, Muskingum County, and Powhatan, Monroe County, Ohio, to points in Illinois, Missouri, New York, Pennsylvania, Tennessee, Virginia, and West Virginia, and (B) from Brilliant, Jefferson County, Ohio, to points in Illinois, Missouri, New York, Pennsylvania (except points in Armstrong, Mercer, Lawrence, Butler, Allegheny, Washington, Greene, Fayette, and Westmoreland Counties, Pa.), Tennessee, Virginia, and West Virginia, for 180 days. SUPPORTING SHIPPER: Ohio Ferro-Alloys Corporation, Canton, Ohio. SEND PROTESTS TO: District Supervisor John J. England, Bureau of Operations, Interstate Commerce Commission, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, Pa. 15222.

No. MC 26396 (Sub-No. 81 TA) filed June 28, 1973 Applicant: POPELKA TRUCKING CO. doing business as THE WAGGONERS P.O. Box 990 Livingston, Mont. 59047 Applicant's representative: Dave Kemp (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood products and particleboard*, from points in Douglas County, Ore., to points in Winona County, Minn., for 180 days. SUPPORTING SHIPPER: Winona Industries, 601 East Front Street, Winona, Minn. 55987. SEND PROTESTS TO: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Rm. 222 U.S. Post Office Bldg. Billings, Mont. 59101.

No. MC 26396 (Sub-No. 82 TA) filed July 2, 1973 Applicant: POPELKA TRUCKING CO. doing business as THE WAGGONERS P.O. Box 990 201 W. Park Livingston, Mont. 59047 Applicant's representative: Wayne Waggoner (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Afton, Wyo., to points in Texas, Oklahoma and Kansas, for 180 days. SUPPORTING SHIPPER: Slaughter Brothers, Glacier Bldg., Kallispell, Mont. 59901. SEND PROTESTS TO: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Rm. 222 U.S. Post Office Building, Billings, Mont. 59101.

No. MC 107295 (Sub-No. 650 TA) filed June 28, 1973 Applicant: PRE-FAB TRANSIT CO. 100 South Main Street P.O. Box 146 Farmer City, Ill. 61842 Applicant's representative: Bruce J. Kinnee (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes,

transporting: *Floating boat docks, ramps materials, supplies, and fixtures and accessories* incidental to completion, erection and installation thereof, from Galesburg, Ill., to points in the United States in and east of Montana, Wyoming, Colorado, and New Mexico, for 180 days. SUPPORTING SHIPPER: Koppers Company, Inc., Pittsburgh, Pa. 15219. SEND PROTESTS TO: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Leland Office Building, 527 East Capitol Ave., Room 414, Springfield, Ill. 62701.

No. MC 109677 (Sub-No. 46 TA) filed June 29, 1973 Applicant: FORT EDWARD EXPRESS CO., INC. Route 9 Saratoga Road Fort Edward, N.Y. 12828 Applicant's representative: J. Fred Relyea (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aviation gasoline*, in bulk, in tank vehicles, from Newington, N.H., to Rome and Watertown, N.Y., for 180 days. SUPPORTING SHIPPER: Curtis L. Wagner, Jr., Special Assistant to The Judge Advocate General, Department of the Army, Washington, D.C. 20310. SEND PROTESTS TO: Joseph M. Barnini, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 New Federal Bldg., Albany, N.Y. 12207.

No. MC 113784 (Sub-No. 49 TA) filed June 29, 1973 Applicant: LAIDLAW TRANSPORT LIMITED 65 Guise Street Hamilton 21, Ontario, Canada Applicant's representative: David A. Sutherland 2001 Massachusetts Avenue, N.W. Washington, D.C. 20036 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt cake*, in bulk, from Thorold, Ontario, Canada, to Johnsonburg, Pa., for 180 days. SUPPORTING SHIPPER: The Ontario Paper Company, Limited, Allanburg Road, Thorold, Ontario, Canada. SEND PROTESTS TO: George M. Parker, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 612 Federal Bldg., 111 West Huron Street, Buffalo, N.Y. 14202.

No. MC 117940 (Sub-No. 92 TA) filed June 29, 1973 Applicant: NATIONWIDE CARRIERS, INC. P.O. Box 104 Maple Plain, Minn. 55359 Applicant's representative: Allan L. Timmerman (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Phonograph records and tapes, phonograph and tape players and recorders, radio and television receivers, musical instruments, wire and wooden racks*, from points in New York, New Jersey and Pennsylvania, to the warehouse sites of J. L. Marsh, Inc. at Minneapolis, Minn., restricted to traffic originating at points in named origin states and destined to the named destinations, for 180 days. SUPPORTING SHIPPER: J. L. Marsh, Inc., 7600 Wayzata Boulevard, Minneapolis, Minn. 55426. SEND PROTESTS TO: A. N. Spath, District Supervisor, Bureau of Operations, Interstate Com-

merce Commission, 448 Federal Bldg. and U.S. Court House, 110 So. 4th Street, Minneapolis, Minn. 55401.

No. MC 118142 (Sub-No. 50 TA) filed June 29, 1973 Applicant: M. BRUENGER & CO., INC. 6250 North Broadway, Wichita, Kans. 67219 Applicant's representative: Lester C. Arvin 814 Century Plaza Bldg. Wichita, Kans. 67202 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plantain bananas*, from Tampa, Fla., to Los Angeles, Calif., for 180 days. SUPPORTING SHIPPER: Caribbean Pacific Atlantic, 1266-1276 Produce Row, Los Angeles, Calif. 90021. SEND PROTESTS TO: M. E. Taylor, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 501 Petroleum Building, Wichita, Kans. 67202.

No. MC 118202 (Sub-No. 11 TA) filed June 29, 1973 Applicant: SCHULTZ TRANSIT, INC. Box 503-323 Bridge Street Winona, Minn. 55987 Applicant's representative: Eugene A. Schultz (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such articles* as are dealt in by retail gift stores, from Laredo, Tex., to Winona, Minn., for 180 days. SUPPORTING SHIPPER: L.A.S., Incorporated, D.B.A., Mexico, U.S.A., 1023 Mankato Avenue, Winona, Minn. 55987. SEND PROTESTS TO: A. N. Spath, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 448 Federal Bldg. and U.S. Court House, 110 So. 4th Street, Minneapolis, Minn. 55401.

No. MC 123885 (Sub-No. 15 TA) filed June 29, 1973 Applicant: C AND R TRANSFER CO. (S. Dak. Corp.) 1315 West Blackhawk Street Sioux Falls, S. Dak. 57104 Applicant's representative: James W. Olson 506 West Boulevard Rapid City, S. Dak. 57701 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bentonite, clay, and foundry molding sand treating compound* in bulk, from the plant site of American Colloid Co., at or near Belle Fourche, S. Dak., to Mason City and Waterloo, Iowa; St. Joseph, Mo.; and Omaha, Nebr., for 180 days. SUPPORTING SHIPPER: American Colloid Co., P. O. Box 228, Skokie, Ill. 60076, Robert N. Garity, Supervisor/Coordinator—Rates and Services. SEND PROTESTS TO: J. L. Hammond, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 123885 (Sub-No. 16 TA) filed June 29, 1973 Applicant: C AND R TRANSFER CO. (S. Dak. Corp.) 1315 West Blackhawk Street Sioux Falls, S. Dak. 57104 Applicant's representative: James W. Olson 506 West Boulevard Rapid City, S. Dak. 57701 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Freight—all kinds*, between points in Rapid City, S. Dak. and

Belle Fourche, S. Dak., having a prior or subsequent movement by rail, for 180 days. SUPPORTING SHIPPER: American Colloid Co., P.O. Box 228, Skokie, Ill. 60076, Robert N. Garity, Supervisor/Coordinator rates and services. SEND PROTESTS TO: J. L. Hammond, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 369, Federal Bldg., Pierre, S. Dak. 57501.

No. MC 128007 (Sub-No. 53 TA) filed June 29, 1973 Applicant: HOFER, INC. 4032 Parkview Drive P.O. Box 583 Pittsburg, Kans. 66762 Applicant's representative: Clyde N. Christey 641 Harrison Topeka, Kans. 66603 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cottonseed meal*, Abilene, Tex., to Storm Lake and Royal, Iowa and Worthington and Gluek, Minn., for 150 days. SUPPORTING SHIPPER: Cargill, Inc., Cargill Building, Minneapolis, Minn. 55402. SEND PROTESTS TO: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 501 Petroleum Building, Wichita, Kans. 67202.

No. MC 128762 (Sub-No. 9 TA) filed July 5, 1973 Applicant: P. L. LAWTON, INC. P.O. Box 325 Berwick, Pa. 18603 and Off: Rt. 11, R. D. #5 Bloomsburg-Berwick Highway Bloomsburg, Pa. 17815 Applicant's representative: John M. Muselman P.O. Box 1146 Harrisburg, Pa. 17108 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Prepared foodstuffs, not frozen and not in bulk; and advertising materials and displays*, from the facilities of Old London Foods, Division of Borden, Inc., New York, N.Y., to points in Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and the District of Columbia, for 180 days. SUPPORTING SHIPPER: Wise Foods Division of Borden Foods, Borden, Inc., 228 Roseley St., Berwick, Pa. 18603. SEND PROTESTS TO: Paul J. Kenworth, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 309 U.S. Post Office Building, Scranton, Pa. 18503.

No. MC 134329 (Sub-No. 2 TA) filed June 28, 1973 Applicant: FISCUS MOTOR FREIGHT, INC. 1121 S. 29th Avenue Yakima, Wash. 98901 Applicant's representative: Philip G. Skofstad 3076 E. Burnside Portland, Ore. 97214 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Redding and McCloud, Calif. and Bend, Ore., to Yakima, Wash., for 180 days. SUPPORTING SHIPPER: Yakima Manufacturing Corporation, 1223 North Sixth Avenue, Yakima, Wash. 98902. SEND PROTESTS TO: District Supervisor W. J. Huetig, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Bldg., 319 S.W. Pine Street, Portland, Ore. 97204.

No. MC 136230 (Sub-No. 1 TA) filed May 29, 1973 Applicant: INTERSTATE WAREHOUSING CORPORATION doing business as INTERMODAL CONTAINERS EXPRESS 9805 North Main Street Jacksonville, Fla. 32218 Applicant's representative: John Moseley 10101 North Main Street Jacksonville, Fla. 32218 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Empty cargo containers* having a prior or subsequent movement by water and (2) *container chassis*, from Jacksonville, Fla., to points in Florida, Georgia, and South Carolina, on the one hand, and from all points in Florida, Georgia, and South Carolina, to Jacksonville, Fla., on the other hand, for 180 days. SUPPORTING SHIPPERS: CTI-Container Transport International, Inc., 31 West Congress, Room 203; Savannah, Ga. 31401 and Gold Kist, Inc., 3348 Peachtree Road, N.E., P.O. Box 2210, Atlanta, Ga. 30301. SEND PROTESTS TO: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 W. Bay Street, Jacksonville, Fla. 32202.

No. MC 136285 (Sub-No. 4 TA) filed July 3, 1973 Applicant: SOUTHERN INTERMODAL LOGISTICS, INC. P.O. Box 9165 Savannah, Ga. 31402. Applicant's representative: William P. Jackson, Jr. 919 Eighteenth Street, N.W. Washington, D.C. 20006 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bagged clay*, in cargo containers, from points in Alken County, S.C. and Chatham, Richmond, Jefferson, Wilkes, Washington, Wilkinson, Twiggs, Bibb, Decatur, Columbia, McDuffie, Taliaferro, Glascock, Hancock, Baldwin, Peach, Houston, Macon, Schley, Sumter, Lee, Dougherty, Baker, Mitchell, Grady, and Thomas Counties, Ga., to Jacksonville, Fla., restricted to the transportation of traffic having a subsequent move by water; and (2) *empty cargo containers* to be used in the transportation of bagged clay, from points in Jacksonville, Fla., to points in the 27 counties named in (1) above, for 180 days. SUPPORTING SHIPPERS: There are approximately 10 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 W. Bay St., Jacksonville, Fla. 32202.

No. MC 138735 TA (CORRECTION) filed May 17, 1973, published in the FEDERAL REGISTER issue of June 7, 1973, and republished as corrected this issue. Applicant: WALTER BAMMON AND GENE ANDERSON doing business as B & A TRUCKING Route 1, Box 905 Bristol, Tenn. 37620 Applicant's representative: Luther H. Icenhour Bristol, Tenn. 37620 Note: The purpose of this republication is to show that applicant now seeks to operate as a *contract carrier*, in lieu of a common which was pub-

lished in error. The rest of the application remains the same.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.  
[FR Doc.73-14949 Filed 7-19-73;8:45 am]

[Notice 94]

#### MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 12, 1973.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210A(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67, (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

#### MOTOR CARRIERS OF PROPERTY

No. MC 7832 (Sub-No. 24 TA) filed June 28, 1973 Applicant: SAM LOWENSTEIN AND STANLEY LOWENSTEIN doing business as SUPER M FOODS DELIVERY 411A North Wood Avenue Linden, N.J. 07036 Applicant's representative: Bert Collins 140 Cedar Street New York, N.Y. 1006 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, chain grocery, department stores and food business houses (except commodities in bulk) and in connection therewith, *equipment, materials and supplies* used in the conduct of such business (except commodities in bulk), from Edgewater, N.J., to Central Islip, N.Y., for 180 days. SUPPORTING SHIPPER: Waldbaum, Inc., 700 East Gate Blvd., Garden City, L.I., N.Y. 11530. SEND PROTESTS TO: District Supervisor Robert E. Johnston, Bureau of Operations, Interstate Commerce Commission, 9 Clinton Street, Newark, N.J. 07102.

No. MC 19778 (Sub-No. 86 TA) filed July 3, 1973 Applicant: THE MILWAU-

KEE MOTOR TRANSPORTATION COMPANY Room 508, 516 West Jackson Blvd. Chicago, Ill. 60606 Applicant's representative: W. Gallagher (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay, N. O. I. crushed, ground, pulverized; foundry moulding sand treating compound; water impedence board*, between American Colloid plant at or near Belle Fourche, S. Dak. and Rapid City, S. Dak., restricted to traffic having a prior or subsequent movement by rail, for 180 days. SUPPORTING SHIPPER: American Colloid Company, 5100 Suffield Court, Skokie, Ill. 60076. SEND PROTESTS TO: District Supervisor W. Gray, Jr., Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 29120 (Sub-No. 161 TA) filed July 2, 1973. Applicant: ALL-AMERICAN, INC., 900 West Delaware Street, P.O. Box 769 (Box zip 57101) Sioux Falls, S. Dak. 57104. Applicant's representative: Michael J. Ogborn (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and forest products* (except wood chips and commodities in bulk), *pressure treated poles, pressure treated posts, and pressure treated lumber*, from points in Weston and Crook Counties, Wyo., to points in Colorado, North Dakota, Nebraska, South Dakota, Kansas, Minnesota, Iowa, Missouri, Wisconsin, Illinois, Michigan, Indiana, Kentucky, Tennessee, and Ohio, for 180 days. SUPPORTING SHIPPER: Cambria Forest Industries, Inc., P.O. Box 490, Newcastle, Wyo. 82701. SEND PROTESTS TO: J. L. Hammond, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 56679 (Sub-No. 77 TA) filed June 20, 1973. Applicant: BROWN TRANSPORT CORP., P.O. Box 585, Atlanta, Ga. 30315. Applicant's representative: B. K. McClain (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 MCC 209 and 766, from the plant site and facilities of Missouri Beef Packers, Inc., at or near Boise, Idaho, to points in Alabama, Florida, Georgia, North Carolina, South Carolina and Tennessee, restricted to traffic originating at the above named origins, for 180 days. SUPPORTING SHIPPER: Missouri Beef Packers, Inc., 630 Amarillo Bldg., Amarillo, Tex. 79101. SEND PROTESTS TO: William L. Scroggs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1252 West Peachtree Street, N.W., Room 309, Atlanta, Ga. 30309.

No. MC 71652 (Sub-No. 5 TA) filed May 29, 1973 Applicant: BYRNE TRUCKING, INC. 1780 Antelope Road P.O. Box 2543 White City, Oreg. 97501 Applicant's representative: Paul Bird, Jr. 225 N.E. Middlefield Road Portland, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and insulating materials, flat glass and steel articles consisting of wire rope or cable, sheet steel, decking and coils*, from points in Fresno, Santa Clara, San Joaquin, Contra Costa Counties, Calif. and San Francisco Bay area, to points in Oregon and Washington, for 180 days. Note: Applicant intends to tack at Medford, Oreg. with MC 71652. SUPPORTING SHIPPERS: There are approximately 9 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: A. E. Odoms, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Bldg., 319 S.W. Pine Street, Portland, Oreg. 97204.

No. MC 71652 (Sub-No. 6 TA) filed May 29, 1973 Applicant: BYRNE TRUCKING, INC. 1780 Antelope Road P.O. Box 2543 White City, Oreg. 97501 Applicant's representative: Paul Bird, Jr. 225 N.E. Middlefield Road Portland, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, plywood and plywood paneling*, from points in Oregon west of U.S. Highway 97 and points in Clark and Cowlitz Counties, Wash., to points in Oregon and California, for 180 days. SUPPORTING SHIPPERS: Goodrich Forest Products, Inc., P.O. Box 25154, Portland, Oreg. 97225; Lamon Lumber Company, 703 Market Street, San Francisco, Calif. 94103; Oregon-Pacific Industries, P.O. Box 1231, Portland, Oreg. 97207; Trimac Panel Products, P.O. Box 25277, Portland, Oreg. 97221; Vanply, Inc., P.O. Box 720, Vancouver, Wash. 98660; and The Welsh Corporation, P.O. Box 1218, Longview, Wash. 98632. SEND PROTESTS TO: A. E. Odoms, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Building, 319 S.W. Pine Street, Portland, Oreg. 97204.

No. MC 76449 (Sub-No. 13 TA) filed July 3, 1973 Applicant: NELSON'S EXPRESS, INC. 675 North Market Street Millersburg, Pa. 17061 Applicant's representative: John M. Musselman 410 North Third Street Harrisburg, Pa. 17108 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automotive and trailer axles and parts thereof, automotive and trailer wheels, hub and drum assemblies and parts thereof, automotive and trailer brake assemblies and parts thereof, rims, tires, and tires mounted on rims*, from Pine Grove, Pa., to points in Maryland, New York, Ohio, Virginia,

West Virginia, and the District of Columbia, for 180 days. SUPPORTING SHIPPER: Foreman Mfg. Co., R.D. 1, Box 29, Pine Grove, Pa. 17963. SEND PROTESTS TO: Robert W. Ritenour, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 508 Federal Building, P.O. Box 869, Harrisburg, Pa. 17108.

No. MC 84687 (Sub-No. 1 TA) filed June 29, 1973 Applicant: VETERANS TRUCK LINE, INC. P.O. Box 218 Bristol, Wis. 53104 Applicant's representative: R. J. Kempf 4011 So. 101 Street Greenfield, Wis. 53228 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh and frozen meat, meat products, meat by-products, frozen fish, fresh and frozen dairy products, fresh packed pickles, and salad dressing*, between Chicago, Ill., on the one hand, and points in Kenosha, Racine, Milwaukee, Waukesha, Jefferson, and Walworth Counties, Wis., on the other hand, restricted to shipments not exceeding 10,000 lbs. to be transported in refrigerated straight trucks only, for 180 days. SUPPORTING SHIPPERS: There are approximately 27 statements of support attached to the application which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies may be examined at the field office named below. SEND PROTESTS TO: District Supervisor John E. Ryden, Bureau of Operations, Interstate Commerce Commission, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 103191 (Sub-No. 39 TA) filed June 28, 1973 Applicant: THE GEO. A. RHEMAN CO., INC. 2019 Elgin Street P.O. Box 2095, Station A Charleston, S.C. 29403 Applicant's representative: Harris G. Andrews 301 Hammett Street Greenville, S.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic liquors*, in bulk, between Charleston, S.C., on the one hand, and, on the other, Louisville and Frankfort, Ky. and Cincinnati, Ohio, for 180 days. SUPPORTING SHIPPER: National Distillers and Chemical Corporation, 99 Park Avenue, New York, N.Y. 10016. SEND PROTESTS TO: E. E. Strotheid, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 300 Columbia Bldg., 1200 Main Street, Columbia, S. C. 29201.

No. MC 110098 (Sub-No. 136 TA) filed June 27, 1973 Applicant: ZERO REFRIGERATED LINES 1400 Ackerman Road P.O. Box 20380 San Antonio, Tex. 78220 Applicant's representative: T. W. Cothren (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the facilities of Missouri Beef Packers, Inc. at or near Boise, Idaho, to

points in California, Arizona, New Mexico, Texas, Kansas, Oklahoma, Missouri, Arkansas, and Louisiana, restricted to traffic originating at the above named origins, for 180 days. SUPPORTING SHIPPER: Missouri Beef Packers, Inc., 630 Amarillo Bldg., Amarillo, Tex. 79101. SEND PROTESTS TO: Richard H. Dawkins, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 301 Broadway Bldg., Room 206, San Antonio, Tex. 78205.

No. MC 110525 (Sub-No. 1062 TA) filed June 27, 1973 Applicant: CHEMICAL LEEMAN TANK LINES, INC. 520 E. Lancaster Avenue P.O. Box 200 Downingtown, Pa. 19335 Applicant's representative: Thomas J. O'Brien (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Octyl Phenol*, in bulk, in tank vehicles, from Rotterdam Junction, N.Y., to Ports of Entry on the International Boundary line, between the United States and Canada on the Niagara River for furtherance to Scarboro, Ontario, Canada, for 180 days. Note: Tacking is intended in conjunction with authority issued under Extra Provincial Operating License No. X-772 by the Ontario Transportation Board. SUPPORTING SHIPPER: Schenectady Chemicals, Inc., Congress St. & 10th Avenue, Schenectady, N.Y. 12303. SEND PROTESTS TO: Peter R. Guman, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Williams J. Green, Jr. Federal Bldg., 600 Arch St., Room 3238, Philadelphia, Pa. 19106.

No. MC 111170 (Sub-No. 204 TA) filed June 28, 1973 Applicant: WHEELING PIPE LINE, INC. 2811 N. West Avenue P.O. Box 1718 El Dorado, Ark. 71730 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from points in Union County, Ark., to points in Texas, for 180 days. SUPPORTING SHIPPERS: Lion Oil Company, Lion Oil Building, El Dorado, Ark. 71730 and Macmillan Ring-Free Oil Co., Inc., P.O. Box 1623, El Dorado, Ark. 71730. SEND PROTESTS TO: District Supervisor William H. Land, Jr., 2519 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 114265 (Sub-No. 25 TA) filed June 14, 1973 Applicant: RALPH SHOE-MAKER doing business as SHOE-MAKER TRUCKING CO., 8624 Franklin Road, Boise, Idaho 83705. Applicant's representative: F. L. Sigloh, P.O. Box 7651, Boise Idaho 83707. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood and steel trusses and component parts and laminated wooden beams*, (1) from the plantsite of Trus-Joist Corp., Hillsboro, Oreg., to points in Idaho and Montana and (2) from the plantsite of Trus-Joist Corp., Ft. Lupton, Colo., to points in Nevada and California, for 180 days. Note: Applicant does not intend to tack authority

or interline with any other carriers. SUPPORTING SHIPPER: Trus-Joist Corporation, 900 E. Park Blvd., Boise, Idaho 83706. SEND PROTESTS TO: C. W. Campbell, Interstate Commerce Commission, Bureau of Operations, 550 West Fort, Box 07, Boise, Idaho 83724.

No. MC 114274 (Sub-No. 22 TA) filed July 3, 1973. Applicant: VITALIS TRUCK LINES, INC. 137 N.E. 48th Street Place Mlg: P.O. Box 1703 (Box zip 50306) Des Moines, Iowa 50313 Applicant's representative: William H. Towle, 127 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *water*, in containers, from Excelsior Springs, Mo., to the facilities of Mid-Continent Bottling Company at Omaha, Nebr. and Des Moines and Cedar Rapids, Iowa; and (B) *empty plastic containers*, from Council Bluffs, Iowa, to Excelsior Springs, Mo., for 180 days. SUPPORTING SHIPPER: United National Marketers, Inc., 9830 Penbrooke Ln., Shawnee Mission, Kans. 66206. SEND PROTESTS TO: Herbert W. Allen, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 116073 (Sub-No. 271 TA) filed June 29, 1973 Applicant: BARRETT MOBILE HOME TRANSPORT, INC. 1825 Main Avenue P.O. Box 919 Moorhead, Minn. 56560 Applicant's representative: Robert G. Tassar (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, and *buildings*, complete or in sections, transported on wheeled undercarriages, from the plantsite of Shar-Lo Homes in Tekamah, Nebr., to points in Iowa, Kansas, Minnesota, Missouri, Montana, North Dakota, South Dakota and Wyoming, for 180 days. SUPPORTING SHIPPER: Shar-Lo Homes, 19th and J street, West Highway 32, Tekamah, Nebr. 68061. SEND PROTEST TO: J. H. Ambs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 116073 (Sub-No. 272 TA) filed June 29, 1973 Applicant: BARRETT MOBILE HOME TRANSPORT, INC. 1825 Main Avenue P.O. Box 919 Moorhead, Minn. 56560 Applicant's representative: Robert G. Tassar (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in secondary movements, from points in Pennsylvania, to points in Illinois, Mississippi, Louisiana, Missouri, Arkansas, Tennessee, Michigan, and Ohio, for 180 days. SUPPORTING SHIPPER: The Department of Housing & Urban Development, 116 South Main Street, Wilkes-Barre, Pa. SEND PROTEST TO: J. H. Ambs, District Supervisor, Bureau of Operations, Interstate

Commerce Commission, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 126276 (Sub-No. 81 TA) filed July 3, 1973 Applicant: FAST MOTOR SERVICE, INC. 12855 Ponderosa Drive Palos Heights, Ill. 60463 Applicant's representative: Robert H. Levy 29 S. LaSalle Street Chicago, Ill. 60603 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers and metal container ends and accessories*, from the plant and warehouse sites of Heekin Can Division, Diamond International Corp. at Cincinnati, Ohio and Anderson Township, Hamilton County, Ohio, to points in the lower Peninsula of Michigan, for 180 days. SUPPORTING SHIPPER: Diamond International Corporation, Heekin Can Division, 429 New Street, Cincinnati, Ohio 45202. SEND PROTESTS TO: Robert G. Anderson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 128473 (Sub-No. 14 TA) filed June 27, 1973 Applicant: MONTANA EXPRESS, INC. LaSalle and Dakota Streets P.O. Box 3346 Butte, Mont. 59701 Applicant's representative: J. F. Meglen P.O. Box 1581 Billings, Mont. 59103 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Articles* dealt in and distributed by wholesale grocers, in vehicles equipped with mechanical refrigeration, from points in California, Oregon and Washington, to Boulder, Deer Lodge, Galen, Gardiner, Glasgow, Glendive, Havre, Helena, Kallispell, Lewistown, Miles City, Plentywood, Sidney, Twin Bridges, Warm Springs and West Yellowstone, Mont., for 180 days. Note: Applicant intends to tack with authority presently held in Docket No. MC 128473. SUPPORTING SHIPPERS: Continental-Keil, Inc., 1509 Monad Road, Billings, Mont. 59103; Tri-State Food Brokers, Inc., P.O. Box 1575, Billings, Mont. 59103; Geo. L. Tracy Company, P.O. Box 1678, Great Falls, Mont. 59403; Big Sky Brokerage Co., P.O. Box 1644, Great Falls, Mont. 59403; Purex Corporation Ltd., 9300 Rayo Ave., South Gates, Calif. 90280; and The J. M. Smucker Company, P. O. Box 1447, Salinas, Calif. 93901. SEND PROTESTS TO: Paul J. Labane, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Rm. 222 U.S. Post Office Bldg., Billings, Mont. 59101.

No. MC 129784 (Sub-No. 5 TA) filed July 3, 1973 Applicant: DAVIDSON TRANSPORT, INC. Farmerville Highway P.O. Box 23 Ruston, La. 71270 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Residual fuel oil*, in bulk, in tank vehicles, having a prior movement by water, from Monroe, La.; Greenville and Vicksburg, Miss., to the plant sites of International Paper Company located at Pine Bluff, Ark.; Camden, Ark.; Bastrop, La.; Springhill, La.;

Natchez, Miss.; Vicksburg, Miss.; and Atlanta, Tex., for 180 days. SUPPORTING SHIPPER: International Paper Company, P.O. Box 2328, Mobile, Ala. 36601, Mr. W. S. Engelson, Mgr. of Transportation Services. SEND PROTESTS TO: Paul D. Collins, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Rm. T-9038 U.S. Postal Service Bldg., 701 Loyola Avenue, New Orleans, La. 70113.

No. MC 134404 (Sub-No. 9 TA) filed June 29, 1973 Applicant: AMERICAN TRANS-FREIGHT, INC. (Delaware Corp.) P.O. Box 499 South Bound Brook, N.J. 08880 Applicant's representative: Bert Collins Suite 6193 5 World Trade Center New York, N.Y. 10048 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, for the account of Union Camp Corporation, (1) from Paulsboro, N.J., to points in Massachusetts, Connecticut, New York, New Jersey, Pennsylvania, Delaware and Maryland and (2) from Trenton, N.J., to points in Connecticut, New York, Delaware, Pennsylvania, and Maryland, for 180 days. SUPPORTING SHIPPER: Union Camp Corporation, 1600 Valley Road, Wayne, N.J. 07470. SEND PROTESTS TO: District Supervisor Robert S. H. Vance, Bureau of Operations, Interstate Commerce Commission, 9 Clinton Street, Newark, N.J. 07102.

No. MC 138635 (Sub-No. 5 TA) filed June 28, 1973 Applicant: CAROLINA WESTERN EXPRESS, INC. 650 Eastwood Drive Gastonia, N.C. 28052 Applicant's representative: John R. Sims, Jr. Suite 600 1707 H Street, N.W. Washington, D.C. 20006 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cotton knit underwear*, from Clio, Marlboro County, S.C. and Mullins, Marion County, S.C., to Los Angeles, National City and Oakland, Calif., for 180 days. SUPPORTING SHIPPER: B.V.D. Knitwear, Inc., Clio, S.C. SEND PROTESTS TO: District Supervisor Price, Interstate Commerce Commission, Bureau of Operations, 800 Briar Creek Rd.—Room CC516, Mart Office Building, Charlotte, N.C. 28205.

No. MC 138841 (Sub-No. 1 TA) filed July 2, 1973 Applicant: BLACK HILLS TRUCKING CO. P.O. Box 3104 Rapid City, S. Dak. 57701 Applicant's representative: James W. Olson 506 West Boulevard Rapid City, S. Dak. 57701 Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *meat, meat by-products, tannage and hides*, from Rapid City, S. Dak., to points in California, Colorado, District of Columbia, Florida, Illinois, Iowa, Kentucky, Massachusetts, Michigan, Minnesota, Montana, Nebraska, New Hampshire, New York, North Dakota, Texas, Washington, Wisconsin, and Wyoming, for 180 days. SUPPORTING SHIPPER: Black Hills Packing Co., P.O. Box 1304, Rapid City, S. Dak. 57701, Richard Sletten, Traffic Manager. SEND PROTESTS TO: J. L. Hammond, District

Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 138863 TA filed July 2, 1973 Applicant: THOMAS H. JOY & COMPANY 114 Montgomery Street Bloomfield, N.J. 07003 Applicant's representative: Paul Keeler P.O. Box 253 So. Plainfield, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except articles of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Newark, N.J., on the one hand, and, on the other, points in Mercer County, N.J., for 180 days. **RESTRICTION:** Restricted to shipments having a prior or subsequent movement by air, for 180 days. Note: Applicant proposes to interline with air freight forwarders at Newark, N.J. **SUPPORTING SHIPPERS:** There are approximately 9 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. **SEND PROTESTS TO:** District Supervisor Robert S. H. Vance, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, N.J. 07102.

By The Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.73-14950 Filed 7-19-73; 8:45 am]

[Notice 95]

#### MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 13, 1973.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67, (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in

field office to which protests are to be transmitted.

#### MOTOR CARRIERS OF PROPERTY

No. MC 31462 (Sub-No. 19 TA) filed June 29, 1973 Applicant: PARAMOUNT MOVERS, INC. 4320 Breezeway P.O. Box 23125 (Box zip 75203) Dallas, Tex. 75224 Applicant's representative: Carl Davidson 231 N. Lancaster Street Dallas, Tex. 75203 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, between points in Alabama, New Hampshire, Connecticut, New Jersey, New York, North Carolina, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Massachusetts, Maryland, Mississippi, Missouri, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and the District of Columbia, for 180 days. Note: Carrier intends to tack its authority with its base certificate, Sub 10, 11 and Sub 17 will be tacked. **SUPPORTING SHIPPER:** No shipper support. **SEND PROTESTS TO:** Transportation Specialist Gerald T. Holland, Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, Room 13C12, Dallas, Tex. 75202.

No. MC 33919 (Sub-No. 8 TA) filed July 6, 1973 Applicant: FAIRCHILD GENERAL FREIGHT, INC. Mig. P.O. Box 1649 Off: 19 Washington Avenue (Route 7) Yakima, Wash. 98907 Applicant's representative: George H. Hart 1100 IBM Building Seattle, Wash. 98101 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from Yakima, Wash., to ports of entry on the United States-Canada International Boundary line at or near Oroville, Wash., for 180 days. **SUPPORTING SHIPPER:** L. P. Michelsen Company, Inc., P.O. Box 614, 202 North 2nd Avenue, Yakima, Wash. 98907. **SEND PROTESTS TO:** District Supervisor W. J. Huetig, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Bldg., 319 S.W. Pine Street, Portland, Oreg. 97204.

No. MC 42537 (Sub-No. 48 TA) (AMENDMENT) filed July 2, 1973 Applicant: CASSENS TRANSPORT COMPANY 1-West State Street Hamel, Ill. 62046 and P.O. Box 468 (Box zip 62025) Edwardsville, Ill. Applicant's representative: Donald W. Smith 900 Circle Tower Bldg. Indianapolis, Ind. 46204 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *New automobiles, new trucks, new bodies, new cabs, new chassis, and parts thereof*, restricted to initial movements, in truckaway service, from the manufacture and assembly facilities of Chrysler Corporation in Wayne and Macomb Counties, Mich. and Windsor, Ontario, Canada, to points in Wisconsin, and (2) *automobiles, trucks, bodies, cabs, chassis and parts thereof*, new used, unfinished, and/or wrecked, restricted to secondary movements, in truckaway

service, between points in Wayne and Macomb Counties, Mich., on the one hand, and, on the other, points in Wisconsin, for 180 days. **RESTRICTION:** The authority granted herein is restricted to the transportation of traffic originating at Chrysler Corporation plants. Note: Applicant intends to tack the authority with Chrysler Traffic originating at Newark, Del., may be mixed with Detroit origin traffic at Detroit. **SUPPORTING SHIPPER:** Chrysler Corporation, Manager, Vehicle Freight Cost & Payment Claims, P.O. Box 1976, Detroit, Mich. 48235. **SEND PROTESTS TO:** Harold C. Jolliff, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Leland Office Building, 527 East Capitol Avenue, Room 414, Springfield, Ill. 62701.

No. MC 80428 (Sub-No. 85 TA) filed July 2, 1973 Applicant: McBRIDE TRANSPORTATION, INC. 289 West, P.O. Box 430 Goshen, N.Y. 10924 Applicant's representative: S. Michael Richards 23 W. Main Street Webster, N.Y. 14580 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers and container ends*, (A) from the plantsites and/or warehouses of Reynolds Metal Co. at Walkkill and Warwick, N.Y., to Baltimore, Md.; Newark and Woodbridge, N.J.; and (B) from the plantsite or warehouse of Reynolds Metal Co. at Warwick, N.Y., to Latrobe and Wilkes-Barre, Pa. and Paterson, N.J. (except as presently authorized), for 180 days. **RESTRICTION:** Restricted to traffic originating at the above-named plantsites and warehouses and destined to the above-described destination points. **SUPPORTING SHIPPER:** Reynolds Metals Co., P.O. Box 27003, Richmond, Va. 23261. **SEND PROTESTS TO:** Joseph M. Barnini, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 New Federal Building, Albany, N.Y. 12207.

No. MC 103498 (Sub-No. 33 TA) filed July 6, 1973 Applicant: W. D. SMITH TRUCK LINE, INC. P.O. Drawer C DeQueen, Ark. 71832 Applicant's representative: Donald T. Jack, Jr. 1550 Tower Building Little Rock, Ark. 72201 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from the plant site of Georgia-Pacific Corporation, at or near El Dorado, Ark., to points in Alabama, for 180 days. **SUPPORTING SHIPPER:** Georgia-Pacific Corporation, P.O. Box 520, Crossett, Ark. 71635. **SEND PROTESTS TO:** District Supervisor William H. Land, Jr., Bureau of Operations, Interstate Commerce Commission, 2519 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 104523 (Sub-No. 57 TA) filed July 5, 1973 Applicant: HUSTON TRUCK LINE, INC. P.O. Box 17 Friend, Nebr. 68359 Applicant's representative: David R. Parker P.O. Box 82028 Lincoln, Nebr. 68501 Authority sought to operate as a *common carrier*, by motor vehicle,

over irregular routes, transporting: *Copper oxide*, restricted against the movement in bulk, in tank vehicles, from Texas City, Tex., to the plant site and facilities of Prince Manufacturing Company, Quincy, Ill., for 180 days. SUPPORTING SHIPPER: R. C. Webb, President, Prince Manufacturing Company, Quincy, Ill. 62301. SEND PROTESTS TO: Max H. Johnston, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 320 Federal Building and Court House, Lincoln, Nebr. 68508.

No. MC 107515 (Sub-No. 860 TA) filed June 21, 1973 Applicant: REFRIGERATED TRANSPORT CO., INC. P.O. Box 308 3901 Jonesboro Road, S. E. Forest Park Ga. 30050 Applicant's representative: Paul M. Daniell Suite 1600 First Federal Bldg. Atlanta, Ga. 30303 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lard, shortening, vegetable oil shortening, oleomargarine and cooking oils*, in packages, in vehicles equipped with mechanical refrigeration, from Chattanooga, Tenn., to points in Virginia, Maryland, West Virginia, District of Columbia, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, New Hampshire, Vermont, Maine, and Delaware, for 180 days. SUPPORTING SHIPPER: Swift Edible Oil Company, a Division of Swift and Company, 115 W. Jackson Blvd., Chicago, Ill. 60604. SEND PROTESTS TO: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street, N.W., Atlanta, Ga. 30309.

No. MC 107515 (Sub-No. 861 TA) filed June 21, 1973 Applicant: REFRIGERATED TRANSPORT CO., INC. P.O. Box 308 3901 Jonesboro Road, S. E. Forest Park Ga. 30050 Applicant's representative: Paul M. Daniell Suite 1600 First Federal Bldg. Atlanta, Ga. 30303 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products* (except commodities in bulk and except hides) as described in Section A of Appendix A to the report in *Descriptions in Motor Carrier Certificates*, 61 MCC 209 and 766, from Augusta, Ga., to Baltimore, Md., for 180 days. SUPPORTING SHIPPER: Shapiro Packing Company, Inc., P. O. Box 119, New Savannah Road, Augusta, Ga. 30903. SEND PROTESTS TO: William L. Scroggs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1252 West Peachtree Street, N.W., Room 309 Atlanta, Ga. 30309.

No. MC 116947 (Sub-No. 25 TA) filed June 21, 1973 Applicant: SCOTT TRANSFER CO., INC. 920 Ashby Street, S.W. Atlanta, Ga. 30310 Applicant's representative: William Addams 5299 Roswell Road, N.E. Atlanta, Ga. 30342 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fibreboard boxes*

and component parts, fibreboard, pulpboard, materials and supplies used in the manufacture of fibreboard and pulpboard and scrap paper in bales, between the plantsites of Containers Corporation of America, located at Chattanooga, Knoxville, Nashville, and Memphis, Tenn., on the one hand, and, on the other, points in Arkansas, Alabama, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Mississippi, North Carolina, Ohio, Pennsylvania, South Carolina, Virginia and West Virginia, for 180 days. SUPPORTING SHIPPER: Container Corporation of America, P.O. Box 957, Atlanta, Ga. 30301. SEND PROTESTS TO: William L. Scroggs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1252 West Peachtree Street, N.W., Room 309, Atlanta, Ga. 30309.

No. MC 123379 (Sub-No. 6 TA) filed June 28, 1973 Applicant: BRUBAKER TRANSFER, INC. 103 N. Major Street Eureka, Ill. 61530 Applicant's representative: Samuel G. Harrod 107 E. Eureka Avenue Eureka, Ill. 61530 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New display cases and store fixtures*, from the plant site of Robersonville Products Co. at Robersonville, N.C., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, Washington, D.C. and West Virginia, for 180 days. SUPPORTING SHIPPER: J. R. Blachek, Vice President, Robersonville Products Co., P.O. Box 1018, Robersonville, N.C. 27871. SEND PROTESTS TO: District Supervisor Richard K. Shullaw, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 S. Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 124078 (Sub-No. 553 TA) filed June 29, 1973 Applicant: SCHWERMAN TRUCKING CO. 611 South 28th Street Milwaukee, Wis. 53215 Applicant's representative: Richard H. Prevette (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid foundry core compounds*, in bulk, and (2) *liquid chemicals*, in bulk, (1) from Milwaukee, Wis., to New Orleans, La. and (2) from Houston, Texas, to Milwaukee, Wis., for 180 days. SUPPORTING SHIPPER: Delta Oil Products Corporation, 6263 North Teutonia Avenue, Milwaukee, Wis. 53209 (James F. Crawford, Vice President). SEND PROTESTS TO: District Supervisor, John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street—Room 807, Milwaukee, Wis. 53203.

No. MC 127791 (Sub-No. 5 TA) filed July 6, 1973 Applicant: WELLS CARTAGE LIMITED 726 Powell Street Vancouver 4, B.C., Canada Applicant's ap-

plicant's representative: George R. LaBissoniere Suite 101 130 Anover Park East Seattle, Wash. 98188 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemical solvent*, in bulk, in tank vehicles, from Vancouver, Wash., to the United States-Canada International Boundary line at or near Blaine, Wash., for 180 days. SUPPORTING SHIPPER: Emchem Sales Ltd., 1551 Pemberton Avenue, North Vancouver, B.C., Canada. SEND PROTESTS TO: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 6049 Federal Office Building, Seattle, Wash. 98104.

No. MC 134233 (Sub-No. 3 TA) filed July 6, 1973 Applicant: ANGELO ACACIO doing business as ANGELO TRUCKING CO. 363 North Washington St. Wilkes-Barre, Pa. 18705 Applicant's representative: Philip F. Hudock 7900 Westpark Drive Suite 506 McLean, Va. 22101 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers* used in the manufacture and distribution of non-alcoholic carbonated beverages, from Salem, Bridgeton, Millville, Freehold and Cliffwood, N.J. and Orangeburg, N.Y., to Wilkes-Barre, Pa., for 180 days. SUPPORTING SHIPPER: Ma's Old Fashion Bottling, Inc., Laird Street—Route 315, Wilkes-Barre, Pa. 18702. SEND PROTESTS TO: Paul J. Kenworthy, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 309 U.S. Post Office Bldg., Scranton, Pa. 18503.

No. MC 134323 (Sub-No. 53 TA) filed July 6, 1973 Applicant: JAY LINES, INC. 720 N. Grand Street P.O. Box 4146 Amarillo, Tex. 79105 Applicant's representative: JAY TRAMMELL (same address as above) Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Propane gas*, from Princeton, Ind.; Mont Belvieu, Tex.; Farmington, Ill.; and Conway, Kans., to the facilities of Fedders Corporation at Herrin and Effingham, Ill., for 180 days. SUPPORTING SHIPPER: Robert C. McArthur, General Traffic Manager, Fedders Corporation, Edison, N. J. 08817. SEND PROTESTS TO: Haskell E. Ballard, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Box H-4395 Herring Plaza, Amarillo, Tex. 79101.

No. MC 135797 (Sub-No. 10 TA) filed June 25, 1973 Applicant: J. B. HUNT TRANSPORT, INC. 833 Warner Street, S.W. Atlanta, Ga. 30310 Applicant's representative: Virgil H. Smith Suite 12, 1587 Phoenix Blvd. Atlanta, Ga. 30349 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe and fittings*, from the plant site of Jet Stream Plastics, Ralph Jones Co., Inc. at Siloam Springs, Ark., to points in Alabama, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi,

Missouri, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas and Wisconsin, for 180 days. SUPPORTING SHIPPER: Jet Stream Plastics, Ralph Jones Co., Inc., P.O. Box 190, Siloam Springs, Ark. 72761. SEND PROTESTS TO: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street, N.W., Atlanta, GA 30309.

No. MC 136008 (Sub-No. 9 TA) filed June 29, 1973 Applicant: JOE BROWN COMPANY, INC. 20 Third Street, NE P. O. Box 1669 Ardmore, Okla. 73401 Applicant's representative: Rufus H. Lawton 2400 NW 23rd Street Oklahoma City, Okla. 73107 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, in bulk, in tank vehicles, (a) from the plant site known as Big Brown Steam Electric Station, twelve miles northeast of Fairfield, Tex., to points in Oklahoma and (b) from the plant site of Kansas City Power & Light Montrose Plant, at or near Ladue, Mo., to points in Oklahoma, for 180 days. SUPPORTING SHIPPER: Halliburton Services, a Division of Halliburton Co., W. E. Robbins, Division Manager, 201 Midland Center, Oklahoma City, Okla. 73102. SEND PROTESTS TO: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Rm. 240-Old Post Office Building, 215 N.W. Third, Oklahoma City, Okla. 73102.

No. MC 136570 (Sub-No. 5 TA) filed July 5, 1973 Applicant: BARNETT BRO., INC. Off: Outer Eighth and Bob Posey Sts. P.O. Box 352 Henderson, Ky. 42420 Applicant's representative: George M. Catlett Suite 703-706 McClure Bldg. Frankfort, Ky. 40601 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Precast and prestressed concrete products*, from Henderson, Ky., to points in Roane County, Tenn., for 180 days. SUPPORTING SHIPPER: Construction Products Corp., Mr. L. H. Jones, Plant Manager, P.O. Box 598, Henderson, Ky. 42420. SEND PROTESTS TO: Wayne L. Merliatt, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 426 Post Office Building, Louisville, Ky. 40202.

No. MC 138736 (Sub-No. 1 TA) filed June 25, 1973 Applicant: F B M TRUCKING, INC. 310 East Lanier Avenue Fayetteville, Ga. 30214 Applicant's representative: Virgil H. Smith Suite 12, 1587 Phoenix Blvd. Atlanta, Ga. 30349 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Furniture and furniture parts*, from the plant site of Jansko, Inc., at Fort Lauderdale, Fla., to South Gate, Calif.; Northbrook, Ill.; Philadelphia, Pa.; and New York, N.Y.; (2) *furniture and furniture parts*, from Jackson, Madison County, Tenn., to the plant site of Jansko, Inc. at South Gate, Calif.; (3) *steel tubing parts* (chrome plated and unplated), from Piqua, Ohio and Northbrook, Ill., to the plant site of

Jansko, Inc. at Fort Lauderdale, Fla.; and (4) *laminated preshaped plywood*, from Memphis, Tenn.; Rowland and Hudson, N.C., to the plant site of Jansko, Inc., at Fort Lauderdale, Fla., for 180 days. SUPPORTING SHIPPER: Jansko, Inc., P.O. Box 1751, Fort Lauderdale, Fla. 33302. SEND PROTESTS TO: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1252 West Peachtree Street, N.W., Room 309, Atlanta, Ga. 30309.

No. MC 138736 (Sub-No. 2 TA) filed June 25, 1973 Applicant: F B M TRUCKING, INC. 310 East Lanier Street Fayetteville, Ga. 30214 Applicant's representative: Virgil H. Smith Suite 12, 1587 Phoenix Blvd. Atlanta, Ga. 30349 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic film or plastic sheeting*, other than cellulose, from the plantsite of Gladwin Industries, Inc. located at Oakwood, Ga., to North Miami, Fla., for 180 days. SUPPORTING SHIPPER: Gladwin Industries, Inc., Old Oakwood Road, P.O. Box 370-A, Oakwood, Ga. 30566. SEND PROTESTS TO: William L. Scroggs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1252 West Peachtree Street, N.W., Room 309, Atlanta, Ga. 30309.

No. MC 138793 (Sub-No. 1 TA) filed June 29, 1973 Applicant: MAX MEDLEY doing business as MEDCO FARM LINES Box 73 Hampton, Ark. 71744 Applicant's representative: Donald T. Jack, Jr. 1550 Tower Building Little Rock, Ark. 72201 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used clothing and wearing apparel and/or rags or mixed rags*, from points in Pennsylvania, New Jersey (except Hackensack, Elizabeth and Kearney, N.J.), New York (except New York City and its commercial zone), Delaware, Rhode Island, Massachusetts, Connecticut, Michigan, Wisconsin, Illinois, Nebraska, Iowa, North Carolina, South Carolina, Maryland and Arkansas, to Brownsville, McAllen, Laredo, El Paso and Eagle Pass, Tex. and Nogales, Ariz., for 180 days. SUPPORTING SHIPPER: Johnson Waste Materials, Inc., 1600 East 6th Street, Brownsville, Tex. SEND PROTESTS TO: District Supervisor, William H. Land, Jr., Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 138869 (Sub-No. 1 TA) filed June 21, 1973 Applicant: W. T. MYLES TRANSPORTATION COMPANY 4481 Moreland Avenue (P.O. Box 321) Conley, Ga. 30027 Applicant's representative: Archie B. Culbreth 1252 W. Peachtree St., N.W. Suite 246 Atlanta, Ga. 30309 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plumbers' goods, fixtures and supplies*, such as lavatories, lavatory basins, legs and pedestals, urinals, urinal gutters or stalls, water closet bowls and tanks, and bathroom or lavatory fixtures, china or earthenware, and related articles, (a) from Marysville

and Perrysville, Ohio; Fort City, Pa.; and Tupelo, Miss., to points in Clayton, Cobb, DeKalb, Fulton and Gwinnett Counties, Ga.; (b) from Fort City, Pa. and Tupelo, Miss., to points in Florida on and north of Florida Highway 60; (c) from Abingdon and Robinson, Ill., to points in South Carolina on and west of U.S. Highway 1; and (4) from Monroe, Ga., to points in North Carolina and points in South Carolina on and west of U.S. Highway 1; (2) *fittings and fixtures* for commodities in (1) above, *brass, brazen, iron or steel*, from Marysville, Ohio, to points in Clayton, Cobb, DeKalb, Fulton and Gwinnett Counties, Ga.; (3) *bath tubs, lavatories and sinks, cast iron or steel*, from Salem, Ohio, to points in Clayton, Cobb, DeKalb, Fulton, and Gwinnett Counties, Ga., and points in Florida on and north of Florida Highway 60; (4) *water heaters*, from Ashland City and Johnson City, Tenn., to points in Clayton, Fulton and Gwinnett Counties, Ga., and Jacksonville, Fla.; (5) *Cast iron pipe and fittings*, (a) from Charlotte, N.C. and Chattanooga, Tenn., to points in Clayton, Cobb, DeKalb, Fulton and Gwinnett Counties, Ga. and (b) from Charlotte, N.C., to points in South Carolina on and west of U.S. Highway 1; (6) *Copper tubings*, from East St. Louis, Ill. and Reading, Pa., to points in Fulton and Gwinnett Counties, Ga.; Jacksonville, Fla.; North Carolina, and points in South Carolina on and west of U.S. Highway 1; (7) *shower stalls, plastic or fibre-glass*, from Union Point, Ga., to points in South Carolina on and west of U.S. Highway 1; and (8) *commodities* named in (1) through (7) above between shippers' warehouses in Anderson, S.C.; Charlotte, N.C.; College Park and Lawrenceville, Ga.; and Jacksonville, Fla., for 180 days. SUPPORTING SHIPPER: Parnell-Martin Supply Company, 925 Tuckasee Road, P.O. Box 992, Charlotte, N.C. 28201. SEND PROTESTS TO: William L. Scroggs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1252 West Peachtree St., N.W., Room 309, Atlanta, Ga. 30309.

No. MC 138871 TA filed June 28, 1973 Applicant: PADEL FORD TRUCKING CORP. 1370 County Road 8 Canandaigua, N.Y. 14424 Applicant's representative: S. Michael Richards 44 North Avenue Webster, N.Y. 14580 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, (except food-stuffs), between points in New York, on the one hand, and, on the other, points in Alabama, Delaware, Connecticut, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin and Washington, D.C., for 180 days. SUPPORTING SHIPPERS: Radiant Electric Inc., 432 Atlantic Avenue, Rochester, N.Y.; O. G. Schwarz Corp., 430 Atlantic Avenue, Rochester, N.Y.; Galens Mfg. Corp., Davis Parkway, Clyde N.Y. 14433; Nero Equipment, 1370

County Road 8, Canadaigua, N.Y. 14424; and Cicero Sports Equipment, Inc., Route 11, Brewerton, N.Y. SEND PROTESTS TO: Morris H. Gross, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 104, 301 Erie Blvd., West, Syracuse, N.Y. 13202.

No. MC 138872 TA filed June 28, 1973 Applicant: ART ARMITAGE TRUCKING 150 Glenforest Drive Halifax, Nova Scotia, Canada Applicant's representative: Wilfred P. Moore 205 The Village Centre Fairview, Halifax, Nova Scotia, Canada Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *New tires*, from the International Boundary line between Canada and the United States at or near Calais, Maine, to Woodland, Maine, for furtherance by rail, for 180 days. SUPPORTING SHIPPER: Michelin Tire Corporation, 2500 Marcus Avenue, Lake Success, N.Y. 11040. SEND PROTESTS TO: Donald G. Weller, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Rm. 307, 76 Pearl Street, P.O. Box 167, PSS, Portland, Maine, 04112.

#### MOTOR CARRIERS OF PASSENGERS

No. MC 138873 TA filed July 2, 1973 Applicant: COASTAL PLAIN CHARACTER SERVICE, INC. 2013 S. Church St. Ext. Rocky Mount, N.C. 27801 Applicant's representatives: Valentine and Adams 109 North Court Street Nashville, N.C. 27856 Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle, round trips, (chartered), from points in Nash, Edgecombe, Wilson and Halifax Counties, N.C., to points in the District of Columbia, Virginia, West Virginia, Maryland, Tennessee, South Carolina, North Carolina, Georgia and Florida, and return, for 180 days. SUPPORTING SHIPPERS: There are approximately 11 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: Archie W. Andrews, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 26896, Raleigh, N.C. 27611.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.73-14951 Filed 7-19-73; 8:45 am]

### DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

#### Food and Drug Administration OVER-THE-COUNTER ORAL CAVITY DRUG PRODUCTS

##### Safety and Efficacy Review; Request for Data and Information

The FDA is undertaking a review of all over-the-counter (OTC) drug products

for human use currently marketed in the United States, to determine that these OTC products are safe and effective for their labeled indications. This review will utilize expert panels working with FDA personnel.

A notice outlining procedures for this review was published in the FEDERAL REGISTER of May 11, 1972, (37 FR 9464).

To facilitate this review and a determination as to whether an OTC drug for human use is generally recognized as safe and effective and not misbranded under its recommended conditions of use, and to provide all interested persons an opportunity to present for the consideration of the reviewing experts the best data and information available to support the stated claims for all dosage forms of oral cavity drug products such as antiseptics, astringents, gargles, lozenges, mouthwashes and similar products, the administration invites submission of data, published and unpublished, and other information pertinent to all active ingredients utilized in such preparations.

FDA is aware that the following is not a complete list, but only representative of the kinds of active ingredients used in such products. FDA has conducted a literature search on each of them:

Benzalkonium Chloride	Gentian Violet
Benzethonium Chloride	Meralein Sodium (merodiolein)
Carbamide (urea) Peroxide	Methyl Salicylate
Cetylpyridinium Chloride	Phenol
Chloramine-T	Polyvinylpyrrolidone-iodine (povidone-iodine)
Cineole (eucalyptol)	Sodium Borate
Domiphen Bromide	Sodium Caprylate
Ethyl Alcohol	Sodium Phenoxide (sodium phenolate)
Ethyl Aminobenzoate (benzocaine)	Zinc Chloride

FDA's literature search covered the United States of America literature and other leading English language literature published since 1950 from the following sources:

Medlars (NLM and SUNY)	Current List of Medical Literature
FDA Clinical Experience Abstracts	Index Medicus
Quarterly Cumulative Index Medicus	JAMA Subject Index
	DeHaen Drugs in Use
	RINGDOC
	VETDOC
International Pharmaceutical Abstracts	Abstracts of World Medicine
Excerpta Medica	Biological Abstracts
	Chemical Abstracts

The bibliography of the literature search is available to interested persons. Interested persons are also invited to submit data on any other active ingredients for use in oral cavity drug products.

The FDA is aware that safety data on these ingredients may be available as a result of testing related to non-drug products, such as cosmetics. All interested parties are encouraged to submit at this time all available safety data for these ingredients, so that the conclusions reached will reflect the best information available.

This panel is not charged with reviewing the safety or effectiveness of the use of these ingredients in nondrug products such as cosmetics. However, the conclusions of the panel with respect to these ingredients for drug use may be utilized by the Food and Drug Administration in determining whether their use in cosmetics can continue to be justified. Thus, although the report and monograph prepared by this panel will cover only OTC drug use, the conclusions may well have a direct and substantial impact on all uses of these ingredients in consumer products.

To be considered, eight copies of the data and/or views must be submitted, preferably bound, indexed, and on standard size paper (approximately 8½ by 11 inches). All submissions must be in the format described below:

#### OTC DRUG REVIEW INFORMATION

I. Label(s) and all labeling (preferably mounted and filed with the other data—facsimile labeling is acceptable in lieu of actual container labeling).

II. A statement setting forth the quantities of active ingredients of the drug.

III. Animal safety data.

A. Individual active components.

1. Controlled studies.  
2. Partially controlled or uncontrolled studies.

B. Combinations of the individual active components.  
1. Controlled studies.

2. Partially controlled or uncontrolled studies.  
C. Finished drug product.

1. Controlled studies.  
2. Partially controlled or uncontrolled studies.

3. Documented case reports.  
4. Pertinent marketing experiences that may influence a determination as to the safety of each individual active component.  
5. Pertinent medical and scientific literature.

B. Combinations of the individual active components.  
1. Controlled studies.  
2. Partially controlled or uncontrolled studies.

3. Documented case reports.  
4. Pertinent marketing experiences that may influence a determination as to the safety of combinations of the individual active components.

5. Pertinent medical and scientific literature.  
C. Finished drug product.

1. Controlled studies.  
2. Partially controlled or uncontrolled studies.

3. Documented case reports.  
4. Pertinent marketing experiences that may influence a determination as to the safety of the finished product.

5. Pertinent medical and scientific literature.  
V. Efficacy data.

A. Individual active components.  
1. Controlled studies.  
2. Partially controlled or uncontrolled studies.

3. Documented case reports.  
4. Pertinent marketing experiences that may influence a determination on the efficacy of each individual active component.

5. Pertinent medical and scientific literature.

B. Combinations of the individual active components.

1. Controlled studies.

2. Partially controlled or uncontrolled studies.

3. Documented case reports.

4. Pertinent marketing experiences that may influence a determination on the efficacy of combinations of the individual active components.

5. Pertinent medical and scientific literature.

C. Finished drug product.

1. Controlled studies.

2. Partially controlled or uncontrolled studies.

3. Documented case reports.

4. Pertinent marketing experiences that may influence a determination on the efficacy of the finished drug product.

5. Pertinent medical and scientific literature.

VI. A summary of the data and views setting forth the medical rationale and purpose (or lack thereof) for the drug and its ingredients and the scientific basis (or lack thereof) for the conclusion that the drug and its ingredients have been proven safe and effective for the intended use. If there is an absence of controlled studies in the material submitted, an explanation as to why such studies are not considered necessary must be included.

VII. If the submission is by a manufacturer, a statement signed by the person responsible for such submission, that to the best of his knowledge it includes unfavorable information, as well as any favorable information, known to him pertinent to an evaluation of the safety, effectiveness, and labeling of such a product. Thus, if any type of scientific data is submitted, a balanced submission of favorable and unfavorable data must be submitted. The same would be true of any other pertinent data or information submitted, such as consumer surveys or marketing results.

In order to avoid duplication, interested persons should not in this submission include published literature listed in the FDA literature search. An abstract of all such literature will be provided to the panel. Upon request, the panel will be provided with the complete article. Interested persons may, of course, refer to such literature in their submissions by citation.

Submissions or requests for copies of the bibliography of the FDA literature search should be forwarded to:

Food and Drug Administration  
Bureau of Drugs  
OTC Drug Products Evaluation Staff  
(BD-109)

5600 Fishers Lane  
Rockville, Maryland 20852

Data and information must be submitted on or before September 18, 1973.

SAM D. FINE,  
Associate Commissioner for  
Compliance.

Dated: July 3, 1973.

[FR Doc.73-14920 Filed 7-19-73;8:45 am]

[Docket No. FDC-D-646; NADA No. 10-986V]

SCHERING CORP.

Trilafon Tablets; Withdrawal of Approval  
of New Animal Drug Application

In the FEDERAL REGISTER of November 7, 1970 (35 FR 17214, DESI 10-986V).

the Commissioner of Food and Drugs announced the conclusions of the Food and Drug Administration following evaluation of a report received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group on Trilafon Tablets (perphenazine tablets) new animal drug application (NADA) No. 10-986V; marketed by Schering Corp., Animal Health Division, Gallop Hill Road, Kenilworth, NJ 07033.

Schering Corp. requested that approval of NADA No. 10-986V be withdrawn.

Based on the grounds set forth in said announcement and the firm's response, the Commissioner concludes that approval of said NADA should be withdrawn. Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343-351; 21 U.S.C. 360b) and under authority delegated to the Commissioner (21 CFR 2.120), NADA No. 10-986V, including all amendments and supplements thereto, is hereby withdrawn effective on July 30, 1973.

Dated: July 13, 1973.

SAM D. FINE,  
Associate Commissioner for  
Compliance.

[FR Doc.73-14919 Filed 7-19-73;8:45 am]

National Institutes of Health  
COMMITTEE ON CANCER  
IMMUNOTHERAPY

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Committee on Cancer Immunotherapy, National Cancer Institute, July 25, 7:00 p.m. to 10:00 p.m.; July 26, 8:30 a.m. to 1:00 p.m. and 7:00 p.m. to 10:00 p.m.; and July 27, 8:30 a.m. to 12:00 noon, Airlie House, Warrenton, Virginia. This meeting will be open to the public July 25; July 26 from 7:00 p.m. to 10:00 p.m. and July 27, to discuss program review and future program plans in cancer immunotherapy, and closed to the public from 8:30 a.m. to 1:00 p.m. on July 26, for the review of approximately six contracts in the field of cancer immunotherapy, in accordance with the provisions set forth in section 552(b) 4 of Title 5 U.S. Code, and section 10(d) of P.L. 92-463. Attendance by the public will be limited to space available.

Mr. Frank Karel, Associate Director for Public Affairs, NCI, Building 31, Room 10A31, National Institutes of Health, Bethesda, Maryland 20014 (301/496-1911) will furnish summaries of the open/closed meeting and roster of committee members.

Dorothy Windhorst, M.D., Executive Secretary, Building 10, Room 4B-11, National Institutes of Health, Bethesda, Maryland 20014 (301/496-3639) will provide substantive program information.

Dated: July 11, 1973.

JOHN F. SHERMAN,  
Deputy Director,  
National Institutes of Health.

[FR Doc.73-14880 Filed 7-19-73;8:45 am]

COMMITTEE ON CANCER  
IMMUNODIAGNOSIS

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Committee on Cancer Immunodiagnosis, National Cancer Institute, July 25, 7:00 p.m. to 10:00 p.m.; July 26, 8:30 a.m. to 1:00 p.m. and 7:00 p.m. to 10:00 p.m.; and July 27, 8:30 a.m. to 12:00 noon, Airlie House, Warrenton, Virginia. This meeting will be open to the public July 25; July 26 from 7:00 p.m. to 10:00 p.m. and July 27, to discuss program review and future program plans in cancer immunodiagnosis, and closed to the public from 8:30 a.m. to 1:00 p.m. on July 26, for the review of approximately six contracts in the field of cancer immunodiagnosis, in accordance with the provisions set forth in section 552(b) 4 of Title 5 U.S. Code, and section 10(d) of P.L. 92-463. Attendance by the public will be limited to space available.

Mr. Frank Karel, Associate Director for Public Affairs, NCI, Building 31, Room 10A31, National Institutes of Health, Bethesda, Maryland 20014 (301/496-1911) will furnish summaries of the open/closed meeting and roster of committee members.

Dorothy Windhorst, M.D., Executive Secretary, Building 10, Room 4B-11, National Institutes of Health, Bethesda, Maryland 20014 (301/496-3639) will provide substantive program information.

Dated: July 11, 1973.

JOHN F. SHERMAN,  
Deputy Director,  
National Institutes of Health.

[FR Doc.73-14890 Filed 7-19-73;8:45 am]

DEPARTMENT OF  
TRANSPORTATION

Coast Guard

[CGD 73 143P]

FIXED HIGHWAY BRIDGE CARRYING  
CRYSTAL LAKE ROAD, ROUTE 593  
ACROSS TORCH RIVER

Notice of Public Hearing

Notice is hereby given that the Commandant has authorized a public hearing to be held by the Commander, Ninth Coast Guard District at 7:00 p.m. e.s.d.s.t. on August 23, 1973, in the Alden School, Bebb Road, Alden, Michigan (1/2 mile east of Alden on Route 1). The purpose of the hearing is to consider an application from the Antrim County Road Commission, acting in cooperation with the Kalkaska County Road Commission, for a permit approving an existing fixed highway bridge across the Torch River. The bridge was constructed in 1970 without the benefit of prior Coast Guard approval. The illegally constructed bridge is a three span, fixed structure affording navigation a vertical clearance of 11.5 feet above mean low water, elevation 588.5 feet referred to U.S.G.S. datum and a horizontal clearance of 50 feet through the center span.

All interested persons may present data, views, and comments orally or in writing at the public hearing concerning

the effect of the bridge on present and prospective navigation on the waterway and the impact on the environment if modification or removal of the bridge is required. The environmental issues may include, but are not limited to, the impact on recreational areas, wildlife and waterfowl refuges, public parks and historical sites.

The hearing will be informal. A Coast Guard representative, who will preside at the hearing, will make a brief opening statement detailing the purpose of the hearing and announcing the procedures to be followed at the hearing.

Each person who wishes to make an oral statement should notify the Commander (oan), Ninth Coast Guard District, 1240 East Ninth Street, Cleveland, Ohio 44199 by August 17, 1973. Such notification should include the approximate time required to make the presentation. A transcript of the hearing will be made and may be purchased by the public.

Interested persons who are unable to attend the hearing may also participate in the consideration of this bridge permit application by submitting their comments, in writing, on or before September 7, 1973, to the Commander, (oan), Ninth Coast Guard District. Each comment should state the reasons for any objections or proposed changes to the bridge and the name and address of the person or organization submitting the comment. Copies of all written communications will be available for examination by interested persons at the office of the Commander, (oan), Ninth Coast Guard District.

All comments received will be considered before final action is taken on the bridge permit application. After the time set for the submission of comments, the Commander, Ninth Coast Guard District, will forward the record, including all written comments and his recommendations to the Commandant, U.S. Coast Guard, Washington, D.C. 20590. The Commandant will make the final determination whether to issue a permit approving the bridge or to order the bridge modified or removed.

(Sec. 502, 60 Stat. 847, as amended, secs. 4(f) 6(g) (e) (c), 80 Stat. 933 as amended; 33 U.S.C. 525, 49 U.S.C. 1653(f), 1655(g) (C); 40 CFR 1.46(c) (10))

Dated: July 16, 1973.

J. D. McCANN,  
Captain, U.S. Coast Guard, Acting  
Chief, Office of Marine  
Environment and Systems.

[FR Doc.73-14893 Filed 7-19-73;8:45 am]

[CGD 73 141 N]

#### GREAT LAKES PILOTAGE ADVISORY COMMITTEE

##### Notice of Open Meeting

This is to give notice pursuant to Public Law 92-463, sec. 10(a), approved October 6, 1972, that the Great Lakes Pilotage Advisory Committee will conduct an open meeting on 15 August 1973 in Executive Conference Room #453,

Federal Aviation Administration Great Lakes Region Headquarters, 2300 East Devon, Des Plaines, Illinois, beginning at 10:00 a.m. C.d.s.t.

Members of this Advisory Committee are:

- (1) Captain Ernest A. Clothier  
President, American Pilots Association
- (2) Dr. Eric Schenker  
Professor of Economics and Associate  
Director Center for Great Lakes  
Studies
- (3) Mr. Richard L. Schultz  
Executive Director of the Cleveland-  
Cuyahoga County Port Authority.

The summarized agenda for the 15 August 1973 meeting consists of:

- (1) Committee administrative matters
- (2) Current pilotage operational matters
- (3) Department of Transportation Statement of Policy for Pilotage in the Great Lakes System

The Great Lakes Pilotage Advisory Committee was established by the Great Lakes Pilotage Act of 1960 (Public Law 86-555) to provide advice and consultation with respect to proposed pilotage regulations and policies.

The public may file statements with the Committee and oral statements may be presented before the Committee provided advance approval has been obtained.

Further information may be obtained by writing Chief, Ports and Waterways Planning Staff, Office of Marine Environment and Systems, U.S. Coast Guard, Washington, D.C. 20590, or by calling (202) 426-2274.

Dated: July 12, 1973.

W. M. BENKERT,  
Rear Admiral, U.S. Coast Guard  
Chief, Office of Marine En-  
vironment and Systems.

[FR Doc.73-14894 Filed 7-19-73;8:45 am]

[CGD 73 144N]

#### NEW YORK HARBOR VESSEL TRAFFIC SYSTEM ADVISORY COMMITTEE

##### Notice of Open Meeting

This is to give notice pursuant to Public Law 92-463, Sec. 10(a), approved October 6, 1972, that the New York Harbor Vessel Traffic System Advisory Committee will conduct an open meeting on Wednesday, August 15, 1973, in the Auditorium of Building 108, Governors Island, New York beginning at 10:30 a.m.

Members of the Committee and their industry positions are:

- Admiral John M. WILL, USN (Ret)  
State of New York Board of Commissioners  
of Pilots  
Captain H. C. BREITENFELD  
United New York Sandy Hook Pilot's Be-  
nevolent Association  
Captain W. H. BURRILL  
State of New Jersey Board of Commis-  
sioners of Pilots  
Mr. Richard DEWLING  
U.S. Environmental Protection Agency  
Captain L. T. EARL  
United New Jersey Sandy Hook Pilots'  
Benevolent Association

Mr. A. GIALLORENZI  
AIMS Petroleum Industry Representative  
Mr. Alfred HAMMON  
Port Authority of New York and New  
Jersey

Captain T. A. KING  
U.S. Department of Commerce Maritime  
Administration

Commodore F. LINDNER  
Long Island Sound Commodores Associa-  
tion

Colonel H. W. LOMBARD, USA  
Department of the Army, Corps of En-  
gineers

Mr. Robert W. SANDERS  
New York Harbor Panel Marine Towing  
and Transportation Industry

Captain R. D. SANTE, USN  
U.S. Navy Military Sealift Command  
Captain S. M. SELEDEE

American Institute of Marine Under-  
writers

Captain J. G. STILLWAGGON  
Interport Pilot's Associates, Inc.

Captain K. C. TORRENS  
American Institute of Merchant Shipping

The Agenda for the August 15, 1973 meeting consists of:

1. Discussion of the modification of the Captain of the Port, New York Study based upon later studies done by the U.S. Coast Guard.

2. Discussion of communications circuit discipline and possible monitor control of Channel 13 within the New York Port Area.

3. Discussion of allowable speeds under various conditions of wind, current, and tides within New York Harbor's channels and rivers.

4. Discussion of anchorages, channel depths and port facilities as they reflect on the needs of the port of New York in connection with vessel safety.

5. Such other matters that come before the Committee.

The New York Harbor Vessel Traffic System Advisory Committee was established by the Commander Third Coast Guard District on April 1, 1973, to advise on the need for, and development, installation and operation of a Vessel Traffic System for the New York Harbor. Public members of the Committee serve voluntarily without compensation from the Federal Government, either travel or per diem.

Interested persons may seek additional information by writing Commander H. A. Pledger, Project Officer, Vessel Traffic System, Third Coast Guard District, Governors Island, New York 10004, or by calling 212-264-0409.

Dated: July 6, 1973.

B. F. ENGEL,  
Vice Admiral, U.S. Coast Guard  
Commander, Third Coast  
Guard District.

[FR Doc.73-14895 Filed 7-19-73;8:45 am]

[CGD 73 148 N]

#### NATIONAL OFFSHORE OPERATIONS IN- DUSTRY ADVISORY COMMITTEE TO THE MARINE SAFETY COUNCIL

##### Notice of Renewal

This is to give notice pursuant to Public Law 92-463, approved 6 October 1972, that the National Offshore Operations Industry Advisory Committee to the

Marine Safety Council has been renewed by the Secretary of Transportation for a two year period commencing July 1, 1973 through June 30, 1975.

The Committee was first established under the Treasury Department on December 15, 1959 as the National Offshore Operations Advisory Panel. The objectives and mission of the Committee are to provide advice and consultation with respect to offshore operations including, but not limited to, fairways, sea-lanes, and offshore drilling operations.

Public members of the Committee serve voluntarily without compensation from the Federal Government, either travel or per diem.

Interested persons may seek additional information by writing:

Capt R. Brooks, USCG  
Executive Secretary, U.S. Coast Guard Marine Safety Council  
400 Seventh St., SW  
Washington, D.C. 20590

or by calling: (202) 426 1477.

Dated: July 16, 1973.

W. F. REA III,  
Rear Admiral, Chief Office of  
Merchant Marine Safety.

[FR Doc.73-14896 Filed 7-19-73; 8:45 am]

[CGD 73 146N]

#### INDUSTRY ADVISORY COMMITTEE ON RULES OF THE ROAD

##### Notice of Renewal

This is to give notice pursuant to Public Law 92-463, approved October 6, 1972, that the Industry Advisory Committee on rules of the road to the Marine Safety Council has been renewed by the Secretary of Transportation for a two year period commencing July 1, 1973 through June 30, 1975.

The Committee was first established under the Treasury Department on December 14, 1960 as the rules of the Road Coordinating Committee. The objectives and mission of the Committee are to provide advice and consultation with respect to matters concerned with proposals affecting the rules of the road.

Public members of the Committee serve voluntarily without compensation from the Federal Government, either travel or per diem.

Interested persons may seek additional information by writing:

Capt R. Brooks, USCG  
Executive Secretary, U.S. Coast Guard Marine Safety Council  
400 Seventh St., SW  
Washington, D.C. 20590

or by calling: (202) 426-1477.

Dated: July 16, 1973.

W. F. REA III,  
Rear Admiral, Chief Office of  
Merchant Marine Safety.

[FR Doc.73-14897 Filed 7-19-73; 8:45 am]

[CGD 73 145N]

#### CHEMICAL TRANSPORTATION INDUSTRY ADVISORY COMMITTEE

##### Notice of Renewal

This is to give notice pursuant to Public Law 92-463, approved October 6, 1972, that the Chemical Transportation Industry Advisory Committee has been renewed by the Secretary of Transportation for a two year period commencing July 1, 1973 through June 30, 1975.

The Committee was first established by the Treasury Department on May 4, 1949 as the Chemical Transportation Advisory Panel. The objectives and mission of the Committee are to provide advice and consultation with respect to the water transportation of hazardous materials.

Public members of the Committee serve voluntarily without compensation from the Federal Government, either travel or per diem.

Interested persons may seek additional information by writing:

Capt R. Brooks, USCG  
Executive Secretary, U.S. Coast Guard Marine Safety Council  
400 Seventh St., SW  
Washington, D.C. 20590

or by calling: (202) 426 1477.

Dated: July 16, 1973.

W. F. REA III,  
Rear Admiral, Chief Office of  
Merchant Marine Safety.

[FR Doc.73-14898 Filed 7-19-73; 8:45 am]

[CGD 73-147-N]

#### TOWING INDUSTRY ADVISORY COMMITTEE TO THE MARINE SAFETY COUNCIL

##### Notice of Renewal

This is to give notice pursuant to Public Law 92-463, approved October 6, 1972, that the Towing Industry Advisory Committee to the Marine Safety Council has been renewed by the Secretary of Transportation for a two year period commencing July 1, 1973 through June 30, 1975.

The Committee was first established by the Treasury Department on March 12, 1943 as the Western Rivers Panel. The objectives and mission of the Committee are to provide advice and consultation with respect to the safe operation of towing vessels and barges on the rivers, inland waters, and along the coasts and upon the oceans.

Public members of the Committee serve voluntarily without compensation from the Federal Government, either travel or per diem.

Interested persons may seek additional information by writing:

Capt R. Brooks, USCG  
Executive Secretary, U.S. Coast Guard Marine Safety Council  
400 Seventh St., SW  
Washington, D.C. 20590

or by calling: (202) 426-1477.

Dated: July 16, 1973.

W. F. REA III,  
Rear Admiral, Chief, Office of  
Merchant Marine Safety.

[FR Doc.73-14899 Filed 7-19-73; 8:45 am]

#### CIVIL SERVICE COMMISSION

##### DEPARTMENT OF COMMERCE

##### Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Commerce to fill by non-career executive assignment in the excepted service the position of Deputy Assistant Secretary for Science and Technology, Immediate Office.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,  
Executive Assistant to  
the Commissioners.

[FR Doc.73-14938 Filed 7-19-73; 8:45 am]

##### DEPARTMENT OF JUSTICE

##### Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Justice to fill by non-career executive assignment in the excepted service the position of Chief, Criminal Section, Tax Division.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,  
Executive Assistant to  
the Commissioners.

[FR Doc.73-14939 Filed 7-19-73; 8:45 am]

##### DEPUTY ASSISTANT SECRETARY OF DEFENSE (EQUAL OPPORTUNITY)

##### Manpower Shortage; Notice of Listing

Under the provisions of 5 U.S.C. 5723, the Civil Service Commission has found, effective July 6, 1973, that there is a manpower shortage for the single position of Deputy Assistant Secretary of Defense (Equal Opportunity), Office of the Assistant Secretary of Defense (Manpower and Reserve Affairs), Office of the Secretary of Defense, Washington, D.C. The appointee may be paid for the expense of travel and transportation to his post of duty.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,  
Executive Assistant to  
the Commissioners.

[FR Doc.73-14941 Filed 7-19-73; 8:45 am]

##### SELECTIVE SERVICE SYSTEM

##### Revocation of Authority To Make Non-career Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Selective Service System to fill by non-career executive assignment in the excepted service the position of Assistant

Deputy Director, Operations, Office of the Deputy Director.

UNITED STATES CIVIL SERVICE COMMISSION,  
[SEAL] JAMES C. SPRY,  
*Executive Assistant to the Commissioners.*  
[FR Doc.73-14940 Filed 7-19-73;8:45 am]

### COMMISSION ON CIVIL RIGHTS WASHINGTON 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 Washington State Advisory Committee to this Commission will convene at 7:00 p.m. on July 20, 1973, in the Thurston Room, Washington Plaza Hotel, 1900 5th Avenue at Westlake, Seattle, Washington 98101.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Western Regional Office of the Commission, Room 1015, 312 North Spring Street, Los Angeles, California 90012.

The purpose of this meeting shall be to review draft report of the Washington State Advisory Committee's open meeting on problems of the Washington Indian community.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., July 13, 1973.

ISAIAH T. CRESWELL, Jr.,  
*Advisory Committee Management Officer.*

[FR Doc.73-15055 Filed 7-19-73;8:45 am]

### COMMITTEE FOR PURCHASE OF PRODUCTS AND SERVICES OF THE BLIND AND OTHER SEVERELY HANDICAPPED

#### PROCUREMENT LIST

##### Notice of Proposed Deletion from Procurement List 1973

Notice is hereby given pursuant to section 2(a)(2) of Public Law 92-28; 85 Stat. 79, of the proposed deletion of the following commodity from Procurement List 1973, March 12, 1973 (38 FR 6742).

CLASS 7510

Binder, Looseleaf  
7510-582-3801  
7510-582-3809

Comments and views regarding this proposed deletion may be filed with the Committee not later than 30 days after the date of this Federal Register. Communications should be addressed to the Executive Director, Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped,

2009 14th Street North, Suite 610, Arlington, Virginia 22201.

By the Committee.

CHARLES W. FLETCHER,  
*Executive Director.*

[FR Doc.73-14914 Filed 7-19-73;8:45 am]

### PROCUREMENT LIST 1973

#### Addition to Procurement List 1973

Notice of proposed addition to the Initial Procurement List, August 26, 1971 (36 FR 16982), was published in the FEDERAL REGISTER on March 28, 1972 (37 FR 6348).

Pursuant to the above notice the following commodity is added to Procurement List 1973, March 12, 1973 (38 FR 6742).

CLASS 8465	COMMODITY	PRICE (Each)
Case, Field, First Aid Dressing—		
Unmounted Magnetic Compass,	M1967	
(IB):		
8465-935-6814	-----	\$0.466

By the Committee.

CHARLES W. FLETCHER,  
*Executive Director.*

[FR Doc.73-14915 Filed 7-19-73;8:45 am]

### COUNCIL ON ENVIRONMENTAL QUALITY

#### ENVIRONMENTAL IMPACT STATEMENTS

##### Notice of Public Availability

Environmental impact statements received by the Council on Environmental Quality from July 9 through July 13, 1973.

NOTE: At the head of the listing of statements received from each agency is the name of an individual who can answer questions regarding those statements.

#### DEPARTMENT OF AGRICULTURE

Contact: Dr. T. C. Byerly  
Office of the Secretary  
Washington, D.C. 20250  
(202) 447-7803

#### FOREST SERVICE

Draft	Date
Roaring and Salmon Rivers Unit, 07/09	
Mt. Hood N.F.	

The statement refers to a comprehensive land use plan for the Roaring River and Salmon River Planning Units of Mt. Hood National Forest. A total of approximately 81,700 acres is involved. Management will be for back country, recreation, and special interest values, with some timbering and construction of low standard roads. There will be soil disturbance and water pollution. (135 pages) (ELR ORDER # 31144) (NTIS ORDER # EIS 73 1144D)

Perenosa Timber Sale 07/06  
Alaska

The statement refers to administrative alternatives considered in the revision of the Perenosa Timber Sale of 1968. Involved is a 15 year timber sale for the harvest of 525 million board feet of Sitka spruce sawtimber from Afagnak Island, Alaska. If modification is approved, the sale will involve the harvest of 332 million board feet on 12,000 acres. A largely roadless and undeveloped area will

be roaded for the timber harvest, providing the opportunity for more intensive use and management of other resources in the sale area. (62 pages) (ELR ORDER # 31125) (NTIS ORDER # EIS 73 1125D)

Centennial Mountains, Targhee Na-07/06  
Idaho

County: Clark Fremont  
Proposed is land use management for the 193,000 acre Centennial Mountain Planning Unit, Dubois and Island Park Ranger Districts, Targhee National Forest. Proposed activity includes timber harvesting, livestock grazing, mining, road construction, and outdoor recreation. Adverse impact will include soil movement and changes in vegetative cover, effects upon wildlife, changes in scenic values, and increased fire risks. (95 pages) (ELR ORDER # 31128) (NTIS ORDER # EIS 73 1128D)

Nezperce National Forest 07/06  
Idaho

The statement refers to a proposed adjustment to the present Timber Harvest Plan and Road Program for Nezperce National Forest. The present plan provides for 100 million board feet of harvest annually. Under the adjustment roadless areas will be entered to sustain the annual allowable harvest. The statement indicates the basic new road system. Intensive roading of undeveloped areas, and its side effects, constitute the principal adverse impact of the plan. Roads will eliminate forever the present solitude and completely natural setting of the undeveloped area. (81 pages)

(ELR ORDER # 31129) (NTIS ORDER # EIS 73 1129D)

South Boise-Wood River, Sawtooth N.F. 07/11  
Idaho

County: Blaine Camas Elmore  
The statement refers to a proposed land use plan for 593,000 acres of the South Boise-Wood River Planning Unit of the Sawtooth National Forest. The Unit will be managed for recreation, back country and wilderness values, timber cutting, wildlife habitat, livestock grazing, water resources, road and trail construction, and scenic and historic values. Of the 506,000 acres of roadless areas in the planning unit, 313,000 acres will be roaded and 193,000 will remain roadless. (approximately 170 pages).

(ELR ORDER # 31157) (NTIS ORDER # EIS 73 1157D)

South Fork Yaak Planning Unit, Kootenai N.F. 07/10

Montana

County: Lincoln  
The statement refers to the proposed implementation of a revised multiple use plan for the South Fork Yaak Planning Unit, Yaak Ranger District, Kootenai National Forest. Approximately 47,000 acres have been stratified into six management situations, for such values as big game winter forage production, timber harvesting, recreation, and livestock grazing. Adverse impact will include the construction of roads in presently roadless areas, soil and vegetative disturbance, and air and noise pollution. (102 pages)

(ELR ORDER # 31157) (NTIS ORDER # EIS 73 1157D)

Utah

County: Wayne Garfield  
The statement refers to a proposed land use plan for the 252,000 acre Aquarius Planning Unit of Dixie National Forest. Proposed activities include timber harvesting, road construction, mining, range management improvement, control of off-road vehicle use, protection of wilderness, and watershed improvement. There will be adverse impact to

soil stability, water and air quality, and aesthetics from timber harvest and road construction.

(ELR ORDER # 31154) (NTIS ORDER # EIS 73 1154D)

*Final* *Date*

Wild Free-Roaming Horses and Burros 07/10

Proposed is the issuance of a Regulation designed to implement P.L. 92-155 for the protection of wild free-roaming horses and burros. It is estimated that there are 2,200 of the animals associated with National Forest lands in Arizona, California, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, and Wyoming. The proposed Regulation directs the Chief of the Forest Service to administer the animals so natural ecological relationships will be maintained consistent with the principles of multiple use. It also directs the Chief to undertake necessary studies of the habits of these animals.

COMMENTS MADE BY: DOD DOI agencies of several states and concerned citizens (ELR ORDER # 31150) (NTIS ORDER # EIS 73 1150F)

#### SOIL CONSERVATION SERVICE

*Draft* *Date*

Troublesome Creek Watershed Project 07/05

Iowa

County: Audubon Cass Guthrie

The project proposes conservation land treatment measures, 135 grade stabilization structures for prevention of gully erosion, two floodwater retarding structures, two multi-purpose structures for floodwater retardation and recreation, and two recreation developments. Of the 1,884 acres of land committed to the project, 658 acres and 47 miles of stream channel will be inundated. Three families will be displaced and 8 farms disrupted. Adverse effects of the action are: loss of 47 miles of ecological communities in the stream; loss of crop, pasture, and woodland; loss of 658 acres of wildlife habitat and disruption of wildlife habitat on 788 acres. (20 pages)

(ELR ORDER # 31119) (NTIS ORDER # EIS 73 1119D)

Bryant Swamp Watershed 07/05

North Dakota

County: Bladen

The proposed project measures include land treatment; 22.9 miles of stream channel modification; and six grade-control structures. Purposes of the project are to provide flood prevention and drainage to 4,090 acres of crop and pasture land and reduce erosion. Adverse impacts stemming from the project are reduction of 52 acres of wildlife wetland habitat, damage to one mile of fishing stream, and loss of or damage to 185 acres of woodland. (24 pages)

(ELR ORDER # 31115) (NTIS ORDER # EIS 73 1115D)

#### ATOMIC ENERGY COMMISSION

Contact: F or Non-Regulatory Matters: Mr. Robert J. Catlin, Director, Division of Environmental Affairs, Washington, D.C. 20545, (202) 973-5391. For Regulatory Matters: Mr. A. Giambusso, Deputy Director for Reactor Projects, Directorate of Licensing, (202) 973-7373, Washington, D.C. 20545

*Draft* *Date*

Oyster Creek Nuclear Generating Station 07/10

New Jersey

County: Ocean

Proposed is the issuance of a full-term operating license to the Jersey Central Power and

Light Company for operation of the 1930 MWt, 620 MWe (net) Station. Exhaust steam is cooled by a once-through flow system with water from Barnegat Bay. Periodic fish kills occur during winter shutdowns of the station. Impingement on intake screens results in the significant annual loss of 32,000 blue crabs and 24,000 winter flounder, in an area heavily used for sport fishing. (248 pages)

(ELR ORDER # 31149) (NTIS ORDER # EIS 73 1149D)

#### DEPARTMENT OF COMMERCE

Contact: Dr. Sidney R. Galler, Deputy Assistant Secretary for Environmental Affairs, Department of Commerce, Washington, D.C. 20230 (202) 967-4335.

*Draft* *Date*

Importation of South African Fur Sealskins 07/05

The statement considers a request from the Fouke Company, a major U.S. fur processor, for an economic hardship exemption from the moratorium, and possible a waiver of the moratorium on the importation of marine mammals into the United States under provision of the Marine Mammal Protection Act of 1972 (P.L. 92-522). The National Marine Fisheries Service is investigating the feasibility and the desirability of allowing importation into the United States of South African owned skins from the South African fur seal harvest. (22 pages)

(ELR ORDER # 31108) (NTIS ORDER # EIS 73 1108D)

#### DEPARTMENT OF DEFENSE

##### ARMY CORPS

Contact: Mr. Francis X. Kelly, Director, Office of Public Affairs, Attn: DAEN-PAP, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue, S.W., Washington, D.C. 20314 (202) 693-7168

*Draft* *Date*

Evansville Local Protection Project 07/05

Indiana

County: Vanderburgh

Proposed in the continued construction of the flood protection work at Evansville. The Pigeon Creek Section (Unit 2) is the last portion of the project to be completed at this time. Protection works consist of earthen levees, concrete walls, pumping plants, and associated interior drainage facilities. Adverse effects of the action are changes in land use; alteration of the natural terrain and obstruction of river view; and the relocation of 65 families on 203 acres of land. (22 pages)

(ELR ORDER # 31124) (NTIS ORDER # EIS 73 1124D)

Gulfport Harbor, Mississippi 07/05

Mississippi

County: Harrison

The proposed project is the continuation of routine maintenance dredging of the Gulfport Harbor. The project consists of a channel across Ship Island Bar, a channel through Mississippi Sound, an anchorage Basin at Gulfport and the maintenance of the small boat harbor. Adverse impacts will be: loss of bottom-dwelling organisms, increases in turbidity, increases in the amount of mercury and other heavy metals in the food chain (present concentrations exceed the EPA criteria for open water disposal), reduction in primary productivity, and loss of phytoplankton. (14 pages)

(ELR ORDER # 31112) (NTIS ORDER # EIS 73 1112D)

New Rochelle Harbor 07/06

New York

County: Westchester

Proposed is the maintenance dredging of the existing Federal channels in New Harbor to their authorized dimensions. Spoil will be deposited in the approved dumping ground in the Atlantic Ocean. Temporary turbidity and disruption of local marine life will occur. (10 pages)

(ELR ORDER # 31127) (NTIS ORDER # EIS 73 1127D)

Turtle Creek Local Protection Project 07/12

Oklahoma

County: Canadian

The statement refers to a flood protection project on Turtle Creek in Yukon, Oklahoma. There will be channel work done on the Creek in order to protect 600 acres of land. Forty acres will be acquired for project measures. (Tulsa District.) (32 pages)

(ELR ORDER # 31165) (NTIS ORDER # EIS 73 1165D)

Zacate Creek 07/11

Texas

The statement refers to a proposed flood protection and recreation project for the City of Laredo. Included are 19,500' of channel work on Zacate Creek, and open space park development. A total of 160 buildings (mostly low-income housing), will be displaced by the project; some archeological sites will be lost. (Fort Worth District) (92 pages)

(ELR ORDER # 31161) (NTIS ORDER # EIS 73 1161D)

Oceana Local Flood Protection Project 07/12

West Virginia

The statement refers to a flood protection project at Oceana. Project measures include 25,000 feet of channel work from the Clear Fork—Laurel Fork confluence to Lollydale, three sediment retention basins, and recreation facilities. There will be construction disruption and loss of wildlife habitat. (Huntington District) (48 pages)

(ELR ORDER # 31162) (NTIS ORDER # EIS 73 1162D)

*Final* *Date*

Flood Protection, Southwest Jefferson 07/12

County

Kentucky

County: Jefferson

The statement refers to a project which is intended to protect 41 square miles of Ohio River floodplain against the flood of record. Project measures include 70,750 feet of earthen levee, 1500 feet of reinforced concrete floodwall, a permanent impoundment of 810 acres; five pumping plants; and 1815 acres for recreation. A total of 2,750 acres would be acquired for the project in fee, 803 acres for flowage easement, and 580 acres for borrow. Displacements will include 109 family dwellings, 15 commercial buildings, 15 sets of farm buildings, 99 house trailers, and 2 churches. (66 pages)

COMMENTS MADE BY: USDA DOI state and regional agencies

(ELR ORDER # 31166) (NTIS ORDER # EIS 73 1166F)

Hannibal Locks and Dam, Ohio River 07/09

Ohio West Virginia

The proposed project involves the construction and operation of a high lift, non-navigable gated dam with two parallel lock chambers, removal of 3 existing locks and dams (12, 13, and 14), localized dredging to provided required channel clearances and the establishment of public use access areas. The conversion of 3 pools into a single pool of 42.2 miles will inundate 1,200 acres of river bank and clearing. Adverse impacts include loss or disruption of 1,450 acres of wildlife habitat; loss of bank erosion. (68 pages)

COMMENTS MADE BY: USCG, EPA, USDA, DOI, state agencies and concerned citizens (ELR ORDER # 31142) (NTIS ORDER # EIS 73 1142F)

## DEPARTMENT OF DEFENSE

## NAVY

Contact: Mr. Joseph A. Grimes, Jr.  
Special Civilian Assistant to the  
Secretary of the Navy  
Washington, D.C. 20350  
(202) 697-0892

*Draft*  
Naval Air Station, Miramar  
California  
07/12

Proposed is the development of a 105-site, 40 acre camping facility on Navy owned land in San Clemente Canyon. The facility would be utilized by naval personnel and dependents. Some vegetation will be removed, and wildlife displaced. (17 pages)  
(ELR ORDER # 31163) (NTIS ORDER # EIS 73 1163D)

## ENVIRONMENTAL PROTECTION AGENCY

Contact: Mr. Sheldon Meyers  
Director, Office of Federal Activities  
Room 3630 Waterside Mall  
Washington, D.C. 20460  
(202) 755-0940

*Final*  
Wastewater Treatment, Lower  
Faritan River  
New Jersey  
07/12

County: Middlesex Monmouth  
Proposed are additions to the existing treatment plant of the Middlesex County Sewerage Authority, and construction of sewers and a treatment plant for the Bayshore Regional Sewerage Authority. The waters of Raritan Bay will be affected; there may be a lowering of ground-water levels, and salt-water encroachment. (242 pages)  
COMMENTS MADE BY: EPA COE HEW HUD (ELR ORDER No. 31167) (NTIS ORDER No. EIS 73 1167F)

## GENERAL SERVICES ADMINISTRATION

Contact: Mr. Andrew E. Kauders  
Executive Director of Environmental Affairs  
General Services Administration  
18th and F Streets, N.W.  
Washington, D.C. 20405  
(202) 343-4161

*Draft*  
Fort Custer Air Force Station  
Michigan  
07/09

The statement refers to the proposed disposal of 125.07 acres of land at Custer Air Force Station by negotiated sale to the City of Springfield for general public purposes. Redevelopment of the property will increase vehicular traffic in the area resulting in some vehicular air pollution. (15 pages)  
(ELR ORDER No. 31139) (NTIS ORDER No. EIS 73 1139D)

## DEPARTMENT OF HEW

Contact: Mr. Paul Cromwell  
Acting Director, Office of Environmental Affairs  
Office of the Assistant Secretary for Administration and Management  
Room 3718 HEW-North  
Washington, D.C. 20202  
(202) 963-4456

*Final*  
Polychlorinated Biphenyls (PCB's) in Food, Supplement  
The documents supplements the final environmental impact statement on PCB's (ELR Order # 05804; NTIS ORDER # EIS 72 5804-F) filed December 21, 1972. Addi-

tional information relative to PCB rulemaking and comments received on the draft statement are provided.

(38 pages)  
(ELR ORDER # 31141) (NTIS ORDER # EIS 73 1141F)

## DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun  
Director, Environmental and Land Use  
Planning Division  
Washington, D.C. 20410  
(202) 755-6186

*Draft*  
Kingston Urban Renewal Project  
County: Luzerne  
07/11

The statement refers to an urban renewal project for the Borough of Kingston, in order to compensate for damages which resulted from Tropical Storm Agnes in 1972. Under the project flood damaged structures will be removed, and new housing constructed. Twenty percent of new residential construction is expected to be for low income families. Commercial areas will be reconstructed. There will be disruption from construction activities. (81 pages)  
(ELR ORDER # 31087) (NTIS ORDER # EIS 73 1087D)

*Draft*  
Reading Urban Renewal Project  
Pennsylvania  
07/11

Proposed is an urban renewal program for the City of Reading, in order to compensate for damages which resulted from Tropical Storm Agnes in 1972. Of 797 buildings in the project area, 520 are structurally deficient; 214 will be cleared. Fifty percent of new residential construction will be for moderate income families; 20% will be for low income families. There will be construction disruption. (36 pages)  
(ELR ORDER # 31082) (NTIS ORDER # EIS 73 1082D)

*Draft*  
Penn Susquehanna Urban Renewal Project  
Pennsylvania  
07/11

Proposed is a conventional urban renewal program in the City of Harrisburg, in an effort to offset damage caused by Tropical Storm Agnes in 1972. (115 pages)  
(ELR ORDER # 31083) (NTIS ORDER # EIS 73 1083D)

*Draft*  
Milton and Turbot Urban Renewal Projects  
Pennsylvania  
07/11

The statement refers to an urban renewal program for the area of Milton. Three proposed disaster projects are involved, those of Milton North, Milton South, and Turbot. The purpose of the program is that of offsetting damage caused by Tropical Storm Agnes in 1972. There will be construction disruption from the projects. (74 pages)  
(ELR ORDER # 31084) (NTIS ORDER # EIS 73 1084D)

*Draft*  
Lock Haven Urban Renewal Project  
Pennsylvania  
07/11

The statement refers to an urban renewal project for the City of Lock Haven, in order to compensate for damage caused by Tropical Storm Agnes in 1972. The project will encompass 322.8 acres of residential property (20% of the city's land area). A total of 392 buildings of the 885 in the project area are scheduled to be cleared. There will be construction disruption. (83 pages)  
(ELR ORDER # 31085) (NTIS ORDER # EIS 73 1085D)

*Draft*  
Wilkes-Barre Urban Renewal Project  
Pennsylvania  
07/11

The statement refers to a proposed urban renewal project for the City of Wilkes-Barre.

The project is intended to compensate for damage caused by Tropical Storm Agnes in 1972. The project area encompasses 207.73 acres. A total of 249 buildings will be cleared for renewal operations. There will be construction disruption. (72 pages)  
(ELR ORDER # 31086) (NTIS ORDER # EIS 73 1086D)

*Final*  
Harpers Square Apartments  
Date  
07/10

Virginia  
County: Princess Anne  
The statement refers to a proposed 400 unit Department of Defense set-aside housing project, which is to be developed under the provisions of Section 236 HUD subsidized mortgage housing. The site is to the south of Oceana Naval Air Station, Virginia Beach. The site is within CNR Zone 2 of the Station, making the impact of military aircraft noise significant to residents of the project. (175 pages)  
COMMENTS MADE BY: DOD DOC OEO EPA USN DOI HEW (ELR ORDER # 31165) (NTIS ORDER # EIS 73 1165F)

## DEPARTMENT OF THE INTERIOR

Contact: Mr. Bruce Blanchard  
Director, Environmental Project Review  
Room 7260  
Department of the Interior  
Washington, D.C. 20240  
(202) 343-3891

*Draft*  
Deepwater Ports  
Date  
07/10

The statement refers to a bill which would amend the Outer Continental Shelf Lands Act to authorize the Secretary of the Interior to regulate construction and operation of deepwater port facilities. The legislation would allow regulation when the level of imports of petroleum or other bulk commodities warrants the existence of such facilities. The environmental risk is related to ship density in congested areas, as well as total tonnage of commodities. The effect of transporting increased petroleum imports via Very Large Cargo Carriers (VLCC's) through deepwater port facilities located on the OCS is examined. (534 pages)

(ELR ORDER # 31147) (NTIS ORDER # EIS 73 1147D)

## DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director  
Office of Environmental Quality  
400 7th Street, S.W.  
Washington, D.C. 20590  
(202) 466-4357

## FEDERAL HIGHWAY ADMINISTRATION

*Draft*  
Sterling Avenue, FAU Route 8399  
Illinois  
09/09

County: Peoria  
Proposed is the improvement of 1.8 miles of Sterling Avenue (FAU Route 8399) in the City of Peoria. A four-lane facility with an 18-foot grass median will be constructed to replace the existing two-lane roadway. The noise level will increase in the project area. (22 pages)

(ELR ORDER # 31143) (NTIS ORDER # EIS 73 1143D)

*Draft*  
Elmira North-South Arterial  
New York  
07/09

County: Chemung  
Proposed is the construction of a "New Main Street" with four travel lanes, center median/left turn lane, signalized intersections at major cross streets, pedestrian crossings, controlled access, and appropriate safety and aesthetic treatment. Project length is 7.5 miles. The project is intended to relieve congested north-south streets of local traffic and

aid in Urban Renewal Flood recovery planning. Depending upon the route selected, displacements will range between 98 and 118 families and 41 and 49 businesses. (110 pages) (ELR ORDER # 31140) (NTIS ORDER # 73 1140D)

I-90—Issaquah to West Snoqualmie 07/10  
Washington  
County: King

The proposed project is the reconstruction of 8.34 miles of I-90, Issaquah to West Snoqualmie, to a six lane highway. The facility will require a unspecified amount of forest and pasture land, displace 31 families and 4 businesses and relocate a number of public utilities. The facility will traverse and alter a number of major creeks and rivers. Erosion, siltation, sedimentation and high amounts of runoff (containing both toxic and non-toxic substances) will cause damage to the aquatic life system. Other adverse impacts are loss of wildlife habitat; increases in water, air and noise pollution; and increased flooding potential. (170 pages)

(ELR ORDER # 31155) (NTIS ORDER # EIS 73 1155D)

Final Date  
Interstate Route 84, Connecticut 07/09  
Connecticut

County: New Haven  
The proposed project consists of the relocation of a section of Interstate Route 84 in Waterbury from the vicinity of South Elm Street easterly to Hamilton Avenue. Project length is 1.2 miles. Adverse effects stemming from the project are loss of land and buildings along the margin of the project area. (191 pages)

COMMENTS MADE BY: AHP USDA HUD EPA HEW DOI state, local, and regional agencies (ELR ORDER # 31137) (NTIS ORDER # EIS 73 1137F)

Delaware Rte. 141, Center Road 07/09  
Delaware

County: New Castle  
Proposed is the construction of the last link in circumferential Route 141 around the City of Wilmington. The proposed four lane freeway with two, 2-lane frontage roads will extend from Woodward Avenue to Lancaster Pike. Adverse impacts of the action are the relocation of families and businesses with resultant community disruption, reduction in tax base, and increased noise levels. (157 pages)

COMMENTS MADE BY: USDA DOI DRBC EPA HEW state agencies (ELR ORDER # 31136) (NTIS ORDER # EIS 73 1136F)

Dirby Avenue (FAU Route 8320) 07/10  
Illinois

County: Champaign  
The proposed project is the reconstruction of two lane Kirby Avenue to four lanes. All construction will be done on existing right-of-way. Construction easements required throughout the project include a temporary easement of 4(f) land from the Champaign Park District. (68 pages)

COMMENTS MADE BY: EPA HUD DOI DOT COE USDA (ELR ORDER # 31148) (NTIS ORDER # EIS 73 1148F)

I-25, Las Vegas Bypass 07/09  
New Mexico

County: San Miguel  
Proposed is the construction of a new four-lane divided interstate freeway to connect the two ends of I-25 north and south of Las Vegas. Project length is 4.73 miles. Sixty-six families, 62 of which have Spanish surnames, will require relocation. The Pecos Arroya, a live stream, will require bridging and/or channel changes at two locations. Noise and air pollution and minor soil erosion will occur during construction. (50 pages)

COMMENTS MADE BY: EPA USDA HUD OEO state and local agencies (ELR ORDER # 31138) (NTIS ORDER # EIS 73 1138F)

The following is a corrected summary of a statement which was received by the Council on June 28, 1973.

Draft  
I 91, I 93, US 2, US 5, Vermont 06/28  
Vermont

County: Caledonia  
The statement refers to several projects, including 24 miles of I 91; 11 miles of I 93; and the relocation of sections of US 2 and US 5. Right-of-way acquisition will include approximately 2608 acres of land, 98 residential units, 6 businesses, and 2 farms. Approximately 1200 acres of woodland with water storage properties and wildlife will be lost. Other adverse effects stemming from the project are increased soil erosion causing siltation in surrounding streams and increased air and noise pollution levels. (150 pages)

(ELR ORDER # 31078) (NTIS ORDER # EIS 73 1078D)

TIMOTHY ATKESON,  
General Counsel.

[FR Doc.73-14825 Filed 7-19-73;8:45 am]

## DELAWARE RIVER BASIN COMMISSION

[DRBC-EU-D-72-227 CP]

### TROUT RUN EARTHFILL DAM

#### Availability of Environmental Statement

In accordance with the National Environmental Policy Act of 1969 and the Delaware River Basin Commission's Rules of Practice and Procedure (section 2-3.5.2) notice is hereby given of the availability of the final environmental statement as of July 18 which discusses the environmental impact of the Trout Run Reservoir of the Borough of Boyertown in Earl Township, two and a half miles west of the Borough of Boyertown, Berks County, Pennsylvania. The final statement has been prepared by the Commission based on the Borough of Boyertown's environmental report by the consultants Glace and Glace of Harrisburg, Pennsylvania, and the Commission's staff analysis of the proposed action. The final statement includes comments from other agencies, interested citizens and citizens groups.

The proposed action includes the construction of an earthfill dam and relocation of one mile of highway L.R. 06053 in creating the 42 acre 330 million gallon water supply reservoir.

The final environmental impact statement may be examined in the library at the office of the Delaware River Basin Commission, 25 State Police Drive, West Trenton, New Jersey, and in the library of the Water Resources Association of the Delaware River Basin, 21 S. 12th Street in Philadelphia. A limited number of copies of the final statement are available to persons or agencies upon request.

The final statement will be submitted to the Council on Environmental Quality as of July 18.

W. BRINTON WHITALL,  
Secretary.

July 13, 1973.

[FR Doc.73-14887 Filed 7-19-73;8:45 am]

## ENVIRONMENTAL PROTECTION AGENCY

### CHEMAGRO

#### Petition Regarding Pesticide Chemicals

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d)(1), 68 Stat. 512; 21 U.S.C. 348a(d)(1)), notice is given that a petition (FP 3F1391) has been filed by Chemagro Division of Baychem Corp., Post Office Box 4913, Kansas City, MO 64120, proposing establishment of tolerances (40 CFR Part 180) for combined residues of the insecticide S-[2-ethylsulfinyl]ethyl 0,0-dimethyl phosphorothioate and its cholinesterase-inhibiting metabolites in or on the raw agricultural commodities tomatoes at 1 part per million, onions (bulb) at 0.05 part per million, and filberts at 0.01 part per million.

The analytical method proposed in the petition for determining residues of the insecticide is a thermionic emission gas chromatographic procedure using a phosphorus sensitive detector.

Dated: July 17, 1973.

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

[FR Doc.73-14970 Filed 7-19-73;8:45 am]

### CROWN ZELLERBACH CORP.

#### Notice of Filing of Petition for Food Additive

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 3H5039) has been filed by Crown Zellerbach Corp., One Bush Street, San Francisco, CA 94119, proposing establishment of a food additive tolerance (21 CFR Part 121) for residues of butyl benzyl phthalate in or on raisins at 35 parts per million resulting from use of butyl benzyl phthalate as a solvent for the insecticide malathion in formulations applied to paper trays used in drying grapes.

Dated: July 17, 1973.

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

[FR Doc.73-14969 Filed 7-19-73;8:45 am]

### FEDERAL POWER COMMISSION

[Docket Nos. RI74-6 and RI74-7]

#### CONTINENTAL OIL CO. ET AL.

#### Hearing on and Suspension of Proposed Changes in Rates<sup>1</sup>

July 12, 1973.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable,

<sup>1</sup> Does not consolidate for hearing or dispose of the several matters herein.

unduly discriminatory, or preferential, or otherwise unlawful.

*The Commission finds:* It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

*The Commission orders:* (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertain-

ing thereto [18 CFR, Chapter I], and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the

Respondent or by the Commission. Each Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

[SEAL]

KENNETH F. PLUMB,  
Secretary.

## APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until	Cents per Mcf*		Rate in effect subject to refund in Docket No.
									Rate in effect	Proposed increased rate	
RI74-6	Continental Oil Co.	176	5	Transwestern Pipeline Co. (Craver Field, Crane and Ward Counties, Tex., Permian Basin).	\$3,373	6-20-73		8-21-73	18.0788	19.0831	RI69-654.
do	do	180	9	Transwestern Pipeline Co. (Bell Lake Field, Lea County, N. Mex., Permian Basin).	23,637	6-18-73		12-19-73	18.8890	21.4683	RI69-653.
do	do	181	8	El Paso Natural Gas Co. (Brown-Bassett Field, Terrell County, Tex., Permian Basin).	1,867	6-20-73		8-21-73	18.0675	19.0713	RI69-655.
RI74-7	Sun Oil Co.	487	7	Northern Natural Gas Co. (North Puckett Ellenburger Field, Pecos County, Tex., Permian Basin).	2,891 9,940	6-12-73		8-13-73	16.06	17.064	RI73-13.

\* Unless otherwise stated, the pressure base is 14.65 p.s.i.a.  
 † Subject to processing cost up to a maximum of 4.5 per Mcf.  
 ‡ New gas well gas.

§ Casinghead gas.  
 ¶ Corrected by filing of June 22, 1973.

The proposed increase of Continental Oil Company under its FPC Gas Rate Schedule No. 180 exceeds the rate limit for a one day suspension, and, is, therefore, suspended for five months.

The remaining proposed increases do not exceed the rate limit for a one day suspension and are suspended for one day.

The producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR, § 2.56).

Nothing contained in this order shall relieve the respondents 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 any Executive Order or rules and regulations promulgated pursuant to such Act.

[FR Doc.73-14857 Filed 7-19-73;8:45 am]

[Rate Schedule No. 15 etc.]

MOBIL OIL CORP. AND SKELLY OIL CO.  
Notice of Rate Change Filings

JULY 12, 1973.

Take notice that the producers listed in the Appendix attached hereto have filed proposed increased rates to the applicable area new gas ceiling based on the interpretation of vintaging concepts set forth by the Commission in its Opinion No. 639, issued December 12, 1972.

The information relevant to each of these sales is listed in the Appendix.

Any person desiring to be heard or to make any protest with reference to said filings should on or before July 19, 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 party wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,  
Secretary.

## APPENDIX

Filing date	Producer	Rate schedule No.	Buyer	Area
June 28, 1973	Mobile Oil Corp., 3 Greenway Plaza East, Suite 800, Houston, Tex. 77046.	15	Kansas-Nebraska Natural Gas Co., Inc.	Hugoton-Anadarko.
July 2, 1973	Skelly Oil Co., P.O. Box 1650, Tulsa, Okla. 74102.	5	Tennessee Gas Pipeline Co.	Other Southwest Area.
Do	do	13	Texas Gas Transmission Corp.	Do.
Do	do	14	do	Do.
Do	do	16	do	Do.

[FR Doc.73-14734 Filed 7-19-73;8:45 am]

## FEDERAL RESERVE SYSTEM

## FIRST CITY BANCORPORATION OF TEXAS, INC.

## Order Approving Acquisition of Bank

First City Bancorporation of Texas, Inc., Houston, Texas, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under § 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares (less directors' quali-

fyng shares) of the successor to a merger of Northline State Bank, Houston, Texas ("Bank"),<sup>1</sup> with New Northline State Bank, a newly organized bank not in operation. The banks would merge under the charter and name of Bank, and the proposed acquisition is treated herein as the proposed acquisition of shares of Bank.

<sup>1</sup> At present Applicant owns .97 per cent of the voting shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with § 3(b) of the Act. The time for filing comments and views has expired, and none has been timely received. The Board has considered the application in light of the factors set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the third largest banking organization in Texas and largest in the Houston banking market (approximated by the Houston SMSA), controls 15 banks with aggregate deposits of \$2,012 million, which represent about 6 percent of total deposits in commercial banks in Texas and 19.5 percent of all such deposits in the Houston banking market.<sup>2</sup> In addition, Applicant owns voting shares (less than 25 percent) of each of 13 other banks which hold, in the aggregate, deposits of approximately \$406 million, representing 1.17 percent of aggregate deposits in commercial banks in Texas.<sup>3</sup> Consummation of the proposed transaction would add .15 percentage points to Applicant's share of the Houston banking market and .04 percentage points to Applicant's share of total commercial bank deposits in the State.

Bank, a small retail institution with deposits of approximately \$12 million, serves primarily an area surrounding the Northline Shopping Center in a suburban area of north Houston. On the basis of deposits, Bank ranks 94th among the 156 banks within the rapidly expanding Houston banking market. Bank's service area overlaps that of only one of Applicant's subsidiaries, First City National Bank, a large downtown wholesale institution located over six miles from Bank. Due to its small size and its distance from downtown Houston, Bank is not regarded as a desirable vehicle for entry into the Houston banking market. Moreover, Bank and Applicant are affiliates, since shareholders owning 58.34 percent of the outstanding stock of Bank also own 50.06 percent of the outstanding stock of Applicant. A close relationship apparently has existed between Applicant and Bank since Bank's formation in 1965; and persons with present and past affiliations with Applicant have always participated in Bank's management. On the basis of the record, the Board considers that consummation of the proposed acquisition would not adversely affect competition in any relevant area to any significant extent.

<sup>2</sup> Banking data are as of December 31, 1972, adjusted to reflect holding company acquisitions and formations approved through May 31, 1973.

<sup>3</sup> The Board's Order of January 4, 1973, conditions approval of Applicant's acquisition of Highland Village State Bank, Houston, Texas, and of First State Bank of Clear Lake City, Clear Lake City, Texas, upon divestiture of direct or indirect control of all voting shares in excess of 5 percent of both South Main Bank and Heights State Bank, both of Houston, Texas. The above figures do not reflect any such divestiture.

The financial and managerial resources of Applicant, its subsidiary banks, and Bank, are regarded as satisfactory and consistent with approval and prospects are considered favorable. Considerations relating to the convenience and needs of the community are consistent with approval. It is the Board's judgment that the proposed acquisition is in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Dallas pursuant to delegated authority.

By order of the Board of Governors,<sup>4</sup> effective July 12, 1973.

[SEAL] CHESTER B. FELDBERG,  
Secretary of the Board.  
[FR Doc. 73-14923 Filed 7-19-73; 8:45 am]

#### MARINE BANCORPORATION Order Approving Acquisition of Globe Finance Co. of Opportunity, Inc.

Marine Bancorporation, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c) (8) of the Act and § 225.4(b) (1) of the Board's regulation Y, to acquire indirectly 90 percent of the outstanding small loan accounts, together with furniture and equipment of Globe Finance Co. of Opportunity, Inc., Opportunity, Washington ("Globe Finance"), through Applicant's 100 percent owned subsidiary, Commerce Credit Corporation, Seattle, Washington. The proposed subsidiary would engage in the activity of making small secured and unsecured loans for a period not in excess of 25½ months, subject to restrictions and limitations specified in the Small Loan Act of the State of Washington.<sup>1</sup> Such activity has been determined by the Board to be closely related to the business of banking (12 CFR 225.4(a) (1)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (38 FR 12834). The time for filing comments and views has expired, and none has been timely received.

Applicant controls one bank, The National Bank of Commerce of Seattle, Seattle, Washington ("Commerce Bank"), with aggregate deposits of \$1.4 billion, representing approximately 20 percent of the total deposits in com-

<sup>1</sup> Voting for this action: Vice Chairman Mitchell and Governors Brimmer, Sheehan, Bucher, and Holland. Absent and not voting: Chairman Burns and Governor Daane.

<sup>2</sup> Chapter 31.08 Revised Code of Washington.

mercial banks in Washington.<sup>2</sup> Commerce Bank is the second largest bank in the State.

Applicant proposes to acquire Globe Finance through Commerce Credit Company, its wholly-owned nonbanking subsidiary established in 1972 and engaged in small consumer loans and second mortgage lending. Globe Finance has net assets of \$137,000 and operates a small loan business in the suburban area of Opportunity, Washington, serving only a portion of the Spokane market. The sales office of Globe Finance is located six miles east of downtown Spokane. Commerce Credit Company operates no offices in eastern Washington and consummation of this proposal would eliminate no direct competition. There is a strong possibility that Applicant may soon open offices, and compete in the consumer loan markets in the eastern Washington area.<sup>3</sup> However, the operations of Globe Finance are small in comparison with the large Spokane market which is served by seventeen companies including several large national corporations. Furthermore, a sister corporate organization to Globe Finance operates two other offices in the Spokane area and thus the number of alternative consumer lenders in Spokane will not be reduced by the present application. In terms of the overall market, the acquisition of the assets of Globe Finance by Commerce Credit Company would have no significant adverse effects on existing or potential competition within the market, and the Board finds that the competitive issues are consistent with approval of the application.

It appears that the proposed acquisition would not result in any undue concentration of resources, conflicts of interests, unsound banking practices, or any other adverse effects on the public interest. Furthermore the proposed acquisition would serve the public, since it would provide for the entry into the subject market of a company with greater financial resources than are presently possessed by Globe Finance, thereby resulting in greater potential availability of consumer credit for local residents.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the Board is required to consider under § 4(c) (8) is favorable. Accordingly, the application is hereby approved. This determination is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary

<sup>2</sup> All banking data are as December 31, 1972.

<sup>3</sup> The Commerce Bank has received regulatory approval to merge Washington Trust Bank, Spokane, Washington, into itself. That merger has been deferred pending ultimate resolution of a suit brought by the United States Department of Justice challenging that merger, which the Department lost in the trial court and has now appealed to the Supreme Court.

to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

By order of the Board of Governors,\* effective July 12, 1973.

[SEAL]

CHESTER B. FELDBERG,  
Secretary of the Board.

[FR Doc.73-14924 Filed 7-19-73;8:45 am]

## GENERAL SERVICES ADMINISTRATION

[Federal Property Management Reg.;  
Temporary Reg. F-185]

### DATA SERVICES OF THE FEDERAL TELECOMMUNICATIONS SYSTEM INTERCITY VOICE NETWORK

1. *Purpose.* This regulation prescribes revised procedures and reporting requirements and updated rates for the various data services provided by the Federal Telecommunications System (FTS) intercity voice network.

2. *Effective date.* This regulation is effective July 1, 1973.

3. *Expiration date.* This regulation expires February 28, 1974, unless sooner revised or superseded.

4. *Conditions of service.* This regulation contains provisions for conditions of service and methods of charging for direct use of the FTS intercity voice network for transmission of data by facsimile, magnetic tape, card transceiver, or similar data terminal equipment.

a. *General.* The FTS intercity voice network is available under controlled conditions for direct subscriber access by Federal agencies or their approved cost reimbursement contractors for the transmission of only that data which can be accommodated over normal voice-grade, unconditioned switched channels.

b. *Suspension of service.* Daytime use of the FTS intercity voice network for data transmission is subject to restrictions necessary to protect the quality of regular network service for voice transmission. In the event of deterioration of quality of service for voice transmission at any location, the General Services Administration may inform agencies of the necessity for temporary or permanent cessation of use of particular FTS voice circuits for data transmission during the daytime usage hours.

c. *Service availability.* Service is offered between locations which are served direct by the FTS intercity voice network. No off-net originating service is available. Off-net terminating service is available only by special arrangement.

5. *Direct subscriber use between agency terminals.* This service is available to agencies having a data transmission requirement between locations served direct by the FTS intercity voice network. The following general provisions, rates, and method of billing will apply:

a. *Prior approval.* Prior approval must be obtained from GSA in accordance with FPMR 101-35.2 before the inception of service.

b. *Charges.*

(1) Data transmissions during daytime hours (7 a.m. to 7 p.m. e.s.t., Mondays through Fridays, except holidays) will be at the rate of 14 cents per minute. Although calls may be subject to sampling, such calls will not be included in the sampling results.

(2) Night, holiday, and weekend service (7 p.m. to 7 a.m. e.s.t., Mondays through Fridays, and 24 hours per day on Saturdays, Sundays, and holidays) will be provided without charge.

(3) All costs associated with data terminal equipment, data sets, channel terminations, installation charges, special circuitry, metering devices, etc., will continue to be borne by the subscribing agency unless agreements have been made with GSA wherein GSA will provide a total communications service for the agency at a rate which also covers such items as listed above.

(4) Agency subscribers of GSA's Remote Access Multi-User System (RAMUS), provided by the Federal Data Processing Center in Atlanta, Georgia, and located within a 100-mile radius of the entry points listed below to the Atlanta time-sharing computer, are not subject to the above usage charges or to the reporting requirements of subparagraph 5c, below, since the FTS intercity costs within this radius are included in the charges for the RAMUS service.

#### LIST OF ENTRY POINTS

Chicago, IL	New York, NY
Detroit, MI	Washington, DC
Boston, MA	Vicksburg, MS
Atlanta, GA	

c. *Reports and billing.* (1) Except as specified in subparagraph 5c(3), below, using agencies shall submit, no later than 10 days after the end of each quarter, usage reports on GSA Form 2830, Individual Terminal Report of FTS Intercity (Voice Network) Data Transmission. GSA Form 2830 requires the number of calls and minute usage for daytime hours for each terminal location (address—number, street, city, State, ZIP code, and room number) and, for information purposes, a listing of the terminals used at night, holidays, and weekends. Reports shall be forwarded to the General Services Administration (CXM), Washington, DC 20405. The first report is due October 10, 1973.

(2) GSA will render a quarterly bill to the headquarters level based on the quarterly usage submitted by the agency on GSA Form 2830 for each of its terminal locations.

(3) For that part of agency traffic that is carried over the FTS intercity voice network under the GSA Teleprocessing Service Contract, a quarterly report of usage need not be submitted since this traffic will be reported to GSA by the contractor. GSA will render a quarterly bill to the headquarters level based on the information submitted by the contractor.

6. *Forms availability.* Agencies may obtain their initial supply of GSA Form 2830 from the General Services Administration (3BRDD), Union and Franklin Streets Annex, Building 11, Alexandria, VA 22314. Agency field offices should submit all future requirements for the form to their Washington, DC headquarters office which will forward consolidated annual requirements to the General Services Administration (BRAP), Washington, DC 20405.

7. *Service to Alaska, Hawaii, and Puerto Rico.* This service continues to be available on an authorized and controlled basis for certain types of record and data traffic requiring the use of unconditioned voice circuits served direct by FTS intercity voice network.

a. To avoid interruption of transmission, it is required that the originator of data calls to and from Alaska, Hawaii, and Puerto Rico inform the FTS overseas operator that the call is a data call and give the approximate length of transmission.

b. The following rates cover only the cost of service from the gateway centers (San Francisco to Hawaii for Hawaii service; Seattle to Alaska for Alaska service; and Washington, DC to Puerto Rico for Puerto Rico service) and are effective July 1, 1973.

To and from gateway centers and:

	Rate/Minute
Alaska	0.90
Hawaii	1.00
Puerto Rico	1.00

c. Data transmissions originating or terminating in Alaska, Hawaii, or Puerto Rico are not subject to the reporting requirements of paragraph 5, above. GSA will render a quarterly bill at the headquarters level based on tickets prepared by GSA operators at the gateway centers. GSA will also bill at the rate of 14 cents per minute for any data traffic (7 a.m. to 7 p.m. e.s.t., Monday through Friday, except holidays) that passes over the conterminous 48-State portion of the FTS intercity voice network. Although such conterminous traffic may be subject to sampling, such calls will not be included in sampling results.

8. *General-usage magnetic tape and card service.* Service to agencies having a requirement for the delivery of magnetic tapes and punched cards is currently available by arrangement between any of the GSA terminal stations in the following locations:

Atlanta, GA	Fort Worth, TX
Auburn, WA	Kansas City, MO
Boston, MA	New York, NY
Chicago, IL	San Francisco, CA
Denver, CO	Washington, DC

a. The reimbursement rate for the transmission of magnetic tape between any two GSA terminal locations, including usage of the FTS intercity voice network, will be \$1 per minute. Service is also available to agencies operating their own magnetic tape terminal having access to the FTS intercity voice network. The charge for magnetic tape service from an agency-operated terminal to any of the above GSA locations or

\* Voting for this action: Vice Chairman Mitchell and Governors Daane, Brimmer, Sheehan, Bucher, and Holland. Absent and not voting: Chairman Burns.

from any of the above GSA locations to an agency-operated terminal will be at the rate of 57 cents per minute. This rate includes PTS usage and use of the single GSA magnetic tape terminal.

b. The reimbursement rate for the transmission of punched card traffic between any two GSA terminal locations is 2½ cents per card. The card transceiver network is also interconnected with the Defense Communications System Automatic Digital Network (AUTO DIN), enabling the exchange of card traffic with any location served by the military worldwide system.

c. The pickup and delivery of magnetic tapes and card decks from GSA-operated terminals are the responsibilities of the subscribing agency. Agencies are to return or make suitable replacement for magnetic tapes provided by GSA.

d. Billing for services will be made monthly by GSA on the basis of usage reports from the GSA data communications centers providing the service.

9. *Prior approval and information.*  
a. Prior arrangements must be made with GSA before the inception of service. Requests for information and approval in connection with initial requirements should be directed to the Assistant Commissioner for Agency Assistance, Planning, and Policy (CP), Automated Data and Telecommunications Service, General Services Administration, Washington, DC 20405 (telephone: FTS 202-254-6306, IDS 193-46306, or Centrex A 46306).

b. Information regarding specific rate applications and billing may be obtained from the Office of the Executive Director (CX), Automated Data and Telecommunications Service General Services Administration, Washington, DC 20405 (telephone: FTS 202-254-6364, IDS 193-46364, or Centrex A 46364).

10. *Agency comments.* Comments concerning the effect or impact of this regulation on agency operations or programs should be submitted to the General Services Administration (CP), Washington, DC 20405, no later than November 30, 1973, for consideration and possible incorporation into a permanent regulation.

11. *Effect on other issuances.* This regulation cancels GSA Bulletin FPMR F-37.

ARTHUR F. SAMPSON,  
Administrator of General Services.

JULY 13, 1973.

[FR Doc.73-14964 Filed 7-19-73; 8:45 am]

## OFFICE OF ECONOMIC OPPORTUNITY

### NATIVE AMERICAN PROGRAM

#### Notice of Designation

Pursuant to the authority in section 222(a) of the Economic Opportunity Act of 1964, I hereby designate as a Special Program a program to be known as the Native American Program. This program, which will be developed and carried out under the direction of the Department of Health, Education, and

Welfare, will involve new and innovative approaches in dealing with the special needs of Indians and Alaska Natives, providing for a better focusing of available resources on their attainment of economic self-sufficiency. It will also contribute to the implementation of the President's recommendations on Indian Policy as presented to the Congress on July 8, 1970. The program shall include provisions to enable Indians and Alaska Natives, acting through their own instruments of self government, to establish their own programmatic and funding priorities and to gain control and direction of institutions and programs affecting their daily lives.

Assistance under this program shall continue to be provided through grants on contracts to tribal councils or other public or private nonprofit agencies for such purposes as, but not limited to: (1) The support of self-determination programming aimed at increasing the capabilities of reservation Indians to take over services now provided by non-Indian controlled organizations; (2) the support for projects designed to meet the nutritional needs of Indians and Alaska Natives, and to provide other needed services to promote individual and family self-sufficiency; (3) the support for establishment and operation of urban centers serving Indian people living off reservations; and (4) funding to encourage self-help and community economic development efforts.

I hereby determine that the objectives sought cannot be effectively achieved through the use of authorities under section 221 of the Act. As is indicated above, an important objective sought is the better focusing of federal and state resources on the goal of self-sufficiency of Indian tribes, Alaska Native communities and their members. Because of the extent of geographic, cultural and socio-economic dispersion and isolation of such tribes and communities, the variety of the resources that may be brought to bear and the complexity of the systems and processes by which the availability of these resources is determined, local initiative programming under section 221 has not been and cannot be effective to achieve this objective. In accordance with the principle of self-determination without termination of the special relationship between the Federal government and the Indian tribes and Alaska Native communities, the determination, formulation and administrative effectuation of responsive measures should be carried out cooperatively by Federal and State governments and organizations representative of Indians and Alaska Natives functioning on a national or state-wide basis. Financial, organizational, informational and technical assistance required for these purposes cannot be effectively, efficiently or economically provided through the use of authorities under section 221 of the Act.

A further objective sought is to increase the capability of Indian tribes and Alaska Native communities to establish their own programmatic and funding

priorities. At present these tribes and communities possess this capability in varying degrees. This crucial aspect of self-determination has not been effectively achieved because of the categorization of much of the available resources, the history of their administration by non-tribal and non-community agencies and the widespread deficiency of financial, technical and other support for the development and functioning of strong, well organized, efficient tribal and community governments. To achieve the objectives there is needed a program of assistance which accords the development of such governments the status of a binding national priority, but which is otherwise substantially noncategorical in proportion to the recipient tribes' and communities' capacity for planning and utilization. The authorities under section 221 of the Act preclude the establishment of a binding national priority of this type and are, in general, insufficient for the accomplishment of this purpose. This designation shall be effective on July 1, 1973.

Dated: July 6, 1973.

A. J. ARNETT,  
Director-Designate,  
Office of Economic Opportunity.

[FR Doc.73-14965 Filed 7-19-73; 8:45 am]

## SECURITIES AND EXCHANGE COMMISSION

### BROKER-DEALER MODEL COMPLIANCE PROGRAM ADVISORY COMMITTEE

#### Notice of Public Meetings

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Public Law 92-463, 86 Stat. 770, the Securities and Exchange Commission announces the following public advisory committee meetings.

The Commission's Advisory Committee on a Model Compliance Program for Broker-Dealers, established on October 25, 1972 (Securities Exchange Act Release No. 9835), will hold meetings on August 1-3, 1973 at the Dallas North Marriott Inn, 7750 LBJ Freeway, Dallas, Texas. The meetings will commence at 9:00 a.m., local time.

This Advisory Committee was formed to assist the Commission in developing a model compliance program to serve as an industry guide for the broker-dealer community. Assisted by this Committee's work, the Commission plans to publish a guide to broker-dealer compliance under the securities acts in order to advise broker-dealers of the standards to which they should adhere if investor confidence in the fairness of the market place is to be warranted and sustained. The Committee's recommendations are not intended to result in the expansion of Commission rules governing broker-dealers, but to inform broker-dealers as to the existing requirements and how they may comply with them.

The Committee's scheduled meetings will be for the purpose of reviewing drafts and proposals concerning the

Committee's proposed report to the Commission on these compliance guidelines for broker-dealers.

These meetings are open to the public. Any interested person may attend and appear before or file statements with the Advisory Committee—which statement, if in written form, may be filed before or after the meeting or, if oral, at the time and in the manner and extent permitted by the Advisory Committee.

[SEAL] RONALD F. HUNT,  
*Secretary.*

JULY 17, 1973.

[FR Doc.73-14953 Filed 7-19-73;8:45 am]

## DEPARTMENT OF LABOR

### Wage and Hour Division

[Administrative Order No. 626]

#### SPECIAL INDUSTRY COMMITTEE FOR ALL INDUSTRY IN AMERICAN SAMOA

##### Appointment; Convention; Notice of Hearing

Pursuant to sections 5 and 6(a) (3) of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 205, 206(a) (3)), and Reorganization Plan No. 6 of 1950 (3 CFR, 1949-53 Comp., p. 1004), I hereby appoint Special Industry Committee No. 10 for American Samoa. Pursuant to section 6(a) (3) and section 8 of the Act, as amended (29 U.S.C. 206(a) (3), 208) and Reorganization Plan No. 6 of 1950, I hereby convene this committee, refer to it the question of the minimum wage rate or rates for all industry in American Samoa to be paid under section 6(a) (3) of the Act, as amended, and give notice of the hearing to be held by it.

The Committee shall meet in executive session at 9 a.m., September 20, 1973, in the Legislative Hall, Pago Pago, American Samoa, and shall commence its public hearing at 9 a.m., September 24, 1973 at the same place. The industry committee shall investigate conditions in such industry and the committee, or any authorized subcommittee thereof, shall hear such witnesses and receive such evi-

dence as may be necessary or appropriate to enable the committee to perform its duties and functions under the Act.

The committee shall recommend to the Administrator of the Wage and Hour Division of the Department of Labor the highest minimum rate or rates of wages for such industry which it determines, having due regard to economic and competitive conditions, will not substantially curtail employment in such industry, and will not give any industry in American Samoa a competitive advantage over any industry in the United States outside of Puerto Rico, the Virgin Islands and American Samoa. The committee shall not, however, recommend minimum wage rates in excess of those under the Fair Labor Standards Act for classifications in the United States, currently \$1.60 an hour.

Where the committee finds that a higher minimum wage may be determined for employees engaged in certain activities or in the manufacture of certain products in such industry than may be determined for other employees in such industry, the committee shall recommend such reasonable classifications within such industry as it determines to be necessary for the purpose of fixing for each classification the highest minimum wage rate that can be determined for it, under the principles set forth herein, which will not substantially curtail employment in such classification and will not give a competitive advantage to any group in the industry. No classification shall be made, however, and no minimum wage rate shall be fixed solely on a regional basis or on the basis of age or sex. In determining whether there should be classifications within the industry, in making such classifications, the committee shall consider, among other relevant factors, the following:

(1) Competitive conditions as affected by transportation, living and production costs; (2) wages established for work of like or comparable character by collective labor agreements negotiated between employers and employees by representa-

tives of their own choosing; and (3) wages paid for work of like or comparable character by employers who voluntarily maintain minimum wage standards.

The Administrator of the Wage and Hour Division, U.S. Department of Labor, shall prepare an economic report containing the information he has assembled pertinent to the matters referred to the committee. Copies of this report may be obtained at the Office of the Governor, Pago Pago, American Samoa, and the National Office of Wage and Hour Division, U.S. Department of Labor, Washington, D.C. 20210, as soon as it is completed. The committee will take official notice of the facts stated in this report. Parties, however, shall be afforded an opportunity to refute such facts by evidence received at the hearing.

The procedure of this industry committee will be governed by the provisions of Title 29, Code of Federal Regulations, Part 511. Copies of this part of the regulations will be available at the Office of the Governor in Pago Pago, American Samoa, and at the National Office of the Wage and Hour Division. The proceedings will be conducted in English but in the event a witness should wish to testify in Samoan, an interpreter will be provided. As a prerequisite to participation as a party, interested persons shall file six copies of a prehearing statement at the aforementioned Office of the Governor of American Samoa and six copies at the National Office of the Wage and Hour Division, U.S. Department of Labor, Washington, D.C. 20210. Each prehearing statement shall contain the data specified in § 511.8 of the regulations and shall be filed not later than September 1, 1973. If such statements are sent by airmail between American Samoa and the mainland, such filing shall be deemed timely if postmarked within the time provided.

Signed at Washington, D.C., this 16th day of July 1973.

PETER J. BRENNAN,  
*Secretary of Labor.*

[FR Doc.73-14913 Filed 7-19-73;8:45 am]

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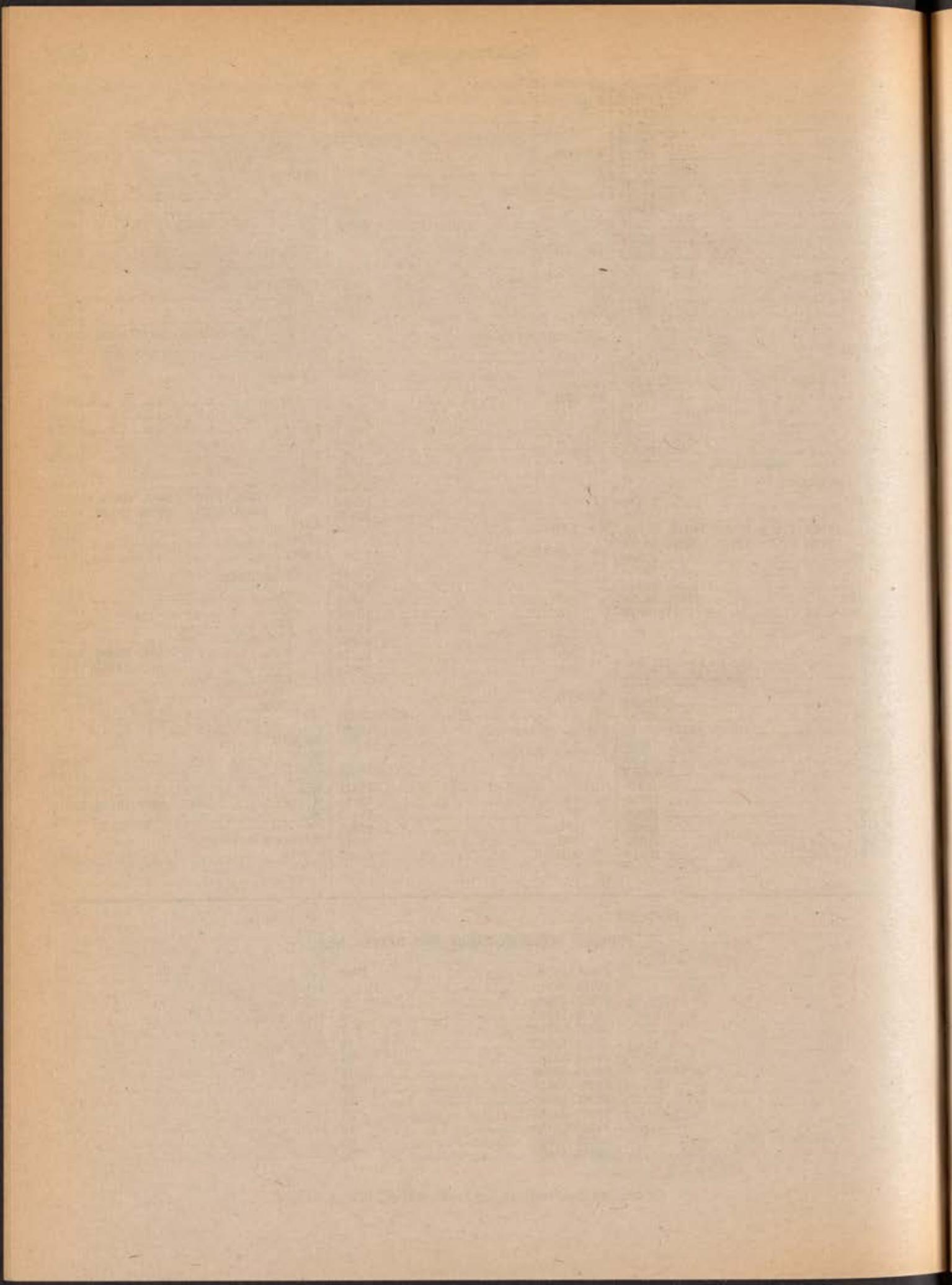
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# federal register

FRIDAY, JULY 20, 1973  
WASHINGTON, D.C.

Volume 38 ■ Number 139

PART II



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## COST OF LIVING COUNCIL

■

### Phase IV Regulations

**Title 6—Economic Stabilization**  
**CHAPTER I—COST OF LIVING COUNCIL**  
**PART 140—COST OF LIVING COUNCIL**  
**FREEZE REGULATIONS**

**Exemption of Providers of Health Services**

The purpose of this amendment is to add a new § 140.35 to Part 140 of Title 6, Code of Federal Regulations to exempt institutional and noninstitutional providers of health services from the provisions of the Council's freeze regulations, and to continue the Phase III mandatory controls applicable to providers of health services that are embodied in § 130.61 of Part 130 of this title.

The continuation of Phase III mandatory controls is intended to be an interim measure. New regulations governing providers of health services will be developed and issued as a separate subpart of the forthcoming Phase IV regulations after extensive consultation with the Health Industry Advisory Committee of the Cost of Living Council and other interested health care providers and consumers.

Because the purpose of this amendment is to provide immediate guidance and information with respect to the administration of the Economic Stabilization Program, the Council finds that further notice and procedure thereon is impracticable and that good cause exists for making it effective in less than 30 days. Interested persons may submit communications regarding these regulations. Communications should be addressed to the Office of General Counsel, Cost of Living Council, Washington, D.C. 20508.

(Economic Stabilization Act of 1970, as amended, Pub. L. 92-210, 85 Stat. 743; Pub. L. 93-28, 87 Stat. 27; E.O. 11730, 38 FR 19345.)

In consideration of the foregoing, Subpart D of Part 140 of Chapter 1 of Title 6 of the Code of Federal Regulations is amended as set forth herein, effective July 1, 1973.

Issued in Washington, D.C., July 18, 1973.

**JAMES W. McLANE,**  
*Director,*  
*Special Freeze Group.*

Section 140.35 is added to Part 140 to read as follows:

**§ 140.35 Providers of health services.**

Effective July 1, 1973, institutional and noninstitutional providers of health services are exempt. Providers of health services continue to be subject to the Phase III mandatory controls set forth in § 130.61 of this title.

[FR Doc. 73-15025 Filed 7-19-73; 4:30 pm]

**PART 150—COST OF LIVING COUNCIL**  
**PHASE IV REGULATIONS**

The purpose of this amendment is to establish a new Part 150—Cost of Living Council Phase IV Regulations and a new Subpart N therein.

Subpart N is a republication of the June 18, 1973, price regulations applica-

ble to the construction industry, 38 FR 15821. Prior to publication on June 18, there was consultation with numerous contractor's associations, user groups, and affected Federal agencies.

The regulations establish several rules applicable to prices charged for construction operations, reaffirm profit margin limitations for construction operations, prescribe reporting requirements for sales, costs, and profits by a firm in the construction industry, and provide a procedure for renegotiation of fixed price construction contracts where wages have been reduced.

Because the purpose of this amendment is to provide immediate guidance and information with respect to the administration of the Economic Stabilization Program, the Council finds that further notice and procedure thereon is impracticable and that good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Title 6 of the Code of Federal Regulations is amended by establishing a new Part 150 and adding a new Subpart N therein as set forth below, effective August 12, 1973.

Issued in Washington, D.C., July 19, 1973.

**WILLIAM N. WALKER,**  
*Acting Deputy Director,*  
*Cost of Living Council.*

**Subpart N—Construction**

Sec.	
150.451	Scope.
150.452	Definitions.
150.453	Prices: Redetermination of contracts in excess of \$500,000.
150.454	Reporting of sales, costs, and profits.
150.455	Prices: Passthrough of allowable costs.
150.456	Profit margin measurement.

**AUTHORITY:** Economic Stabilization Act of 1970, as amended; Pub. L. 92-210, 85 Stat. 743; Pub. L. 93-28, 87 Stat. 27; EO 11730, 38 FR 19345.)

**Subpart N—Construction Industry**

**§ 150.451 Scope.**

This subpart establishes special rules applicable to prices charged for construction operations in the construction industry. This subpart does not apply to the prices charged by any firm in the construction industry which derives both less than 20 percent of its annual sales or revenues from construction operations and less than \$50 million of annual sales or revenues from construction operations.

**§ 150.452 Definitions.**

For purposes of this subpart, the terms—

(a) "Annual sales or revenues" means the total gross receipts of a firm in the construction industry during its most recent fiscal year, except that it does not include gross receipts of or from a foreign branch or division of such a firm, or the gross receipts of or from a wholly or partially owned foreign entity such as a corporation, partnership, joint venture, association, trust, or subsidiary, if the gross receipts of such foreign entity,

branch, or division are derived primarily from transactions with other foreign firms. A foreign entity, branch, or division is one located outside the several States and the District of Columbia. However, gross receipts of domestic entities from U.S. export sales and from sales to firms in the Commonwealth of Puerto Rico are included in the determination of annual sales or revenues. For purposes of this subpart annual sales or revenues shall also include the firm's pro rata share of annual sales and revenues derived from the construction operations of any joint venture of which it is a part.

(b) "Base period" means any one, at the option of the firm concerned, of the following fiscal years: That firm's last three fiscal years ending before August 15, 1971, and any fiscal year, other than the fiscal year for which compliance is being measured, completed on or after that date.

(c) "Construction industry" means every firm engaged in or undertaking any construction operations, and every employee employed by such firm.

(d) "Construction operations" means all work relating to the erecting, construction, altering, remodeling, painting, or decorating of installations such as buildings, bridges, highways, and the like when performed on a contract basis, but shall not include maintenance work performed by workers employed on a permanent basis in a particular plant or facility for the purpose of keeping such plant or facility in efficient operating condition. The term also means the transporting of materials and supplies to or from a particular building or project by the workers of the contractor or subcontractor performing the construction or the manufacturing of materials, supplies, or equipment on the site of a project by such workers. In addition, the term means all other work classified as construction in 29 CFR 5.2(g).

**§ 150.453 Prices: Redetermination of contracts in excess of \$500,000.**

(a) The contract price for each construction contract in excess of \$500,000, all or part of which is performed by construction workers whose wages and salaries are subject to review by the Construction Industry Stabilization Committee (CISC) or the Cost of Living Council (CLC), shall be redetermined prior to final payment if the wage and salary level of those construction workers is reduced as a result of CISC or CLC action. The amount by which the contract price is reduced as a result of the redetermination must fairly reflect the results of the CISC or CLC action, including any cost increases directly resulting from the CISC or CLC action.

(b) Redetermination of any Federal Government fixed-price prime construction contract in excess of \$500,000 affected by CISC or CLC action shall be conducted in the manner provided in the Federal Procurement Regulations and applicable regulations of the Department of Defense.

(c) Redetermination of fixed-price prime construction contracts in excess of \$500,000 other than those referred to in paragraph (b) of this section shall be conducted in the following manner:

(1) Upon notification of a reduction in the wages and salaries of construction workers subject to CISC or CLC review each subcontractor performing work under the prime contract, whose construction workers have had a reduction of wages and salaries as a result of CISC or CLC action, shall promptly notify the prime contractor of any such reduction, notwithstanding the dollar value of the subcontract.

(2) In the absence of a contract clause relating to redetermination of the contract price, and after notification by his subcontractors of a reduction in the wages and salaries of construction workers as a result of CISC or CLC action, the prime contractor shall offer in writing to redetermine the contract price with the owner or user prior to final payment, and furnish the owner or user with a statement of the estimated number of employees affected by the CISC or CLC action.

(3) The owner or user shall notify the contractor of his intention to jointly redetermine the contract price within 90 days after receipt of the offer referred to in paragraph (c)(2) of this section.

(d) (1) In complying with this section, the prime contractor may require each subcontractor, regardless of tier, to submit to him a statement of the estimated number of employees affected by the results of the CISC or CLC action. The final payment due the subcontractor engaged to perform the subcontracted work shall be jointly redetermined to reflect fairly the results of the CISC or CLC action, including any cost increases directly resulting from such action.

(2) Pending notification by the owner or user of his intent to redetermine the contract price, the prime contractor may

place in escrow an amount which fairly reflects the CISC or CLC action. The prime contractor shall refund to the subcontractor the amount placed in escrow if the owner or user does not indicate to the prime contractor his intention to jointly redetermine the contract price within the 90-day period specified, or if the owner or user does not notify the prime contractor during that time period that he will not redetermine the contract price.

**§ 150.454 Reporting of sales, costs, and profits.**

A firm in the construction industry with annual sales or revenues of \$50 million or more from construction operations shall report annually information as to sales, costs, and profits in accordance with forms and instructions issued by the Council. A firm required to report quarterly under § 150.151 shall not include within the quarterly report sales, costs, and profits information relating to construction operations if the firm is required to report such information annually under the provisions of this section.

**§ 150.455 Prices: Passthrough of allowable costs.**

A firm in the construction industry may charge prices for construction operations to reflect any allowable costs which it has incurred and continues to incur to the extent that such prices do not result in an increase in its profit margin over that which prevailed during the base period. For purposes of this section, the term "allowable costs" includes the full amount of any pay adjustment contained in a collective-bargaining agreement entered into after November 8, 1971, to the extent such pay adjustment has been approved by CISC or CLC. The full amount of any pay adjustment contained in a collective-bargaining agreement entered into after November 8, 1971, which was approved by the CISC

or CLC and passed through prior to June 13, 1973, shall also be considered to be an allowable cost as of the date such pay adjustment was passed through.

**§ 150.456 Profit margin measurement.**

(a) For purposes of § 150.455 to the extent possible and consistent with the accounting principles customarily used in preparation of the contractor's financial statements, profit margin on construction operations shall be separately determined from profit margin on nonconstruction operations. To the extent that the annual sales or revenues from nonconstruction operations cannot be separated from the annual sales or revenues from construction operations for purposes of profit margin determination, those annual sales or revenues from nonconstruction operations are subject to the mandatory profit margin rule of this subpart.

(b) Where annual sales or revenues from nonconstruction operations cannot be separated from the annual sales or revenues from construction operations, the base period to be used in calculating the profit margin shall be the base period defined in § 150.21 and not the base period defined in § 150.452.

(c) No firm in the construction industry may exceed its base period profit margin unless the excess results from factors such as variation in the profit margin caused by the accounting method used on multiyear projects, the manner of accruing losses on multiyear projects, or other factors which are unique to the construction industry and which would distort the comparison of a firm's current profit margin with that which prevailed in its base period.

(d) Any justification for a profit margin exceeding the base period profit margin by a firm subject to § 150.454 which is based on paragraph (c) of this section, shall be reported and be subject to review by the Council.

[FR Doc. 73-15026 Filed 7-19-73; 4:30 pm]

## COST OF LIVING COUNCIL

[ 6 CFR Parts 130, and 150 ]

## PHASE IV REGULATIONS

## Notice of Proposed Rulemaking

Pursuant to Executive Order 11730, the Cost of Living Council is considering the adoption of the regulations set forth in this notice effective August 12, 1973.

In its initial action in implementing Executive Order 11730, the Council on July 18, 1973, issued a series of amendments to the Freeze regulations providing for Stage A of the transition of the Food Industry from the Freeze to Phase IV (38 FR 19462).

Elsewhere in this edition of the FEDERAL REGISTER are amendments to the Economic Stabilization Regulations which provide for returning providers of health services to Phase III controls pending development of Phase IV regulations (38 FR 19462) and providing for the direct transition of the construction industry from the freeze into Phase IV. (38 FR 19462).

In issuing this notice of proposed rulemaking the Council is inviting public comment on the principal substantive price control rules contemplated for Phase IV. Special rules are included dealing with the petroleum and insurance industries. Also included are several technical amendments to existing Phase III Wage Stabilization regulations to adjust them for Phase IV and to accommodate the establishment of separate Price Stabilization regulations.

In the near future, the Council will be issuing procedural regulations covering appeals, requests for exceptions, exemptions and reclassification, hearing procedures, and the disclosure of economic stabilization information. It will also be issuing additional regulations providing for Stage B of the transition of the food industry into Phase IV as well as a recodification of the Phase III wage stabilization regulations, which continue in effect.

Interested persons are invited to participate in the rulemaking by submitting written data, views or arguments with respect to the proposed regulations set forth in this notice, to the Executive Secretariat, Cost of Living Council, 2000 M Street, NW., Washington, D.C. 20508. Comments should be identified with the designation "Proposed Phase IV Docket" and should be organized so that those dealings with a particular subpart of the proposed regulations are separate from those dealing with other subparts (i.e. on separate pages). At least ten copies should be submitted. All communications received before July 31, 1973, will be considered by the Council before taking final action on the proposed regulations. The proposed regulations contained in this notice may be changed in the light of comments received. All comments received in response to this notice will be available for examination and copying by interested persons at the Cost of Living Council, 2000 M Street, NW., Washington, D.C. during the hours of 9:00 a.m. to 5:00

p.m., Monday through Friday. Submissions will be available both before and after the closing date for comments.

## SUBPART A—GENERAL

Subpart A provides the scope of the new Part 150. It specifies which of the prior regulations are superseded and which temporarily remain in effect.

Subpart A also provides that reports due under the Phase III regulations continue to be required even though Phase III has ended for most firms.

Subpart A also reiterates the Phase III rule that contract renegotiation provisions which depend for their operation upon the modification or termination of the Economic Stabilization Program are inoperative as inconsistent with the goals of that program.

## SUBPART B—DEFINITIONS

Subpart B contains the definitions of general applicability to this part. Definitions which are applicable only to one subpart are placed at the beginning of that Subpart.

## SUBPART C—CLASSIFICATIONS

Subpart C classifies all firms as price category I, II or III, based upon the firm's annual sales or revenues. Specifically, a price category I firm is a firm with annual sales or revenues of \$100 million or more. A price category II firm is one with annual sales or revenues of at least \$50 million but less than \$100 million. All others are price category III firms. The terms "firm" and "annual sales or revenues" are carried forward from Phase II and III. Therefore, as in Phase II, for purposes of determining the appropriate price category, a firm must include the annual sales or revenues from the most recently completed fiscal year of each entity it controls, directly or indirectly, as well as its own annual sales or revenues from its most recently completed fiscal year.

## SUBPART D—EXEMPTIONS

The purpose of Subpart D is to set forth a list of the items, transactions, and firms exempt from various provisions of the Economic Stabilization Program. The exemptions are the same as those that prevailed during Phase II and III with certain exceptions and modifications as follows:

Section 150.51 includes language to make it explicit that the exemption of a particular item or sale from the rules governing the price that may be charged for the item or sale does not mean that revenues derived can be excluded from a firm's revenues in determining such things as its price category classification or its profit margin.

Items and sales being added to the Phase II and III exemption are (1) brokerage fees for securities and commodities [§ 150.54(b)], (2) certain long-term coal contracts [§ 150.54(n)], (3) lumber and certain wood products [§ 150.54(o)], and (4) public utilities [§ 150.56].

Postal rates are being expressly deleted from the exemptions [§ 150.54(a)].

The exemption for U.S. tanker rates [§ 150.54(k)] is restated to expressly cover tanker rates on all coastwise voyages, not just those "by sea".

The requirements that a vessel be U.S. built, U.S. documented, and U.S. owned are being omitted as unnecessary since all vessels must meet those standards before they can be licensed to engage in the coastwise trade.

In the small businesses exemption the dates for measuring a firm's qualifications are being advanced 15 months to make them more contemporaneous with the Economic Stabilization Program's entry into Phase IV.

## SUBPART E—GENERAL RULES

Subpart E sets forth the general pricing rules which, unless otherwise provided, apply in the new Part 150. The general pricing rules are: (1) No one may change a price for an item which exceeds the base price (or other authorized price) for that item; (2) no one may knowingly pay a price which exceeds the base price (or other authorized price) for that item, unless he had no reasonable alternative but to pay that price and he reports the unlawful price to the IRS; and (3) no one may take retaliatory action against another who files or intends to file a violation complaint or otherwise exercises his rights under the Economic Stabilization Program. These rules are virtually the same as those provided in Phase II.

Subpart E also sets forth the pricing rules applicable to firms engaged in manufacturing and service activities. These rules differ from the Phase II pricing rules for manufacturers and service organizations (§§ 300.12 and 300.14) in several respects, including the following:

(1) Prices above base price levels may be changed to recover net allowable cost increases on a dollar-for-dollar basis only. In Phase II, price increases which reflected increases in allowable costs also reflected maintenance of profit margins (subject to the limitation that the firm's overall profit margin could not exceed its base period profit margin).

(2) The antecedent base point for "cost reach-back" purposes has been changed from the date of the last price increase in the item concerned to the fiscal quarter which ended prior to January 11, 1973. This is also the period for calculating base prices under Phase IV. This change will simplify control and reporting of cost justification because henceforth costs will always be measured from the same base point on a cumulative basis, without regard to intervening price increases. A new period for cost accumulation began under the Phase II rules every time the price of an item was increased, with the result that costs were recorded on an incremental basis without a common point of reference.

(3) Subpart E also places a positive obligation upon firms which raise prices above base price levels to reduce prices when, and to the extent that, the costs which support those price increases no longer continue to be incurred. This rule was implicit under Phase II but was not

expressly stated in either § 300.12 or § 300.14.

(4) Subpart E continues unchanged the Phase II rule requiring that increases in labor cost be reduced to reflect productivity gains and that the unit cost decrease in nonvariable costs that results from an increase in volume of output be taken into account. However, because construction contractors are subject to special regulations under Subpart N which differ substantially from the applicable Phase II rules, the productivity offset required in Phase II is not required of construction contractors in Phase IV.

Also new in Subpart E is a special pricing rule covering lawful price increases late in Phase II (after the end of the firm's base cost period), price increases under Phase III's general price standard, and price increases lawfully effected during the 1973 freeze. Essentially, this special rule provides that these price increases may continue to be charged after August 12, 1973, at the last price level charged with respect to the item concerned on or before that date. However, before these prices may be raised again, the entire amount by which the price charged exceeds the base price, including all price-increase increments since the firm's cost base period, must be cost-justified in accordance with the new dollar-for-dollar rule.

(5) Another special pricing rule contained in Subpart E provides that firms which are subject to the prenotification requirement may apply the prenotified percentage price increase authorized under Subpart H to a product line or service line on a weighted average basis. However, where the prenotified percentage price increase authorized is 10 percent or less, the price increase on any one item may not exceed 10 percent, and where the prenotified percentage price increase to be applied is more than 10 percent the price increase on any item may not exceed the prenotified percentage price increase authorized.

(6) Subpart E also contains the same profit margin limitation which was applied in Phase II to firms which raised a price above the base price. The profit margin rule has been restated, however, to more clearly express its purpose and intent.

Under the profit margin rule as now stated, a firm may not exceed its base period profit margin "for the fiscal year in which a price above the base price is charged." This language makes clear that the profit margin test is a fiscal year test. It does not preclude testing profit margin compliance on a quarterly basis, however. As in Phase II, compliance will be tested quarterly in Phase IV on the basis of a projection for the full fiscal year.

The profit margin rule has been restated to eliminate language which limited price increases to those which in addition to being otherwise permissible, did not "result in" a profit margin excess. This language raised the question of whether there was a requirement to establish a causal link between a price increase above base price and an ensuing profit margin excess. Some firms took

the position early in Phase II that a profit margin excess actually experienced was not a direct result of price increases above base but was the result of other factors. Other firms interpreted "result in" to loosely mean "end in," with the sense not of any direct causality but merely of outcome or conclusion. The Cost of Living Council has consistently adhered to the position (as did the Price Commission) that the charging of a price in excess of the base price necessarily contributes in some degree to any profit margin excess experienced in the same fiscal year, and that no direct causal relationship need be shown.

To avoid any misinterpretation in Phase IV, the Council has eliminated from the profit margin rule all words which raise a question of causality. The Council has, however, retained the essential sense of the profit margin rule as an indirect or secondary limitation on price increases once a price above base is charged. The profit margin rule now simply states that once a firm has changed a price in excess of the base price it may not exceed its base period profit margin for the fiscal year in which the increased price is charged. Conforming changes have been made in the new Part 150 wherever the profit margin rule is applied.

Under the alternative general price standard of Phase III firms were permitted to raise prices by a weighted annual average of 1.5 percent or less without limitation as to profit margin. Firms which increased prices pursuant to that alternative general price standard and which, as a result, exceed their base period profit margin during Phase IV may be eligible for an exception to application of the profit margin rule.

Subpart E contains a special provision (§ 150.92) covering prices specified in contracts entered into during the 1973 freeze with respect to delivery or performance occurring during Phase IV. A special rule is needed because contracts calling for performance or delivery after the freeze were not subject to the price freeze rules.

The new § 150.92 provides that a contract entered into during the freeze, with respect to any delivery or performance occurring after August 12, 1973, shall be subject to the pricing rules of Phase IV except that no prenotification shall be required with respect to payment which falls due before September 12, 1973. The effect of this regulation is to subject the post-freeze portion of the contract to all of the pricing rules of Phase IV except prenotification during the first month of Phase IV. The regulation does not operate to bar any delivery or performance scheduled to take place during the first month of Phase IV which would have been deferred by operation of the prenotification rule.

#### SUBPART F—BASE PRICES AND OTHER AUTHORIZED PRICES

Subpart F provides the rules for calculating base prices and other authorized prices. The general rule is that the base price of an item is the average price law-

fully charged for the item in transactions with the class of purchaser concerned during the base price period.

The average price is determined by dividing the net sales of the item to the class of purchaser by the quantity of the item sold or leased to the class of purchaser during the base price period. The base period is the last fiscal quarter which ended prior to January 11, 1973. If no transaction occurred during that fiscal quarter with respect to the item and class of purchaser concerned, the base price period is the next preceding fiscal quarter in which such a transaction did occur.

Subpart F provides that temporary special deals and allowances may not be excluded in computing the base price. Subpart F also incorporates the Phase II rule modifying the class of purchaser concept for purposes of vending machine sales.

The rules for determining a base price with respect to new items, and for determining an authorized price with respect to custom products and custom services are similar to those provided in Phase II. An important change is the inclusion of a prenotification requirement with respect to the sale of new items by a firm which derives more than \$10 million annually from the sale or lease of new items. The purpose of this new rule is to provide a better check on whether an item fully qualifies to be treated as a new item and whether the calculation of the base price of the new item fully conforms to the Subpart F rules.

#### SUBPART G—BASE COST AND CURRENT COST

Subpart G establishes the basic rules for comparing base costs with current costs. Details of actual calculation of net allowable cost increases are provided in the instructions which accompany forms issued pursuant to Subpart H.

The base cost period for an item is the last fiscal quarter which ended before January 11, 1973. The base cost of direct materials and labor is the rate at which those costs were incurred on the last full day of business in the base cost period. The base cost-rule for all other costs is the same except that if the base cost cannot reasonably be determined by reference to the rate at which other costs were incurred on the last full day of business in the base cost period, the firm may use the average cost incurred throughout the base cost period with respect to those costs.

The current cost period is the current fiscal quarter for which a quarterly report or record is required to be filed pursuant to Subpart H. However, because prenotification firms must cost-justify price increases whenever they wish to increase prices, the current cost period for prenotification firms is any representative period prior to the date of the prenotification document in which the normal, recurring costs of the firm were incurred.

With respect to costs of direct materials and labor, the current cost is the rate at which those costs were incurred

on the last day of the current cost period. With respect to all other costs, the rule is the same except that if current costs cannot be determined by application of that rule the firm may use the average costs incurred throughout the current cost period with respect to those costs.

The base cost period for new items is the fiscal quarter in which the new item concerned was first sold or leased in a transaction with the class of customer concerned.

#### SUBPART H—PRENOTIFICATION AND RECORDKEEPING

Subpart H imposes prenotification and recordkeeping requirements on firms.

##### PRENOTIFICATION

Sections 150.151-150.156 set forth the prenotification rules. The general prenotification rule, § 150.151(a), requires that a price category I firm not increase a price above base price with respect to products or services it sells as a manufacturer or service organization until the firm has filed a notice of the proposed price increase with the Council and 30 days have elapsed since the filing of the notice. The pricing rules require that a firm decrease prices which have been increased above base price if the costs upon which the increased price was based later decrease.

The prenotification requirements do not apply to price increases for exempt items, price increases that reflect solely an increase in excise taxes or duties on imports and certain price increases by non-profit organizations. Prices in contracts with the Federal government need not be prenotified. Moreover, a firm may continue to charge a price lawfully charged on August 12, 1973, without prenotifying that price to the Council.

The notice of the proposed price increase must be filed in the form and manner prescribed by the Council, and will be considered to be filed on the date when it is accepted by the Council. The Council will notify the firm in writing of the date of acceptance. The 30-day prenotification period begins with the date when the notice is accepted.

Section 150.154 provides that during the 30-day prenotification period, the Council may issue an order disapproving or modifying a proposed price increase which does not conform to the rules of this part. It may temporarily suspend the running of the 30-day prenotification period of a proposed price increase if it finds additional information is necessary, or that the notice was improperly filed. The Council may defer a price increase in whole or in part if it finds that the price increase is of such magnitude and would have such an impact upon the economy as to be unreasonably inconsistent with the goals of the Economic Stabilization Program.

Any firm whose proposed price increase has been modified, suspended, disapproved or deferred by an order of the Council, may seek reconsideration of the order pursuant to the provisions of Part 105 of this title.

If the Council does not modify, suspend, disapprove or defer the price in-

crease, the firm may, immediately upon expiration of the 30-day prenotification period, implement the proposed price increase. However, if after implementation of the price increase the Council finds that the price increase is inconsistent with the rules of this part, or unreasonably inconsistent with the goals of the Economic Stabilization Program, it may issue an order modifying, deferring, suspending or disapproving the price increase.

A firm may request from the Council a volatile pricing authorization pursuant to § 150.156. Once a firm receives such an authorization, the firm no longer has to prenotify those increases in the price for an item which are based solely upon the increased cost of raw materials or partially processed materials used in the item.

It also provides that a firm which is pricing pursuant to a volatile pricing authorization of the Price Commission may price pursuant to that authorization until it applies for and receives authorization from the Council. However, a firm may not continue to use a volatile pricing authorization of the Price Commission after September 12, 1973.

##### QUARTERLY AND ANNUAL REPORTS

All price category I and II firms must submit quarterly reports to the Council containing information on prices, costs, and profits in accordance with regulations issued by the Council. The report for the firm's fourth fiscal quarter shall contain information for the entire fiscal year.

Price category III firms must file an annual report with the Council with information on prices, costs and profits.

A firm which fails to file a required report or document is subject to the provisions of § 150.164. Specifically, (1) it may not implement any further price increases until it has complied with the reporting requirements and has obtained special approval of the Council, (2) action is suspended on any exception request filed by the firm, and, (3) the Council may, when appropriate, order the firm to reduce any of its prices.

Section 150.165 requires each firm to keep records (for four years) which are sufficient to demonstrate that the firm is in compliance with the provisions of this part. These records are subject to inspection by an officer or employee of the Internal Revenue Service or the Council.

##### SUBPART I—ACCOUNTING AND FINANCIAL REPORTING REQUIREMENTS

Subpart I provides information on accounting and financial reporting requirements. These requirements are the same as those found in the Phase II regulations.

When an acquisition or divestiture occurs, accounting information may be restated only in accordance with generally accepted accounting principles consistently applied. This rule requires restatement of prior-year financial statements in the event of acquisition or divestiture accounted for on a pooling of interest basis. Restatement is generally not appropriate when an acquisition or divesti-

ture is accounted for under the purchase method of accounting.

Subpart I also requires firms which are subject to section 13 or 15(d) of the Securities and Exchange Act or which prepare audited annual financial statements to include with each report filed with the Council a report of an independent public accountant.

##### SUBPART J—SPECIAL RULES

Subpart J sets forth special pricing rules for low profit firms, for firms which sell items subject to seasonal pricing patterns, and for certain marketing and purchasing cooperatives. The low profit rule for wholesalers, retailers, and manufacturers is set forth in § 150.201. That for service organizations is set forth in § 150.202. The rules differ from the Phase II rules in several particulars. Every firm must file certain financial data with the Council for each fiscal year in which it chooses to use the rule. The firm may price under the low profit rule starting 31 days after it has filed this information with the Council, unless the Council during this time suspends or disapproves of the firm's proposed action, or requests additional information. The Council may disapprove use of the low profit rule by a manufacturer, wholesaler, or retailer whose profit margin is at or above the average profit margin of other firms engaged in the same industry. Within 45 days of the close of a fiscal quarter in which a low profit firm which has priced pursuant to the low profit rule achieves its base period profit margin, as computed pursuant to the low profit rule, the firm's use of the low profit rule is terminated, except as to the profit margin acquired by use of the rule.

The seasonal patterns pricing rule, which allows a firm to adjust prices which normally fluctuate in distinct seasonal patterns without regard to allowable cost increases, is adopted substantially from Part 140, the freeze regulations. The special price rules applicable to marketing cooperatives and market risk sharing plans and to purchasing cooperatives during Phase II are continued in §§ 150.203 and 150.204 respectively.

##### SUBPART K—RETAILERS AND WHOLESALERS

The purpose of Subpart K is to set forth rules applicable to all firms that engage in retail or wholesale operations except those dealing in petroleum products. Retail and wholesale firms will be required to classify the items they sell by categories. Price Category I and II firms would be required to submit their merchandise pricing plan (i.e., a list of categories together with certain information concerning the firm's pricing practices) to the Cost of Living Council. Small firms will prepare their plan and retain it at their main office. Once a firm submits, or in the case of a firm under \$50 million finishes preparing its plan, the firm comes out from under the current price freeze and is subject to the rules set forth in § 150.304(b). Under these rules, a firm will be subject to gross margin tests on a quarterly and annual basis on a category-by-category basis

and to a firm-wide annual profit margin test.

Within 60 days after receiving them, the Cost of Living Council will review the merchandise pricing plans submitted by the Price Category I and II firms.

The Council will either approve the firm's pricing scheme or, if it found that a firm's list of categories or supporting information was inadequate or that they did not comply with the requirements of the Subpart, the Council will so notify the firm and require it to correct deficiencies. The Council would retain authority to order price rollbacks of increases that may have been improperly instituted by the firm.

Once its plan is approved, a Price Category I or II firm will be routinely monitored by the Council on the basis of quarterly reports submitted by the firm, supplemented by IRS audits. The quarterly reports will show the firm's gross margins for each of its merchandise categories as compared to the gross margins for that category for the firm's base year and for the corresponding fiscal quarter during the base year. Each category gross margin will have to be no greater than the higher of those two base gross margins. A firm's report for its fourth fiscal quarter will also serve as its annual report and will be the basis for determining its compliance with the annual gross margin and profit margin limitations set forth in § 150.304(b) (2) and (3).

Smaller firms will be expected to monitor themselves, subject to audit by the Council or the Internal Revenue Service. They will also be required to submit annual reports similar to the larger firm's quarterly reports.

Under proposed § 150.311, any firm will be allowed once during its fiscal year to carry any category gross margin overage into the succeeding quarter for purposes of offsetting it. To the extent the firm can then offset the overage, it would be excused. In the case of a fourth quarter overage, the overage would be excused if, for the year, the gross margin for the category is within the base annual gross margin for that category.

#### SUBPART L—PETROLEUM AND PETROLEUM PRODUCTS

**Coverage.** Subpart L sets forth the proposed Phase IV petroleum regulations which apply to all sales and purchases of crude petroleum (Standard Industrial Classification Code 1311, excluding natural gas), natural gas liquids (Standard Industrial Classification Code 1321), and refined petroleum products (Standard Industrial Classification Code 2911), and to leases of gasoline stations by manufacturers or resellers of retail gasoline to gasoline retailers. The Small Business exemption § 150.60 is amended to provide that no firm which produces, manufactures or sells covered products will qualify for the Small Business exemption.

**Retail Sales—Gasoline, Heating Oil and Diesel Fuel.** Any person who sells gasoline, No. 2 diesel fuel or No. 2 heating oil to an ultimate consumer may not charge a price above the ceiling price as

set forth in § 150.353. The ceiling price is computed as the seller's actual cost of the product on August 12, 1973 (the proposed effective date of this regulation) plus the actual dollar-and-cent markup applied to a retail sale of the same product on January 10, 1973. In cases where the seller has customary price differentials at a single location, based upon such things as volume or cash discounts, there are separate ceiling prices.

Retailers of gasoline and diesel fuel are required to post on each retail pump, the ceiling price and, for gasoline, the octane rating.

The Council, with the cooperation of the Internal Revenue Service, will monitor ceiling prices on a continual basis, and make periodic upward adjustments in the ceiling where necessary to reflect higher costs.

**Domestic Crude Petroleum.** Section 150.354 places a ceiling on the first sale by a producer of domestic crude petroleum and the first sale by a royalty owner of domestic crude petroleum accepted as a royalty payment. The ceiling price is the price posted on May 15, 1973 for each grade of petroleum from each particular field. Ceiling prices will be monitored by the Council with the cooperation of the Internal Revenue Service and the ceiling will be reviewed quarterly by the Council to determine whether it should be adjusted.

The Council recognizes a need to stimulate increased production and is proposing a system which allows increased production (new crude petroleum) from each producing property and an equal amount of the current production (old crude petroleum) to be sold without respect to the ceiling price rule. Adoption of this incentive plan creates a two-tier pricing system for crude oil, which requires posting of two sets of prices, one for "old oil" and one for "new oil". Postings for "old oil" can be no higher than the ceiling price and postings for "new oil" is at the buyer's discretion.

A crude oil producer is required to prorate among all his "old oil" buyers the amount of "old oil" freed from ceiling limitations by the production of a like amount of "new oil".

During the period for public comment on these prepared regulations the Cost of Living Council will undertake an analysis and obtain statistical information concerning the structure and level of domestic crude oil prices on May 15 and the pattern of the movement of those prices from that date until the date of the freeze on June 13, 1973.

**Resellers.** The price at which a wholesaler or retailer can resell a product he purchased and resells without substantial change in form is determined pursuant to § 150.355. The price is computed as the reseller's variable cost of the product plus his actual markup applied to that product at that business location on January 10, 1973. Resellers can import crude oil and/or product for resale and also can commingle imported product or crude oil with the same product or crude oil purchased domestically. A reseller is also permitted to commingle like product or crude oil purchased for resale from

various sources (foreign and domestic) at the same and at different times. The resale price of commingled product or crude oil is the weighted average cost of the components plus the reseller's actual dollar-and-cent markup. A manufacturer which elects to act in a reseller capacity can: (1) Physically commingle imported or domestic product purchased for resale under the resellers rule with product it has manufactured domestically, to facilitate transportation and distribution of the purchased product to be resold under the resellers rule; and (2) physically commingle imported or domestic crude oil purchased for resale under the resellers rule with crude oil it has produced or purchased for refining, to facilitate transportation and distribution of the purchased crude oil to be resold under the resellers rule. This rule does not apply to any retail sales of gasoline, heating oil or diesel fuel. Resellers remain subject to the profit margin test.

**Manufacturers.** Pursuant to the provisions of § 150.35, a manufacturer cannot charge a price which exceeds its May 15, 1973 price based upon customary price differentials, unless: (1) The increase reflected, on a dollar-for-dollar basis, increased costs since May 15, 1973, of imported crude petroleum and petroleum products; or (2) the increase reflected, on a dollar-for-dollar basis, the increased cost of domestic crude petroleum over the ceiling price; or (3) the increase is prenotified to the Cost of Living Council. A manufacturer which imports product and commingles it with the same product it has manufactured domestically can pass on any increase in cost after May 15, 1973, that imported product on a dollar-for-dollar basis as a price increased over the base price for that product. Equal dollar exchanges of crude for crude are also permitted. Manufacturers remain subject to the profit margin test.

**Leases.** Section 150.357 provides that a gasoline manufacturer which leases real property to a gasoline retailer for use in retailing gasoline cannot increase the rent for that real property in excess of the rent charged for the month of May 1973. In addition, the lessor cannot increase the retailer's obligation to sell petroleum products to a level above that which prevailed for that retailer in the month of May 1973, or impose any operating requirements which are inconsistent with the Economic Stabilization Program, such as increase the retailer's hours of operation.

**General requirements.** Section 150.361 requires each seller of crude, petroleum products and natural gas liquids to maintain records of base and ceiling prices and make the information available for a customer upon request. Moreover, each seller has to certify in each bill of sale of such products that the price is no higher than authorized under Economic Stabilization Program rules.

**Producers.** The reporting and record-keeping requirements are set forth in § 150.362. Each producer of domestic crude petroleum which derives \$50 million or more in annual sales or revenues

from sales of covered products is required to prepare and file with the Cost of Living Council, quarterly reports on prices, costs, profits, and production levels.

Each producer which sells "new crude petroleum" without respect to the ceiling prices must report base period production levels (for the year) and corresponding ceiling prices on an initial report and report, on subsequent monthly reports, the quantity and price of "new crude petroleum" and "released old crude petroleum" sold at prices above ceiling prices.

**Manufacturers.** Each manufacturer of covered products and each retailer or reseller which derives \$50 million or more in annual sales or revenues from the retelling or reselling of covered products must prepare and file with the Cost of Living Council, monthly and quarterly reports on price movements, costs and other related information.

**Recordkeepers.** Each retailer or reseller of covered products which derives less than \$50 million but more than \$1 million in annual sales or revenues from the retelling or reselling of those products must prepare and maintain at its principal place of business, monthly and quarterly reports on price movements, costs and other related information.

#### SUBPART M—INSURANCE

The purpose of Subpart M is to set forth rules applicable to rate increases by insurers. In general, it will provide that insurers may charge a price for insurance, in excess of the price in effect on August 12, 1973, only in accordance with rate-making practices, rating plans, or formulas developed under the rules set forth in proposed § 150.403.

Each health insurer that had \$50 million or more of earned premiums and each property-liability insurer that had \$150 million or more of earned premiums during the calendar year preceding the effective date of any rate increase it is proposing is designated as a "prenotifier" and must notify the Cost of Living Council and the State regulatory agency at least 30 days before any proposed increase of 5 percent or greater which affects \$1 million or more in aggregate annualized premiums under the existing rate, and would be required to certify that the proposed increase conforms to the requirements of the subpart. Such a proposed increase would be reviewed by the appropriate State regulatory agency (acting under agreement with the Cost of Living Council) and acted upon, within 20 days, by certification that the increase does or does not comply with the subpart. The certification will be prima facie evidence of that compliance or non-compliance. The Cost of Living Council could delay the effective date, request further information, suspend all or part of the increase, or limit, refuse, rescind, reduce, or modify the increase. If the Council does not act within 30 days after the date of the filing, the increase could go into effect without its approval.

Each health insurer with \$25 million or more earned premiums and each property-liability insurer with \$50 million or more earned premiums during the calendar year preceding any rate increase proposed by it will be required to file quarterly reports with the Cost of Living Council.

The Cost of Living Council would designate the United States Civil Service Commission as the certifying agency for contracts under the Federal Employees Health Benefits Law.

#### SUBPART N—CONSTRUCTION

[Issued July 19, 1973, 88 FR 19468].

#### SUBPART O—[RESERVED FOR PROVIDERS OF HEALTH SERVICES]

#### SUBPART P—MASS TRANSPORTATION SYSTEMS

The purpose of Subpart P is to require public benefit corporations charged by law or contract with the responsibility of operating a mass transportation facility (the fares of which are not otherwise regulated), to prenotify according to the procedures established in Subpart H for price category I firms. This provision reflects the requirements of section 215 of the Economic Stabilization Act Amendments of 1970, as added by the Economic Stabilization Act Amendments of 1971 (Public Law 92-210).

**Pay amendment to Part 130.** A new § 130.26 is being added to Part 130 in Subpart B. The new regulation establishes a procedure pursuant to which the Council may require that a proposed or scheduled pay adjustment shall not be put into effect until 30 days after prenotification of such pay adjustment has been received by the Council.

Paragraph (b) provides that prenotification under the regulation may be required under certain specified conditions. Paragraph (c) provides that such prenotification must encompass all pay adjustments for the applicable control year. Paragraph (d) establishes a requirement that the employer serve a copy of such prenotification on the collective bargaining agent, if any, for the affected employee unit. Paragraph (e) establishes the address to which such prenotification must be addressed.

Paragraph (f) of the new regulation provides that prenotification submitted under the regulation shall be made using the Form PB-3, which was originally issued by the Pay Board and which has been retained for use by the Council. In addition, paragraph (f) lists certain supplemental information which must also be submitted. This supplemental information will be used by the Council to better understand and evaluate wage, salary and benefit adjustments as reported on the Form PB-3.

A new paragraph (d) is being added to § 130.34 to exempt, from the scope of the rules respecting wage stabilization, pay adjustments affecting employees of establishments in the lumber industry, as defined by reference to Standard Industrial Classification (SIC) Codes. This action is taken in order to be consistent with action the Council proposes to take

in Subpart D of Part 150, respecting price adjustments in the lumber industry.

In consideration of the foregoing it is proposed to amend Title 6, Code of Federal Regulations as set forth below.

(Economic Stabilization Act of 1970, as amended, Pub. L. 92-210, 85 Stat. 743; Pub. L. 93-28, 87 Stat. 27; E.O. 11723, 38 FR 15765; Cost of Living Council Order No. 30, 38 FR 16267)

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

WILLIAM N. WALKER,  
Acting Deputy Director,  
Cost of Living Council.

1. Amend Part 150 by adding Subparts A through N and P to read as follows:

### PART 150—COST OF LIVING COUNCIL PHASE IV REGULATIONS

#### Subpart A—General

Sec. 150.1	Scope.
151.2	Procedures and remedies applicable to certain Phase II and Phase III matters.
<b>Subpart B—Definitions</b>	
150.21	Definitions.
<b>Subpart C—Classifications</b>	
150.31	Price Category I Firms.
150.32	Price Category II Firms.
150.33	Price Category III Firms.
<b>Subpart D—Exemptions—Items Not Included in Coverage</b>	
150.51	General.
150.52	Agricultural products, seafood products, and raw sugar price adjustments.
150.53	Real estate and insurance premiums.
150.54	Certain price adjustments.
150.55	Miscellaneous.
150.56	Public utilities.
150.60	Small businesses: exemption of firms with 60 or fewer employees.
<b>Subpart E—General Price Rules</b>	
150.71	General rules.
150.76	Price rules for manufacturing and service activities.
150.92	Contracts entered into before August 13, 1973.
150.96	Productivity gains.
<b>Subpart F—Base Prices and Other Authorized Prices</b>	
150.101	Scope.
150.102	Sales and leases of products and services.
150.103	Sales and leases of new property and new services.
150.104	Custom products and custom services.
<b>Subpart G—Base Cost and Current Cost</b>	
150.131	Scope.
150.132	General rule.
150.133	Base cost.
150.134	Current cost.
150.135	Special rules for new items.
<b>Subpart H—Prenotification and Reporting</b>	
Sec. 150.151	Prenotification.
150.152	Manner of prenotification.
150.153	Measure of the prenotification period.
150.154	Council action.
150.155	Implementation of price increases.
150.156	Volatility.
150.157	Previous volatility authorizations.
150.161	Quarterly reports.
150.162	Annual reports.
150.163	Additional reports and information.

Sec.  
150.164 Effect of failure to file or maintain reports or other documents required by or under certain sections of this part.  
150.165 Records.

**Subpart I—Accounting and Financial Reporting Requirements**

150.171 Accounting for business combinations.  
150.172 Procedures required with respect to certain financial information.

**Subpart J—Special Rules**

150.201 Low profit firms: manufacturers, wholesalers, and retailers.  
150.202 Low profit firms: certain service organizations.  
150.203 Seasonal patterns.  
150.204 Marketing cooperatives and market risk-sharing transactions.  
150.205 Purchasing cooperatives.  
150.206 Stabilization of particular industries and sectors.

**Subpart K—Retailers and Wholesalers**

150.301 Purpose and scope.  
150.302 Effective date of applicability to food retailers and wholesalers.  
150.303 Definitions.  
150.304 General pricing rules.  
150.305 Establishment of merchandise categories.  
150.306 Merchandise pricing plans; retailers and wholesalers with annual revenues of \$50 million or more.  
150.307 Incomplete and nonconforming plans.  
150.308 Approved plans.  
150.309 Merchandise pricing plans; retailers and wholesalers with annual revenues of less than \$50 million.  
150.310 Reporting.  
150.311 Repurification of a quarterly violation.

Appendix A Merchandise Categories Applicable to Retailers and Wholesalers

**Subpart L—Petroleum and Petroleum Products**

150.351 Purpose and scope.  
150.352 Definitions.  
150.353 Ceiling price rule: Retail sales.  
150.354 Ceiling price rule: Crude petroleum.  
150.355 Price rule: Resellers.  
150.356 Price rule: Manufacturers.  
150.357 Price rule: Leases.  
150.358 Ceiling price determination.  
150.359 Base price determination.  
150.360 Base price—new product.  
150.361 Price information and certification.  
150.362 Reports and recordkeeping.

**Subpart M—Insurance**

150.401 Applicability.  
150.402 Definitions.  
150.403 Criteria.  
150.404 Change in rate making formula.  
150.405 Prenotification.  
150.406 Certification by state regulatory agency.  
150.407 Self-certification.  
150.408 Cost of living council actions.  
150.409 Rates for replacement or revised insurance coverages.  
150.410 Insurance rates subject to state laws.  
150.411 Investigation and review of rates.  
150.412 Reporting.  
150.413 Federal Employees Health Benefits Law.  
150.414 Data requirements.  
150.415 Monitoring by health insurers.

**Subpart N—Construction**

**Subpart O—Health Reserved**

**Subpart P—Mass Transportation Systems**

150.551 Purpose and scope.  
150.552 Definition.  
150.553 General rule.

**Subpart A—General**

**§ 150.1 Scope.**

(a) Except as provided in paragraph (b) of this section and in § 150.2, this part supersedes Parts 130 and 140 of this chapter.

(b) Part 130 of this chapter remains effective with respect to wages and salaries, with respect to sales of food subject to Subpart F of that part, with respect to sales of meat subject to Subpart M of that part, and with respect to providers of health services subject to Subpart G of that part. Part 140 of this chapter remains effective with respect to sales of food.

(c) *Reports due under prior rules.*—Any report required to be filed with the Council under the provisions of Part 130 of this chapter or any rule, order or regulation of the Council in effect on August 12, 1973, for any reporting period which ended on or before that date and which was not filed by that date, shall be filed with the Council in the form and within the time in which it would have been filed pursuant to the provisions of Part 130 of this chapter.

(d) Price renegotiation provisions in contracts, which depend for their operation upon the modification or termination of the Economic Stabilization Program, were previously declared to be inoperative as unreasonably inconsistent with the goals of the Economic Stabilization Program. Such renegotiation provisions continue to be inoperative on the same ground. This part shall not operate to permit:

(1) A retroactive increase in prices for goods or services sold or leased while those prices were subject to past or present provisions of this title, or

(2) A prospective increase in prices under the terms of a contract subject to a decision and order issued at any time pursuant to this title, except to the extent consistent with such decision and order.

(e) This part does not apply to economic transactions which are not prices within the meaning of the Act. Examples of transactions not within the meaning of the Act are:

(1) State or local income, sales and real estate taxes;

(2) Workmen's compensation payments;

(3) Welfare payments;

(4) Child support payments; and

(5) Alimony payments.

(f) The Council may permit any exceptions, exemptions or reclassifications that it considers appropriate with respect to the requirements prescribed in this part. Requests for exceptions or exemptions from the requirements of this part shall be submitted in accordance with the provisions of Part 105 of this chapter.

(g) This part applies to:

(1) Economic units and transactions in the several States and the District of Columbia; and

(2) Sales of goods and services by firms in the several States and the District of Columbia to firms in the Commonwealth of Puerto Rico.

**§ 150.2 Procedures and remedies applicable to certain Phase II and Phase III matters.**

(a) Paragraphs (a) and (b) of § 130.7 of this chapter remain effective with respect to Phase II matters.

(b) The procedures and remedies specified in Subparts E through H of Part 140 of this chapter remain in effect with respect to all matters which were subject to that part before August 13, 1973.

**Subpart B—Definitions**

**§ 150.21 Definitions.**

"Act" means the Economic Stabilization Act of 1970, as amended.

"Allowable cost" means any cost direct or indirect, unless disallowed by the Cost of Living Council.

"Annual sales or revenues" means the total gross receipts of a firm during its most recently completed fiscal year, from whatever source derived, except that it does not include gross receipts of or from a foreign branch or division of such a firm, or the gross receipts of or from a wholly or partially owned foreign entity such as a corporation, partnership, joint venture, association, trust, or subsidiary, if the gross receipts of such foreign entity, branch, or division are derived primarily from transactions with other foreign firms. A foreign entity, branch, or division is one located outside the several States and the District of Columbia. However, gross receipts of domestic entities from U.S. export sales and from sales to firms in the Commonwealth of Puerto Rico are included in the determination of annual sales or revenue.

"Base period" means any two, at the option of the person concerned, of the following fiscal years: That person's last three fiscal years ending before August 15, 1971; and any fiscal year, completed on or after that date except: A fiscal year for which compliance is being measured, and a fiscal year in which the firm exceeded its base period profit margin. In determining a base period for the purpose of computing a profit margin during a base period, a weighted average of its profits during the two years chosen shall be used.

"Base cost" means the base cost as determined pursuant to Subpart G of this part.

"Base cost period" means the base cost period as determined pursuant to Subpart G of this part.

"Base price" means the base price as determined pursuant to Subpart F of this part.

"Base price period" means the base period as determined pursuant to Subpart F of this part.

"Class of purchasers" means purchasers or lessees to whom a person has charged a comparable price for comparable property or service during the base price period pursuant to customary price differentials between those purchasers or lessees and other purchasers or lessees.

"Controlled group" means a controlled group of corporations, as defined in section 1563(a) of Title 26, United States Code.

"Council" means the Chairman of the Cost of Living Council established by

Executive Order 11615 (3 CFR 1971 Comp., p. 199) and continued under the provisions of Executive Order 11695, or his delegate.

"Current cost" means the current cost as determined pursuant to Subpart G of this part.

"Current cost period" means the current cost period determined pursuant to Subpart G of this part.

"Customary price differential" includes a price distinction based on a discount, allowance, add-on, premium, and an extra based on a difference in volume, grade, quality, or location or type of purchaser, or a term or condition of sale or delivery.

"Firm" means any individual, company, corporation, association, estate, partnership, trust, joint-venture, or sole proprietorship or any other entity however organized including charitable, educational, or other eleemosynary institutions, and the Federal government including Federal agencies, departments, corporations and other instrumentalities, and State and local governments. For purposes of this definition, a firm includes any entity listed in the preceding sentence that is part of or is directly or indirectly controlled by the firm. A person will be deemed to control any firm which is controlled directly or indirectly by such person, his spouse, children, grandchildren, or parents. An entity directly or indirectly controlled by any other entity listed in the first sentence of this definition is not a firm. Whenever the Council considers it appropriate, it may treat as a firm any, part, or all of the entities which comprise the firm.

"Fiscal quarter" means the fiscal quarter of the firm to whom a regulation containing the term applies.

"Fiscal year" means the fiscal year of the firm to which a regulation containing the term applies. It is a consecutive 12-month period constituting a taxable year.

"Item" means a product or service unit offered for sale to a class of purchaser.

"Lease" means a contract whereby a person having a legal estate in any personal property conveys a part of his interest to another person in consideration of rent or other compensation, but does not include a license.

"Manufacturer" means that part of a firm engaged in the trade or business of making, fabricating, or assembling a product or commodity by manual labor or machinery for sale and also includes the mining of natural deposits, the production or refining of oil from wells, and the refining of ores.

"Mass transportation system" means a public benefit corporation, with annual sales or revenues in excess of \$10 million, which is charged by law or contract with the responsibility of operating a mass transportation facility or facilities which:

(a) Serves a Standard Metropolitan Statistical Area (SMSA); and

(b) Constitutes the sole or a principal means of public transportation for that area.

A facility or facilities includes a rapid rail transit, subway, elevated, bus system

but does not include school buses or other conveyances used primarily for sight-seeing or chartered for private use.

"Nonprofit organization" or one which is "not operated for profit" is a firm which is defined as a nonprofit organization in section 501(c) and is exempt under section 501(a) of the Internal Revenue Code of 1954, amended.

"Pooling of interests" means a combination of two or more corporations which meets the conditions set forth in Opinion No. 16 of the Accounting Principles Board of the American Institute of Certified Public Accountants (effective date October 31, 1970), 666 Fifth Avenue, New York, N.Y. 10019.

"Prenotification" means notice submitted to the Cost of Living Council pursuant to the provisions of Subpart H of this part.

"Price" means any compensation for the sale or lease of any property or services, and includes rent, commissions, dues, fees, margins, rates, charges, tariffs, fares, or premiums, regardless of form.

"Price increase" means an increase in the unit price of a product or service or a decrease in the quality of substantially the same product or service.

"Product" means an item of personal property offered for sale to another person.

"Product line" means an aggregation of products of the same manufacturer or different manufacturers, substantially similar as to intended function, usage, and structure, which are offered for sale simultaneously, or within the same commercial season by a firm.

"Profit margin" means the ratio that operating income (net sales less cost of sales and less normal and generally recurring costs of business operations, determined before non-operating items, extraordinary items, and income taxes) bears to net sales as reported on the firm's financial statement prepared in accordance with generally accepted accounting principles consistently applied.

"Public utility" means a firm that regularly furnishes the public or a recognized segment of the public with a commodity or service which is of public consequence and need whether or not that firm is under the jurisdiction of a regulatory agency, including gas, electric, telephone, telegraph, public transportation by vehicle or pipeline, water, and sewage disposal services.

"Real estate with improvements" means land upon which there is a structure, dwelling, or other building. It does not mean land on which roads, water, sewer, or drainage facilities have been constructed.

"Regulatory agency" means any commission, board, or other legal body existing under law which has jurisdiction to regulate prices and services offered by a public utility.

"Rent" means any price for the use of personal property of any description, including any charge no matter how identified in a lease or other agreement, for the use of any property or for any service in connection with the use of leased property.

"Retailer" means that part of a firm engaged in the trade or business of purchasing property and, without substantially changing the form of that property, reselling it to ultimate consumers.

"Retail firm" means a firm whose annual sales or revenues are primarily from the sale of goods to ultimate consumers.

"Sale" includes exchange, transfer, or other disposition in return for valuable consideration.

"Security" means any note, stock, treasury stock, bond, debenture, evidence of indebtedness, certificate of interest or participation in any profit-sharing agreement, collateral-trust certificate, preorganization certificate or subscription, transferable share, investment contract, voting-trust certificate, certificate of deposit for a security, fractional undivided interest in oil, gas, or other mineral rights or any financial or net leases as defined in section 163(d)(4)(a) of the Internal Revenue Code of 1954, amended, or, in general, any interest or instrument commonly known as a "security", or any certificate of interest or participation in temporary or interim certificate for, receipt for, guarantee of, or warrant or right to subscribe to or purchase, any of the foregoing.

"Service" includes any service performed by a firm for a person, other than in an employment relationship, and also includes professional services of any kind and services performed by membership organizations for which dues are charged, and the leasing or licensing of property to another person.

"Service line" means an aggregation of service, of the same service organization or different service organization, substantially similar as to intended function, usage, application, and result, which are offered for sale simultaneously, or within the same commercial season, by a firm.

"Service organization" means that part of a firm engaged in the trade or business of selling or making available services, including professional service organizations, nonprofit organizations, governments, and government agencies or instrumentalities which carry on those activities.

"Spin-off" means the distribution of the controlling stock in a corporation, by another corporation which owned such stock immediately before that distribution, to the shareholders of the distributing corporation without the surrender by those shareholders of stock or securities in the distributor.

"Split-off" means the distribution of the controlling stock in a corporation, by another corporation which owned such stock immediately before that distribution, to the shareholders of the distributing corporation with the surrender by those shareholders of stock or securities in the distributor.

"State and local governments" means the several States and the District of Columbia, a municipality or other political subdivision, authority, commission, board, district, public corporation or other agency or instrumentality of the several States and the District of Columbia and any board, commission,

agency, or other instrumentality of a local government.

"Transaction" means an arms-length sale or lease between unrelated persons and is considered to occur at the time and place a binding contract is entered into between the parties.

"United States" means the several States and the District of Columbia.

"Unrelated person" means a person other than a person described in section 267(b) of Title 26, United States Code.

"Wholesaler" means that part of a firm engaged in the trade or business of purchasing property and, without substantially changing the form of that property, reselling it to retailers for resale or to industrial, commercial, institutional, or professional business users.

**Subpart C—Classifications**

**§ 150.31 Price Category I firms.**

(a) A price category I firm is a firm with annual sales or revenues of \$100 million or more.

**§ 150.32 Price category II firms.**

(a) A price category II firm is a firm with annual sales or revenues of at least \$50 million but less than \$100 million.

**§ 150.33 Price Category III firms.**

(a) A price category III firm is a firm with annual sales or revenue of less than \$50 million.

**Subpart D—Exemptions**

**§ 150.51 General.**

(a) Price adjustments with regard to the items and sales described in §§ 150.52 through 150.56 are exempt from the price adjustment requirements prescribed in this part. However, revenues received from the sale of exempt items or from exempt sales are included in a firm's annual sales or revenues, as defined in § 150.21, for all purposes including determinations of price category classification and profit margins.

(b) Small business firms which meet the qualifications prescribed in § 150.60 are exempt from and not included in the coverage of this part.

**§ 150.52 Agricultural products, seafood products, and raw sugar price adjustments.**

(a) *General.* Subject to paragraph (b) of this section, the sale of agricultural products which retain their original physical form and have not been processed is exempt. Processed agricultural products are products which have been canned, frozen, slaughtered, milled, or otherwise changed in their physical form. Packaging is not considered a processing activity. Examples:

<i>Exempt</i>	<i>Nonexempt</i>
Live cattle, calves, hogs, sheep, and lambs.	Carcasses and meat cuts.
Live poultry	
Sheared or pulled wool.	Wool products.
	Processed and blended honeybutter product.
Mohair	

<i>Exempt</i>	<i>Nonexempt</i>
Hay: Bulk, pelleted, cubed, or baled.	Dehydrated alfalfa meal or alfalfa meal pellets.
Wheat	Flour.
Sugar beets and sugar cane.	Refined sugar.
Maple sap	
All seeds for planting.	Seeds processed for other uses.
Raw coffee bean.	Roasted coffee bean.
	Canned and frozen vegetables.
	Dill pickles.
	Packaged slaw.
	Popped popcorn.
Feed grains including:	
	Mixed feed.
	Cracked corn.
Corn	
Sorghum	
Barley	Rolled barley.
Oats	Rolled oats.
Raw milk	Pasteurized milk and processed products, such as butter, cheese, ice cream.
	Frozen, dried, or liquid eggs.
Soybean	Soybean meal and oil.
Leaf tobacco	Cigarettes and cigars.

Shell eggs, packaged or loose.  
Raw honeycomb honey.  
Fresh potatoes, packaged or not.  
All raw nuts—shelled and unshelled.  
Fresh mushrooms.  
Fresh mint.  
Dried beans, peas, and lentils.  
Unpopped popcorn.

All fresh vegetables and melons including:  
Tomatoes.  
Lettuce.  
Sweet corn.  
Onions.  
Green beans.  
Cantaloupe.  
Cucumbers.  
Cabbage.  
Carrots.  
Watermelons.  
Green peas.  
Asparagus.  
Pepper.  
Broccoli.  
Cauliflower.  
Spinach.  
Green lima beans.  
Honeydews.  
Escarole.  
Garlic.  
Artichokes.  
Eggplant.  
Brussels sprouts.  
Beets.

<i>Exempt</i>	<i>Nonexempt</i>
Baled cotton, cotton seed, cotton lint.	Cotton yarn, cottonseed oil, cottonseed meal.
	Frozen french fries, dehydrated potatoes.
Unmilled rice	Milled rice.
	Roasted, salted, or otherwise processed nuts.
	Canned or freeze dried mushrooms.
Fresh hops	
Stumpage or trees cut from the stump.	Milled lumber.
	Canned fruit or juices.
	Glazed citrus peel.
	Canned grapes, wine, Applesauce.
	Canned prunes and prune juice.
	Canned olives.
Garden plants	Floral wreaths.

(b) *Exempt first sales.* (1) Only the first sale by the producer or grower of those agricultural products which are of a type sold for ultimate consumption in their original physical form is exempt. Examples of these products are:

All fresh or naturally dried fruits, packaged or not, including:  
Fresh oranges.  
Grapes and raisins.  
Apples.  
Peaches.  
Strawberries.  
Grapefruit.  
Pears.  
Lemons.  
Plums and prunes.  
Cherries.  
Cranberries.  
Avocados.  
Blueberries.  
Apricots.  
Tangerines.  
Olives, uncured.  
Nectarines.  
Raspberries.  
Blackberries.  
Figs.  
Tangelos.  
Limes.  
Dates.  
Papayas.  
Bananas.  
Pomegranates.  
Currants.  
Persimmons.  
Cut flowers.

(2) The first sale by (i) a producer of broilers or turkeys or (ii) a producer or fisherman of raw seafood products including those which have been shelled, shucked, iced, skinned, scaled, eviscerated, or decapitated is exempt.

(3) The first sale of the following items are exempt:

- (i) Mint oil,
- (ii) Maple syrup or sugar,
- (iii) Dehydrated fruits.

(c) *Raw sugar prices.* Raw sugar price adjustments which are controlled under the Sugar Act of 1948, as amended, are exempt.

**§ 150.53 Real estate and insurance premiums.**

(a) *Real estate.*—(1) *Sales.* The sales price of the following sales of real estate are exempt.

- (i) Unimproved real estate.
- (ii) Real estate with improvements completed prior to August 15, 1971.
- (iii) Real estate with improvements completed on or after August 15, 1971, if—

(A) The sales price is determined after the completion of construction; or

(B) The sales price is determined before the completion of construction and the wage rates estimated by the builder at the time the price is determined are not subsequently reduced by any action under the Economic Stabilization Program.

(2) *Rentals.* All rent charge for the rental of real property, except for rent charged by a gasoline manufacturer for the rental of a retail gasoline station to a retailer of gasoline, are exempt.

(b) *Insurance premiums.* (1) Premiums charged for the following lines of insurance purchased or renewed after November 13, 1971, are exempt.

- (i) Reinsurance of all kinds.
- (ii) Ocean marine insurance.
- (iii) Inland marine insurance on a bid basis applicable to facilities of transportation and communication.

(iv) Life insurance, annuities, and endowments (including individual and group contracts of: Ordinary and term life insurance, fixed and variable annuities, and endowments of all kinds); but excluding credit life insurance of any kind.

(v) Individually negotiated and rated insurance contracts written in excess of a self-insured retention of at least \$100,000.

(2) Premiums charged for the following sublines of aviation insurance purchased or renewed after September 1, 1972, are exempt:

- (i) Hull insurance.
- (ii) Liability insurance for bodily injury (excluding passenger hazard) caused by an aircraft.
- (iii) Liability insurance for property damage caused by an aircraft.

#### § 150.54 Certain price adjustments.

(a) *Federal and State and local governments.* (1) Prices charged for any work, service, publication, report, document, benefit, privilege, authority, use, franchise, license, permit, certificate, registration, or similar thing of value or utility, (other than postal rates) performed, furnished, provided, granted, prepared, issued, or transferred by any Federal department, agency, or other instrumentality including any wholly owned Government corporations as defined in the Government Corporation Control Act of 1945, as amended, but not including the U.S. Postal Service are exempt.

(2) Prices and fees charged by State and local governments for any work, service, publication, report, document, benefit, privilege, authority, use, franchise, license, permit, certificate, registration, facilities, materials, or similar thing of value or utility, performed, furnished, provided, granted, prepared, issued, or transferred including tuition and other charges for schools, colleges, and universities owned or operated by a State and local government, are exempt, except, however, that fees or charges for health services (but not health service fees levied on all students as a condition of enrollment are not exempt under the provisions of this section.

(b) *Tuition fees of private nonprofit educational organizations.* Tuition fees and other charges by private schools, colleges, and universities not operated for profit, are exempt, except that: (1) Fees and charges resulting in income which is subject to tax under Part III of Subchapter F of the Internal Revenue Code of 1954, as amended, as unrelated business taxable income and (2) medical fees and charges, other than a health service fee levied on all students as a condition of enrollment, are not exempt under the provisions of this section.

(c) *Custom products and services.* (1) The prices charged for the following products when custom made to individual order are exempt:

- (i) Leather goods.
  - (ii) Wigs and toupees.
  - (iii) Fur apparel.
  - (iv) Jewelry.
- (2) The prices charged for the following custom services when provided to individual order are exempt:
- (i) Tailoring of clothing.
  - (ii) Framing of pictures and mirrors.
  - (iii) Taxidermy.

(d) *Exports, imports, ocean shipping rates, and foreign air transportation.* (1) The prices charged for export sales including the sale of products to a domestic purchaser who certifies that the product is for export are exempt.

(2) The prices charged for imports, but only the first sale into U.S. commerce are exempt.

(3) The rates charged for international ocean shipping are exempt.

(4) All rates, fares, and charges for foreign air transportation (as defined by the Federal Aviation Act, 49 U.S.C. 1301 (21)) which are set forth in tariffs filed with the Civil Aeronautics Board or which are established or approved by the Civil Aeronautics Board are exempt.

(e) *Damaged and used products.* The prices charged for damaged and used products other than products which have been rebuilt, repackaged, baled, reassembled, or otherwise processed are exempt.

(f) *Government property.* (1) The prices charged for abandoned or confiscated property sold by any Federal agency or State and local government pursuant to authorization of a court are exempt.

(2) Prices charged for property sold by the United States, including lease-sales are exempt.

(g) *Transactions in gold.* Prices charged for transactions in gold on the domestic market under license from the Secretary of the Treasury pursuant to the Gold Reserve Act of 1934 as amended, and regulations issued pursuant thereto are exempt.

(h) *Securities and financial instruments.* (1) Securities as defined in § 150.21 are exempt.

(2) Commercial paper is exempt.

(3) Commodity futures sold on an organized commodities exchange but not including the commodity (unless otherwise exempt) are exempt.

(i) *Brokerage fees.* Brokerage fees, charged for the purchase or sale of securities or commodity futures.

(j) *Fees and charges imposed by Indian Tribal Councils.* Prices charged for any work, service, publication, report, document, benefit, privilege, authority, use, franchise, license, permit, certificate, registration, commodity, or similar thing of value or utility, performed, furnished, sold, leased, provided, granted, prepared, issued, or transferred by any Indian Tribal Council which is formally recognized by a State or the Federal Government are exempt whether or not all or part of a particular transaction takes place on or off Indian Tribal lands.

(k) *U.S. tanker rates.* Rates for the transportation by tank vessels in the coastwise trade are exempt.

(l) *Retail firms, including restaurants.* Price adjustments of retail firms, including restaurants, with annual sales or revenues of less than \$100,000.

(m) *Silver.* Prices charged for (1) commercial grade silver in refining shapes, (2) silver content in ores and dore, (3) silver coins, and (4) other forms of silver sold for manufacturing or professional uses are exempt.

(n) *Long-term coal contracts.* Prices charged for coal under contracts entered into after August 11, 1973, to provide coal over a period of at least eight years to a public utility which is under the jurisdiction of a regulatory agency are exempt.

(o) *Lumber.* Prices charged for lumber or wood products described in the Standard Industrial Classification Manual, 1972 edition, under Industry Code 2411, 2421, 2426, 2429, 2435, 2436, 2439 or 2492, are exempt.

#### § 150.55 Miscellaneous.

(a) *Royalties and other payments from the sale of copyrights, manuscripts, and like materials prepared for publication are exempt.*

(b) *Dues paid to a nonprofit organization are exempt.*

(c) *The prices charged for the following items are exempt:*

- (1) Antiques and art objects including paintings, etchings and sculptures.
- (2) Collectors coins and stamps.
- (3) Rocks and stone specimens including precious stones and mountings into which precious stones are set.
- (4) Handicraft objects.

(d) *Price adjustments made by producers or distributors of motion pictures and television productions for motion pictures and television productions are exempt.*

#### § 150.56 Public utilities.

Rate increases for commodities or services provided by a public utility are exempt.

#### § 150.60 Small Businesses: exemption of firms with 60 or fewer employees.

(a) *Applicability to firms existing on or before March 31, 1973.*

(1) *General.* Subject to the provisions of paragraphs (a) (2) and (3) of this section, any firm, existing on or before March 31, 1973, including a local government, with an average of 60 or fewer employees (determined as provided in paragraph (a) (3) of this section) is exempt from and not included in the coverage of this Part.

(2) *Exemption not applicable.* The exemption provided for in paragraph (a) (1) of this section shall not be applicable to:

(i) A firm which in its fiscal year ending prior to August 12, 1973, had annual sales or revenues of \$50 million or more;

(ii) A firm which on August 12, 1973, was an institutional or noninstitutional provider of health services (as defined in Subpart K of this part);

(iii) A firm which on August 12, 1973, was engaged in construction operations as defined in Subpart N of this part;

(iv) A firm, if the pay adjustments immediately preceding the August 12, 1973, applicable to or affecting 50 percent or more of its employees, were set by a master employment or other employment contract which was negotiated on a joint or association basis or on an industry, area, group, or other similar basis and which covered more than 60 employees;

(v) A firm which is engaged in the business of selling "covered products" as defined in Subpart L of this part.

(3) *Determination of average number of employees.* The average number of employees for firms in existence on or before March 31, 1973, shall be computed by dividing the sum of the number of employees employed in the pay periods which included September 30, and December 31, 1972, and March 31, and June 30, 1973, by the number of such pay periods for which any such firm was in existence.

(b) *Applicability to firms coming into existence on or after April 1, 1973.*—(1) *General.* Subject to the provisions of paragraphs (b) (2) and (3) of this section, price adjustments of any firm coming into existence on or after April 1, 1973, including a local government, with an average of 60 or fewer employees (determined as provided in paragraph (b) (3) of this section) are exempt from and not included in the coverage of this title.

(2) *Exemption not applicable.* The exemption provided for in paragraph (b) (1) of this section shall not be applicable to:

(i) A firm which at any time during its first four calendar quarters after June 30, 1973, had annual sales or revenues of \$50 million or more;

(ii) A firm which at any time during its first four calendar quarters after June 30, 1973, was an institutional or noninstitutional provider of health services (as defined in Subpart K of this part);

(iii) A firm which at any time during its first four calendar quarters after June 30, 1973, was engaged in construction operations as defined in Subpart N of this part;

(iv) A firm, if the pay adjustments at any time during its first four calendar quarters after June 30, 1973, applicable to or affecting 50 percent or more of its employees, were set by a master employment or other employment contract which was negotiated on a joint or association basis or on an industry, area, group or other similar basis and which covered more than 60 employees;

(v) A firm which is deemed to have an average of more than 60 employees in any calendar quarter in its first four calendar quarters, including its fourth calendar quarter, after June 30, 1973;

(vi) A firm which is engaged in the business of selling "covered products" as defined in Subpart L of this part.

(3) *Determination of average number of employees.* The average number of employees for firms coming into existence on or after April 1, 1973, shall be computed as follows:

(i) For its first calendar quarter after June 30, 1973, the average number of employees shall be deemed to be 60 or fewer until such time as the number of employees in that first calendar quarter after June 30, 1973, exceeds 60;

(ii) If the firm was deemed to have an average of 60 or fewer employees in the pay period which included the last day of its first calendar quarter after June 30, 1973, it shall be deemed to have

60 or fewer employees during its second calendar quarter after June 30, 1973;

(iii) A firm shall compute its average number of employees for its third calendar quarter after June 30, 1973, by dividing by two the sum of the number of employees employed in the pay period which included the last day of its first two calendar quarters after June 30, 1973;

(iv) A firm shall compute its average number of employees for its fourth calendar quarter after June 30, 1973, by dividing by three the sum of the number of employees employed in the pay period which included the last day of its first three calendar quarters after June 30, 1973; and

(v) If the firm's average number of employees was deemed to be 60 or fewer for its first four calendar quarters after June 30, 1973, its average number of employees shall be permanently established for the purpose of this paragraph by dividing by four the sum of the number of employees employed in the pay period which included the last day of its first four calendar year quarters after June 30, 1973.

(c) *Definitions.* As used in this section—

(1) "Employee" means any person residing in and employed in the several States or the District of Columbia for whom an employer is required to pay taxes imposed pursuant to the Federal Insurance Contributions Act, 1939, as amended, 26 USC 3101 (FICA), and any person otherwise excluded from FICA coverage, who (i) performs services for any firm as an agent-driver, or commission-driver engaged in the distribution of milk for his principals; or (ii) is defined as an "employee" in 26 USC 3121(d).

(2) "Local government" includes any town, village, city, or similar entity which was incorporated by authority of the State and which has and exercises local legislative powers, and any county, town, township, or similar entity which is a subdivision of the State or county and which possesses and exercises some powers of local self-government; any school district which is an independent governmental unit and any special district classified as an independent governmental unit created for the sole purpose of performing one or more municipal functions. An "independent governmental unit" is one which meets the criteria for classifying governmental units used by the Department of Commerce, U.S. Bureau of the Census, in the 1967 Census of Governments, "Governmental Organizations," beginning at p. 13.

#### Subpart E—General Price Rules

##### § 150.71 General rules.

(a) Except as otherwise provided in this Part, no firm (including an individual) may charge a price with respect to any sale or lease of an item after August 12, 1973, which exceeds the base price (or other price authorized under this Part) for that item.

(b) No firm (including an individual) may knowingly pay a price with respect to any sale or lease of an item which exceeds the base price (or other price authorized under this part) for that item. However, this paragraph (b) does not apply to the sale or lease of an item to any firm (including an individual) under circumstances of economic or other coercion in which the buyer or lessee, because of his need for that property or service, had no reasonable alternative but to pay the illegal price, and he reports the sale or lease to the Internal Revenue Service for investigation promptly.

(c) No firm (including an individual) may take retaliatory action against any other firm (including an individual) that files or manifests an intent to file a complaint of alleged violation of, or that otherwise exercises any rights conferred by, the Economic Stabilization Act of 1970, as amended, any provision of this part, or any order issued under this part. For the purposes of this paragraph, "retaliatory action" includes any refusal to continue to sell or lease, any reduction in quality, any reduction in quantity of services or products customarily available for sale or lease, any violation of privacy, any form of harassment, or any inducement of others to retaliate.

##### § 150.76 Price rules for manufacturing and service activities.

(a) *Price increases.* A firm engaged in manufacturing or service activities, or both, may charge a price in excess of the base price of an item only to recover on a dollar-for-dollar basis those net increases in allowable costs that it incurred with respect to that item since the end of the base cost period and which it continues to incur, subject to paragraphs (b) through (f) of this section. A firm engaged in manufacturing or service activities, or both, which is also engaged in wholesaling or retailing, or both, is subject to the requirements of Subpart K of this part with respect to its wholesaling and retailing operations.

(b) *Price reductions.* A price in excess of the base price of an item may continue to be charged only as long as the net increases in allowable costs which support the price in excess of the base price continue to be incurred. Price reductions shall be made whenever and to the extent that a price charged in excess of the base price is no longer supported by those net increases in allowable costs.

(c) *Offset for productivity gains.* Increases in labor costs shall be reduced to reflect productivity gains in accordance with § 150.96.

(d) *Special rule for certain Phase II and Phase III price increases.* Notwithstanding paragraphs (a) and (b) of this section, any price above the base price which was charged—

(1) after the end of the base cost period of the firm concerned and before January 11, 1973 in compliance with applicable Phase II Economic Stabilization Regulations; or

(2) after January 10, 1973, and before June 13, 1973, in compliance with the

general price standard set forth in § 130.13 of this chapter; or

(3) after June 12, 1973, and before August 13, 1973, in compliance with Part 140 of the Economic Stabilization Regulations—

may continue to be charged after August 12, 1973, at the last price level charged with respect to the item concerned on or before August 12, 1973. However, that price may be increased after August 12, 1973, only if the full extent of the price charged above base price, including all incremental price increases charged after the base cost period of the firm concerned, is cost-justified in accordance with paragraph (a) of this section and all other requirements of that paragraph are met.

(e) *Price increases pursuant to prenotification.* (1) Price category I firms which are subject to the prenotification requirements of Subpart H of this part must comply with those requirements before increasing prices pursuant to this subpart.

(2) Subject to paragraphs (e) (3) and (4) of this section, a firm which is authorized to charge a prenotified percentage price increase pursuant to Subpart H of this part shall apply that percentage price increase to a product line or service line on a weighted average basis (in accordance with instructions which accompany forms issued pursuant to Subpart H of this part) so that the weighted average of all price adjustments in that line does not exceed the prenotified percentage price increase.

(3) In the case of a prenotified percentage price increase authorized under Subpart H of this part which is not more than 10 percent, the price charged for any one item in that line may not exceed 110 percent of the base price of that item.

(4) In the case of a prenotified percentage price increase authorized under Subpart H of this part which is more than 10 percent, the percentage price increase above the base price which may be charged for any one item may not exceed the prenotified percentage price increase authorized under Subpart H of this part.

(f) *Profit margin limitation.* A firm engaged in manufacturing or service activities, or both, which charges a price in excess of the base price may not, for the fiscal year in which a price in excess of the base price is charged, exceed its base period profit margin.

#### § 150.92 Contracts entered into before August 13, 1973.

The price specified in a contract for the sale of an item entered into after 9:00 p.m., e.s.t., June 12, 1973, and before August 13, 1973, with respect to any delivery or performance occurring after August 12, 1973, shall be subject to this part except that no prenotification shall be required with respect to payments which fall due before September 12, 1973.

#### § 150.96 Productivity Gains.

(a) *Calculation of productivity gains by manufacturers—*(1) *General.* For the purposes of determining whether a price

may be increased by any manufacturer under any provision of this part, productivity gains shall be calculated on the basis of the average percentage gain in the applicable industrial category, as set forth in the table in Appendix A to this part. To the extent provided in the table in Appendix A, productivity gains shall be taken into account in the calculation of all price increases during any fiscal year of a manufacturer but only until the full productivity offset, derived from Appendix A and calculated under paragraph (a) (2) of this section, has been used within that fiscal year.

(2) *Calculation.* (i) For the purposes of determining the extent to which a price increase is justified, each manufacturer shall calculate the sum of all of its actual labor costs (of the type required to be included as costs in reporting and prenotification forms issued pursuant to Subpart H of this part, whether or not such forms are required to be filed) as a percentage of sales, and shall multiply that percentage by the average annual rate of productivity gain for the applicable industrial category, as set forth in the table in Appendix A to this part. The result is the productivity gain, stated as a percentage, by which the total cost increase must be reduced in order to be an allowable cost for the purposes of a price increase under this part.

(ii) If the business of the manufacturer extends to more than one industrial category, the average percentage gain in productivity in each category must be weighted in proportion to the ratio which its expected sales (at present prices for the 12-month period following the proposed date of the increase) in each industrial category bears to the total sales for that period affected by the price increase.

(3) *Subsidiaries, etc., not included.* This subparagraph does not apply to a wholesale, retail, service, public utility, insurance, regulated seller of milk or milk products, or health provided subsidiary, division, affiliate, or similar entity that is a part of, or is directly or indirectly controlled by, a manufacturer.

(4) The percentage of unit cost decrease in nonvariable costs that results from an increased volume shall be treated as provided in the instructions which accompany forms issued pursuant to Subpart H of this part. Negative volume may not be shown.

(b) *Calculation of productivity gains by service organizations other than construction contractors.* For the purpose of determining the extent to which a price increase is justified, each service organization other than a construction contractor shall reduce increases in labor costs to reflect productivity gains in accordance with instructions which accompany forms issued pursuant to subpart H of this part.

#### Subpart F—Base Price

##### § 150.101 Scope.

This Subpart sets forth the regulations which apply for determining base prices except as otherwise provided by this part.

##### § 150.102 Sales and leases of products and services.

(a) *General rule.* The base price with respect to the sale or lease of an item is the average price lawfully charged for the item in transactions with the class of purchaser concerned during the base price period. The base price shall be determined in accordance with this Subpart notwithstanding the fact that the base price so determined may be lower than the price prevailing on May 25, 1970.

(b) *Average price.* The average price is determined by dividing the net sales of that item to that class of purchaser by the quantity of the item sold or leased to that class of purchaser during the base price period.

(c) *Base price period.* The base price period is the fiscal quarter which ended before January 11, 1973. If no transaction occurred during that quarter with respect to the item and class of purchaser concerned, the base price period is the next preceding fiscal quarter in which a transaction occurred with respect to that item and class of purchaser.

(d) *Temporary specials.* Prices charged pursuant to temporary special deals or temporary special allowances may not be excluded in computing the base price of an item. For the purposes of this paragraph, "temporary special deal" includes an offer of free goods, a combination sale, increased quantities, an introductory offer, and a "cents-off" or "price-pack" offer; and "temporary special allowance" includes early shipping, advertising, display buying, and promotional or other similar arrangements.

(e) *Class of purchasers for vending machine sales.* For the purpose of determining the base price with respect to a sale of an item through a vending machine, the term "class of purchaser" with respect to a firm using vending machines includes those purchasers within a marketing pricing area customarily utilized by that firm.

##### § 150.103 Sales and leases of new property and new services.

(a) *General—new item.* (1) An item is a new item if—

(i) The firm concerned did not produce, sell or lease it in the same or substantially similar form at any time during the 1-year period immediately preceding the first date on which the firm offers it for sale or lease. (A change in appearance, arrangement, or combination does not create a new item. Ordinarily, a change in fashion, style, form or packaging does not create a new item. In the case of a product for lease, a permanent improvement or betterment made to the products, as a part thereof, to increase value or to restore it makes it a new property for purposes of a lease if the cost of the improvement or betterment is greater than \$100 and at least as much as three month's rent for the property); and

(ii) It is substantially different in purpose, function, quality, or technology, or its use or service effects a substantially different result from any other item

which the firm concerned currently sells or leases or sold or leased at any time during the 1-year period immediately preceding the first date on which the firm offers it for sale or lease.

(2) *New market.* An item which the firm concerned has previously sold or leased is a new item with respect to its offer or sale to any market to which he did not sell or lease it at any time during the 1-year period immediately preceding the first date on which he offers it for sale or lease. For the purposes of the section, a "market" is one or more members of any one of the following groups: wholesalers; retailers; consumers; manufacturers; or service organizations.

(b) *Base price determination.* A firm offering a new item shall determine its base price as follows:

(1) *Manufacturers and Service Organizations—(i) Net operating profit markup.* A manufacturer or service organization shall apply the average net operating profit markup it lawfully received on the most nearly similar item it sold or leased to the same market during the base period to the total allowable unit costs of the new item. For the purposes of this subparagraph, "net operating profit markup" means the ratio which the selling price bears to the total allowable unit costs of the item.

(ii) *Average price of comparable property or services.* If the firm concerned did not offer a similar item for sale or lease to a particular market during the base period, the base price for sales or leases to that market shall be the average price received in a substantial number of current transactions in that market by other firms selling or leasing comparable items in the same marketing area.

(iii) *Customary pricing practice.* If the firm concerned did not offer a similar item for sale or lease to a particular market during the base period, and if the new item is not comparable to any items being sold or leased by any firm in current transactions in the same market, the firm may determine the base price by using any customary pricing practice it used during the base period, or, if it did not sell or lease any property or service during that time, it may use any other pricing practice commonly used by other firms engaging in comparable business with the same market.

(2) *Wholesalers and retailers—(i) Gross margin markup.* A retailer or wholesaler shall apply the gross margin currently being charged for products within the category into which the new product falls to the total allowable unit cost of the new property.

(c) *Base prices upon acquisition.* If a legal entity or a component of a legal entity determines a base price pursuant to this Subpart for an item which it sells or leases to a particular market and the entity or component is subsequently acquired by another firm, that item does not become a new item with respect to the same market. The base price of the item with respect to that market remains the base price determined for it by the

acquired entity or component unless the acquiring firm sells or leases the same item to the same market. If the acquiring firm sells or leases the same item to the same market, the acquiring firm's base price with respect to the sale or lease of that item to that market shall be the base price with respect to the sale or lease of the acquired entity or component of that item to that market.

(d) *Prenotification of New Items.* A firm subject to the prenotification requirements of § 150.151 which has projected sales and revenues for its current fiscal year of \$10 million or more derived from the sale or lease of new items may not charge a price for a new item until it has provided 30 days prior notice to the Cost of Living Council in the form and manner prescribed by the Council.

#### § 150.104 Custom products and custom services.

(a) *Definitions.* The following definitions apply in this section:

"Custom product" means a product (other than one specified in § 150.54(c)) specifically produced by a manufacturer to the buyer's or buyers' specifications and not reasonably comparable to any product manufactured at any previous time by the same manufacturer or its predecessors in interest, including any buyer-specified changes or additions to a non-custom product to the extent that they are not reasonably comparable to any charges or additions manufactured, with respect to that non-custom product, at any previous time by the same manufacturer or its predecessors in interest.

"Custom service" means a service (other than one specified in § 150.54(c)(2)) specifically produced by a service organization to the buyer's or buyers' specifications and not reasonably comparable to any service provided at any previous time by the same service organization or its predecessors in interest, including any buyer-specified changes or additions to a non-custom service, at any previous time by the same service organization or its predecessors in interest.

(b) *Base price.* A manufacturer or service organization may charge a base price for a custom product or service in conformity with its customary pricing practices, if any, which reflect only costs incurred or to be incurred in the manufacture of the product or the furnishing of the service which are allowable as determined under regulations or decisions issued pursuant to the Economic Stabilization Program. However, a firm which charges a price for a custom product or custom service may not, for the fiscal year in which that price is charged, exceed its base period profit margin.

*Example 1.* Labor costs to be incurred in the making of a custom product were estimated to be \$2,000,000. However, \$200,000 of this estimated cost was found to be non-allowable under regulations or decisions issued pursuant to the Economic Stabilization Program. Therefore, the highest amount of allowable costs for labor that may be in-

cluded in determining the base price chargeable for the product is \$1,800,000.

*Example 2.* Labor costs to be incurred in the construction of an office building were estimated to be \$2,000,000. Because of the action of an agency administering a part of the Economic Stabilization Program, \$100,000 of this estimated cost was found to be non-allowable because it exceeded wage rates approved under a contract subject to the Program. Pursuant to another action of an agency administering a part of the Economic Stabilization Program, negotiated and approved changes in work rules resulted in an increase in labor costs of \$50,000. Therefore, the highest amount of allowable costs for labor that may be included in determining the base price chargeable for the construction is \$1,950,000.

(c) *Effective date.* This section applies to the determination of base prices for all custom products or services after August 12, 1973, regardless of the date of the contract, if any, under which the item is sold.

#### Subpart G—Base Cost and Current Cost

##### § 150.131 Scope.

This Subpart sets forth the general rules for determining base cost and current cost except as otherwise provided in this part. These general rules are supplemented by instructions which accompany recordkeeping, reporting and prenotification forms issued pursuant to Subpart H of this part.

##### § 150.132 General rule.

For the purpose of determining whether costs have been incurred which permit the charging of a price in excess of the base price, net allowable costs incurred during the base cost period with respect to the item concerned ("base costs") shall be compared with net allowable costs incurred during the current period with respect to that item ("current costs"). Subject to Subpart E of this part, current costs which exceed base costs may be used to support a price in excess of the base price for the item concerned.

##### § 150.133 Base cost.

(a) *Base cost period.* The base cost period for an item is the last fiscal quarter which ended before January 11, 1973.

(b) *Direct Materials and Labor.* The base cost with respect to costs of direct materials and labor is the rate at which those costs were incurred on the last full day of business in the base cost period.

(c) *All other costs.* The base cost with respect to all costs other than direct materials costs and labor costs is the rate at which those costs were incurred on the last full day of business in the base cost period. However, if the base cost with respect to all costs other than direct materials costs and labor costs cannot reasonably be determined by the method prescribed in the preceding sentence, that base cost is the average cost incurred throughout the base cost period with respect to those costs as calculated in accordance with instructions which accompany recordkeeping, reporting and prenotification forms issued pursuant to Subpart H of this part.

**§ 150.134 Current cost.**

(a) *Current cost period.* For reporting and recordkeeping purposes, the current cost period is the current fiscal quarter for which a quarterly report or record is required to be filed pursuant to Subpart H of this part. For prenotification purposes, the current cost period is any representative period prior to the current cost closing date in which the normal, recurring costs of the firm were incurred.

(b) *Current cost closing date.* For recordkeeping and reporting purposes, the current cost closing date is the last full day of business in the current fiscal quarter being reported or recorded. For prenotification purposes, the current cost closing date is any date prior to the date of the prenotification document as entered on that document.

(c) *Direct materials and labor.* The current cost with respect to costs of direct materials and labor is the rate at which those costs were incurred on the current cost closing date.

(d) *All other costs.* The current cost with respect to all costs other than costs of direct materials and labor is the rate at which those costs were incurred on the current cost closing date. However, if the current cost with respect to all costs other than direct materials costs and labor costs cannot reasonably be determined by the method prescribed in the preceding sentence, that current cost is the average cost incurred throughout the current cost period with respect to those costs as calculated in accordance with instructions which accompany recordkeeping, reporting and prenotification forms issued pursuant to Subpart H of this part.

**§ 150.135 Special rules for new items.**

(a) *Base cost period.* The base cost period for each new item, as defined in accordance with § 150.103 is the fiscal quarter in which the new item concerned was first sold or leased in a transaction with the class of customer concerned.

(b) *Base cost.* The base cost with respect to each new item is the base cost as determined in accordance with paragraphs (b) and (c) of § 150.133.

(c) *Current cost.* The current cost period, current cost closing date, and current cost for each new item, as defined in accordance with § 150.103, is the current cost period, current cost closing date, and current cost as determined in accordance with § 150.134.

**Subpart H—Prenotification and Reporting****§ 150.151 Prenotification.**

(a) *General rule.* Except as provided in paragraph (b) of this section; a price category I firm may not increase a price for any product or service above the base price with respect to a product or service it sells as a manufacturer or service organization until the firm has filed, pursuant to this subpart, a notice of the proposed price increase with the Council and 30 days have elapsed since the filing of the notice.

(b) *Waiver of prenotification.* (1) The following price increases by a price category I firm need not be prenotified—

(i) Price increases for items which are exempt under Subpart D of this part or otherwise excluded from coverage of this title.

(ii) Price increases by a nonprofit organization with less than \$100 million in annual sales or revenues derived from transactions in property or services which are not exempt under Subpart D of this part or otherwise excluded from coverage of this title.

(iii) Any price increase to the extent it reflects solely an increase in excise taxes (including sales and use taxes) or in duties on imports.

(2) The following prices charged by a price category I firm need not be prenotified:

(i) A price in a contract for the purchase of a product or service by an agency of the Federal government, and a price stated in a subcontract under a contract for the purchase of a product or service by an agency of the Federal government.

(ii) A price above base price which a price category I firm may continue to charge after August 12, 1973 pursuant to § 150.76(d).

**§ 150.152 Manner of Prenotification.**

The notice of the proposed price increase must be filed in the form and manner prescribed by the Cost of Living Council, and will be considered to be filed on the date when it is accepted by the Council. The Council will notify the firm, in writing, of the date of acceptance. If the information submitted is incomplete or inadequate, the Council will not accept the filing, and will so notify the firm.

**§ 150.153 Measure of the Prenotification Period.**

The 30-day prenotification period will commence on the date of acceptance of the notice by the Council. In any case in which the 30-day period would otherwise end on a Saturday, Sunday or Federal holiday, it will end at the close of the next succeeding workday.

**§ 150.154 Council action.**

During the 30-day prenotification period, the Council may issue an order disapproving, modifying, suspending or deferring a proposed price increase in whole or in part.

(a) The Council may issue an order disapproving or modifying a proposed price increase in whole or in part, if it finds that the proposed price increase does not conform to the rules of this part.

(b) The Council may issue an order temporarily suspending the running of the 30 days prenotification period, of a proposed price increase if it finds additional information is necessary or that the form was improperly filed. The order will remain in effect until the Council notifies the firm in writing that the ad-

ditional information has been received and accepted.

(c) The Council may issue an order deferring a price increase, in whole or in part, if it finds that the proposed price increase is of such magnitude and would have such an impact upon the economy as to be unreasonably inconsistent with the goals of the Economic Stabilization Program.

**§ 150.155 Implementation of price increases.**

If the Council does not act upon the proposed price increase within the 30-day prenotification period, pursuant to § 150.154, the proposed price increase may be placed in effect immediately upon expiration of the 30-day prenotification period. Failure of the Council to act upon the price increase within the 30-day period does not constitute approval of the price increase and nothing in this part shall be construed to limit the authority of the Council to modify, suspend, disapprove, or defer any such price increase in whole or in part placed into effect after the expiration of the 30-day period if the Council finds that:

(a) The price increase does not conform to the rules of this part; or

(b) The price increase is of such magnitude and would have such an impact upon the economy as to be unreasonably inconsistent with the goals of the Economic Stabilization Program.

**§ 151.156 Volatility.**

(a) Subject to paragraphs (b) through (d) of this section, a firm that has customarily priced an item in a manner immediately responsive to frequent and customary market price fluctuations of the raw materials or partially processed products which it uses in that item may, when and to the extent authorized by the Cost of Living Council increase the price of that item to the extent of any significant market price increase of those raw materials or partially processed products, without regard to the prenotification requirements of this Subpart. However, in the case of a price increase based on an increase in the price of a partially processed product, only that part of the increased cost of the partially processed product that is due to an increase in the market price of the raw materials in that product may be used in computing any allowable increase under this paragraph. For the purposes of this paragraph and paragraph (c) of this section "raw materials" include raw agricultural products, raw seafood, and other raw materials used by the firm in preparing an item for which an authorization is sought under this section.

(b) *Limitation.* A firm which increases a price pursuant to an authorization granted under this section shall reduce that price to the extent of any later decrease in cost in accordance with the general rules of this part.

(c) *Notice on invoice.* A firm which increases a price on any partially processed

product pursuant to authorization under this section shall indicate on each invoice to its manufacturing and processing customers that part of any cost increase that is due to an increase in the cost of the raw materials used in making the partially processed product.

(d) Until September 12, 1973, a firm which received a volatile pricing authorization from the Price Commission which was in effect on January 10, 1973, with respect to an item shall be deemed to have received authority from the Council to put price adjustments for that item into effect in accordance with the provisions of this section. Effective September 12, 1973, however, a firm may adjust the price of an item pursuant to this section only if it has received a volatile pricing authorization issued by the Council pursuant to paragraph (a) of this section.

#### § 150.161 Quarterly reports.

(a) *General.* Except as provided in paragraph (b) of this section, each price category I and II firm shall submit quarterly reports to the Cost of Living Council containing information on prices, costs and profits in accordance with regulations issued by the Council.

(b) *Waiver of quarterly reports.* Quarterly reports need not be submitted to the Council by the following firms:

(1) A firm whose total annual sales or revenues are derived from transactions involving goods and services which are exempt under Subpart D, or otherwise excluded from coverage of this title.

(2) A firm which is a nonprofit organization with less than \$50 million derived from transactions in property or services which are not exempt under Subpart D of this part, or otherwise excluded from coverage of this part.

(3) State and local governments.

(c) *Manner of reporting.* Each quarterly report required under paragraph (a) of this section shall be made in accordance with regulations issued by the Cost of Living Council.

#### § 151.162 Annual reports.

(a) *General.* Each price category III firm shall file an annual report with the Cost of Living Council with information on prices, costs and profits in accordance with regulations issued by the Council.

#### § 151.163 Additional reports and information.

Whenever the Cost of Living Council considers it necessary for the effective administration of the Economic Stabilization Program, it may order any firm to file special or separate reports, setting forth information relating to the Economic Stabilization Program, in addition to any other reports required by this part.

#### § 151.164 Effect of failure to file or maintain reports or other documents required by or under certain sections of this part.

(a) If a firm which is required to file a report or other document with the Cost

of Living Council pursuant to the provisions of this part or an order issued by the Council does not, within the time limits prescribed, file the report or other document—

(1) The firm may not implement any further price increases including price increases which could otherwise be implemented pursuant to § 150.155 until it has complied with that reporting requirement and has obtained the special approval of the Council;

(2) Except to the extent specifically authorized otherwise by the Council in any case, based upon a written request of the firm concerned citing hardship or inequity, action is suspended on all exceptions filed by that firm until it has complied with the reporting requirement; and

(3) The Council may, whenever it considers it appropriate under the circumstances, order the firm to reduce any of its prices.

(b) Each day that a firm fails to comply with a reporting requirement pursuant to this part pertaining to reports, or an order under this part, is considered to constitute a separate violation of this part or that order.

#### § 151.165 Records.

(a) *General.* Each firm subject to this part shall keep such records as are sufficient to demonstrate that the prices charged by the firm are in compliance with the rules in this part.

(b) *Inspection.* Records required to be kept under paragraph (a) of this section shall be made available for inspection at any time upon the request of an officer or employee of the Internal Revenue Service or the Council.

(c) *Justification.* Upon the request of an officer or employee of the Internal Revenue Service or the Council any firm which has filed a notice of a proposed price increase or increases a price pursuant to this part, shall:

(1) Specify the records that comply with paragraph (a) of this section; and

(2) Justify that proposed price increase or increased price.

(d) *Period for keeping records.* Each firm required to keep a record under this section shall maintain and preserve that record for at least 4 years after the last day of the calendar year in which the transactions or other events recorded in that record occurred or the property was acquired by that firm whichever is later.

#### Subpart I—Accounting and Financial Reporting Requirements

#### § 150.171 Accounting for business combinations.

When filing a report or other document under this part, accounting information for business combinations may be restated only in accordance with generally accepted accounting principles, consistently applied. Restatement of prior accounts is required for certain changes

in business combinations accounted for as a pooling of interests and when there has been a spin-off or a split-off to a parent firm's shareholders. Restatement of prior accounts is generally not appropriate when there is an acquisition or divestiture of a business or other property which is otherwise accounted for. Net sales, costs, and expenses of discontinued operations may not be condensed to "one line" in submissions to the Council, but shall be reported and accounted for on the same basis as continuing operations.

#### § 150.172 Procedures required with respect to certain financial information.

(a) Each person subject to section 13 or 15(d) of the Securities Exchange Act of 1934 and each firm that prepares an audited financial statement on an annual basis shall obtain, for its reports filed with the Council, the services of an independent public accountant to perform the procedures specified in Part 105 of this title. Those procedures are considered to be supplementary to periodic Council examinations for compliance.

(b) This section applies to all filings received by the Council.

#### Subpart J—Special Rules

#### § 151.201 Low Profit Firms: Manufacturers, wholesalers, and retailers.

(a) *Definitions.* For purposes of this section—

"Low profit firm" means any firm which did not receive more than 10 percent of its annual sales or revenues from providing services and during its most recently ended fiscal year or during its "alternative fiscal year" computed in accordance with paragraph (c) of this section had:

(1) Net sales of less than \$1 million and a profit margin which was less than 3 percent; or

(2) Net sales of \$1 million or more and a profit margin which was less than the percentage set forth in column B of the table in paragraph (b) of this section, corresponding to the firm's capital turnover ratio.

"Base period profit margin" of the firm means a profit margin authorized pursuant to this section.

"Covered activities" means any activity other than firming, life insurance, overseas operations or public utility services.

(b) *Table.* For the purposes of this section, the capital turnover ratio is computed by dividing the net sales for the year by the average total capital (long-term debt plus owner's equity, less investments, the income of which is included in nonoperating income). For the purposes of making calculations under this section, only "covered activities" are included. The average total capital for any fiscal year is computed by adding the outstanding total capital at the beginning of that fiscal year to the outstand-

ing total capital at the end of that fiscal year, and dividing by two:

Column A Capital Turnover Ratio	Column B Applicable Profit Margin (percent)
Less than 3.4	3.0
3.4 or more, but less than 3.6	2.9
3.6 or more, but less than 3.7	2.8
3.7 or more, but less than 3.8	2.7
3.8 or more, but less than 4.0	2.6
4.0 or more but less than 4.2	2.5
4.2 or more, but less than 4.3	2.4
4.3 or more, but less than 4.5	2.3
4.5 or more, but less than 4.8	2.2
4.8 or more, but less than 5.0	2.1
5.0 or more, but less than 5.3	2.0
5.3 or more, but less than 5.6	1.9
5.6 or more, but less than 5.9	1.8
5.9 or more, but less than 6.3	1.7
6.3 or more, but less than 6.7	1.6
6.7 or more, but less than 7.1	1.5
7.1 or more, but less than 7.7	1.4
7.7 or more, but less than 8.3	1.3
8.3 or more, but less than 9.1	1.2
9.1 or more, but less than 10.0	1.1
10.0 or more, but less than 11.1	1.0
11.1 or more, but less than 12.5	0.9
12.5 or more, but less than 14.3	0.8
14.3 or more, but less than 16.7	0.7
16.7 or more, but less than 20.0	0.6
20.0 or more, but less than 25.0	0.5
25.0 or more, but less than 33.3	0.4
33.3 or more, but less than 50.0	0.3
50.0 or more	0.2

(c) *Base period low profit-alternative fiscal year.* A firm may compute an average fiscal year for use as an "alternative fiscal year" for the purposes of paragraph (a) of this section by combining and dividing by 2 the net sales and the average total capital, respectively, for any two of that firm's base period years as defined in Subpart B of this part.

(d) *General.* Notwithstanding Subpart E of this part, but subject to paragraphs (e) and (f) of this section, a low profit firm may after August 12, 1973 increase any of its prices by an amount reasonably calculated to result by the end of the third fiscal quarter following the fiscal quarter in which the prices are increased in a profit margin that does not exceed the profit margin allowable under this section. For firms covered by paragraph (a)(1) of this section, the allowable profit margin is 3 percent. For firms covered by paragraph (a)(2) of this section, the allowable profit margin is that set forth in Column B of the table in paragraph (b) of this section.

(e) *Price limitations.* A firm in the course of any its fiscal years in which it operates under this section, may increase the price of any of its products under this section above the price which legally was charged or legally could have been charged on the day before the day on which the firm elected to be subject to this section without regard to cost justification so long as such increase does not result in exceeding the profit margin allowable under this section.

(f) *Pay limitations.* No firm may qualify as a low profit margin firm if, during its current fiscal year, and for as long as it continues to use this section as a basis for further increasing any price, it pays or credits to an officer or employee who is an owner or a relative of an owner of

the firm a rate of salary or other compensation or benefit which exceeds the rate of salary or other compensation or benefit it paid or credited to that officer or employee during its most recent fiscal year, plus 5.5 percent for each fiscal year thereafter. For the purposes of this paragraph, the word "owner" means an officer or employee who owns (or is considered to own within the meaning of section 318(a)(1) of the Internal Revenue Code) on any day of the fiscal year concerned, more than 5 percent of the outstanding stock of the firm.

(g) *Reporting.* Each firm before utilizing this section for a fiscal year or part thereof, in addition to complying with the reporting requirements of Subpart H, and before increasing any price under this section, shall furnish to the Council sufficient financial data to support its loss or low profit position. Such a firm may increase prices under this section after 30 days following the date of the receipt of that financial data by the Council unless, during that 30-day period, the Council suspends or disapproves that action or seeks additional information. The Council may disapprove such action for a firm whose profit margin is at or above the average profit margin of other firms engaged in the same industry.

(h) *After achieving allowable profit margin.* Within 45 days after the end of a fiscal quarter in which a loss and low profit firm which has increased prices pursuant to this section achieves its base period profit margin or approaches it within .01 percent at an annual rate, use of this section terminates. Thereafter the firm must conform to the price rules of this part which would be applicable to it if it had not been a loss and low profit firm, except that it must continue to utilize the base period profit margin it acquired pursuant to this section in lieu of its own base period profit margin.

#### § 150.202 Low profit firms: Certain service organizations.

(a) *Definition.* For the purposes of this section, "low profit firm" means any firm which, during its most recently ended fiscal year, obtained at least 90 percent of its revenues from the furnishing of services, and which—

(1) During its most recently ended fiscal year or during its alternative fiscal year computed in accordance with paragraph (b) of this section, had a profit margin which was less than 1 percent; or

(2) Has estimated, and has prepared supporting documentation that it will have for its current fiscal year, a profit margin of less than 1 percent.

(b) *Base period low profit-alternative fiscal year.* A firm may compute an average fiscal year for use as an alternative fiscal year for the purposes of paragraph (a) of this section by combining and dividing by two the net sales for any two of that firm's base period years.

(c) *General rule.* Notwithstanding any other provision of this part, but subject to paragraphs (d), (e) and (f) of this section, a low profit firm may after August 12, 1973 increase any of its prices

by an amount reasonably calculated to result in a profit margin of not to exceed 1 percent by the end of the third fiscal quarter following the fiscal quarter in which the prices are increased.

(d) *Pay limitations.* No firm may qualify as a low profit firm if, during its current fiscal year, and for as long as it continues to use this section as a basis for further increasing any price, it pays or credits to any of its officers or employees who is an owner or a relative of an owner of the firm a rate of salary or other compensation or benefit which exceeds the rate of salary or other compensation or benefit it paid or credited to that officer or employee during its most recent fiscal year, plus 5.5 percent for each fiscal year thereafter. For the purposes of this paragraph, the word "owner" means an officer or employee who owns (or is considered to own within the meaning of section 318(a)(1) of the Internal Revenue Code) on any day of the fiscal year concerned, more than 5 percent of the outstanding stock of the firm.

(e) *Reporting.* Each firm before utilizing this section for a fiscal year or part thereof, in addition to complying with the reporting requirements of Subpart H of this part, and before increasing any price under this section, furnish to the Council sufficient financial data to support its loss or low profit position. Such a firm may increase prices under this section after 30 days following the date of the receipt of that financial data by the Council unless, during that 30-day period, the Council suspends or disapproves that action, or seeks additional information.

(f) *After achieving allowable profit margin.* Within 45 days after the end of a fiscal quarter in which a loss and low profit firm which has increased prices pursuant to this section achieves a profit margin of 1 percent or approaches it within .01 percent at an annual rate, use of this section terminates. Thereafter the firm must conform to the price rules of this part which would be applicable to it if it had not been a loss and low profit firm, except that it must continue to utilize the 1 percent profit margin it acquired pursuant to this section in lieu of its own base period profit margin.

#### § 151.203 Seasonal patterns.

(a) *General.* Notwithstanding any other provision of this part, prices which normally fluctuate in distinct seasonal patterns may be adjusted as prescribed in this section.

(b) *Distinct fluctuation.* Prices must show a large or otherwise distinct fluctuation at a specific, identifiable point in time. The distinct fluctuation must be an established practice that has taken place in each of the 3 years before the date of the contemplated change. New firms may determine their qualifications from those generally prevailing with respect to firms similarly situated, selling or leasing in the same marketing area. If there are not similar firms in the immediate area, qualification may be established by reference of the nearest similar marketing area.

(c) *Time of price fluctuation.* The price fluctuation referred to in paragraph (b) of this section may not take place at a time other than the time at which that fluctuation took place in the preceding year unless the date of the price fluctuation is tied to a specific event such as a previously planned introduction of new models.

(d) *Allowable price.* Subject to paragraph (e) of this section, if the requirements of paragraphs (b) and (c) of this section are met, the maximum price which may be charged by the person concerned is the greater of the following:

(1) The base price determined under Subpart F of this part;

(2) The price authorized pursuant to the provisions of Subpart E or K of this part; or

(3) The price charged by that firm during the first 30 days of the period following the current seasonal price adjustment, or if the season was less than 30 days, during the period of that season.

For purposes of paragraph (a) of this section, the price charged during that 30-day period, or the period of the season if less than 30 days, is the weighted average of the prices charged on all transactions during that period.

(e) *Limitation.* Notwithstanding paragraph (d) of this section, a firm which charges a price pursuant to this section, may not exceed its base period profit margin.

(f) *Return to nonseasonal prices.* Each firm that increases a price under this section shall decrease that price at the same date or identifiable point in time as the price was decreased in the previous season. The price shall be decreased to the allowable price for the applicable season, pursuant to paragraph (d) of this section.

#### § 151.204 Marketing cooperatives and market risk-sharing transactions.

(a) *Applicability.* This section applies to—

(1) Sales of products or services by a marketing cooperative, as defined in paragraph (b) of this section, for its members and for other persons; and

(2) Transactions for the sale of products or services by a seller to a buyer in which the price is set in whole or in substantial part by reference to the buyer's proceeds from the later resale of the product or service, or the sale by that buyer of another product or service into which the initial product or service is processed or made.

(b) *Definitions.* For the purposes of this section "marketing cooperative" means a firm that is organized or operated on a cooperative basis for the purpose of marketing the products or services of its members and other persons, and turning back to them the proceeds of sales, less expenses, on the basis of either the quantity or the value of the products or services furnished by them, or that does not make a profit on the sales for its members, either

(1) Because the market price obtained is only enough to cover costs and ex-

penses and payment for their products or services; or

(2) Because a later additional payment adjusts the payment for this purpose may be cash or other item of value which qualifies as a "patronage dividend" under section 1388 of the Internal Revenue Code of 1954 (26 USC 1388). A firm is not disqualified from being a marketing co-operative by conducting a portion of its transactions with nonmembers. Each transaction of the kind described in paragraph (a)(2) of this section is a "market risk-sharing transaction" and is considered to bind the buyer and seller of that transaction to a "market risk-sharing agreement". The price which is charged in a market risk-sharing transaction is a "market risk-sharing price". The total proceeds which a firm receives from a marketing co-operative for a product or service which the cooperative markets for that firm is also a "market risk-sharing price".

(c) *General.* A market risk-sharing price, as defined in paragraph (b) of this section, may not exceed the price authorized to be charged under any other provision of this part if the kind of product or service and the kind of transaction concerned are not exempt from the Economic Stabilization Program under Subpart D of this part. If a market risk-sharing price is exempt thereunder, and if that price is one of the costs of another product or service which is not exempt thereunder, the manufacturer, service organization, wholesaler, or retailer for whom such a market risk-sharing price is a cost may charge a price in excess of the base price or the price authorized pursuant to § 150.76(d), or Subpart K of this part, for that other product or service under the same conditions and subject to the same restrictions as would otherwise apply to that person under this part, except that—

(1) If that firm is also a marketing co-operative and charges a price pursuant to this section, the ratio of its operating income to its net sales in the current fiscal year may not exceed the ratio which prevailed during the base period (in computing this ratio the firm may elect to reduce operating income by patronage dividends in both the base period and the current period); and

(2) The costs which are determined by the market risk-sharing plan shall, for the purposes of this part, be considered to be imputed allowable costs.

(d) *Imputed allowable costs.* The imputed allowable cost shall be:

(1) Any price that is published or otherwise documented as prevailing in the trade and which the firm has customarily used in establishing a payment at the time of delivery of the product or service, or in determining pool interest in deliveries of the product or service; or if none,

(2) The average documented price paid by competitors for the same product or service in transactions that are not by the marketing co-operative or are not market risk-sharing transactions in the same marketing area, or, if no sig-

nificant number of those transactions are occurring in the same marketing area, in the closest substantially similar marketing area; or if none,

(3) The published price of the same product or service under Federal Government support programs, State or Federal marketing orders, commodity market quotations, or Department of Agricultural Market News Service Reports, whichever is most commonly used in the trade as an indicator of current commercial market prices; or if none,

(4) The published price or average documented price paid by competitors for a related product or service that has a similar price pattern in the same marketing area, or in the closest substantially similar marketing area.

#### § 151.205 Purchasing co-operatives.

(a) *Applicability.* This section applies to sales of products or services by a purchasing co-operative, as defined in paragraph (b) of this section, to its members and to other persons.

(b) *Definitions.* For the purposes of this section "purchasing cooperative" means a firm that is organized or operated on a co-operative basis for the purpose of purchasing or manufacturing products or services for its members and other persons at cost, plus expenses, or that does not make a profit on sales to its members, either because the initial price charged is only enough to cover costs and expenses or because a later refund reduces the net price to such an amount. A refund for this purpose may be cash or other item of value which qualifies as a "patronage dividend" under section 1388 of the Internal Revenue Code of 1954 (26 USC 1388). A firm is not disqualified from being a purchasing co-operative by conducting a portion of its transactions with nonmembers.

(c) *General.* A purchasing co-operative may charge any price for a product or service it sells to its members or other persons, except that a firm which prices pursuant to this section, the ratio of its operating income to its net sales in the current fiscal year, may not exceed the ratio that prevailed during the base period (in computing this ratio the firm may elect to reduce operating income by patronage dividend in both the base period and the current period).

(d) *Exceptions.* A purchasing co-operative that sells a product to its members or other persons primarily for their resale and not for their use or consumption shall charge a price in accordance with its allowable costs or gross margins for the item's merchandise category. In computing its ratio or operating income to net sales a purchasing co-operative may not use the election authorized in paragraph (c) of this section for patronage dividends. The provisions of this paragraph do not apply to a sale made by a purchasing co-operative operating under the Agricultural Marketing Act of 1929, as amended (12 U.S.C. 1141(j)), to a member or other person of that co-operative who is also a co-operative and only resells to its members or other persons for their use or consumption.

**§ 150.206 Stabilization of particular industries and sectors.**

(a) Whenever the Council finds it necessary to achieve the goals of the Economic Stabilization Program, it may issue regulations providing for the stabilization of prices in a particular industry, sector of the economy or part thereof.

(b) The Council may order public hearings with respect to the regulations issued or to be issued pursuant to paragraph (a) of this section if the Council determines that public hearings would aid in achieving the goals of the Economic Stabilization Program.

**Subpart K—Retailers and Wholesalers**

**§ 150.301 Purpose and scope.**

(a) Except as provided in § 150.302, this subpart prescribes mandatory controls applicable to firms which engage in retailing or wholesaling of crude petroleum or petroleum products to which Subpart L of this part applies.

(b) To the extent this subpart may be inconsistent with other provisions in this part, the provisions in this subpart govern.

**§ 150.302 Effective date of applicability to food retailers and wholesalers.**

Until September 12, 1973, this subpart does not apply to those retailers or wholesalers of meat or other food products who remain subject to Subpart M of Part 130 or Subpart I of Part 140 of this title until that time.

**§ 150.303 Definitions.**

As used in this subpart.

"Customer category" means a group of related customers distinguished from other customers because of customary price differentials between those customers and other customers, which is treated as a single pricing unit, irrespective of the products they purchase, for the purposes of this subpart.

"Gross margin" means the ratio that total revenues received less the cost of goods sold bears to total revenues received.

"Gross margin base period" means the last fiscal year ending prior to February 5, 1973.

"Merchandise category" means a group of related products which is treated as a single pricing unit for the purposes of this subpart.

"Pricing entity" means the lowest level of organization within a firm at which pricing decisions are made.

**§ 150.304 General pricing rules.**

(a) This section becomes effective with respect to a price category I firm or price category II firm to which this subpart applies when the firm submits the merchandise pricing plan required by § 150.306(a). It becomes effective with respect to a price category III firm to which this subpart applies when the firm completes the merchandise pricing plan required by § 150.309.

(b) A firm to which this section has become applicable may charge a price for an item in excess of the base price of that item only if—

(1) The gross margin for that item's merchandise category for any fiscal quarter in which the increased price is charged does not exceed the higher of—

(i) the gross margin realized for that category during the corresponding fiscal quarter of the gross margin base period; or

(ii) the gross margin realized for that category for the retailer's or wholesaler's gross margin base period;

(2) The gross margin for that item's merchandise category for any fiscal year in which the increased price is charged does not exceed the gross margin realized for that category for the retailer's or wholesaler's gross margin base period; and

(3) The firm's profit margin for any fiscal year in which the increased price is charged does not exceed its base period profit margin.

**§ 150.305 Establishment of merchandise categories.**

(a) Except as otherwise provided in this section a retailer or wholesaler shall use the merchandise categories set forth in Appendix A to this subpart.

(b) If a retailer or wholesaler sells items which do not fall within any of the categories listed in Appendix A, he may form additional merchandise categories, each of which must include all related items falling within the same general description. For each such category included in a plan required to be submitted to the Cost of Living Council pursuant to § 150.306, the retailer or wholesaler shall submit with the plan a statement demonstrating that the categories are consistent with the requirements of this subpart.

(c) If a retailer's or wholesaler's customary business relies on customer categories rather than merchandise categories, he may substitute customer categories in his merchandise pricing plan. When such a substitution is made in a plan required to be submitted to the Cost of Living Council pursuant to § 150.306, the retailer or wholesaler shall also submit a statement demonstrating that the categories are consistent with the requirements of this subpart.

(d) A firm which is primarily a retailer or wholesaler may include within its merchandise pricing plan related manufacturing and service activities which are integrated into its retail or wholesale activities and constitute not more than 10 percent of the firm's total retail and wholesale sales for the immediately preceding fiscal year.

**§ 150.306 Merchandise pricing plans: retailers and wholesalers with annual revenues of \$50 million or more.**

(a) Each price category I firm and each price category II firm to which this subpart applies, shall prepare and submit to the Cost of Living Council a merchandise pricing plan. The plan must include—

(1) A description of the retailer's or wholesaler's internal organization as it relates to pricing activities;

(2) A list of the retailer's or wholesaler's pricing entities;

(3) A completed Form CLC----- on each pricing entity setting forth its merchandise categories, the base period gross margin for each category, and the gross margin realized for each category during each fiscal quarter of the gross margin base period;

(4) A list of products and product lines carried by the retailer or wholesaler; and

(5) A description of the manner in which the retailer or wholesaler makes its pricing decisions.

(b) Within 60 days after it receives a retailer's or wholesaler's merchandise pricing plan, the Council will review the plan and (1) approve it or (2) take the action provided for in § 150.307.

**§ 150.307 Incomplete and nonconforming plans.**

(a) If after reviewing a merchandise pricing plan submitted pursuant to § 150.306, the Cost of Living Council determines that the information submitted is incomplete or inaccurate or that the plan does not conform to the requirements of this subpart, it will notify the submitting retailer or wholesaler of its determination and the basis for that determination. The retailer or wholesaler shall, within the time prescribed by the Council, submit to the Council such additional data or information as the Council may require or such modifications to its plan as may be necessary to bring it into conformance with the requirements of this subpart. Effective upon receipt of the notice the retailer or wholesaler may not implement any further price increases until the Council approves the plan or otherwise advises the retailer or wholesaler.

(b) In addition, if the retailer or wholesaler fails to submit the required additional data, information, or modifications, within the time prescribed by the Council or, if after submission thereof, the Council determines that the merchandise pricing plan still does not conform to the requirements of this subpart, it may order the retailer or wholesaler to reduce his prices to base prices or such other level above base prices as the Council may determine to be appropriate and to submit a new plan based on new categories or pricing entities, specified by the Council.

**§ 150.308 Approved plans.**

(a) After the Cost of Living Council approves a retailer's or wholesaler's merchandise pricing plan, the retailer or wholesaler shall use the categories and pricing entities specified in the approved plan in monitoring its prices and filing such reports as may be required by the Council.

(b) A retailer or wholesaler may modify its approved merchandise pricing plan only after the modification has been approved by the Council.

**§ 150.309 Merchandise pricing plans: retailers and wholesalers with annual revenues of less than \$50 million.**

Each price category III firm to which this subpart applies, shall prepare and maintain at its principal place of busi-

ness, a merchandise pricing plan. The firm may group all of its retail or wholesale products into a single merchandise category, in which case its merchandise pricing plan need only consist of a completed Form CLC ----- setting forth the base period gross margin information for that single category. However, if the firm elects to use more than one category, its plan must include, to the extent applicable, each of the items specified in § 140.306(a) of this chapter for plans required to be submitted to the Cost of Living Council.

§ 150.310 Reporting.

(a) Each price category I firm and each price category II firm to which this subpart applies shall prepare and submit to the Cost of Living Council within 45 days after the end of each fiscal quarter a Form CLC ---- in the manner prescribed by the Council.

(b) Each price category III firm to which this subpart applies shall prepare and submit to the Cost of Living Council within 45 days after the end of each fiscal year a Form CLC ---- in the manner prescribed by the Council.

§ 150.311 Repurification of a quarterly violation.

(a) If a firm's gross margin for a particular category for any fiscal quarter other than the fourth fiscal quarter, exceeds the limitations prescribed in § 150.304(b) (1), the Cost of Living Council will reduce any sanctions it may impose for the violation to the extent that the firm offset the overage in the succeeding fiscal quarter.

(b) If a firm's gross margin for a particular category has not exceeded the limitations prescribed in § 150.304(b) (1) during any of the first three fiscal quarters but exceeds those limits for the fourth fiscal quarter, the Cost of Living Council will not impose sanctions for the violation if the gross margin for that category for the fiscal year is within the limitation prescribed in § 150.304(b) (2).

(c) A firm is entitled to the quarterly gross margin overage relief provided by this section only once per category within any fiscal year.

APPENDIX A

MERCHANDISE CATEGORIES APPLICABLE TO RETAILERS AND WHOLESALERS

DEPARTMENT STORES

- 101 Bedroom furniture
- 102 Boys' clothing and accessories
- 103 Building supplies
- 104 Cafeteria
- 105 Children's shoes
- 106 China and crystal ware
- 107 Clocks and watches
- 108 Confections
- 109 Cosmetics and toilet articles
- 110 Dining furniture
- 111 Domestic—yard goods, linens, etc.
- 112 Eyeware
- 113 Giftware
- 114 Girls' clothing and accessories
- 115 Hand tools
- 116 Hardware
- 117 Hobbies, crafts and educational materials
- 118 Housewares—small appliances, kitchenware, etc.

- 119 Infants' ware
- 120 Jewelry
- 121 Lamps and other lighting fixtures
- 122 Lawn and garden
- 123 Living room furniture
- 124 Luggage
- 125 Major appliances
- 126 Men's accessories
- 127 Men's clothing
- 128 Men's shoes
- 129 Notions
- 130 Office supplies and equipment
- 131 Outdoor furniture
- 132 Paint
- 133 Photo
- 134 Power tools
- 135 Rugs, carpets and other floor coverings
- 136 Silver pieces and silverware
- 137 Sporting goods
- 138 Tires, batteries and accessories
- 139 Wallpaper and other wall coverings
- 140 Women's accessories
- 141 Women's clothing
- 142 Women's shoes

DRUGSTORES

- 201 Apparel
- 202 Books, magazines, newspapers
- 203 Cafeteria/restaurant
- 204 Cards and stationery
- 205 Confections
- 206 Cosmetics and toilet articles
- 207 Drugs—prescription
- 208 Drugs—non-prescription
- 209 Housewares
- 210 Medical and dental equipment and supplies
- 211 Notions
- 212 Photos
- 213 Seasonal—summer
- 214 Seasonal—winter
- 215 Tobacco products and related items
- 216 Toys and games

VARIETY STORES

- 301 Cafeteria
- 302 Children's and infants' apparel and accessories
- 303 Confections
- 304 Cosmetics and toilet articles
- 305 Domestic
- 306 Furniture and lamps
- 307 Hardware
- 308 Housewares
- 309 Jewelry, clocks, watches and giftware
- 310 Luggage
- 311 Men's apparel and accessories
- 312 Notions
- 313 Pets and pet supplies
- 314 Photo
- 315 Seasonal—summer
- 316 Seasonal—winter
- 317 Sporting goods
- 318 Stationery, office supplies and greeting cards
- 319 Toys, games and hobbies.
- 320 Women's apparel and accessories

FOOD OPERATIONS

- 401 Alcoholic beverages
- 402 Baked goods
- 403 Canned food items
- 404 Dairy
- 405 Delicatessen
- 406 Fish, fresh
- 407 Frozen food
- 408 General merchandise, non-food
- 409 Grocery items other than canned
- 410 Health and beauty aids
- 411 Meat
- 412 Produce
- 413 Tobacco products and related items

HARDWARE STORES

- 501 Building materials—brick, sand, gravel, cement, concrete, etc.
- 502 Building supplies—windows, doors, screens, fences, hardware, etc.
- 503 Housewares

- 504 Lawn and garden supplies
- 505 Lumber
- 506 Paints, paint supplies
- 507 Tools, hand
- 508 Tools, power

FURNITURE

- 701 Accessories, non-furniture
- 702 Bedding, spreads, pillows
- 703 Bedroom furniture
- 704 Carpets and floor covering
- 705 Diningroom furniture
- 706 Drapery and fabric
- 707 Lamps
- 708 Occasional furniture
- 709 Summer, patio, casual furniture
- 710 Upholstered furniture

Subpart L—Petroleum and Petroleum Products

§ 150.351 Purpose and scope.

(a) This part prescribes mandatory controls applicable to the sale of crude petroleum and certain petroleum products and leases by gasoline manufacturers or resellers to gasoline retailers of real property to be used in the retailing of gasoline.

(b) To the extent this subpart may be inconsistent with other provisions in this part, the provisions in this subpart govern.

§ 150.352 Definitions.

For the purposes of this subpart "Actual markup" means the difference between a seller's January 10, 1973, selling price of a product (reflecting any applicable customary price differential) and the seller's cost of that product which he sold on January 10, 1973. If the seller made no sale of that product on January 10, 1973, the selling price is the selling price of the product (reflecting any applicable customary price differential) in the most recent sale before January 10, 1973.

"Base price" means the base price determined pursuant to § 150.359, or in the case of a new product, § 150.360.

"Ceiling price" means the ceiling price determined pursuant to § 150.358.

"Customary price differential" includes a price distinction based on a discount, allowance, add-on, premium, and an extra based on a difference in volume, grade, quality, or location or type of purchaser, or term or condition of sale or delivery.

"Covered product" means a product described in the 1972 edition, Standard Industrial Classification Manual, Industry Code 1311 (except natural gas), 1321, or 2911.

"Domestic crude petroleum" means a crude petroleum produced in any of the several States, or the District of Columbia or from the "outer continental shelf" as defined in 43 USC 1331.

"Manufacturer" means a business entity which produces or refines crude petroleum, or refines liquid hydrocarbons from oil and gas field gases, or recovers liquefied petroleum gases incident to petroleum refining.

"Producer" means a business entity which produces crude petroleum.

"Reseller" means a person who carries on the trade or business of purchasing gasoline, heating oil, or diesel fuel, and without substantially changing its form,

reselling it to other than ultimate consumers or purchasing any other covered product, and without substantially changing its form, reselling it to other resellers or to ultimate consumers.

"Retailer" means a person who carries on the trade or business of purchasing gasoline, heating oil, or diesel fuel and without substantially changing its form, selling it to ultimate consumers.

#### § 150.353 Ceiling price rule: Retail sales.

(a) *Applicability.* This section applies to each retail sale of diesel fuel grade No. 2-D as defined in American Society for Testing and Materials (ASTM) D975-71, heating oil grade no. 2 as defined in American Society for Testing and Materials Designation (ASTM) D396-71, or any of the various grades of retail gasoline.

(b) *Rule.* No retailer of gasoline, diesel fuel or heating oil may charge a price for that product which exceeds the ceiling price of the product.

(c) *Posting.* Each retailer of gasoline shall post on each pump that he uses to dispense gasoline, the ceiling price and the minimum research octane rating (as described in the American Society for Testing Materials (ASTM) "Standard Specifications for Gasoline" (D439-70) of the gasoline sold from that pump.

#### § 150.354 Ceiling price rule: Crude petroleum.

(a) *Applicability.* This section applies to (1), except as provided in paragraph (c) of this section, the first sale by a producer of domestic crude petroleum, and (2) the first sale by a royalty owner of domestic crude petroleum accepted as a royalty payment pursuant to the terms of a lease between the royalty owner and the producer of that domestic crude petroleum.

(b) *Rule.* (1) *General.* Except as provided in paragraph (b)(2) of this section, no producer of domestic crude petroleum and no royalty owner may charge a price higher than the ceiling price for that domestic crude petroleum.

(2) *Special release rule.* Notwithstanding paragraph (b)(1) of this section, a producer of new crude petroleum from a property which he leases or owns may in the month produced, or in any subsequent month, sell that new crude petroleum without respect to the ceiling price. However, if the amount of crude petroleum produced in any month is less than the base production control level for the property for that month, any new crude petroleum produced from that property during any subsequent month may not be sold pursuant to this subparagraph until an amount of the new crude petroleum equal to the difference between the amount of crude petroleum actually produced from that property during the earlier month and the base production control level for that property for the earlier month has been sold at or below its ceiling price.

(3) *Released crude.* If during a particular month, a producer produces from

a property new crude petroleum which could be sold at other than the ceiling price pursuant to paragraph (b)(2) of this section, he may sell without regard to the ceiling price, an amount of the base production control level crude petroleum for that month equal to the new crude petroleum for that property for that month. The maximum price that he may charge for the crude petroleum (other than new crude) in this case shall be computed as follows:

$$P_{max} = P_c + \left( \frac{C_{pct}}{C_{bpt}} - 1 \right) (P_n - P_c)$$

Where:

$P_{max}$  = Maximum price that may be charged for the crude petroleum (other than new crude) purchased from the property (\$/bbl);

$P_c$  = Ceiling price of the crude petroleum (\$/bbl);

$C_{bpt}$  = Base production control level for the property (bbl's);

$C_{pct}$  = Total amount of crude petroleum produced from the property during the month (bbl's); and

$P_n$  = Current free market price of the particular quality and grade of crude petroleum (\$/bbl).

Application of this formula may be illustrated by the following example:

*Example:* During September 1973, Firm X produces 8,170 barrels of a single grade of crude petroleum from a particular property. During September 1972, 6,420 barrels of crude petroleum were produced from the same property. The ceiling price for the September 1973 crude petroleum is \$4.10 per barrel, and its free market price (i.e. the price X can get on the market for the 1,750 barrels of new crude) is \$4.95 per barrel. The maximum price that X may charge for the 6,420 barrels of other than new crude petroleum (i.e. old plus release crude) produced in September 1973 is:

$$P_{max} = \$4.10 + \left( \frac{8170}{6420} - 1 \right) (\$4.95 - \$4.10)$$

$$P_{max} = \$4.10 + (.27) (\$0.85)$$

$$P_{max} = \$4.10 + \$0.23$$

$$P_{max} = \$4.33/bbl$$

(4) *Definitions.* For purposes of this subparagraph

"Base production control level" for a particular month means—

(i) For a particular property on which the producer has leased production rights, the total number of barrels of domestic crude petroleum produced in the same month of 1972 from that property.

(ii) For a particular property on which the producer owns production rights, the total number of barrels of domestic crude petroleum produced in the same month of 1972 from that property.

"New crude petroleum" means the total number of barrels of domestic crude petroleum produced from a leased or owned property in a specific month less the base production control level for that property.

(c) *Exchange for imported crude petroleum.* Notwithstanding paragraph (b) of this section, a producer of domestic crude petroleum who negotiates an exchange of domestic crude petroleum for an equal amount of imported crude petroleum to be refined by the producer may, subject to prior approval by the Cost of Living Council, price that domestic crude petroleum at a price not to exceed the price of the imported crude petroleum with which it is exchanged.

#### § 150.355 Price rule: Resellers.

(a) *Applicability.* This section applies to each resale of a covered product, other than a retail sale of a product which is subject to § 150.353 and is purchased and resold without substantial change in form.

(b) *Rule.* No reseller of a product to which this section applies may charge a price in excess of the actual cost of the particular inventory of product being resold plus the actual markup the reseller applied to that product on January 10, 1973. If a covered product, imported from outside the several States and the District of Columbia is commingled with other imported product or with the same product produced in one of the several States or the District of Columbia, any increase in the cost of the imported product incurred after May 15, 1973, may be averaged into the cost of the product with which it is commingled. However, in no case may the reseller's profit margin exceed that which prevailed during its base period.

#### § 150.356 Price rule: Manufacturers.

(a) *Applicability.* This section applies to each sale of a covered product by the manufacturer of that product other than—

(1) a retail sale which is subject to § 150.353;

(2) the first sale of domestic crude petroleum which is subject to § 150.354;

(3) a resale which is subject to § 150.355; or

(4) a sale of domestic crude petroleum in exchange for an equal dollar value of imported crude petroleum.

(b) *Rule.* Except as otherwise provided in this subparagraph, a manufacturer may not charge a price for a covered product in excess of the base price of that product until the proposed price increase has been prenotified to the Cost of Living Council using the prenotification procedure specified in Subpart H for price category I firms. A manufacturer may, without prenotifying the Council adjust its prices to the extent the adjustment reflects solely an increase in:

(1) The price actually paid for domestic crude petroleum purchased and refined by the manufacturer over the ceiling price of that domestic crude determined in accordance with § 150.358(b); or

(2) The price actually paid for imported crude petroleum (other than crude petroleum received through an equal exchange to which § 150.154 (c) applies) refined by the manufacturer or for an imported covered product over the cost of that crude petroleum or product to that manufacturer on May 15, 1973.

However, in no case may the manufacturer's profit margin exceed that which prevailed during its base period.

#### § 150.357 Price rule: Leases.

(a) *Applicability.* This section applies to each lease by a gasoline manufacturer or reseller of a retail gasoline station to a retailer of gasoline.

(b) *Rule.* A gasoline manufacturer who leases real property to a gasoline retailer for use in retailing gasoline may not—

(1) increase, offer to increase, or give notice of intent to increase the rent for that real property to an amount in excess of the base rent established under § 150.359(b);

(2) increase the retailer's obligation to sell covered products to a level above that which prevailed for that retailer during the month of May, 1973; or

(3) impose any operating requirements on the retailer which would be inconsistent with the Economic Stabilization Program such as increasing the retailer's hours of operation or the volume of any covered product which he must sell.

#### § 150.358 Ceiling price determination.

(a) *Retail diesel fuel, heating oil and gasoline.* The ceiling price of diesel fuel, heating oil, or gasoline for any particular location at which it is sold is the actual price paid by the seller for the product sold at that location on August 12, 1973, plus the actual markup applied by the seller at that location on January 10, 1973 to the cost of the same product.

(b) *Domestic crude petroleum.* The ceiling price for a particular grade of domestic crude petroleum in a particular field is the highest posted price at 7:00 a.m., e.d.t., May 15, 1973 for that grade of crude petroleum at that field, or if there are no posted prices in that field, the related price for that grade of crude petroleum which is most similar in kind and quality.

#### § 150.359 Base price determination.

(a) *Manufacturers.* The base price of a covered product being sold by the manufacturer of that product is the price the manufacturer charged for that product (reflecting any applicable customary price differential) on May 15, 1973. If the manufacturer made no sale of the product on May 15, 1973, the base price is the price he charged for that product in the most recent sale before that date.

(b) *Retail gasoline station rent.* The base rent with respect to a lease of real property by a gasoline manufacturer or reseller to a gasoline retailer for use in the retailing of gasoline is the rent charged for that station for the month of May, 1973.

#### § 150.360 Base price—new product.

(a) The base price of a new product is:

(1) In the case of the first sale of domestic crude petroleum, the current free market price of that particular quality and grade of crude petroleum;

(2) In the case of a covered product (other than the first sale of domestic crude petroleum) being offered by the manufacturer of that product, the median price charged for the same or most nearly comparable product (reflecting any applicable customary price differentials) on May 15, 1973, by other manufacturers selling the same or most nearly

comparable product in the same marketing area; and

(3) In all other cases, the median price currently being charged for the same or most nearly comparable product (reflecting any applicable customary price differentials) by other persons selling the same or most nearly comparable product in the same marketing area.

(b) *Definitions.* For purposes of this section

"Median price" means the highest price at which at least 50 percent of the product was sold.

"New product" means a product which the seller did not sell in the same or substantially similar form in the one year period immediately preceding the first date on which he offers it for sale or for lease and if it is substantially different in purpose, function and quality or technology or its use or service effects a substantially different result from any other property which the offering seller currently sells or sold at any time during the one year period immediately preceding the first date on which he offers it for sale.

#### § 150.361 Price information and certification.

(a) *Price information.* Each seller of covered products shall maintain records of its base prices and ceiling prices and shall make available upon request by a customer, the base price or ceiling price of any item being offered for sale to that customer.

(b) *Certification.* Each seller of a covered product subject to this subpart shall upon request certify in the bill of sale that the sale was made at a price no higher than authorized by this subpart.

#### § 150.362 Reports and Recordkeeping.

(a) *Reports.* (1) *Producers.* Each producer of domestic crude petroleum which derives \$50 million or more in annual sales or revenues from sales subject to § 150.354 shall prepare and file with the Cost of Living Council, quarterly reports on prices, costs, profits, and production levels on a form prescribed by the Council.

(2) *Manufacturers.* Each manufacturer of covered products and each retailer or reseller which derives \$50 million or more in annual sales or revenues from the retailing or reselling of covered products shall prepare and file with the Cost of Living Council, monthly and quarterly reports on price movements, costs and other related information on forms prescribed by the Council.

(b) *Recordkeeping.* Each retailer or reseller of covered products which derives less than \$50 million but more than \$1 million in annual sales or revenues from the retailing or reselling of those products shall prepare and maintain at its principal place of business, monthly and quarterly reports on price movements, costs and other related information on forms prescribed by the Cost of Living Council.

### Subpart M—Insurance

#### § 150.401 Applicability.

This subpart applies to each insurance rate increase to be placed into effect after August 12, 1973, which would increase the rate above the level in effect on that date, whether or not the increase is approved by a regulatory agency.

#### § 150.402 Definitions.

As used in this subpart—

"Covered earned premium" means the total premium volume earned for all lines of insurance that are not exempt by § 150.53(b).

"Insurer" means a firm which by contract or for a stipulated consideration undertakes to compensate another for loss on a specified subject and is (1) subject to the regulatory jurisdiction of a State or the District of Columbia (including a person engaged in providing non-profit medical or hospital services under such a regulatory jurisdiction) or (2) undertaking to provide medical or hospital services for a capitation fee.

"Prenotifier" means a health insurer that had \$50 million or more of total covered earned premium or a property-liability insurer that had \$150 million or more of total covered earned premium during the year preceding the effective date of the rate increase it is proposing.

"Rate" means an amount to be charged, charged or paid for insurance, calculated in accordance with a rate making practice or formula, or developed under a classification system.

"Rate increase" includes a restriction in coverage, an increase in a deductible level, or any similar diminution of insurance coverage without a corresponding reduction in the rate.

"Rating bureau" means a person who makes, files, or submits insurance rates applicable to, on behalf of, or advisory for more than one insurer.

"State Regulatory Agency" means any commission, board or other legal body that has jurisdiction over rates or practices of insurers in a State or the District of Columbia.

#### § 150.403 Criteria.

(a) Each insurance rate increase put into effect by any insurer or rating bureau (regardless of its total premium volume earned) after August 12, 1973, which would increase the rate above the level in effect on that date must be consistent with the following criteria:

(1) Factors that reflect experience incurred on all actual costs may be used in the customary manner in the rate-making process.

(2) Factors in the rate-making process or in the actual determination of the final premium that relate to or reflect changes in claim frequency, occurrence or utilization, changes in the classification of risks under class plans already in use or territory relativities, or similar changed conditions of risk may be used in accordance with customary practice provided such factors are supported statistically.

(3) Factors in the rate-making process reflecting or anticipating cost or price increases (i.e., trend factors to the extent they reflect or project inflation) may be used subject to the following restrictions:

(i) For any portion of the period of projection through August 14, 1971, the normal, full factors may be used, provided they are statistically supported by the latest available data in accordance with the insurer's customary practice.

(ii) For any portion of the period of projection after August 14, 1971, through November 13, 1971, a zero rate of inflation must be used.

(iii) For any portion of the period of projection after November 13, 1971, to January 11, 1973, the inflationary trend factor may not exceed five-eighths ( $\frac{5}{8}$ ) of the factor otherwise justified at the time of determining the rate increase.

(iv) For any portion of the period of projection after January 11, 1973, to August 12, 1973, the inflationary trend factor may not exceed six-eighths ( $\frac{6}{8}$ ) of the factor otherwise justified at the time of determining the rate increase.

(v) For any portion of the period of projection after August 12, 1973, to the end of the projection period, the inflationary trend factor may not exceed seven-eighths ( $\frac{7}{8}$ ) of the factor otherwise justified at the time of determining the rate increase.

(vi) Notwithstanding subdivisions (iii), (iv), and (v) of this subparagraph, if the annualized inflationary trend based upon the latest available data is equal to or less than five-eighths ( $\frac{5}{8}$ ) of the annualized inflationary trend based on experience and customary practices before August 15, 1971, that factor based upon the latest available data may be used for the period of projection from November 14, 1971, to the end of the projection period.

(4) Factors for claim settlement or loss adjustment expenses, contingencies which are separate, distinct and in addition to a profit factor, state taxes, licenses and fees, and commissions payable to licensed agents and brokers may be loaded on a percentage of premium or any other customary basis of actual incurred costs in accordance with customary practice. Any increases in the percentage loading for these expense items must be justified.

(5) Factors for administrative expenses other than those specified in paragraph (a)(4) of this section when loaded as a percentage of premium must be limited to a maximum of a 5 percent increase in the dollar amount represented by the loading that was used in the prior rate. If administrative expenses are loaded on an actual cost basis, no increase will be permitted unless statistically supported.

(6) Any profit portion of premium, whether loaded as a percentage of premium of a dollar amount per contract, must be limited to a 2½ percent increase in the dollar amount represented by the loading that was used in the prior rate. For purposes of this section, any portion of premium which is classified as a con-

tribution to reserve, contingency reserve or similar element where a profit, as such, is not a part of the rate-making process, shall be treated as the profit provision.

(b) For the purpose of paragraph (a)(3) of this section, the period of projection covers the entire length of time from the underlying experience base to the future date to which loss or cost levels are being adjusted, regardless of how such period is customarily measured.

#### § 150.404 Change in Rate Making Formula.

No insurer or rating bureau may change a rule, rating formula, formula use or application, data base, rate making procedure or technique, or other element in the rate making process unless:

(a) the change will result in an overall premium level reduction;

(b) the change is necessitated by "no-fault" legislation enacted in a particular jurisdiction; or

(c) written approval has been granted by the Cost of Living Council.

#### § 150.405 Prenotification.

(a) Each prenotifier, or rating bureau acting for a prenotifier, shall file a written notice with the Cost of Living Council and the appropriate State regulatory agency of each State to which the rate increase is applicable (or the State of domicile or delivery of the master policy for experience rated or group contracts applicable to a multi-State risk) of each proposed rate increase in excess of 5.0 percent which affects \$1 million or more of aggregate annualized premiums under the existing rate. Any subsequent proposed rate increase in the same calendar year for the same class of purchaser shall be prenotified regardless of the size of such rate increase. Each person submitting a notice under this section shall certify to the Cost of Living Council and the State regulatory authority that the proposed increase conforms to §§ 150.403 and 150.404. The certification must be signed by the chief executive officer of the prenotifier or by an individual to whom he has delegated that authority. A copy of the delegation must be filed with the Cost of Living Council.

(b) In any State in which rates are established by a State regulatory agency, that agency may submit a prenotification and certify to the Cost of Living Council that the rate increases are in compliance with §§ 150.403 and 150.404. An insurer using those State rates needs only to notify the Cost of Living Council and report quarterly that it is using those rates without submitting all of the supporting data.

(c) Any increase in excess of 5.0 percent which is to be effective in more than 25 jurisdictions may be prenotified directly to the Cost of Living Council in lieu of the procedure set forth in paragraph (a) of this section.

#### § 150.406 Certification by State Regulatory Agency.

A State regulatory agency may agree, in writing, with the Cost of Living Council

to certify that the rate increases of which it has received prenotification under § 150.405 are or are not in compliance with §§ 150.403 and 150.404. Each agency entering into such agreement with the Cost of Living Council shall furnish its certification to the Council (with a copy to the insurer) within 20 days after it receives the prenotification. A certification by an agency under this paragraph is prima facie evidence that the proposed rate increase is or is not in compliance with §§ 150.403 and 150.404.

#### § 150.407 Self-Certification.

Whenever a prenotified, or a rating bureau acting for a prenotifier, cannot obtain a certification of a rate increase from a State regulatory agency in accordance with § 150.406 because:

(a) The State concerned has not agreed to furnish certifications under that paragraph; or

(b) The State regulatory agency did not act upon the filing within the period required under that paragraph; The prenotifier or rating bureau shall immediately notify the Cost of Living Council that it cannot obtain the certification and may request the Council to act upon the certification filed with it under § 150.405.

#### § 150.408 Cost of Living Council Actions.

(a) With respect to any rate increase certified by a State regulatory agency under § 150.405(b) or § 150.406, or self-certified by a prenotifier or a rating bureau acting for a prenotifier under § 150.407, the Cost of Living Council may, within 30 days after the State regulatory agency receives the prenotification take one or more of the following actions:

(1) Require the insurer to furnish additional information regarding the increase.

(2) Delay the effective date of the increase pending further Council action.

(3) Suspend all or part of the effect of the increase, pending further action by the Cost of Living Council or by the regulatory agency.

(4) Limit, refuse, rescind, reduce, or modify the increase.

(b) If the Cost of Living Council does not act upon a request under this paragraph before the end of the thirtieth day as described above, the increase may go into effect. However, in any case in which that period would otherwise end on a Saturday, Sunday, or Federal Holiday, it will end at the close of the next succeeding workday. A prenotification to a State regulatory agency which has been certified as being not in compliance with §§ 150.403 and 150.404 may not be placed into effect unless the written approval of the Cost of Living Council has been granted.

#### § 150.409 Rates for replacement or revised insurance coverages.

The rate for a form of insurance coverage replacing or revising another form of insurance coverage previously written by the same insurer is subject to the same requirements as an increase in the

rate for the previous insurance coverage would have been subject.

**§ 150.410 Insurance rates subject to State laws.**

Approval of an insurance rate increase under this section does not authorize the use of an insurance rate in contravention of any applicable State law that is not inconsistent with this section.

**§ 150.411 Investigation and review of rates.**

The Cost of Living Council acting with and through the appropriate State regulatory agency may require an insurer or rating bureau acting for an insurer to file with the appropriate State regulatory agency the latest available rate review for a particular class of business for which rates have not been revised in the last four quarters. The Head of the State regulatory agency shall determine whether the rate level filed is or is not consistent with the goals of the Economic Stabilization Program and shall so inform the Cost of Living Council.

**§ 150.412 Reporting.**

(a) Each health insurer that had \$25 million or more of total covered earned premium and each property-liability insurer that had \$50 million or more of total covered earned premium during the calendar year preceding any rate increase shall file a quarterly report with the Cost of Living Council with a copy to the appropriate State regulatory agency at the time it normally releases its quarterly reports, but in any event not later than 45 days after the end of the quarter, of each rate increase effected during the first quarter of the year ending the preceding quarter that affected \$250,000 or more of aggregated annualized premiums under the pre-existing rate. However, with respect to a rate increase that has been prenotified the report need not include the supporting data required by § 150.414, but must list the rate increase, the name of the prenotifier or rating bureau, date of prenotification, line of insurance, State or States affected, and aggregate annualized premium affected. In addition, each report shall also include the latest available premium and claims or loss experience in the latest available rate level format for those lines of business or classes of coverage with an annualized premium volume of \$1 million or more for which rates were not revised during the last four quarters.

(b) Each health insurer which had \$25 million or more of total covered earned premium during the calendar year preceding any rate increase shall file with the Cost of Living Council a monthly notice not more than 30 days after the end of the month of all rate level increases and decreases effected during that month that affected \$250,000 or more of aggregate annualized premiums. This notice need not contain the data required under § 150.414, but should include a specification of the type of health insurance coverage, premium volume affected, average percentage change and dollar effect of that change. At the

option of the health insurer such notice may also include information on those contracts with anniversary dates during that month for which no change in rate level was made.

**§ 150.413 Federal Employees Health Benefits Law.**

The Cost of Living Council designates the U.S. Civil Service Commission to act as certifying agent for contracts of insurers under the Federal Employees Health Benefits Law. Each prenotifier that proposes to increase a rate under such a contract shall file notice thereof with the Cost of Living Council and the Civil Service Commission. Each other insurer that proposes to increase a rate under such a contract shall file notice thereof with the Civil Service Commission. The Civil Service Commission shall, with respect to each proposed increase, certify to the Cost of Living Council that the increase is or is not in compliance with § 150.403 and that certification is prima facie evidence of compliance or noncompliance. A rate certified by the Civil Service Commission as being in compliance may go into effect on any date, specified by that Commission, that is at least 10 days after the date of the certification, and at least 30 days after the date of the prenotification.

**§ 150.414 Data requirements.**

Each prenotification filed under § 150.405 and each quarterly report made under § 150.112 shall include:

(a) The specifications of the coverages to which the rate increase is applicable and of the person or persons by which the rate is to be used;

(b) The average percentage increase by line of coverage and by State;

(c) The annualized inflationary trend factor or factors used with specification of the applicability of the factors if more than one are involved, including pre-Phase I, Phase I, Phase II, Phase III and Phase IV applicability separately; and

(d) Any other data specified by the Cost of Living Council on a form to be prescribed by the Council.

**§ 150.415 Monitoring by health insurers.**

Each health insurer is authorized and encouraged to monitor and report to health care providers (both institutional and noninstitutional) any price increases by those providers that involved significant deviation from the provisions of this part that apply to those providers and any increases in use of services or benefits that significantly exceeds its experience with that provider. Upon the receipt of such a report, the provider and the insurer shall make a good faith effort to determine whether any violation of this part has occurred and to take any steps to remedy such violation.

**Subpart P—Mass Transportation Systems**

**§ 150.551 Purpose and Scope.**

This Subpart prescribes mandatory controls applicable to a firm which operates or controls a mass transportation system, the fares of which are not otherwise regulated.

**§ 150.552 Definition.**

As used in this Subpart—

"Mass transportation system" means a public benefit corporation, with annual sales or revenues in excess of \$10 million, which is charged by law or contract with the responsibility of operating a mass transportation facility or facilities which:

(a) Serves a Standard Metropolitan Statistical Area (SMSA); and

(b) Constitutes the sole or a principal means of public transportation for that area.

A facility or facilities includes a rapid rail transit, subway, elevated, bus system but does not include school buses or other conveyances used for sight-seeing or chartered for private use.

**§ 150.553 General rule.**

A public benefit corporation (within the meaning of Section 215 of the Economic Stabilization Act Amendments of 1971 (Public Law 92-210)), charged by law or contract with the responsibility to operate a mass transportation facility or facilities, the fares of which are not otherwise regulated, may not charge a price above base price until the proposed price increase has been prenotified to the Cost of Living Council using the prenotification procedure specified in Subpart H for price category I firms.

2. Amend Part 130 in Subpart B by adding a new § 130.26 to read as follows:

**§ 130.26 Imposition of prenotification requirement.**

(a) *General.* Subject to the provisions of this section, the Council may require, with respect to a proposed or scheduled pay adjustment applicable to or affecting a specific firm or appropriate employee unit, that such pay adjustment shall not be put into effect until 30 days after prenotification of such pay adjustment has been received by the Council.

(b) *Applicability.* Prenotification pursuant to the provisions of paragraph (a) of this section may be required if the Council has reason to believe that—

(1) A proposed or scheduled pay adjustment, whether pursuant to a collective bargaining agreement or pay practice, may be in excess of the general wage and salary standard set forth in § 130.12;

(2) Such pay adjustment, if put into effect, may unduly influence the collective bargaining process in a destabilizing manner or may affect pay adjustments applicable to or affecting other firms or appropriate employee units; and

(3) Such pay adjustment appears to be unreasonably inconsistent with the standards and goals of the Economic Stabilization Program.

(c) *Control year.* A prenotification submitted pursuant to the provisions of paragraph (a) of this section shall include all pay adjustments put into effect, scheduled, or proposed to be put into effect with respect to the applicable control year, determined pursuant to § 201.52 of this title.

(d) *Service.* An employer submitting a prenotification under the provisions of paragraph (a) of this section shall at the

same time serve a copy of each such submission on the collective bargaining agent, if any, for the affected employee unit.

(e) *Receipt by Council.* A prenotification submitted pursuant to the provisions of paragraph (a) of this section shall be addressed to Office of Wage Stabilization, Cost of Living Council, Washington, D.C. 20508. Such prenotification shall not be considered submitted until actually received at such address.

(f) *Content of prenotification.*—(1) *General.* A prenotification submitted pursuant to the provisions of this section shall be submitted by the employer on the Council's Form PB-3, pursuant to instructions issued by the Council. In addition, such prenotification shall include the supplemental information described in paragraph (f)(2) of this section. The Council may, under the circumstances of a specific case, waive one or more of the foregoing requirements in whole or in part, or may require the submission of additional information.

(2) *Supplemental information.*—(1) *Narrative description of all changes with potential economic impact.*—(a) *Wages, salaries and benefits.* Specify both the old and new wage and salary and benefit levels, as well as the extent of such changes within the following categories:

(i) *Straight-time hourly rates.* Straight-time hourly rates, including, but not limited to:

(i) Pattern of base pay increase, e.g., merit increases on a variable timing basis; across the board occupational differences, etc. Describe increases in terms of percent and cents per hour increases;

(ii) Basis of cost of living adjustments, limitations on adjustments, formula for adjustments, and total as well as time-weighted estimates of these adjustments;

(iii) Individual occupational rate changes resulting from consideration of factors such as rate inequities, job evaluation plan changes, skill or craft rate adjustments, etc.;

(iv) Changes affecting rates of pay or costs under production incentive programs;

(v) Progression program increase changes such as accelerated step changes or accelerated automatic changes between job levels, etc.; and

(vi) Reduction in scheduled hours worked which affects the base rate.

(2) *Included benefits.* Included benefits (with changes expressed in cents per hour), including, but not limited to:

(i) Premium pay for overtime, shift work, weekend and holiday work, special schedules, etc.;

(ii) Vacation and holiday provisions such as eligibility requirements, compensation provided, amounts of time off provided, etc.;

(iii) Pay for time off such as sick leave, bereavement, military, jury duty, etc.;

(iv) Severance pay, supplemental unemployment benefit plans, or other pay for terminated employees, etc.;

(v) Pay-as-you-go pension plans;

(vi) Paid rest, wash-up and meal time; and

(vii) Major subsidized training and educational programs.

(3) *Qualified benefits.* Qualified benefits, including, but not limited to:

(i) Pension plan eligibility requirements, benefit level, vesting provisions, survivor benefits, contributory rates, etc.;

(ii) Health insurance eligibility requirements, dependent coverage, type and level of benefits, contributory rates, etc.;

(iii) Life insurance eligibility requirements, type and levels of benefits, contributory rates, etc.;

(iv) Disability insurance eligibility requirements, type, level and duration of benefits, contributory rates, etc.;

(v) Sickness and accident benefits; and

(vi) Changes in other qualified benefit plans such as employee savings plans, etc.

(4) *Other changes.* Other changes with potential significant economic impact, including, but not limited to:

(i) Occupational lines of demarcation;

(ii) Crew size;

(iii) Apprentice-journeyman ratios;

(iv) Temporary assignment rules;

(v) Overtime scheduling requirements;

(vi) Other work rule or pay practice changes; and

(vii) Geographic adjustments or allowances.

(b) *Differential treatment.* Where specific employee groups within an appropriate employee unit are treated differentially, this should be noted and the reasons given. Provide both the old and new levels as well as the extent of all changes in straight-time hourly rates, included benefits, qualified benefits, and other changes with potential significant economic impact, for each employee group treated differently. An employee

group is a sub-group of an appropriate employee unit and may be determined by skill, occupation, job grade or level, geographic location, or organization, etc.

(ii) *Information on changes in pay rates.*—

(a) For represented employees not covered by an established merit pay plan, submit a copy of the collective bargaining agreement covering the changes in pay rates, and a copy of the prior succeeded agreement, if any.

(b) For non-represented employees not covered by an established merit pay plan, submit appropriate documentation in lieu of a collective bargaining agreement.

(c) For employees covered by an established merit pay plan, submit a description of the plans, practices and controls used to govern wage and salary increases.

(d) For purposes of (a) and (b) of this subdivision, include sufficient information to describe any change in rates of pay except that where rate information is treated as confidential and regarded as proprietary, data which reflect the average changes in pay may be submitted.

(e) If pay adjustments are to be made differentially across groups, submit additional information indicating the amounts and reason for such expenditures and expressing amounts in both cents per hour and percentages.

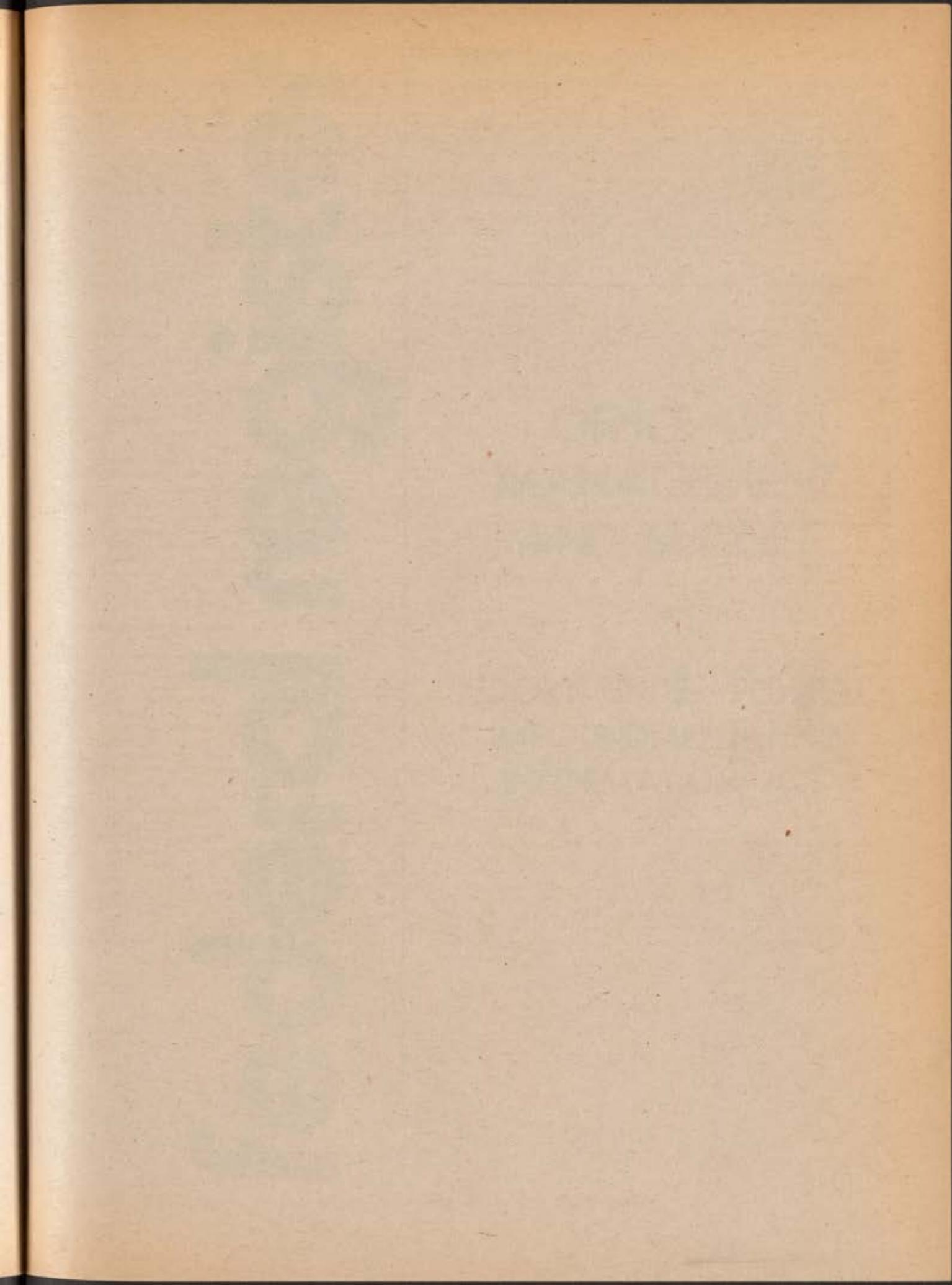
3. Amend Part 130 in Subpart D by adding a new paragraph (d) to Section 130.34 to read as follows:

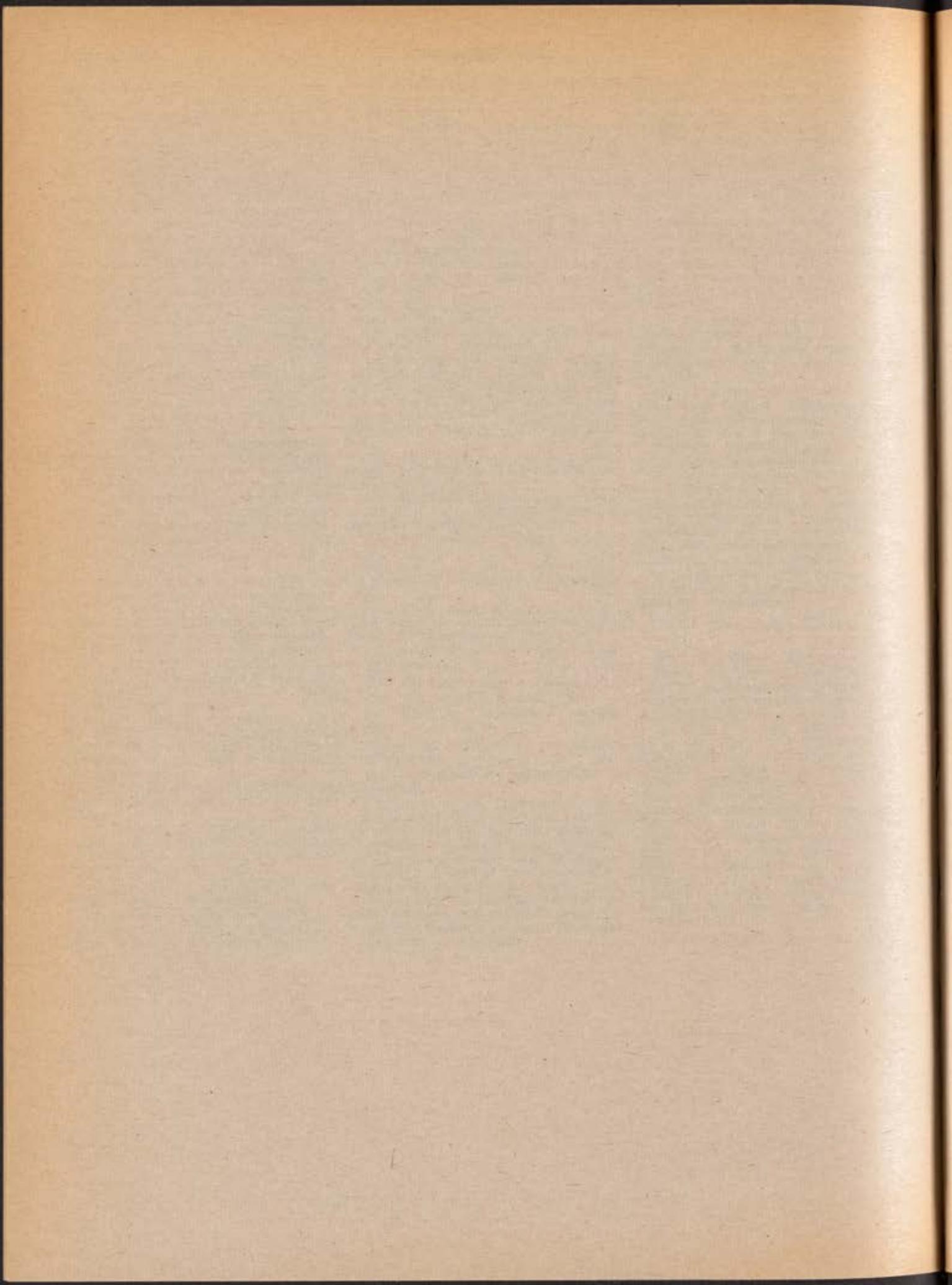
§ 130.34 Certain pay adjustments.

(d) *Pay adjustments in the lumber industry.*—(1) *General.* Pay adjustments affecting employees engaged on a regular and continuing basis in the operation of an establishment in the Lumber industry.

(2) *Definition.* For purposes of this paragraph, the term "establishment in the lumber industry" means an establishment classified in the Standard Industrial Classification Manual, 1972 edition, under Industrial Code 2411 (Logging Camps and Logging Contractors); 2421 (Sawmills and Planing Mills, General); 2426 (Hardwood Dimension and Flooring Mills); 2429 (Special Product Sawmills); 2435 (Hardwood Veneer and Plywood); 2436 (Softwood Veneer and Plywood); 2439 (Structural Wood Members, Not Elsewhere Classified); or 2492 (Particleboard).

[FR Doc.73-15027 Filed 7-19-73;4:30 pm]





# federal register

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PART III



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## OFFICE OF MANAGEMENT AND BUDGET

■

REPORT UNDER FEDERAL  
IMPOUNDMENT AND  
INFORMATION ACT

OFFICE OF MANAGEMENT AND  
BUDGET

REPORT UNDER FEDERAL IMPOUND-  
MENT AND INFORMATION ACT

JULY 13, 1973.

Honorable Spiro T. Agnew,  
*President of the Senate,*  
*Washington, D.C. 20510.*

DEAR MR. PRESIDENT: The enclosed report is submitted pursuant to the Federal Impoundment and Information Act, as amended. In accordance with that Act, the report is being transmitted to the Congress and to the Comptroller General of the United States, and will be published in the FEDERAL REGISTER.

Sincerely,

ROY L. ASH,  
*Director.*

BUDGETARY RESERVES AS OF JUNE 30, 1973

*Introduction.* The Director of the Office of Management and Budget, under authority delegated by the President, is required to apportion funds provided by the Congress. The apportionments are required under the Antideficiency Act (31 U.S.C. 665) and generally are for the current fiscal year. Under the law, such apportionments limit the amounts which may be obligated during specific periods.

The Antideficiency Act authorizes the withholding of funds from apportionment to provide for contingencies; or to effect savings made possible by or through changes in requirements, greater efficiency of operations, or other developments subsequent to the date on which the funds were made available. There are also occasions when specific provisions of law provide that the funds should be available for use over periods longer than one year; in such cases, they generally are not fully apportioned in the current year, and the unapportioned part is withheld, to be released later for use in the next year or years. Thus, some amounts are withheld from apportionment, either temporarily or for longer periods. In these cases, the funds not apportioned are said to be held or placed "in reserve." This practice is one of long standing and has been exercised by all recent administrations as a customary part of financial management.

On occasion the Congress has explicitly required that an amount be placed in reserve pending an administrative determination of need (e.g., the 1973 Agriculture-Environmental and Consumer Protection Appropriation Act—Public Law 92-399). Most reserves, however, are established upon the initiative of the Executive Branch based on an operational knowledge of the status of the specific projects or activities. For example, when the required amount of work can be accomplished at less cost than had been anticipated when the appropriation was made, a reserve assures that savings can be realized and, if appropriate, returned to the Treasury. In other cases, specific apportionments sometimes await (1) development by the affected agencies of approved plans and specifications, (2)

completion of studies for the effective use of the funds, including necessary coordination with the other Federal and non-Federal parties that might be involved, (3) establishment of a necessary organization and designation of accountable officers to manage the programs, or (4) the arrival of certain contingencies under which the funds must by statute be made available (e.g., certain direct Federal credit aids when private sector loans are not available).

From time to time addition reserves are established for such reasons as the necessity to conform to the requirements of other laws. An example is the executive's responsibility to stay within the statutory limitation on the outstanding public debt.

Since the report as of April 14, 1973, the total of reserves has been reduced by over \$700 million. Of the total released, over 80 percent was in response to the development or completion by the responsible agencies of approved plans, designs, and specifications, to the effect of court actions, disasters, and contingencies. The remainder was applied to costs of pay raises or resulted from re-estimates of obligations, balances, and receipts. In addition to the over \$700 million released for use prior to the end of fiscal year 1973, approximately \$2.4 billion held in reserve during fiscal year 1973 has subsequently been released and made available for obligation in fiscal year 1974, which began July 1, 1973.

The total of reserves as of June 30, 1973 is 3.1% of the total estimated budget outlays for fiscal year 1973. The comparable percentage at the end of fiscal years 1959 through 1961 ranged from 7.5% to 8.7%. At the end of fiscal year 1967, it stood at 6.7%. At the end of 1972, it was 4.6%. But a range in the neighborhood of 6% has been normal over most of the last decade.

*Report required by law.* This report is submitted in fulfillment of the requirements of the "Federal Impoundment and Information Act," as amended, which provides for a report of "impoundments," and certain other information pertaining thereto. This report lists the budgetary reserves which were in effect as of June 30, 1973.

The Antideficiency Act requires that all apportionments be reviewed at least quarterly, and that reapportionments be made or reserves be established modified, or released as may be necessary to further the effective use of the funds concerned. Thus, in answer to item Number 5 of the Federal Impoundment and Information Act, the period of time during which funds are to be in reserve is dependent in all cases upon the results of such later review.

The remainder of this report lists, by agency, all accounts for which some funds are reserved. An asterisk (\*) identifies those accounts added to the listing since the last report (i.e., such accounts contained no reserves on April 14, 1973). Reserve entries which have been superseded (i.e., increased, de-

creased, or eliminated) since January 29, 1973, by a subsequent apportionment action and are no longer in effect appear in parentheses. Entries not in parentheses indicate the most current apportionment and reserve action. The listing:

(a) Presents the amount currently apportioned for the fiscal year 1973;

(b) Presents the amount in reserve as of June 30, 1973;

(c) States whether the amount reserved will be legally available for obligation in fiscal year 1974;

(d) Indicates the date of the reserve action and the effective date of the current reserve;

(e) Presents a code which relates to the reason for the current reserve action, without necessarily exhausting all possible reasons.

(f) Presents a code which indicates the estimated fiscal, economic, and budgetary impact of the current reserve.

Codes used in the remainder of this report relating to the reasons for and estimated fiscal, economic, and budgetary impact of the reserve actions are described on the following pages. In some cases, the standard explanations given have been modified slightly from those used in previous reports. Such modifications have been made for the sake of clarity. The codes and footnotes listed for each entry relate to conditions which were in effect as of the date of the reserve action.

REASON FOR RESERVE ACTION

Code

- 1 "To provide for contingencies" (31 USC 665(c)(2)).
- 2 "To effect savings whenever savings are made possible by or through changes in requirements, greater efficiency of operations, or other developments subsequent to the date on which such (funds were) made available" (31 USC 655(e)(2)).
- 3 To reduce the amount of or to avoid requesting a deficiency or supplemental appropriation in cases of appropriations available for obligation for only the current year (31 USC 665(c)(1)). This explanation includes amount anticipated to be used to absorb or partially absorb the costs of recent pay raises grant pursuant to law.
- 4 "To achieve the most effective and economical use" of funds available for periods beyond the current fiscal year (31 USC 665(c)(1)). This explanation includes reserves established to carry out the Congressional intent that funds provided for periods greater than one year should be so apportioned that they will be available for the future periods.
- 5 Temporary deferral pending the establishment of administrative machinery (not yet in place) or the obtaining of sufficient information (not yet available) properly to apportion the funds and to insure that the funds will be used in "the most effective and economical" manner (31

- Code*
- USC 665(c)(1)). This explanation includes reserves for which apportionment awaits the development by the agency of approved plans, designs, specifications.
- 6 The President's constitutional duty to "take care that the laws be faithfully executed" (U.S. Constitution, Article II, Section 3):
- 6a—Obligation at this time of amount in reserve is likely to contravene law regarding the environment; or the amount in reserve is being held pending further study to evaluate the environmental impact of the affected projects (activities) as required by law.
- 6b—Existing tax laws and the statutory limitation on the national debt are not expected to provide sufficient funds in the current and ensuing fiscal years to cover the total of all outlays in these years contemplated by the individual acts of Congress.
- Code*
- 6c—Action taken consistent with the President's responsibility to help maintain economic stability without undue price and cost increases.
- 6d—Amount apportioned reflects the level of obligations implicitly approved by the Congress in its review of and action on the appropriation required to liquidate obligations under existing contract authority.
- 6e—Other. See footnote for each item so coded.
- 7 The President's constitutional authority and responsibility as Commander in Chief (U.S. Constitution, Article II, Section 2).
- 8 The President's constitutional authority and responsibility for the conduct of foreign affairs (U.S. Constitution, Article II, Section 2).
9. Other. See footnote for each item so coded.
10. Not applicable or no reason required. (In most cases where a previous re-
- Code*
- serve has been apportioned in its entirety.)
- ESTIMATED FISCAL, ECONOMIC, AND BUDGETARY EFFECT
- I. Same effect as set forth in the most recently submitted budget document, of which this item is an integral part.
- II. The change from the previous reserve is expected to contract the budgetary impact of this program and contribute to the reduction of inflationary pressures.
- III. The release or reduction of the previous reserve will facilitate use and expenditure of the available funds consistent with current program needs and economic conditions in the area affected.
- IV. Other. See footnote for each item so coded.
- V. Not applicable or no explanation required. (In most cases where a previous reserve has been apportioned in its entirety.)

As of  
June 30, 1973

SUMMARY OF BUDGETARY RESERVES

(Dollars in millions)

Agency	Amount as of Jan. 29, 1973	Amount as of Apr. 14, 1973	Amount as of June 30, 1973
Executive Office of the President.....	3	3	2
Funds Appropriated to the President.....	127	126	126
Department of Agriculture.....	1,497	1,483	1,316
Department of Commerce.....	181	178	140
Department of Defense--Military.....	1,899	1,716	1,618
Department of Defense--Civil.....	118	93	33
Department of Health, Education, and Welfare.....	35	34	21
Department of Housing and Urban Development.....	529	510	460
Department of the Interior.....	482	480	478
Department of Justice.....	36	36	36
Department of State.....	6	5	6
Department of Transportation.....	2,937	2,924	2,885
Department of Treasury.....	24	24	22
Atomic Energy Commission.....	316	316	118
Environmental Protection Agency.....	2	2	-
General Services Administration.....	261	261	262
National Aeronautics and Space Administration....	33	30	2
Veterans Administration.....	71	69	44
Other Independent Agencies:			
National Science Foundation.....	62	62	62
Small Business Administration.....	51	51	50
All other.....	52	52	51
<b>Total.....</b>	<b>8,723</b>	<b>8,456</b>	<b>7,732</b>

\*Less than \$500 thousand.

As of  
June 30, 1973

BUDGETARY RESERVES

(Dollars in thousands)

GENERAL NOTES

Amounts in parenthesis ( ) indicate actions superseded by later apportionment actions. An asterisk \* indicates an account added to the list since the last report.

Amount apportioned	Amount in reserve	Available beyond FY 1973*	Date of reserve action	Effective date of reserve	Reason for reserve action (see code)	Estimated fiscal, economic, & budgetary effect (see code)
<b>Executive Office of the President</b>						
<b>Council on Environmental Quality: Salaries and Expenses</b>						
(\$2,230)	(\$320)	No	1/12/73	1/12/73	5	I
(2,265)	(285)	No	2/27/73	2/27/73	5	I
2,550	---	NA	6/01/73	6/01/73	10	V
<b>Council on International Economic Policy: Salaries and Expenses</b>						
(300)	(700)	No	11/28/72	11/28/72	5	I
(800)	(200)	No	3/12/73	3/12/73	5	I
1,000	---	NA	6/21/73	6/21/73	10	V
<b>National Security Council: Salaries and Expenses</b>						
(2,637)	(125)	No	8/04/72	8/04/72	5	I
2,712	50	No	3/30/73	3/30/73	5	I

<u>Amount apportioned</u>	<u>Amount in reserve</u>	<u>Available beyond FY 1973?</u>	<u>Date of reserve action</u>	<u>Effective date of reserve</u>	<u>Reason for reserve action (see code)</u>	<u>Estimated fiscal, economic, &amp; budgetary effect (see code)</u>
<u>Special Action Office for Drug Abuse Prevention: Salaries and Expenses</u>						
6,315	2,027	Yes	8/21/72	8/21/72	4,5	I
<u>Funds Appropriated to the President</u>						
<u>Appalachian Regional Commission: Appalachian Regional Development Programs</u>						
340,263	65,000	Yes	9/22/72	9/22/72	5,6c	I
<u>Agency for International Development: Prototype Desalting plant</u>						
--- 1/	20,000	Yes	4/07/72	7/01/72	5	I
<u>The Inter-American Foundation: Inter-American Foundation</u>						
(8,000)	(41,624)	Yes	1/10/72	7/01/72	4,6e 2/	I
5,000	40,652	Yes	3/12/73	3/12/73	4	I
<u>Department of Agriculture</u>						
<u>Office of the Secretary: Office of the Secretary</u>						
(11,312)	(583)	No	1/26/73	1/26/73	6b	I
11,424	472	No	4/09/73	4/09/73	6b	I
<u>Office of the Inspector General: Office of the Inspector General</u>						
(18,774)	(450)	No	1/26/73	1/26/73	6b	I
18,974	250	No	4/03/73	4/03/73	6b	I

<u>Amount apportioned</u>	<u>Amount in reserve</u>	<u>Available beyond FY 1973?</u>	<u>Date of reserve action</u>	<u>Effective date of reserve</u>	<u>Reason for reserve action (see code)</u>	<u>Estimated fiscal, economic, &amp; budgetary effect (see code)</u>
<u>Office of the General Counsel: Office of the General Counsel</u>						
(6,913)	(113)	No	1/26/73	1/26/73	6b	I
6,926	---	NA	4/03/73	4/03/73	10	V
<u>Office of Management Services: Office of Management Services</u>						
(5,534)	(6)	No	1/26/73	1/26/73	6b	I
5,540	---	NA	4/03/73	4/03/73	10	V
<u>Agricultural Research Service: Agricultural Research Service</u>						
(200,402)	(8,464)	No	1/26/73	1/26/73	6b	I
201,518	8,048	No	5/09/73	5/09/73	6b	I
<u>Construction</u>						
(3,598)	(1,720)	Yes	1/26/73	1/26/73	4,6b	I
3,798	1,520	Yes	6/29/73	6/29/73	4,6b	I
<u>Animal and Plant Health Inspection Service: Animal and Plant Health Inspection Service</u>						
(323,410)	(2,055)	No	1/29/73	1/29/73	1,5,6b,6e 3/	I
(328,734)	(738)	No	3/21/73	3/21/73	1,5,6b,6e 3/	I
(330,259)	(713)	No	4/25/73	4/25/73	1,5,6e 3/	I
330,289	683	No	6/05/73	6/05/73	6,6e 3/	I
<u>Cooperative State Research Service: Cooperative State Research Service</u>						
(88,388)	(3,530)	No	1/26/73	1/26/73	6b,5,6e 3/	I
(91,748)	(1,530)	No	3/08/73	3/08/73	5,6b	I
90,401	1,500	No	4/03/73	4/03/73	6b	I

<u>Amount apportioned</u>	<u>Amount in reserve</u>	<u>Available beyond FY 1973?</u>	<u>Date of reserve action</u>	<u>Effective date of reserve</u>	<u>Reason for reserve action (see code)</u>	<u>Estimated fiscal, economic, &amp; budgetary effect (see code)</u>
<u>Extension Service: Extension Service</u>						
(190,427)	(5,053)	No	1/26/73	1/26/73	5,6b,6e 3/	I
(192,428)	(3,053)	No	3/19/73	3/19/73	5,6b	I
192,481	3,000	No	4/12/73	4/12/73	6b	I
<u>National Agricultural Library: National Agricultural Library</u>						
(4,408)	(6)	No	1/26/73	1/26/73	6b	I
4,416	--	NA	4/12/73	4/12/73	10	V
<u>Statistical Reporting Service: Statistical Reporting Service</u>						
(25,042)	(267)	No	1/26/73	1/26/73	6b	I
25,300	9	No	4/09/73	4/09/73	6b	I
<u>Economic Research Service: Economic Research Service</u>						
(18,689)	(337)	No	1/26/73	1/26/73	6b	I
19,002	24	No	4/12/73	4/12/73	6b	I
<u>Commodity Exchange Authority: Commodity Exchange Authority</u>						
2,894	12	No	1/26/73	1/26/73	6b	I
<u>Packers and Stockyards Administration: Packers and Stockyards Administration</u>						
(4,014)	(43)	No	1/26/73	1/26/73	6b	I
4,057	--	NA	4/03/73	4/03/73	10	V

<u>Amount apportioned</u>	<u>Amount in reserve</u>	<u>Available beyond FY 1973?</u>	<u>Date of reserve action</u>	<u>Effective date of reserve</u>	<u>Reason for reserve action (see code)</u>	<u>Estimated fiscal, economic, &amp; budgetary effect (see code)</u>
<u>Farmers Cooperative Service: Farmers Cooperative Service</u>						
(2,060)	(115)	No	1/26/73	1/26/73	6b	I
2,075	100	No	4/03/73	4/03/73	6b	I
<u>Foreign Agricultural Service: Foreign Agricultural Service</u>						
(28,932)	(117)	No	1/26/73	1/26/73	6b	I
29,049	---	NA	4/03/73	4/03/73	10	V
<u>Salaries and Expenses, Special Foreign Currency Program</u>						
1,000	2,240	Yes	1/26/73	1/26/73	4	I
<u>Agricultural Stabilization and Conservation Service: Rural Environmental Assistance</u>						
15,000	210,500	Yes	1/26/73	1/26/73	6b	I
<u>Water Bank Act Program</u>						
8,489	11,391	Yes	1/26/73	1/26/73	6b	I
<u>Emergency Conservation Measures</u>						
(20,000)	(3,670)	Yes	12/30/72	12/30/72	1	I
23,801	--	NA	4/19/73	4/19/73	10	V
<u>Rural development service</u>						
(394)	(6)	No	1/26/73	1/26/73	6b	I
397	3	No	4/17/73	4/17/73	6b	I

<u>Amount apportioned</u>	<u>Amount in reserve</u>	<u>Available beyond FY 1973?</u>	<u>Date of reserve action</u>	<u>Effective date of reserve</u>	<u>Reason for reserve action (see code)</u>	<u>Estimated fiscal, economic, &amp; budgetary effect (see code)</u>
<u>Dairy and Beekeeper Indemnity Program</u>						
7,294	2,500	Yes	1/26/73	1/26/73	4	I
<u>Commodity Credit Corporation: Limitation on Administrative Expenses</u>						
(37,034)	(2,866)	No	1/26/73	1/26/73	1,6e 3/	I
39,900	---	NA	3/30/73	3/30/73	10	V
<u>Rural Electrification Administration: Loans</u>						
283,972	456,103	Yes	1/26/73	1/26/73	2,6b,6c	I
<u>Salaries and Expenses</u>						
16,611	153	No	1/26/73	1/26/73	6b	I
<u>Farmers Home Administration: Rural Water and Waste Disposal Grants</u>						
30,000	120,000	Yes	1/26/73	1/26/73	6b,6c	I
<u>Rural Housing for Domestic Farm Labor Grants</u>						
(850)	(2,947)	Yes	1/26/73	1/26/73	5,6b	I
2,176	1,621	Yes	1/31/73	1/31/73	5,6b	IV 13/
<u>Mutual and Self-Help Housing Grants</u>						
3,729	832	Yes	9/22/72	9/22/72	4	I

<u>Amount apportioned</u>	<u>Amount in reserve</u>	<u>Available beyond FY 1973?</u>	<u>Date of reserve action</u>	<u>Effective date of reserve</u>	<u>Reason for reserve action (see code)</u>	<u>Estimated fiscal, economic, &amp; budgetary effect (see code)</u>
<u>Salaries and Expenses</u>						
(117,914)	(1,371)	No	1/26/73	1/26/73	6b	I
119,285	---	NA	4/03/73	1/26/71	10	V
<u>Rural Housing Insurance Fund</u>						
2,021,000	133,000	Yes	1/26/73	1/26/73	4,6b	I
<u>Soil Conservation Service: Conservation Operations</u>						
(170,093)	(3,607)	Yes	1/26/73	1/26/73	6b	I
173,700	--	NA	6/26/73	6/26/73	10	V
<u>River Basin Surveys &amp; Investigations</u>						
14,344	156	Yes	1/26/73	1/26/73	6b	I
<u>Watershed Planning</u>						
9,256	569	Yes	1/26/73	1/26/73	6b	I
<u>Watershed and Flood Prevention Operations</u>						
140,287	17,412	Yes	1/26/73	1/26/73	6b	I
<u>Great Plains Conservation Service</u>						
18,265	74	Yes	1/26/73	1/26/73	6b	I
<u>Resource Conservation and Development</u>						
25,371	7,929	Yes	1/26/73	1/26/73	6b	I

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<u>Agricultural Marketing Service: Marketing Services, no-year</u>						
(1,360)	(700)	Yes	6/27/72	7/1/72	4	I
1,591	940	Yes	3/16/73	3/16/73	4	I
<u>Marketing Services, annual</u>						
(37,151)	(236)	No	9/22/72	9/22/72	6b	I
37,392	---	NA	3/13/73	3/13/73	10	V
<u>Payments to States and Possessions</u>						
1,600	900	No	9/22/72	9/22/72	6b	I
<u>Perishable Agricultural Commodities Act Fund</u>						
(1,353)	(10)	Yes	6/27/72	7/01/72	4	I
1,384	140	Yes	3/13/73	3/13/73	4	I
<u>Food Nutrition Service: Food Stamp Program</u>						
(2,336,896)	(158,854)	No	12/20/72	12/20/72	1,6e 3/	I
2,495,750	---	NA	6/29/73	6/29/73	10 18/	V
<u>Forest Service: Forest Protection &amp; Utilization, annual</u>						
(390,919)	(22,105)	No	1/26/73	1/26/73	6b	I
394,491	18,105	No	3/23/73	3/23/73	6b	IV 14/
<u>Forest Protection and Utilization, no-year</u>						
9,208	615	Yes	9/08/72	9/08/72	4	I

<u>Amount apportioned</u>	<u>Amount in reserve</u>	<u>Available beyond FY 1973?</u>	<u>Date of reserve action</u>	<u>Effective date of reserve</u>	<u>Reason for reserve action (see code)</u>	<u>Estimated fiscal, economic, &amp; budgetary effect (see code)</u>
<u>Construction and Land Acquisition</u>						
43,401	12,602	Yes	1/26/73	1/26/73	6b	I
<u>Youth Conservation Corps</u>						
(3,500)	(2,097)	Yes	1/26/73	1/26/73	4	I
3,630	1,967	Yes	5/10/73	5/10/73	4	I
<u>Forest Roads and Trails and Roads and Trails for States</u>						
(157,848)	(280,380)	Yes	1/26/73	1/26/73	4,6b	I
159,830	278,398	Yes	3/29/73	3/29/73	4,6b	I
<u>Assistance to States for Tree Planting</u>						
1,119	15	Yes	1/26/73	1/26/73	6b	I
<u>Brush Disposal</u>						
(18,328)	(18,558)	Yes	11/14/72	11/14/72	4	I
19,628	22,258	Yes	4/03/73	4/03/73	4	I
<u>Forest Fire Prevention</u>						
261	134	Yes	11/14/72	11/14/72	4	I
<u>Department of Commerce</u>						
<u>Social and Economic Statistics Administration: Salaries and Expenses</u>						
(33,787)	(1,500)	No	11/24/72	11/24/72	2,6b	I
(34,564)	(722)	No	3/28/73	3/28/73	2,6b	I
34,564	177	No	6/30/73	6/30/73	2,6b	I

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1974 Census of Agriculture						
---	2/ 1,360	Yes	11/24/72	11/24/72	2,4	I
<u>Economic Development Administration: Planning, Technical Assistance and Research</u>						
(29,000)	(2,488)	No	1/18/73	1/18/73	2,6b	I
31,569	--	NA	5/08/73	5/08/73	10	V
Development Facilities						
(211,109)	(8,891)	No	1/18/73	1/18/73	2,6b	I
220,000	--	NA	5/08/73	5/08/73	10	V
<u>Regional Action Planning Commissions: Regional Development Programs</u>						
(44,553)	(1,116)	Yes	11/24/72	11/24/72	5	I
(44,575)	(1,094)	Yes	3/28/73	3/28/73	5	I
45,669	--	NA	5/01/73	5/01/73	10	V
<u>Domestic and International Business: Trade Adjustment Assistance</u>						
21,000	18,681	Yes	1/04/73	1/04/73	1	I
Spokane Ecological Exposition						
(2,689)	(811)	Yes	11/24/72	11/24/72	4,5	I
(3,366)	(134)	Yes	4/25/73	4/25/73	4,5	I
3,500	--	NA	6/04/73	6/04/73	10	V
International Activities, Inter-American Cultural and Trade Center						
100	5,359	Yes	9/29/72	9/29/72	4,5	I

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<u>Office of Minority Business: Minority Business Development, no-year</u>						
36,065	16,768	Yes	1/26/73	1/26/73	2,4,6b	I
Minority Business Development, annual						
(9,935)	(1,188)	No	11/24/72	11/24/72	2,6b	I
10,009	1,114	No	3/28/73	3/28/73	2,6b	I
<u>National Oceanic and Atmospheric Administration: Salaries and Expenses</u>						
(228,780)	(12,323)	No	1/26/73	1/26/73	2,6b	I
(232,436)	(8,984)	No	3/29/73	3/29/73	2,3,6b	I
236,209	6,820	No	6/29/73	6/29/73	2,6b	I
Research, Development, and Facilities						
(121,481)	(31,762)	Yes	1/26/73	1/26/73	2,4,6b	I
(120,983)	(32,260)	Yes	3/28/73	3/28/73	2,4,6b	I
122,238	31,005	Yes	6/28/73	6/28/73	2,4,6b	I
Satellite Operations						
(38,282)	(1,000)	Yes	1/26/73	1/26/73	5	I
38,555	727	Yes	6/28/73	6/28/73	5	I
Administration of the Pribilof Islands						
(3,032)	(200)	No	1/26/73	1/26/73	2,6b	I
3,090	142	No	3/29/73	3/29/73	2,6b	I

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<b>Promote and Develop Fishery Products and Research Pertaining to American Fisheries</b>						
(7,053)	(3,297)	Yes	2/19/73	2/19/73	4,5,6a	I
7,191	3,159	Yes	3/29/73	3/29/73	4,5,6a	I
<b>Patent Office: Salaries and Expenses</b>						
(66,353)	(1,247)	No	1/26/73	1/26/73	2,6b	I
67,380	220	No	3/28/73	3/28/73	2,6b	I
<b>Office of Telecommunications: Research, Analysis and Technical Services</b>						
(5,316)	(1,435)	Yes	12/28/72	12/28/72	2,4,6b	I
5,408	1,343	Yes	6/28/73	6/28/73	2,4,6b	I
<b>National Bureau of Standards: Plant and Facilities</b>						
2,450	1,850	Yes	11/24/72	11/24/72	2,4,6b	I
<b>Research and Technical Services, annual</b>						
(50,400)	(7,895)	No	12/28/72	12/28/72	2,6b	I
51,273	7,022	No	3/28/73	3/28/73	2,6b	I
<b>Research and Technical Services, no-year</b>						
(2,000)	(8,812)	Yes	11/24/72	11/24/72	5,6b	I
7,000	3,812	Yes	5/07/73	5/07/73	5,6b	I
<b>Construction of Facilities</b>						
138	740	Yes	1/26/73	1/26/73	4,6b	I

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<b>Maritime Administration: Ship Construction</b>						
(421,810)	(50,000)	Yes	1/18/73	1/18/73	4,6b	I
(436,810)	(35,000)	Yes	6/26/73	6/26/73	4,6b	IV 12/
437,810	34,000	Yes	6/29/73	6/29/73	4,6b	IV 13/
<b>Research and Development</b>						
24,901	5,000	Yes	1/18/73	1/18/73	4,6b	I
<b>Salaries and Expenses</b>						
(25,010)	(700)	No	11/24/72	11/24/72	2	I
25,582	127	No	3/27/73	3/27/73	2	I
<b>Maritime Training</b>						
(8,324)	(150)	No	11/24/72	11/24/72	2	I
8,433	41	No	3/27/73	3/27/73	2	I
<b>State Marine Schools</b>						
2,428	127	Yes	11/24/72	11/24/72	4	I
<b>Department of Defense-Military Personnel: Reserve Personnel, Marine Corps</b>						
(71,950)	(5,106)	No	11/17/72	11/17/72	5	I
(74,206)	(2,850)	No	2/15/73	2/15/73	5	I
73,256	---	NA	6/29/73	6/29/73	10	V

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<b>Procurement: Aircraft Procurement, Army, 1972-1974</b>						
(53,049)	(2,825)	Yes	11/20/72	11/20/72	4	I
53,049	--	NA	2/05/73	2/05/73	10	V
<b>Missile Procurement, Army, 1973-1975</b>						
1,106,100	2,500	Yes	2/05/73	2/05/73	4	I
<b>Other Procurement, Army, 1972-1974</b>						
(146,583)	(21,726)	Yes	11/20/72	11/20/72	4	I
146,583	--	NA	2/05/73	2/05/73	10	V
<b>Procurement of Aircraft and Missiles, Navy, 1971-1973*</b>						
(231,611)	(10,000)	No	5/08/73	5/08/73	5	I
215,611	---	NA	6/29/73	6/29/73	10	V
<b>Procurement of Aircraft and Missiles, Navy, 1973-1975*</b>						
3,732,028	13,281	Yes	6/29/73	6/29/73	5	I
<b>Shipbuilding and Conversion, Navy, 1971-1975</b>						
1,031,900	145,672	Yes	11/24/72	11/24/72	4	I
<b>Shipbuilding and Conversion, Navy, 1972-1976</b>						
938,300	427,212	Yes	11/24/72	11/24/72	4	I

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<b>Shipbuilding and Conversion, Navy, 1973-1977</b>						
(2,263,500)	(777,100)	Yes	11/24/72	11/24/72	4	I
2,263,500	763,300	Yes	6/29/73	6/29/73	4	I
<b>Military Construction: Military Construction, Army</b>						
(1,199,739)	(127,706)	Yes	11/24/72	11/24/72	5	I
(1,271,631)	(79,814)	Yes	2/23/73	2/23/73	5	I
(1,277,631)	(73,814)	Yes	5/08/73	5/08/73	5	I
1,281,140	70,304	Yes	6/27/73	6/27/73	5	I
<b>Military Construction, Navy</b>						
(719,073)	(127,584)	Yes	1/08/73	1/08/73	5	I
(706,308)	(140,349)	Yes	3/06/73	3/06/73	5	I
(741,970)	(104,687)	Yes	3/07/73	3/07/73	5	I
(768,416)	(78,241)	Yes	4/24/73	4/24/73	5	I
778,524	68,133	Yes	6/27/73	6/27/73	5	I
<b>Military Construction, Air Force</b>						
(364,331)	(123,924)	Yes	1/08/73	1/08/73	5	I
(367,656)	(120,599)	Yes	2/02/73	2/02/73	5	I
(410,379)	(77,876)	Yes	3/29/73	3/29/73	5	I
(425,173)	(63,082)	Yes	4/09/73	4/09/73	5	I
(438,348)	(49,907)	Yes	5/29/73	5/29/73	5	I
436,648	51,607	Yes	6/27/73	6/27/73	5	I
<b>Military Construction, Defense Agencies</b>						
(24,580)	(58,565)	Yes	1/10/73	1/10/73	5	I
24,730	58,415	Yes	2/15/73	2/15/73	5	I

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<b>Military Construction, Army National Guard</b>						
(20,939)	(25,327)	Yes	1/08/73	1/08/73	5	I
(25,081)	(21,185)	Yes	2/05/73	2/05/73	5	I
(31,249)	(15,016)	Yes	3/08/73	3/08/73	5	I
(44,247)	(2,018)	Yes	5/11/73	5/11/73	5	I
46,164	102	Yes	6/14/73	6/14/73	5	I
<b>Military Construction, Air National Guard</b>						
(11,805)	(7,268)	Yes	1/15/73	1/15/73	5	I
19,055	17	Yes	5/29/73	5/29/73	5	I
<b>Military Construction, Army Reserve</b>						
(40,163)	(15,465)	Yes	1/08/73	1/08/73	5	I
(46,414)	(9,214)	Yes	2/05/73	2/05/73	5	I
48,519	7,109	Yes	3/08/73	3/08/73	5	I
<b>Military Construction, Naval Reserve</b>						
(10,731)	(25,750)	Yes	11/24/72	11/24/72	5	I
(10,883)	(25,598)	Yes	2/14/73	2/14/73	5	I
(9,947)	(26,535)	Yes	2/27/73	2/27/73	5	I
(19,108)	(17,373)	Yes	3/14/73	3/14/73	5	I
32,539	3,943	Yes	5/03/73	5/03/73	5	I
<b>Military Construction, Air Force Reserve</b>						
(8,919)	(988)	Yes	12/19/72	12/19/72	5	I
(8,524)	(1,384)	Yes	3/01/73	3/01/73	5	I
9,058	850	Yes	6/20/73	6/20/73	5	I

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<b>Civil Defense: Research, Shelter Survey and Marking</b>						
(23,397)	(1,080)	Yes	7/27/72	7/27/72	5	I
26,810	--	NA	5/29/73	5/29/73	10	V
<b>Special Foreign Currency Program: Special Foreign Currency Program, Defense, 1971-1973</b>						
8,705	2,426	No	12/18/72	12/18/72	5	I
<b>Special Foreign Currency Program, Defense, 1972-1974</b>						
7,025	2,477	Yes	12/18/72	12/18/72	5	I
<b>Special Foreign Currency Program, Defense, 1973-1975</b>						
3,000	400	Yes	12/04/72	12/04/72	5	I
<b>Department of Defense-Civil Corps of Engineers: General Investigations</b>						
58,992	5,150	Yes	1/26/73	1/26/73	2,6b	I
<b>Construction</b>						
(1,262,801)	(94,033)	Yes	1/26/73	1/26/73	1,6b	I
(1,287,801)	(69,033)	Yes	3/09/73	3/09/73	1,6b	IV 15/
(1,320,801)	(36,033)	Yes	4/24/73	4/24/73	1,6b	IV 20/
1,347,401	9,433	Yes	6/01/73	6/01/73	1,6b	IV 20/

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<u>Amount apportioned</u>	<u>Amount in reserve</u>	<u>Available beyond FY 1973?</u>	<u>Date of reserve action</u>	<u>Effective date of reserve</u>	<u>Reason for reserve action (see code)</u>	<u>Estimated fis- cal, economic, &amp; budgetary effect (see code)</u>
<u>Operation and Maintenance</u>						
433,799	16,000	Yes	1/26/73	1/26/73	6b	I
<u>Flood Control, Mississippi River and Tributaries</u>						
110,798	1,750	Yes	1/26/73	1/26/73	6b	I
<u>Panama Canal: Canal Zone Government, Capital Outlay</u>						
7,089	700	Yes	9/08/72	9/08/72	5	I
<u>Wildlife Conservation: Wildlife Conservation, Army</u>						
515	330	Yes	12/13/72	12/13/72	1	I
<u>Wildlife Conservation, Navy</u>						
(58)	(30)	Yes	11/21/72	11/21/72	1	I
72	16	Yes	4/20/73	4/20/73	1	I
<u>Wildlife Conservation, Air Force</u>						
(101)	(31)	Yes	6/28/72	7/01/72	1	I
111	47	Yes	4/12/73	4/12/73	1	I
<u>Department of Health, Education and Welfare</u>						
<u>Health Services and Mental Health Facilities: Indian Health Facilities</u>						
(43,960)	(4,623)	Yes	1/26/73	1/26/73	5	I
44,253	4,330	Yes	4/06/73	4/06/73	5	I

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<u>National Institutes of Health: Buildings and Facilities</u>						
(14,843)	(2,000)	Yes	8/15/72	8/15/72	5	I
12,234	--	NA	5/07/73	5/07/73	10	V
<u>Office of Education: Higher Education, annual</u>						
(355,200)	(10,000)	No	1/26/73	1/26/73	5	I
365,200	--	NA	5/16/73	5/16/73	10	V
<u>Higher Education, no-year</u>						
234,359	1,889	Yes	11/30/72	11/30/72	5	I
<u>Educational Activities Overseas, Special foreign currency program</u>						
3,282	16	Yes	4/06/72	7/01/72	5	I
<u>Social and Rehabilitation Services: Social and Rehabilitation Services</u>						
(31,767)	(200)	No	12/11/72	12/11/72	6b	I
146,767	2,200	No	6/01/73	6/01/73	6b	II
<u>Social Security Administration: Limitation on Construction (Trust fund)</u>						
33,860	12,095	Yes	4/27/72	7/01/72	4,5	I
<u>Special Institutions: Howard University</u>						
(54,046)	(3,714)	Yes	1/24/72	7/01/72	5	I
57,761	--	NA	6/12/73	6/12/73	10	V

<u>Amount apportioned</u>	<u>Amount in reserve</u>	<u>Available beyond FY 1973?</u>	<u>Date of reserve action</u>	<u>Effective date of reserve</u>	<u>Reason for reserve action (see code)</u>	<u>Estimated fiscal, economic, &amp; budgetary effect (see code)</u>
<u>Department of Housing and Urban Development</u>						
<u>Housing Production and Mortgage Credit: Non-Profit Sponsor Assistance</u>						
(1,100)	(6,686)	Yes	1/26/73	1/26/73	5,6b,6c	I
1,256	6,530	Yes	4/15/73	4/15/73	5,6b,6c	IV 21/
<u>Community Development: Open Space Land Program</u>						
(50,000)	(50,050)	Yes	1/26/73	1/26/73	6b,6c	I
(72,000)	(28,050)	Yes	3/06/73	3/06/73	6b,6c	IV 16/
72,319	27,730	Yes	3/08/73	3/08/73	6b,6c	IV 16/
<u>Grants for Basic Water and Sewer Facilities</u>						
100,000	400,175	Yes	1/26/73	1/26/73	6b,6c	I
<u>Rehabilitation Loan Fund</u>						
(71,539)	(50,000)	Yes	1/26/73	1/26/73	6b,6c	I
121,639	---	NA	6/29/73	6/29/73	10	V
<u>Public Facility Loans</u>						
42,896	20,000	Yes	1/26/73	1/26/73	6b,6c	I

<u>Amount apportioned</u>	<u>Amount in reserve</u>	<u>Available beyond FY 1973?</u>	<u>Date of reserve action</u>	<u>Effective date of reserve</u>	<u>Reason for reserve action (see code)</u>	<u>Estimated fiscal, economic, &amp; budgetary effect (see code)</u>
<u>Office of Interstate Land Sales Registration: Interstate Land Sales</u>						
---	5/ 2,341	Yes	1/26/73	1/26/73	4	I
<u>Departmental Management: Administrative Operations Fund</u>						
350,834	3,432	No	2/16/73	2/16/73	2,6b	I
<u>Department of the Interior</u>						
<u>Bureau of Land Management: Public Lands Development Roads and Trails</u>						
4,363	12,961	Yes	9/08/72	9/08/72	6d	I
<u>Oregon and California Grant Lands*</u>						
20,814	1,150	Yes	6/08/73	6/08/73	4,5	I
<u>Bureau of Indian Affairs: Construction</u>						
45,377	31,467	Yes	1/26/73	1/26/73	6b	I
<u>Bureau of Outdoor Recreation: Land Water Conservation</u>						
312,223	269,590	Yes	1/26/73	1/26/73	6b	I
<u>Territorial Affairs: Trust Territories of the Pacific Islands</u>						
63,903	10,000	Yes	1/26/73	1/26/73	6b	I

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<u>Amount apportioned</u>	<u>Amount in reserve</u>	<u>Available beyond FY 1973?</u>	<u>Date of reserve action</u>	<u>Effective date of reserve</u>	<u>Reason for reserve action (see code)</u>	<u>Estimated fiscal, economic, &amp; budgetary effect (see code)</u>
<u>Geological Survey: Surveys, Investigations, and Research</u>						
(190,205)	(3,000)	No	1/12/73	1/12/73	6b	I
(193,488)	(1,072)	No	3/23/73	3/23/73	3,6b	I
194,552	8	No	6/30/73	6/30/73	3,6b	I
Payments from Proceeds, Sale of Water, Mineral Leasing Act of 1920						
---	6/ 24	Yes	9/08/72	9/08/72	4,5	I
<u>Bureau of Mines: Drainage of Anthracite Mines</u>						
200	3,700	Yes	6/27/72	7/01/72	4,5	I
<u>Bureau of Sport Fisheries and Wildlife: Migratory Bird Conservation Account (Receipt Limitation)</u>						
12,249	2,981	Yes	1/26/73	1/26/73	6b	I
Federal Aid in Wildlife Restoration						
(43,400)	(7,053)	Yes	5/16/72	7/01/72	4,5	I
43,400	7,878	Yes	2/16/73	2/16/73	4,5	I
Federal Aid in Fish Restoration and Management						
(16,200)	(3,234)	Yes	5/16/72	7/01/72	4,5	I
15,753	2,404	Yes	2/16/73	2/16/73	4,5	I
National Wildlife Refuge Fund						
4,603	4,123	Yes	11/16/72	11/16/72	4,5	I

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<u>Amount apportioned</u>	<u>Amount in reserve</u>	<u>Available beyond FY 1973?</u>	<u>Date of reserve action</u>	<u>Effective date of reserve</u>	<u>Reason for reserve action (see code)</u>	<u>Estimated fiscal, economic, &amp; budgetary effect (see code)</u>
Proceeds from Sales, Water Resources Development Projects						
15	4	Yes	2/16/73	2/16/73	4,5	I
<u>National Park Service: Parkway and Road Construction</u>						
39,500	50,949	Yes	1/26/73	1/26/73	6b,6d	I
Construction						
67,652	39,499	Yes	1/26/73	1/26/73	6b	I
<u>Bureau of Reclamation: General Investigations</u>						
22,790	1,850	Yes	1/26/73	1/26/73	6b	I
Loan Program						
19,894	930	Yes	1/26/73	1/26/73	6b	I
Construction and Rehabilitation						
261,404	18,025	Yes	1/26/73	1/26/73	5,6b	I
Operation, Maintenance and Replacement of Project Works, North Platte Project						
---	7/ 97	Yes	9/22/72	9/22/72	6e 8/	I
Lower Colorado River Basin Development Fund						
26,515	3,000	Yes	1/26/73	1/26/73	6b	I

<u>Amount apportioned</u>	<u>Amount in reserve</u>	<u>Available beyond FY 1973?</u>	<u>Date of reserve action</u>	<u>Effective date of reserve</u>	<u>Reason for reserve action (see code)</u>	<u>Estimated fiscal, economic, &amp; budgetary effect (see code)</u>
<u>Upper Colorado River Basin Fund</u>						
60,090	10,450	Yes	1/26/73	1/26/73	5,6b	I
<u>Office of Water Resources Research: Salaries and Expenses</u>						
(14,304)	(2,040)	Yes	1/26/73	1/26/73	6b	I
16,344	---	NA	6/30/73	6/30/73	10	V
<u>Office of the Secretary: Saline Water Research</u>						
22,400	6,675	Yes	1/26/73	1/26/73	6b	I
<u>Department of Justice</u>						
<u>Bureau of Prisons: Buildings and Facilities</u>						
65,514	36,441	Yes	1/26/73	1/26/73	5,6b	I
<u>Department of State</u>						
<u>Conduct of Foreign Affairs: Acquisition, Operation, and Maintenance of Buildings Abroad</u>						
42,122	2,125	Yes	11/24/72	11/24/72	4	I
<u>Acquisition, Operation, and Maintenance of Buildings Abroad, Special Foreign Currency Program</u>						
(5,713)	(2,950)	Yes	1/03/73	1/03/73	5	I
6,127	3,036	Yes	5/24/73	5/24/73	5	I

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<u>International Organizations and Conferences: International Conferences and Contingencies</u>						
3,224	325	Yes	11/15/72	11/15/72	4	I
<u>Educational Exchange: Center for Cultural and Technical Interchange Between East and West</u>						
(6,000)	(200)	No	11/22/72	11/22/72	5	I
6,200	---	NA	3/16/73	3/16/73	10	V
<u>Educational Exchange Fund, Payment by Finland, World War I Debt</u>						
377	25	Yes	11/15/72	11/15/72	4	I
<u>Department of Transportation</u>						
<u>Office of the Secretary: Transportation, Planning, Research and Development</u>						
(31,163)	(8,300)	Yes	1/18/73	1/18/73	4,6b	I
31,163	5,300	Yes	6/30/73	6/30/73	4,6b	I
<u>U.S. Coast Guard: Operating Expenses</u>						
(550,400)	(10,500)	No	1/18/73	1/18/73	2,6b	I
(560,700)	(200)	No	3/14/73	3/14/73	3	I
560,700	---	NA	6/30/73	6/30/73	10	V
<u>Acquisition, Construction and Improvements</u>						
149,685	11,736	Yes	1/18/73	1/18/73	4,6b	I

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<u>Amount apportioned</u>	<u>Amount in reserve</u>	<u>Available beyond FY 1973?</u>	<u>Date of reserve action</u>	<u>Effective date of reserve</u>	<u>Reason for reserve action (see code)</u>	<u>Estimated fiscal, economic, &amp; budgetary effect (see code)</u>
<b>Reserve Training</b>						
(30,465)	(1,270)	No	1/18/73	1/18/73	2,6b	I
(31,135)	(600)	No	3/14/73	3/14/73	3	I
31,135	---	NA	6/30/73	6/30/73	10	V
<b>Research, Development, Test and Evaluation</b>						
15,468	3,000	Yes	1/18/73	1/18/73	4,6b	I
<b>Alteration of Bridges</b>						
(3,550)	(10,550)	Yes	1/18/73	1/18/73	4,6b	I
(5,750)	(8,350)	Yes	4/13/73	4/13/73	4	IV 17/
5,750	5,350	Yes	6/30/73	6/30/73	4	IV 17/
<b>Federal Aviation Administration: Operations</b>						
(1,180,393)	(6,000)	No	1/18/73	1/18/73	2,4,6b	I
	(4,000)	Yes				
(1,183,331)	(6,400)	Yes	3/30/73	3/30/73	4	I
1,189,731	---	NA	6/30/73	6/30/73	10	V
<b>Facilities and Equipment (Airport and Airway Trust Fund)</b>						
319,962	207,631	Yes	1/18/73	1/18/73	4,6b	I
<b>Research, Engineering and Development (Airport and Airway Trust Fund)</b>						
57,493	10,000	Yes	1/18/73	1/18/73	4,6b	I

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<u>Amount apportioned</u>	<u>Amount in reserve</u>	<u>Available beyond FY 1973?</u>	<u>Date of reserve action</u>	<u>Effective date of reserve</u>	<u>Reason for reserve action (see code)</u>	<u>Estimated fiscal, economic, &amp; budgetary effect (see code)</u>
<b>Civil Supersonic Aircraft Development</b>						
800	2,153	Yes	1/18/73	1/18/73	4,6b	I
<b>Civil Supersonic Aircraft Development Termination</b>						
4,161	3,575	Yes	1/23/73	1/23/73	4,6b	I
<b>Construction, National Capital Airports</b>						
(7,035)	(4,000)	Yes	3/30/73	3/30/73	4	I
7,035	---	NA	6/30/73	6/30/73	10	V
<b>Federal Highway Administration: Highway Beautification</b>						
(39,902)	(98)	Yes	3/18/73	3/18/73	4	I
39,902	--	NA	6/30/73	6/30/73	10	V
<b>Darien Gap Highway</b>						
20,000	545	Yes	1/18/73	1/18/73	4,5	I
<b>Federal-Aid Highways</b>						
(4,467,000)	(2,477,372)	Yes	1/08/73	1/08/73	6c	I
4,487,000	2,457,372	Yes	5/03/73	5/03/73	6a,6c	IV 22/
<b>Right-of-Way Revolving Fund</b>						
50,000	122,782	Yes	1/18/73	1/18/73	4	I

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<u>National Highway Traffic Safety Administration: Traffic and Highway Safety</u>						
(76,885)	(2,927)	No	1/19/73	1/19/73	1	I
(77,250)	(2,669)	No	3/16/73	3/16/73	1	I
79,250	669	No	5/30/73	5/30/73	1	I
<u>Construction of Compliance Facilities</u>						
---	2/ 9,018	Yes	1/19/73	1/19/73	4,5	I
<u>Trust Fund Share of Highway Safety Programs</u>						
(80,924)	(1,073)	No	1/19/73	1/19/73	1,5	I
81,032	966	No	3/16/73	3/16/73	1,5	I
<u>Federal Railroad Administration: Bureau of Railroad Safety</u>						
6,950	56	No	3/16/73	3/16/73	3	I
<u>High Speed Ground Transportation Research and Development</u>						
42,979	15,000	Yes	1/19/73	1/19/73	4,6b	I
<u>Grants to the National Railroad Passenger Corporation</u>						
103,100	10,000	Yes	1/19/73	1/19/73	4,6b	I
<u>Urban Mass Transportation Administration: Urban Mass Transportation Fund</u>						
980,000	20,000	Yes	1/17/73	1/17/73	4,6b	I

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<u>Department of the Treasury</u>						
<u>Office of the Secretary: Construction, Federal Law Enforcement Center</u>						
1,840	21,517	Yes	6/28/72	7/01/72	5,6b	I
<u>Expenses of Settlement of War Claims Act of 1928</u>						
(22)	(2)	Yes	5/30/72	7/01/72	2	I
22	2	Yes	3/16/73	3/16/73	2	I
<u>Bureau of the Mint: Construction of Mint Facilities</u>						
(1,784)	(2,517)	Yes	8/21/72	8/21/72	5	I
4,318	--	NA	4/16/73	4/16/73	10	V
<u>Atomic Energy Commission</u>						
<u>Operating Expenses</u>						
(2,861,569)	(307,750)	Yes	1/19/73	1/19/73	2,5,6b	I
(2,954,019)	(215,300)	Yes	6/08/73	6/08/73	2,5,6b	I
2,954,019	115,300	Yes	6/28/73	6/28/73	2,5,6b	IV 23/
<u>Plant and Capital Equipment</u>						
(542,871)	(8,530)	Yes	1/19/73	1/19/73	2,5	I
(543,671)	(7,730)	Yes	5/08/73	5/08/73	2,5	I
(545,421)	(5,979)	Yes	5/16/73	5/16/73	2,5	I
548,821	2,580	Yes	6/08/73	6/08/73	2,5	I

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<u>Environmental Protection Agency</u>						
Operations, Research, and Facilities						
(108,434)	(1,780)	Yes	1/04/73	1/04/73	5	I
111,183	--	NA	6/01/73	6/01/73	10	V
<u>General Services Administration</u>						
<u>Real Property Activities:</u> Sites and Expenses, Public Building Projects						
38,387	22,206	Yes	1/26/73	1/26/73	4	I
Construction, Public Building Projects						
133,213	234,309	Yes	1/26/73	1/26/73	2,4	I
<u>Property Management and Disposal:</u> Operating Expenses, Sale of Rare Silver Dollars						
4,418	4,000	Yes	11/30/72	11/30/72	4	I
<u>Operating Expenses, Special Fund*</u>						
(830)	(970)	Yes	5/29/73	5/29/73	4,5	I
950	850	Yes	6/26/73	6/26/73	4,5	I
<u>General Activities:</u> Indian Tribal Claims, Office of the Administrator						
(1,000)	(800)	No	11/30/72	11/30/72	1	I
1,536	264	No	3/30/73	3/30/73	3	I

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<u>National Aeronautics and Space Administration</u>						
Research and Development						
(2,864,358)	(32,515)	Yes	9/13/72	9/13/72	2,4,5,6b	I
(2,867,073)	(29,800)	Yes	2/20/73	2/20/73	2,4,5,6b	I
2,915,304	2,200	Yes	6/08/73	6/08/73	5	I
<u>Veterans Administration</u>						
Medical Prosthetic Research						
(75,824)	(4,818)	Yes	1/26/73	1/26/73	5	I
76,994	3,648	Yes	2/15/73	2/15/73	5	I
Medical Administration and Miscellaneous Operating Expenses						
27,952	837	No	1/26/73	1/26/73	1	I
Construction, Major Projects						
(65,993)	(60,000)	Yes	12/20/72	12/20/72	5	I
91,283	34,710	Yes	6/13/73	6/13/73	5	I
Construction, Minor Projects						
50,000	5,000	Yes	12/20/72	12/20/72	5	I
<u>Other Independent Agencies</u>						
<u>District of Columbia:</u> Loans for Capital Outlay, Metropolitan Areas Sanitary Sewage Work Funds						
6,252	300	Yes	8/07/72	8/07/72	4	I

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<u>Loans for Capital Outlay, Sanitary Sewage</u>						
28,000	4,285	Yes	8/07/72	8/07/72	4	I
<u>Loans for Capital Outlay, Water Fund</u>						
8,433	2,360	Yes	8/07/72	8/07/72	4	I
<u>Loans for Capital Outlay, General Fund</u>						
137,000	6,758	Yes	1/26/73	1/26/73	4	I
<u>Federal Communications Commission: Salaries and Expenses</u>						
(35,443)	(460)	No	9/05/72	9/05/72	5	I
35,905	---	NA	2/08/73	2/08/73	10	V
<u>Federal Metal and Nonmetallic Mine Safety Board of Review: Salaries and Expenses</u>						
75	85	No	9/08/72	9/08/72	1	I
<u>Federal Trade Commission: Salaries and Expenses</u>						
29,874	400	No	9/21/72	9/21/72	5	I
<u>Foreign Claims Settlement Commission: Salaries and Expenses</u>						
693	50	No	11/14/72	11/14/72	1	I
<u>Payment of Vietnam and USS Pueblo Prisoner of War Claims</u>						
23	150	Yes	9/02/71	7/01/72	1	I

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<u>American Revolution Bicentennial Commission: Commemorative Activities Fund</u>						
3,960	5,690	Yes	11/28/72	11/28/72	5	I
<u>International Radio Broadcasting: International Radio Broadcasting Activities</u>						
(38,520)	(275)	No	11/06/72	11/06/72	2,6e 10/	I
38,520	---	NA	6/30/73	6/30/73	10	V
<u>National Science Foundation: Salaries and Expenses</u>						
611,273	60,400	Yes	1/18/73	1/18/73	2,5,6b	I
<u>Scientific Activities, Special Foreign Currency Program</u>						
5,000	2,000	Yes	1/18/73	1/18/73	2	I
<u>Railroad Retirement Board: Limitation on Railroad Unemployment Administration Fund</u>						
8,568	4,820	Yes	7/01/72	7/01/72	6e 11/	I
<u>The Renegotiation Board: Salaries and Expenses</u>						
(4,842)	(45)	No	9/05/72	9/05/72	5	I
4,887	--	NA	6/26/73	6/26/73	10	V
<u>Small Business Administration: Salaries and Expenses</u>						
(107,232)	(3,217)	No	11/24/72	11/24/72	1,2,6b	I
(107,732)	(2,717)	No	3/28/73	3/28/73	2,6b	I
108,232	2,217	No	6/19/73	6/19/73	2,6b	I

<u>Amount apportioned</u>	<u>Amount in reserve</u>	<u>Available beyond FY 1973?</u>	<u>Date of reserve action</u>	<u>Effective date of reserve</u>	<u>Reason for reserve action (see code)</u>	<u>Estimated fiscal, economic, &amp; budgetary effect (see code)</u>
<u>Business Loan and Investment Fund</u>						
593,678	48,017	Yes	1/26/73	1/26/73	2,4,6b	I
<u>Temporary Study Commissions: Commission on Executive, Legislative, and Judicial Salaries; Salaries and Expenses</u>						
(25) 50	(75) 50	No No	1/11/73 4/04/73	1/11/73 4/04/73	5 5	I I
<u>Commission on the Organization of the Government for the Conduct of Foreign Policy; Salaries and Expenses</u>						
(---) 200	12/ --	(200) --	No NA	11/30/72 5/16/73	11/30/72 5/16/73	5 10
<u>Tennessee Valley Authority: Tennessee Valley Authority Fund</u>						
94,564	22,318	Yes	1/26/73	1/26/73	6a,6b,6c	I
<u>United States Information Agency: Salaries and Expenses, Special Foreign Currency Program</u>						
(12,186)	(2,533)	Yes	11/22/72	11/22/72	4	I
12,282	2,437	Yes	6/15/73	6/15/73	4	I
<u>Special International Exhibitions</u>						
5,827	667	Yes	11/22/72	11/22/72	4	I
<u>Special International Exhibitions, Special Foreign Currency Program</u>						
391	6	Yes	11/22/72	11/22/72	4	I

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<u>Water Resources Council: Water Resources Planning</u>						
6,486	863	Yes	1/26/73	1/26/73	2,5,6b	I

1. Funds have not been apportioned while awaiting the completion of negotiations with the Government of Israel.

2. P.L. 92-571, "Making further continuing appropriations for fiscal year 1973, and for other purposes," includes a limitation on obligations of \$5 million. The reserve will remain in effect until Congress completes final action on its annual limitation on the Foundation's activities.

3. P.L. 92-399, "Agriculture-Environmental and Consumer Protection Appropriation Act, 1973" requires the creation of certain reserves pending such circumstances as the provision of matching funds by the States, the determination of qualified and necessary projects, the determination of the availability of qualified personnel, and the determination of need.

4. The Census of Agriculture has been postponed until 1977 to coincide with the economic censuses.

5. Fees deposited to the Interstate land sales account are used only to the extent funds are not sufficient in the appropriation for Salaries and expenses, Housing Production and Mortgage Credit Programs.

6. The Department of the Interior has no present plans for the use of these funds which are available only for the development of water wells on public lands.

7. No improvements are currently necessary. (See footnote \*.)

8. 66 Stat. 754 requires that certain miscellaneous revenues be deposited in a special fund to provide for the replacement of the project work and to defray annual operating and maintenance expenses when necessary.

9. Construction is deferred pending evaluation of the alternatives of lease versus direct construction.

10. P.L. 92-544, "Department of State Appropriation Act, 1973" provides these funds for the activities of a commission. However, P.L. 92-394, "United States Information and Educational Exchange Act of 1948, Amended" authorizes funds in this account to be spent only on grants.

11. 45 U.S.C. 361 authorizes the Railroad Retirement Board to use funds from the Unemployment Trust Fund of 0.25% of the taxable payroll of railroad workers for the administrative expenses of operating the railroad unemployment insurance fund. The amount apportioned represents the actual operating requirements. If the remainder of this formula-based authorization (currently in reserve) is not needed, it will be returned to the Unemployment Trust Fund.

12. The Commission is not yet in operation.

13. The level of obligations for the account will be approximately \$1.5 million above the budget estimate for fiscal year 1973 due to a re-estimate of actual commitments incurred prior to the beginning of the eighteen-month housing moratorium.

14. The level of obligations for the Cooperative forest fire control program will be approximately \$4 million above the budget estimate for fiscal year 1973 in order to maintain equitable funding to the States.

15. The level of obligations for this account will be approximately \$25 million above the budget estimate for fiscal year 1973 in order to take emergency actions designed to diminish flood damage in the Great Lakes Basin.

16. The level of obligations in this account will be approximately \$22 million above the budget estimate for fiscal year 1973 due to a final accounting of actual

commitments incurred prior to the beginning of the eighteen month housing moratorium.

17. The level of obligations in this account will be approximately \$2.25 million above the budget estimate for fiscal year 1973 in order to provide the Federal share of funds required to make the necessary alterations at the site of a recent shipping accident.

18. Funds in reserve in this account were released to permit compliance with a court order requiring all unobligated balances of the Food Stamp program to be obligated by June 30, 1973. The purpose of the court order was to prevent the lapse of funds while subject to litigation.

19. The level of obligations in this account will be approximately \$16 million above the budget estimate for fiscal year 1973 in order to provide maximum flexibility in the negotiation of certain contracts.

20. The level of obligations in this account will be approximately \$84.6 million above the budget estimate for fiscal year 1973 in order to take emergency actions to diminish and repair flood damage in Great Lakes and Mississippi River Basins.

21. The level of obligations in this account will be \$156 thousand above the budget estimate for 1973 due to a final accounting of actual commitments made prior to the beginning of the 18-month housing moratorium.

22. The level of obligations in this account will be approximately \$20 million above the budget estimate for fiscal year 1973 in order to provide emergency assistance necessitated by recent natural disasters.

23. The revenues for this account will be approximately \$100 million lower than the budget estimate for fiscal year 1973.

[FR Doc.73-14900 Filed 7-19-73;8:45 am]

# federad register

FRIDAY, JULY 20, 1973

Volume 38 ■ Number 139

PART IV



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## DEPARTMENT OF LABOR

Employment Standards  
Administration



Minimum Wages for Federally  
Assisted Construction

Modifications, and Supersedeas  
Decisions to Area Wage  
Determination Decisions

## DEPARTMENT OF LABOR

Employment Standards Administration  
**MINIMUM WAGES FOR FEDERAL AND  
 FEDERALLY ASSISTED CONSTRUCTION**  
 Modifications and Supersedes Decisions  
 to Area Wage Determination Decisions

*General wage determination decisions.*<sup>1</sup> 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 publica-

<sup>1</sup> In the future published decisions will be referred to as "General" rather than "Area" Wage Determination Decisions in conformance with the terminology in Regulations Part 1 (29 CFR 1.5(b)).

tion 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 supersedes decisions to area wage determination decisions.* Modifications and Supersedes 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 Supersedes 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 Supersedes 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 Stand-

ards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the original Area Wage Determination Decision.

*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):

Louisiana:		
AP-736	-----	May 25, 1973
Montana:		
AP-910	-----	June 22, 1973
AP-914; AP-915; AP-916;		
AP-917	-----	June 29, 1973
Oklahoma:		
AP-364	-----	December 8, 1972
AP-731	-----	May 11, 1973
Pennsylvania:		
AP-490	-----	March 9, 1973
AP-818	-----	May 18, 1973
AP-835	-----	May 25, 1973
Tennessee:		
AP-193	-----	May 25, 1973
Texas:		
AP-346	-----	September 29, 1972
AP-721; AP-723; AP-725;		
AP-726	-----	April 27, 1973
Utah:		
AP-254	-----	December 8, 1972

*Supersedes decisions to general wage determination decisions.* Supersedes 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; Supersedes Decisions numbers are in parentheses following the number of the decision being superseded):

Arizona:		
AP-259(AQ-1,005)	-----	January 19, 1973
AP-909(AQ-1,006)	-----	June 15, 1973
Arkansas:		
AP-734(AQ-7)	-----	May 25, 1973
Georgia:		
AP-148(AQ-4,001); AP-149 (AQ-4,000)	-----	January 12, 1973
Iowa:		
AM-2,456(AQ-3)	-----	August 25, 1971
Louisiana:		
AP-366(AQ-4)	-----	December 8, 1973
AP-397(AQ-5); AP-398 (AQ-6)	-----	Jan. 26, 1973
North Dakota:		
AP-268(AQ-1,001)	-----	March 9, 1973

Signed at Washington, D.C., this 13th day of July 1973.

BEN P. ROBERTSON,  
 Acting Administrator,  
 Wage & Hour Division.

Modifications P. 2

Basic Hourly Rates	Fringe Benefits Payments			App. To	Others
	H & W	Vacation	Disability		
\$6.09					
5.85					
5.81					
5.56					
5.33					

DECISION #AP-735 (CONT'D)

Power Equipment Operators (Cont'd):  
 Light Duty Operators:  
 Air Compressor; Asphalt Plant Operator; Bulldozers, D-4 and equivalent & under; Bullfloats; Concrete Spreaders; Finishing machines; Concrete Mixer (16-s or less); Concrete Saw; Distributors (Bitum Surface); Dozell Bar Machine; Burn-type Tractor (with all attachments except Backhoe); Fireman; Forklifts (other than setting steel, machinery or pipe); Hoist, 1 drum less than 4 stories; Kolum Buff Machine; Pull Cuts; Pump (3" and over); Pump, concrete (under 6"); Rollers, except on asphalt or brick; Straddle Buggies; Sweepers on streets & roads (motorized); Winch truck, A-Frame (other than handling steel or pipe)  
 Scalleman  
 Oiler-Driver  
 Mechanic Helper  
 Oiler

Modifications P. 1

Basic Hourly Rates	Fringe Benefits Payments			App. To	Others
	H & W	Vacation	Disability		
\$4.20	.15	.10			
3.55	.15	.10			
3.80	.15	.10			
3.75	.15	.10			
3.55	.15	.10			
7.10	.25	.15			

DECISION #AP-736 - Mod. #3

OS FR 14609 - June 1, 1973  
 Rapides Parish, Louisiana

Change:

Laborers:  
 Foreman  
 Asphalt mixers & tampers; asphalt smoothers & shovelers; blasters helpers, pipelayers (concrete & clay); Kettlemans  
 Chain saw operator  
 Track laborers; sewer pipe joiners & setters; concrete workers (vibrators); hod carriers; concrete material handlers & acid workers; air tool operator (jackhammer, vibrator); Mason tenders (cement); mortar mixers (dry & wet); baggy operators (concrete)  
 Laborers, building & construction  
 Laborers, concrete, unskilled; mason tenders; plasterers' tenders; stone masons helpers; carpenter helpers  
 Power Equipment Operators:  
 Heavy Duty Operators:  
 Asphalt Spreader; Backhoe; Bulldozer, over D-4 and equivalent; Cableways; Concrete Mixer, over 16-s; Cranes; Derricks; Ditching or Trenching Machines; Draglines; Fork Lifts (setting steel, machinery or pipe); Front-End Loaders (except Farm-type tractors); Grease Serviceman; Hoist, 1 drum & stories or more; Hoist (2 drums and over); Hydraulic lifts; Heavy Duty Mechanic; Motor Patrols; Mladrivers; Pump, concrete (6" & over); Road Pavers; Rollers on asphalt or brick; Scoopmobiles; Scrapers; Sideboom Cuts; Shovelers; Tractorwaders; Welder; Journeyman; Well Point System; Winch Cuts (Notating); Winch Truck, A-Frame (handling steel or pipe)

Modifications P. 3

DECISION #AP-910 - Mod. #2  
 (38 FR 16615 - June 22, 1973)  
 Blaine, Broadwater, Cascade,  
 Chouteau, Hill, Fergus, Glacier,  
 Judith-Basin, Lewis & Clark,  
 Liberty, Meagher, Phillips,  
 Pondera, Teton, Toole, Valley,  
 and Westland Counties, Montana

Changes:

Carpenters:  
 Sheatland County  
 Carpenters  
 Floor Sander; Sawmen  
 Piledrivers  
 Millwrights  
 Carpenters:  
 Valley and Phillips Counties  
 (Including Fort Peck Project)  
 Carpenters  
 Millwrights  
 Piledrivers  
 Sheet Metal Workers:  
 Broadwater, Lewis & Clark and  
 Meagher Counties  
 Remaining Counties  
 Terrazzo Workers and Tile Setters'  
 Helpers:  
 Broadwater, Lewis & Clark and  
 Meagher Counties  
 Truck Drivers:  
 Combination Truck; Concrete Mixer  
 and Transit Mixer:  
 To and incl. 4 cu. yds.  
 Over 4 cu. yds. to and incl. 6 cu.  
 yds.  
 Over 6 cu. yds. to and incl. 8 cu.  
 yds.  
 Over 8 cu. yds. to and incl. 10 cu.  
 yds.  
 Over 10 cu. yds. - additional \$.08  
 per hour each additional 2 cu. yds.  
 increment  
 Distributor Driver and Helper  
 Dry Batch Trucks:  
 3 batch or under  
 Over 3 batch to and incl. 5 batch  
 Over 5 batch to and incl. 10 batch  
 Over 10 batch to and incl. 15 batch  
 Over 15 batch - additional \$.15  
 per hour each additional 5 batch  
 increment

Basic Hourly Rates	Fringe Benefits Payments			App. To	Othrs
	M & W	Pensions	Vacation		
6.27	.30	.45		.02	
6.395	.30	.45		.02	
6.42	.30	.45		.02	
6.57	.30	.45		.02	
\$6.00	.30	.45		.02	
6.50	.30	.45		.02	
6.25	.30	.45		.02	
6.88	.22	.10		.02	
6.81	.32	.10	.50	.02	
5.75					
6.30	.475	.325			
6.38	.475	.325			
6.46	.475	.325			
6.54	.475	.325			
6.23	.475	.325			
6.05	.475	.325			
6.18	.475	.325			
6.34	.475	.325			
6.50	.475	.325			

Modifications P. 4

DECISION #AP-910 (cont'd)

Basic Hourly Rates	Fringe Benefits Payments			App. To	Othrs
	M & W	Pensions	Vacation		
\$6.05	.475	.325			
6.05	.475	.325			
6.18	.475	.325			
6.34	.475	.325			
6.48	.475	.325			
6.54	.475	.325			
6.60	.475	.325			
6.66	.475	.325			
6.72	.475	.325			
6.78	.475	.325			
6.18	.475	.325			
6.54	.475	.325			
6.60	.475	.325			
6.79	.475	.325			
6.23	.475	.325			

Truck Drivers: (cont'd)  
 Dumpers, Gravel Spreader Box:  
 Pick up driver, hauling materials;  
 Pilot car driver, teamsters and  
 helpers; Warehousemen, Partsmen,  
 Cardex man, Warehouse expediter  
 Dump Trucks and Similar Equipment  
 Water Level Capacity, including  
 Sideboards:  
 7 cu. yds. or less  
 Over 7 cu. yds. to and incl. 10  
 cu. yds.  
 Over 10 cu. yds. to and incl. 15  
 cu. yds.  
 Over 15 cu. yds. to and incl. 20  
 cu. yds.  
 Over 20 cu. yds. to and incl. 25  
 cu. yds.  
 Over 25 cu. yds. to and incl. 30  
 cu. yds.  
 Over 30 cu. yds. to and incl. 35  
 cu. yds.  
 Over 35 cu. yds. to and incl. 40  
 cu. yds.  
 Over 40 cu. yds. to and incl. 45  
 cu. yds.  
 Over 45 cu. yds. - additional \$.06  
 per hour each additional 5 cu. yds.  
 increment  
 Dumpsters  
 DM 20, DM 21 or Euclid Tractors,  
 Pulling P. 2, 21 or similar Dump  
 Wagons:  
 To and incl. 25 cu. yds.  
 Over 25 cu. yds. to and incl. 30  
 cu. yds.  
 Over 30 cu. yds. - additional \$.06  
 per hour each additional 5 cu. yds.  
 increment  
 Servicemen  
 Powder Truck Driver (bulk unloader  
 type)

(38 FR 17396 - June 29, 1973)  
Statewide, Montana

Truck Drivers: (cont'd)

Flat Trucks:  
To and incl. 30 tons  
Over 30 tons factory rating  
  
Fuel Truck; Service Tiresman  
  
Lowboys, Four-Wheel Trailer, Float  
Semi-Trailer  
  
Lumber Carriers, Lift Trucks; power  
boom  
  
Water Tank Drivers, Petroleum  
Products Drivers:  
2,500 gals. and under  
Over 2,500 gals. to and incl.  
4,500 gals.  
Over 4,500 gals. to and incl.  
6,000 gals.  
Over 6,000 gals. to and incl.  
8,000 gals.  
Over 8,000 gals. to and incl.  
10,000 gals.  
Over 10,000 gals.- additional \$.08  
per hour each additional 2,000 gals.  
increment

Winch, A-Frame, Swedish Crane,  
Hydra-Lift, Groutcrete, and  
Combination Mulching, Seeding and  
Fertilizing

Truck Mechanic

	Fringe Benefits Payments			
	M & W	Fees	Vacation	App. Tr. Other
Basic Hourly Rates				
6.05	.475	.325		
6.40	.475	.325		
6.52	.475	.325		
6.60	.475	.325		
6.14	.475	.325		
6.05	.475	.325		
6.34	.475	.325		
6.54	.475	.325		
6.60	.475	.325		
6.68	.475	.325		
6.30	.475	.325		
6.79	.475	.325		

NOTICES

Basic Hourly Rates	Fringe Benefits Payments			
	M & W	Fees	Vacation	App. Tr. Other
\$7.42	.20	1%		1/2%
EASTERN WESTERN COUNTRIES				
MON-LAB-2-3 b				
ALL COUNTIES				
Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Fees	Vacation	App. Tr. Other
\$5.12	.35	.25		.03
5.02	.35	.25		.03
5.02	.35	.25		.03
5.18	.35	.25		.03
5.02	.35	.25		.03
5.17	.35	.25		.03
5.02	.35	.25		.03
5.18	.35	.25		.03
5.18	.35	.25		.03
5.02	.35	.25		.03
5.17	.35	.25		.03
5.33	.35	.25		.03
5.18	.35	.25		.03
5.12	.35	.25		.03
5.27	.35	.25		.03
5.33	.35	.25		.03
5.12	.35	.25		.03
5.27	.35	.25		.03
5.33	.35	.25		.03
5.18	.35	.25		.03
5.12	.35	.25		.03
5.23	.35	.25		.03
5.18	.35	.25		.03
5.02	.35	.25		.03
5.62	.35	.25		.03
5.12	.35	.25		.03
5.27	.35	.25		.03
5.33	.35	.25		.03
5.28	.35	.25		.03
5.38	.35	.25		.03
5.38	.35	.25		.03
5.02	.35	.25		.03
5.18	.35	.25		.03
5.02	.35	.25		.03
5.17	.35	.25		.03
5.33	.35	.25		.03
5.02	.35	.25		.03
5.17	.35	.25		.03
5.17	.35	.25		.03
5.12	.35	.25		.03
5.28	.35	.25		.03
5.02	.35	.25		.03
5.10	.35	.25		.03
5.38	.35	.25		.03
5.22	.35	.25		.03
5.02	.35	.25		.03

Asphalt Baker  
 Axeman  
 Car and Truck Loaders, Scissorman  
 Caisson Workers (Free Air)  
 Carpenter Tender  
 Cement Handlers  
 Choker Setter  
 Chuck Tender & Kipper (above ground)  
 Concrete Laborers (wet or dry),  
 Bucketman, Signalman and Cement Mason  
 Tender  
 Concrete or Asphalt Saw  
 Concrete Vibrator (5' and over)  
 Grease Material Handler, Epoxy,  
 other chemically injurious material  
 Cosmoene applying and removing  
 Core Drill  
 Curb Machine  
 Drills, Air-Tract, self-propelled, Cat  
 or Truck mounted air operated  
 Drills, Air-Tract, with Dual Wasts  
 Drills, Air-Tract, self-propelled,  
 Mustang type or similar  
 Dumpman (Spotter)  
 Dumpman (Gradman)  
 Fence Erector and Installer (Incl.  
 installation & erection of fences,  
 guard rails, median rails, reference  
 posts, guide posts and right-of-way  
 markers)  
 Form Stripper  
 Form Setter  
 Grade Setter  
 General Laborer  
 Hand Feller  
 High Scaler  
 High Pressure Machine Washman  
 Hoister Tender

Modification P. 8

DECISION #AP-015 - Mod #1  
(38 FR 17403 - June 29, 1973)  
Silver Bow County, Montana

Basic Hourly Rates	H & W	Fringe Benefits Payments		Basic Hourly Rates
		Vacation	App. T.	
\$6.11	.30	.45	.02	
\$6.30	.475	.325		
6.38	.475	.325		
6.46	.475	.325		
6.54	.475	.325		
6.23	.475	.325		
6.05	.475	.325		
6.18	.475	.325		
6.34	.475	.325		
6.50	.475	.325		
6.05	.475	.325		
6.05	.475	.325		
6.18	.475	.325		
6.34	.475	.325		
6.48	.475	.325		
6.54	.475	.325		
6.60	.475	.325		
6.66	.475	.325		
6.72	.475	.325		
6.78	.475	.325		
6.18	.475	.325		

Change:

Carpenters

Truck Drivers:

COMBINATION Truck; Concrete Mixer and

Transit Mixer:

To and incl. 4 cu. yds.

Over 4 cu. yds. to and incl. 6 cu. yds.

Over 6 cu. yds. to and incl. 8 cu. yds.

Over 8 cu. yds. to and incl. 10 cu. yds.

Over 10 cu. yds. - additional \$.08

per hour each additional 2 cu. yds.

increment

DISTRIBUTOR DRIVER AND HELPER

DRY BATCH TRUCKS:

3 Batch or under

Over 3 Batch to and incl. 5 Batch

Over 5 Batch to and incl. 10 Batch

Over 10 Batch to and incl. 15 Batch

Over 15 Batch - additional \$.15 per

hour each additional 5 Batch

increment

BURMAN, GRAVEL SPREADER BOX: Pickup

Driver, Spreading Material; Pilot Car

Driver, Teamsters and Helpers; Ware-

housesmen, Partsmen, Cardex men, Ware-

house Expediter

DUMP TRUCKS AND SIMILAR EQUIPMENT WATER

LEVEL CAPACITY, INCLUDING SIDEBARDS:

7 cu. yds. or less

Over 7 cu. yds. to and incl. 10 cu. yds.

Over 10 cu. yds. to and incl. 15 cu.

yds.

Over 15 cu. yds. to and incl. 20 cu.

yds.

Over 20 cu. yds. to and incl. 25 cu.

yds.

Over 25 cu. yds. to and incl. 30 cu.

yds.

Over 30 cu. yds. to and incl. 35 cu.

yds.

Over 35 cu. yds. to and incl. 40 cu.

yds.

Over 40 cu. yds. to and incl. 45 cu.

yds.

Over 45 cu. yds. - additional \$.06 per

hour each additional 5 cu. yds.

increment

DUMPSTERS

Modifications P. 7

DECISION AP-011 (Cont'd)

MON-LAB 2-3 b

ALL COUNTIES

Basic Hourly Rates	WESTERN COUNTIES	Fringe Benefits Payments	
		H & W	Vacation, App.
5.18	5.33	.25	.03
5.02	5.17	.25	.03
5.12	5.27	.35	.03
5.02	5.17	.35	.03
5.18	5.33	.25	.03
5.12	5.27	.35	.03
\$5.18	\$5.33	.35	.03
5.28	5.43	.35	.03
5.58	5.73	.35	.03
5.12	5.27	.35	.03
5.18	5.33	.35	.03
5.02	5.17	.35	.03
5.18	5.33	.35	.03
5.12	5.27	.35	.03
5.02	5.17	.35	.03
5.02	5.17	.35	.03
5.12	5.27	.35	.03
5.02	5.17	.35	.03

\* Eastern Counties: Blaine-Carter-Custer-Daniels-Dawson-Fallon-Garfield-McCone-Petroleum-

Phillips-Powder River-Prairie-Richland-Roosevelt-Sheridan-Valley and

Wilbeux

\* Western Counties: Beaverhead-Big Horn-Broadwater-Carter-Cascade-Chouteau-Deer Lodge-Fergus-

Flathead-Gallatin-Glacier-Judith-Lake-Valley-Madison-Mineral-Mussouri-

Nevada-Phillips-Powder River-Prairie-Richland-Roosevelt-Sheridan-Valley and

Yellowstone

DECISION #P-915 (Cont'd)

Modifications P. 9

MONT-1-TD-1-2-3-b

(2-2)

TRUCK DRIVERS (Cont'd)

DW 20, DW 21, or EUCALD TRACTORS, PULLING P. R. 21 or SIMILAR DUMP WAGONS: To and incl. 25 cu. yds. .325  
Over 25 cu. yds. to and incl. 30 cu. yds. .325  
Over 30 cu. yds. - additional \$.06 per hour each additional 5 cu. yds. increment

SERVICEMEN

POWDER TRUCK DRIVER (bulk unloader type)

FLAT TRUCKS:

To and incl. 3 Tons .325  
Over 3 tons Factory rating .325

FUEL TRUCK; SERVICE TIREMEN

LADBOYS, FOUR-WHEEL TRAILER, FLOAT SEMI-TRAILER

LUMBER CARRIERS, LIFT TRUCKS; Power broom

WATER TANK DRIVERS, PETROLEUM PRODUCTS DRIVERS:

2,500 gals. and under .325  
Over 2,500 gals. to and incl. 4,500 gals. .325  
Over 4,500 gals. to and incl. 6,000 gals. .325  
Over 6,000 gals. to and incl. 8,000 gals. .325  
Over 8,000 gals. to and incl. 10,000 gals. .325  
Over 10,000 gals. - additional \$.08 per hour each additional 2,000 gals. increment

WINCH, A-FRAME, SWEDISH CRANE, HYDRA-LIFT, GROUTCRETE, AND COMBINATION MULCHING, SEEDING AND FERTILIZING

TRUCK MECHANIC

	Basic Hourly Rates	H & W	Pensions	Vacation	App. T.	G-
	\$6.54	.475	.325			
	6.60	.475	.325			
	6.79	.475	.325			
	6.23	.475	.325			
	6.05	.475	.325			
	6.40	.475	.325			
	6.52	.475	.325			
	6.40	.475	.325			
	6.14	.475	.325			
	6.05	.475	.325			
	6.34	.475	.325			
	6.54	.475	.325			
	6.60	.475	.325			
	6.68	.475	.325			
	6.30	.475	.325			
	6.79	.475	.325			

DECISION #P-916 Mod. #1

Modifications P. 10

MONT-1-TD-1-2-3-b

(1-2)

	Basic Hourly Rates	H & W	Pensions	Vacation	App. T.	D4
	\$6.11	.30	.45	.50	.02	
<b>CARPENTERS:</b>						
Beaverhead and Silver Bow Co's. Truck Drivers:	\$6.30	.475	.325			
Beaverhead, Deer Lodge & Silver Bow Co's. TRANSMISSION TRUCK; Concrete Mixer and Transit Mixer:	6.38	.475	.325			
To and incl. 4 cu. yds. .325	6.46	.475	.325			
Over 4 cu. yds. to and incl. 6 cu. yds. .325	6.54	.475	.325			
Over 6 cu. yds. to and incl. 8 cu. yds. .325	6.78	.475	.325			
Over 8 cu. yds. to and incl. 10 cu. yds. .325	6.23	.475	.325			
Over 10 cu. yds. - additional \$.08 per hour each additional 2 cu. yds. increment	6.05	.475	.325			
Over 6 cu. yds. to and incl. 10 Batch	6.18	.475	.325			
Over 10 Batch to and incl. 15 Batch	6.34	.475	.325			
Over 15 Batch - additional \$.15 per hour each additional 5 Batch increment	6.50	.475	.325			
<b>DISTRIBUTOR DRIVER AND HELPER</b>	6.05	.475	.325			
<b>DEF BATCH TRUCKS:</b>						
3 Batch or under	6.05	.475	.325			
Over 3 Batch to and incl. 5 Batch	6.18	.475	.325			
Over 5 Batch to and incl. 10 Batch	6.34	.475	.325			
Over 10 Batch to and incl. 15 Batch	6.50	.475	.325			
Over 15 Batch - additional \$.15 per hour each additional 5 Batch increment	6.05	.475	.325			
<b>DODMAN, GRAVEL SPREADER BOX; Pickup Driver, Hauling Materials; Pilot Car Driver, Teamsters and Helpers; Warehousemen, Partisan, Cardex men, Warehouse Expediter</b>	6.05	.475	.325			
<b>DUMP TRUCKS AND SIMILAR EQUIPMENT WATER LEVEL CAPACITY, INCLUDING SIDEBARDS:</b>						
7 cu. yds. or less	6.05	.475	.325			
Over 7 cu. yds. to and incl. 10 cu. yds.	6.18	.475	.325			
Over 10 cu. yds. to and incl. 15 cu. yds.	6.34	.475	.325			
Over 15 cu. yds. to and incl. 20 cu. yds.	6.48	.475	.325			
Over 20 cu. yds. to and incl. 25 cu. yds.	6.54	.475	.325			
Over 25 cu. yds. to and incl. 30 cu. yds.	6.60	.475	.325			
Over 30 cu. yds. to and incl. 35 cu. yds.	6.66	.475	.325			
Over 35 cu. yds. to and incl. 40 cu. yds.	6.72	.475	.325			
Over 40 cu. yds. to and incl. 45 cu. yds.	6.78	.475	.325			
Over 45 cu. yds. - additional \$.06 per hour each additional 5 cu. yds. increment	6.18	.475	.325			
<b>DUMPSTERS</b>	6.18	.475	.325			

Modifications P. 12

Modifications P. 11

(2-2)

MONT-1-TD-1-2-3-b

TRUCK DRIVERS

DM 20, DM 21, or ENCLID TRACTORS,  
PULLING P.A. 21 or SIMILAR DUMP WAGONS:  
To and incl. 25 cu. yds.  
Over 25 cu. yds. to and incl. 30 cu.  
yds.  
Over 30 cu. yds. - additional \$.06  
per hour each additional 5 cu. yds.  
increment

SERVICE MEN

POWDER TRUCK DRIVER (bulk unloader type)

FLAT TRUCKS:

To and incl. 3 Tons  
Over 3 tons Factory rating

FUEL TRUCK; SERVICE TIREMEN

LOWBOYS, FOUR-WHEEL TRAILER, FLOAT  
SEMI-TRAILER

LOGGING CARRIERS, LIFT TRUCKS; Power  
boom

WATER TANK DRIVERS, PETROLEUM PRODUCTS

DRIVERS:

2,500 gals. and under  
Over 2,500 gals. to and incl. 4,500  
gals.  
Over 4,500 gals. to and incl. 6,000  
gals.  
Over 6,000 gals. to and incl. 8,000  
gals.  
Over 8,000 gals. to and incl. 10,000  
gals.  
Over 10,000 gals. - additional \$.08  
per hour each additional 2,000 gals.  
increment

WINCH, A-FRAME, SWEDISH CRANE, HYDRA-  
LIFT, CONCRETE, AND COMBINATION  
MULCHING, SEEDING AND FERTILIZING

TRUCK MECHANIC

Basic Hourly Rates	Fringe Benefits Payments			App. To.	Old
	H & V	Pensions	Vacation		
\$6.54	.475	.325			
6.60	.475	.325			
6.79	.475	.325			
6.23	.475	.325			
6.05	.475	.325			
6.40	.475	.325			
6.52	.475	.325			
6.40	.475	.325			
6.14	.475	.325			
6.05	.475	.325			
6.34	.475	.325			
6.54	.475	.325			
6.60	.475	.325			
6.68	.475	.325			
6.30	.475	.325			
6.79	.475	.325			

DECISION #AP-917 - No. 4, #1  
(38 FR 17415 - June 29, 1973)  
Big Horn, Custer, Dawson, Richland,  
Roosevelt, Rosebud and Yellowstone  
Counties, Montana

Change:  
Carpenters:  
Big Horn, Rosebud and Yellowstone  
Counties  
Carpenters  
Millwrights  
Piledrivers  
Floor sanders; Sawmen  
Electricians:  
Big Horn, Rosebud and Yellowstone  
Counties  
Electricians  
Cable splicers

Modifications P. 13

Modifications P. 14

Basic Hourly Rates	Fringe Benefits Payments			Other
	H & W	Pensions	Vacation	
<p><u>DECISION #AP-264 - Mod. #1</u> (37 FR 26249 - December 8, 1972) Tulsa County, Oklahoma</p> <p><u>Change:</u> CARPENTERS: Carpenters Millwrights Filedrievermen</p>				
\$6.91 7.21 7.21	.25 .25 .25	.25 .25 .25	.03 .03 .03	
<p><u>DECISION #AP-731 - Mod. #2</u> (38 FR 12592 - May 11, 1973) Oklahoma, Cleveland, Canadian, Lincoln and Pottawatomie Counties, Oklahoma</p> <p><u>Change:</u> CARPENTERS: Northern 1/2 of Lincoln County bound on the South by Interstate 35 on the East of Highway #99 Carpenters Power saw operator Millwrights Filedrievermen</p>				
\$5.70 5.95 6.15 6.15				
<p>Pottawatomie County and part of Lincoln County South of Turner Turnpike; the city limits of Moore in Cleveland County; all of Oklahoma County lying east of a line of Highway #4 (called Piedmont Road)</p> <p>Carpenters Power saw operator Millwrights Filedrievermen</p>				
7.40 7.65 7.65 7.65	.20 .20 .20 .20		.02 .02 .02 .02	
<p>Canadian County West of Highway #4 (called Piedmont Road):</p> <p>Carpenters Power saw operator Millwrights Filedrievermen Lathers Plasterers</p>				
5.50 5.825 5.825 5.825 7.75 7.75	.20 .20 .20 .20		.02 .02 .02 .02 .01 .01	

Basic Hourly Rates	Fringe Benefits Payments			Other
	H & W	Pensions	Vacation	
<p><u>DECISION # AP-490 - Mod. #5</u> (38 FR 6024 - March 9, 1973) Northampton County, Pennsylvania</p> <p><u>Change:</u> Power Equipment Operators (Schedule attached)</p>				
<p><u>DECISION # AP-818 - Mod. #2</u> (38 FR 13283 - May 18, 1973) Luzerne County, Pennsylvania</p> <p><u>Change:</u> Power Equipment Operators (Schedule attached)</p>				
<p><u>DECISION # AP-835 - Mod. #2</u> (38 FR 14066 - May 23, 1973) Lehigh County, Pennsylvania</p> <p><u>Change:</u> Power Equipment Operators (Schedule attached)</p>				

Modifications P. 16

Modifications P. 15  
FA-22-FEO-1 D

DECISIONS NOS. AP-490, AP-818, AP-833 (CONT'D)

**FIXED EQUIPMENT OPERATORS  
BUILDING CONSTRUCTION**

**WAGE GROUP I**

Machines doing hook work, any machine handling machinery, cable spinning machines, helicopters, machines similar to the above

**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 21K and over, all types overhead crane, building hoists (double drum) gradalls, macking machines in tunnel, all front end loaders 3-1/2 c. y. and over, tandem scrapers, pinyin type backhoes, boat Captains, batch plant operators (concrete) drills, self-contained rotary drills, fork lifts, 20 ft. lift and over machine to the above

**WAGE GROUP III**

Conveyors, building hoists (single drum), scrapers and tournapulls, spreaders, high or low pressure boilers, concrete pumps, wall drillers, bulldozers and tractors, asphalt plant engineers, roller (Biggs grade finishing), ditch vitch type trencher, all loaders under 3-1/2 cu. yds., mechanic-welders, motor patrolers, drill helper-self contained rotary drills, core drill operator, forklift trucks under 20 ft. lift, machines similar to the above

**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, paver broom, seeding spreader, tireman (for power equipment), machines similar to the above

**WAGE GROUP V**

Fireman, grease truck

**WAGE GROUP VI**

Oilers and deck hands (personnel boats), core

**WAGE GROUP VII**

All machines with booms (including jibs, masts, leads, etc.):  
100 ft. and over  
150 ft. and over  
200 ft. and over

**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.

Basic Hourly Rates	FIXED EQUIPMENT OPERATORS			Basic Hourly Rates
	H & W	Vacation	App. Tr.	
\$9.44	4.67	9.33	a	1.21
9.15	4.61	9.23	a	1.21
8.27	4.61	9.52	a	1.21
7.50	4.60	9.51	a	1.21
7.02	4.60	9.52	a	1.21
6.10	4.60	9.52	a	1.21
9.69	4.67	9.33	a	1.21
9.94	4.67	9.33	a	1.21
10.94	4.67	9.33	a	1.21

Basic Hourly Rates	Fringe Benefits Payments			Basic Hourly Rates
	H & W	Vacation	App. Tr.	
\$4.90	.15	.10		
5.00	.15	.10		
Basic Hourly Rates	H & W	Vacation	App. Tr.	App. Tr.
Basic Hourly Rates	H & W	Vacation	App. Tr.	App. Tr.
Basic Hourly Rates	H & W	Vacation	App. Tr.	App. Tr.
6.07	.25			

**DECISION #AP-193 - Mod. #2**  
(38 FR 14075 - May 25, 1973)  
Shelby County, Tennessee

**Change:**  
Building Construction:  
Laborers:  
Group F  
Group G

**DECISION #AP-346 - Mod. #4**  
(37 FR 20497 - September 29, 1972)  
Dallas, Sherman, Hamford, Ochil-  
trees, Lipscomb, Bartley, Moore,  
Buckinson, Roberts, Hamphill,  
Oldham, Potter, Carson, Gray,  
Wheeler, Deaf Smith, Sandall,  
Armstrong, Donley, Collingsworth,  
Castro, Swisher & Childress  
Counties, Texas

**Change:**  
Building Construction:  
Cement masons

**DECISION #AP-721 - Mod. #3**  
(38 FR 10585 - April 27, 1973)  
Bexar County, Texas

**Change:**  
Line Construction:  
Lifeman  
Groundmen  
Groundmen, loc 6 nos.

**DECISION #AP-723 - Mod. #5**  
(38 FR 10591 - April 27, 1973)  
Treviis County, Texas

**Change:**  
Building Construction:  
Cement masons

NOTICES

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Modifications P. 18

Basic Hourly Rates	Fringe Benefits Payments			App. T.	Other
	M & W	Vacation	Penalties		
\$7.98	.24	.22	.22	.01	
7.24	.45	.45	.45	.03	
7.99	.45	.45	.45	.03	
8.115	.45	.45	.45	.03	
8.24	.45	.45	.45	.03	
7.365	.45	.45	.45	.03	
8.115	.45	.45	.45	.03	
8.24	.45	.45	.45	.03	
8.365	.45	.45	.45	.03	
7.49	.45	.45	.45	.03	
7.24	.45	.45	.45	.03	

DECISION #AP-254 - Mod. #4  
(37 FR 26235 - December 8, 1972)  
Statewide, Utah

Change:  
Bricklayers  
Carpenters:

Zone 1: (40 road miles or less from Brigham City-Cedar City-Kanab-Logan-Ogden-Price-Provo-Richfield-Salt Lake City-Vernal)

Zone 2: (Beyond 40 thru 50 road miles from Brigham City-Cedar City-Kanab-Logan-Ogden-Price-Provo-Richfield-Salt Lake City-Vernal)

Zone 3: (Beyond 50 thru 60 road miles from Brigham City-Cedar City-Kanab-Logan-Ogden-Price-Provo-Richfield-Salt Lake City-Vernal)

Zone 4: (Over 60 road miles from Brigham City-Cedar City-Kanab-Logan-Ogden-Price-Provo-Richfield-Salt Lake City-Vernal)

Saw Filers; Saw Operators and Carpenters handling creosote material:

Zone 1

Zone 2

Zone 3

Zone 4

Millwrights (all zones)

Acoustical Carpenters (all zones)

Modifications P. 17

Basic Hourly Rates	Fringe Benefits Payments			App. T.	Other
	M & W	Vacation	Penalties		
\$6.05 6.30					
6.70 5.35	.25 .25		IX IX		
3.69	.25		IX		
3.35 4.69	.25 .25		IX IX		

DECISION #AP-725 - Mod. #3  
(38 FR 10597 - April 27, 1973)  
Armstrong, Carlson, Castro, Childress, Collingsworth, Dallas, Deaf Smith, Donley, Gray, Hammons, Hartsley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Pectar, Reedall, Roberts, Sherman, Swisher & Wheeler Counties, Texas

Change:  
Building Construction:  
Cement masons  
Machine operators

DECISION #AP-726 - Mod. #4  
(38 FR 10600 - April 27, 1973)  
Lubbock County, Texas

Change:

Line Construction:

Lineman

Operators

Groundmen (more than 1 year experience)

Groundmen (less than 1 year experience)

Flat bed truck operator

DECISION #AP-254 (Cont'd)

Modifications P. 20  
UTAH-1-LAB-1-2-3-b (2-3)

DECISION #AP-254 (Cont'd)

Modifications P. 19  
UTAH-1-LAB-1-2-3-b (1-3)

LABORERS (Cont'd)	Fitige Benefits Payments				Basic Hourly Rates	Others
	H & W	Pensions	Vacation	App. Tr.		
of pneumatic & electric tools & compressors & concrete saw; operators of Power-Type Form Cleaner & Oiling Machine; Pipelayer; Powderman Helper; Power Type Buggies; Pumpcrete Operators; Refinery Tank & Vessel Cleaners; Sand Blasters; Sandblaster Pot Tender; Vibrator Operator; Work of all type using Cutting Torches & Tools needed in wrecking	.25	.25	.30	.04	\$5.505	
<b>GROUP IV</b> AIR TRACK & CORE DIAMOND DRILLERS: Drill Mechanic (on job site); High Scaler operating Jackhammer or Breaker; Millin Vibrators & Similar Types - 70 lbs; Multiple Side Boom Driller; Wagon Driller	.25	.25	.30	.04	5.63	
<b>GROUP V</b> GUMMITE GROUNDING; Gummite Nozzlemann; Gummite Rodman; Powderman	.25	.25	.30	.04	5.98	
<b>TUNNEL AND SHAFT WORK:</b>						
<b>GROUP I</b> Underground laborers	.25	.25	.30	.04	5.36	
<b>GROUP II</b> Brakeman; Choctender; Dumpman; Powderman Helper; Fuddler	.25	.25	.30	.04	5.48	
<b>GROUP III</b> Mipper; Screedman; Vibrator; Tapsman	.25	.25	.30	.04	5.58	
<b>GROUP IV</b> Cutting Machine Operator; Drill Doctor; Finisher; Gummite Gummie; Miners; Powder Make-up Man; Spader & Tuggers; Steelman; Timberman	.25	.25	.30	.04	5.68	
That area in the State of Utah within 40 road miles of the county seats excluding Daggett County:						
<b>GROUP I</b> BROOMMAN; Carpenter Tender; Cement Finisher Helper; Chat Bowman; Choher Setter; Clearing & Grading; Cleaning of Equipment & Parts in connection with concrete; Concrete Crew; Deck-hand & Cleaning Man; Fence Erector & Installer (includes installation & Median Bails, Reference Post, Guide Post, & Right-of-Way Markers); Form Stripper; Gardener Helper; General Laborer; Grizzley Operator (whether by power or hand); Group Pump Operator; Heater Tender; Helpers (all not herein separately classified); House Movers; Landscaping Helper; Laborers on Wrecking & Demolition; Nurseryman Helper; Pre-wetman; Riprap man (hand placed); Sloper, Spreader & Weighman; Stake Jumper; Stripping & Cleaning of Steel & Pans; Tool Dispatcher & Checker (full time); Unloading & packing of reinforcing steel rods & mesh	.25	.25	.30	.04	\$5.255	
<b>GROUP II</b> AIR TRACK HELPERS; Asphalt rakers & Ironers; Dumpman; Gummite Reboundman; Metal Form Setter (airport paving & highway); Pipe Wrapper; Pot Tender & Joint Maker; Rollers; Screen & Clean-up Man; Signal & Dumpman on Concrete Construction; Tunnel & Belt Man	.25	.25	.30	.04	5.38	
<b>GROUP III</b> BANKO VIBRATORY ROLLER & similar type, Compacting Machines; Concrete Cutting Torch; Hand & Chain Saw Operator (Bucking & Felling Timbers); High Pressure Water Nozzlemann; J Tampers & similar type tampers; Jackhammer & Pavement Breaker; Mortar & Grout Mixer; Multi-plate Installer; Operators						

DECISION AP-254 (Cont'd)

Modifications P. 21  
UTAH-1-LAB-1-2-3-h (3-3)

LABORERS (Cont'd)

GROUP V

Gummitte Groundman; Gummitte Nozzleman;  
Gummitte Rodman

Basic Hourly Rates	Fringe Benefits Payments			Overtime
	H & W	Pensions	Vacation	
\$5.98	.25	.25	.30	.04

DECISION #AP-254 (Cont'd)

Modifications P. 22  
UTAH-2-LAB-1-2-3-h (1-2)

Basic Hourly Rates	Fringe Benefits Payments			Overtime
	H & W	Pensions	Vacation	
\$6.005	.25	.25	.30	.04
6.13	.25	.25	.30	.04

**LABORERS**  
That area in the State of Utah beyond 40 road miles of the county seats and all of Daggett County:

**GROUP I**  
BROOMER; Carpenter Tender; Cement Finisher Helper; Chat Bowman; Choker Setter; Clearing & Grading; Cleaning of Equipment & Parts in connection with concrete; Concrete Crew; Dock-hand & Cleaning Man; Fence Erector & Installer (includes installation & Erection of Fences, Guard Rails, Median Rails, Reference Post, Guide Post, & Right-of-Way Markers); Form Stripper; Gardener Helper; General Laborer; Grizzly Operator (whether by power or hand); Group Pump Operator; Hester Tender; Helpers (all not herein separately classified); House Movers; Landscaping Helper; Laborers on Wrecking & Demolition; Nurseryman Helper; Pr-watersman; Riprap man (hand placed); Sloper, Spreader & Weighman; Stake Jumper; Stripping & Cleaning of Steel & Pans; Tool Dispatcher & Checker (full time); Unloading & packing of reinforcing steel rods & mesh

**GROUP II**  
AIR TRACK HELPER; Asphalt rollers & Ironers; Dumpman; Gummitte Reboundman; Metal Form Setter (airport paving & highway); Pipe Wrapper; Pot Tender & Joint Maker; Rollers; Screen & Cleanup Man; Signal & Dumpman on Concrete Construction; Tunnel & Belt Man

**GROUP III**  
BARMO VIBRATORY ROLLER & similar type, Compacting Machines; Concrete Cutting Torch; Hand & Chain Saw Operator (Bucking & Felling Timbers); High Pressure Water Hozelomas; J Tamper & similar type tampers; Jackhammer & Pavement Breaker; Mortar & Groat Mixer; Multi-plate Installer; Operators of pneumatic & electric tools & compressors & Concrete Saw; Operators of Power-Type Form Cleaser & Oiling Machine; Pipelayer; Powderman Helper;

DECISION AP-254 (Cont'd) Modifications P. 23  
 UTAH-2-LAS-1-2-3-B (2-2)  
 Fringe Benefits Payments

Basic Hourly Rates	Fringe Benefits Payments				Tot
	H & V	Pensions	Vacation	App. In.	
<p><u>LARGERS (Cont'd)</u></p> <p>Power Type Buggies; Pumpcrete Operators; Refinery Tank &amp; Vessel Cleaners; Sand Blasters; Sandblaster Pot Tender; Vibrator Operator; Work of all type using Cutting Torches &amp; Tools needed in wrecking</p>	.25	.25	.30	.04	6.38
<p><u>GROUP IV</u></p> <p>AIR TRACK &amp; CORE DIAMOND DRILLERS; Drill Mechanic (on job site); High Scaler operating Jackhammer or Breaker; Nail Vibrators &amp; Similar Types - 70 lbs; Multiple Side Boom Driller; Wagon Driller</p>	.25	.25	.30	.04	6.73
<p><u>GROUP V</u></p> <p>GUNNITE GROUNDMAN; Gunnite Nozzleman; Gunnite Rodman; Powderman</p> <p><u>TUNNEL AND SHAFT WORK:</u></p>	.25	.25	.30	.04	6.13
<p><u>GROUP I</u></p> <p>Underground Laborers</p>	.25	.25	.30	.04	6.23
<p><u>GROUP II</u></p> <p>Brakeman; Chucktender; Dumper; Powderman Helper; Fuddler</p>	.25	.25	.30	.04	6.33
<p><u>GROUP III</u></p> <p>kipper; Screedman; Vibrator; Tapsman</p>	.25	.25	.30	.04	6.43
<p><u>GROUP IV</u></p> <p>Cutting Machine Operator; Drill Doctor Finisher; Gunnite Gunman; Miners; Powder Make-up Man; Spader &amp; Tuggers; Steelmen; Timbermen</p>	.25	.25	.30	.04	6.73
<p><u>GROUP V</u></p> <p>Gunnite Groundman; Gunnite Nozzleman; Gunnite Rodman</p>	.25	.25	.30	.04	

AQ-1,005 P. 2

SUPERSEDES DECISION

STATE: Arizona

COUNTY: Maricopa (Phoenix-Glendale-Mesa-Scottsdale, Tempe, Luke AFB and Williams AFB) County, Arizona

DECISION NUMBER: AQ-1,005  
 Supersedes Decision No. AP-259 dated January 19, 1973 in 38 FR 2022.  
 DESCRIPTION OF WORK: Residential Construction consisting of single family homes and garden type apartments up to and including 4 stories.

ELECTRICIANS: (cont'd)

Zone A (Cont'd)

North on Cotton Lane to Deer Valley Drive and east on Deer Valley Drive to intersection with Bush Highway and including Luke and Williams Air Force Bases.)

Electricians  
 Cable splicers  
 Zone B (Area outside of Zone A and bounded by a line formed by measuring sixteen (16) road miles from the outer boundaries of an area enclosed by the following boundaries: Powers Road on the east, from Hunt Highway on the south to one mile south of Pinnacle Peak Road on the north. One mile south of Pinnacle Peak Road to Cotton Lane on the west. Cotton Lane to Pecos Road on the south. Pecos Road to Price Road and from Price to Hunt Highway on the south. Hunt Highway to Powers Road on the east.)

Electricians  
 Cable splicers  
 Zone C (Outside edge of Zone B and extend to the outside limits of the Union's jurisdiction.)

Electricians  
 Cable splicers  
 ELEVATOR CONSTRUCTORS  
 ELEVATOR CONSTRUCTORS' HELPERS  
 ELEVATOR CONSTRUCTORS' HELPERS (PROB.)  
 IRONWORKERS  
 MARBLE & TILE SETTERS  
 PAINTERS:  
 Brush; Soft floor layers  
 Spray; Paperhangers  
 PLASTERERS  
 PLUMBERS:  
 (Phoenix Area)  
 Refrigeration; Air conditioning;  
 Plumbing service; Lawn sprinklers;  
 Utility; Swimming pool mechanics

Basic Hourly Rates	Fringe Benefits Payments				Others
	H & W	Pensions	Vacation	App. Tc.	
\$8.48	.50	.65		.01	
7.45	.60	1.00	.50	.02	
8.85	.35	.30		.03	
7.75	.35	.60		.025	
8.00	.35	.60		.025	
8.125	.35	.60		.025	
7.585	.35	.65		.025	
8.48	.275		.50	.04	
8.58	.275		.50	.04	

ASBESTOS WORKERS  
 BOILERMAKERS  
 BRICKLAYERS; Stonemasons  
 CARPENTERS:  
 Carpenters  
 Filledrivenmen  
 Millwrights  
 MILLRIGHTS  
 CEMENT MASONS  
 DRYWALL INSTALLERS:  
 Tapers  
 Texture sprayers  
 ELECTRICIANS:

Zone A (beginning at the northeast corner, a line extending southward on Bush Highway to McKellips Road; a line extending east on McKellips Road to a point one mile east of the intersection of State Highway 88 and U. S. 60 and 70 near Apache Junction; southward to Baseline Road; west on Baseline Road to the intersection of Baseline Road and Ellsworth Road; south on Ellsworth Road to Hunt Highway; west on Hunt Highway to Powers Road; a line extending south on Powers Road five miles, then extending straight west to a point five miles west of Interstate 10, then northwest on a line parallel with Interstate 10 to intersect with Pecos Road, west on Pecos Road to intersect with Cotton Lane. North on Cotton Lane to Beloat Road. West on Beloat Road to Airport Road. North on Airport Road in a straight line to intersect Waddell Road. East on Waddell Road to intersect with Cotton Lane.

Basic Hourly Rates	Fringe Benefits Payments				Oth.
	H & W	Pensions	Vacation	App. Tc.	
\$8.95	.30	154.60		1/2%	
9.36	.30	154.60		1/2%	
10.60	.30	154.60		1/2%	
11.10	.30	154.60		1/2%	
11.63	.30	154.60		1/2%	
11.97	.30	154.60		1/2%	
7.58	.185	.20	254-a		
70LJR	.185	.20	254-a		
50LJR					
8.58	.58	.625		.04	
7.39	.35	.30		.01	
7.54	.40	.35	.50	.05	
7.79	.40	.35	.50	.05	
7.25	.30	.50		.035	
6.00	.16			.02	

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AQ-1,005 P. 3

LABORERS:

**GROUP I**  
 ALL HELPERS NOT HEREIN SEPARATELY CLASSIFIED; Cesspool diggers and installers; Chat box man; Checker, tool dispatcher; Concrete dump man-belt, pipe and/or bosman; Dampman and/or spotter; Fence builder, guard rail builder boy; Form strippers; Labor, general or construction; Landscape gardener and nurseryman; Packing rod steel and pans; Rip rap stoneman

**GROUP II**  
**CEMENT FINISHER TENDER**; Concrete curer (impervious membrane); Cutting torch operator; Fine grader (highway, engineering and sewer work only); Kettleman - tarman; Power type concrete boggy

**GROUP III**  
**HANDER**; CRACKTENDER (except tunnel); Creosote tieman; Glines chaser; Powderman helper; Rip-rap stone paver; Sandblaster (pot tender); Spikers and wrenchers

**GROUP IV**  
**CEMENT BUMPERS** (skip-type mixer or handling bulk cement); Chain saw machines (on clearing and grubbing); Concrete vibrating machines; Cribber and shorer (except tunnel); Floor Sanders - concrete; Hydraulic jacks, and similar mechanical tools not separately herein classified; Operators and tenders of pneumatic and electric tools; Pipe caulker and/or Backup man (pipeline); Pipe wrapper; Pneumatic gopher; Rigger/signman (pipeline)

**PLUMBERS**; Steamfitters:  
 Zone I (0-15 miles)  
 Zone II (15-30 miles)  
 Zone III (30-45 miles)  
 Zone IV (45 miles and beyond)  
**ROOFERS**  
**SHEET METAL WORKERS**  
**SPRINKLER FITTERS**  
**TELEAZZO WORKERS**

**FOOTNOTE:**  
 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. Six Paid Holidays: A through F.

**PAID HOLIDAYS:**  
 A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

Basic Hourly Rates	Fringe Benefits Payments				Basic Hourly Rates	Fringe Benefits Payments			
	H & V	Pensions	Vacation	App. Tr.		Other	H & V	Pensions	Vacation
48.00	.45	.97	.75	.10	45.53	.35	.60	.05	
8.30	.45	.97	.75	.10	5.64	.35	.60	.05	
8.65	.45	.97	.75	.10	5.75	.35	.60	.05	
9.75	.45	.97	.75	.10	5.83	.35	.60	.05	
6.10	.30	.30	.02	.02					
7.59	.27	.32	.05	.05					
8.70	.30	.50							
7.96									



AO-1,005 P. 8

AO-1,005 P. 7

Basic Hourly Rates	Fringe Benefits Payments				Dth
	H & W	Pensions	Vacation	App. T.	
\$6.42	.45	.50	.02		
6.73	.45	.50	.02		
7.13	.45	.50	.02		
8.01	.45	.50			.02
8.27	.45	.50			.02

POWER EQUIPMENT OPERATORS (cont'd)

**GROUP V**  
 Aggregate plant operator (including crushing screening and sand plants, etc.); Asphalt laydown machine operator; Asphalt plant mixer operator; Bitcrete machine; Boring machine operator; Concrete mechanical tamping, spreading or finishing machine (incl. Clary, Johnson, or similar types); Concrete pump operator; Concrete batch plant operator, all types and sizes; Conductor, brakeman, or handler; Elevating grader operator - all types and sizes (except as otherwise classified); Field equipment serviceman (Highline cableway signalman; Kolman belt loader operator or similar type, w/belt width 48" or over; Locomotive engineer (including Dinky-20 tons wt. and over); Moto-paver and similar type equipment operator; Operating engineer riggers; Pneumatic-tired scraper operator (Turnapull, Euclid, Cat, D-W, Hancock and similar equipment) up to and incl. 12 cu. yds.; Power Jumbo form setter operator; Pressure grout machine operator (as used in heavy engineering construction); Road oil mixing machine operator; Roller operator-on all types asphalt pavement; Self-propelled compactor, with blade; Skip loader operator-all types with rated capacity over 1-1/2 but less than 4 cu. yds.; Slip form operator (power driven lifting device for concrete forms); Soil cement road mixing machine operator-single pass type; Stationary Central generating plant operator-rated 300 k.w. or more; Surface beater and planer operator; Traveling pipewrapping machine operator

**GROUP V-A**  
 Heavy duty mechanic and/or welder; Pneumatic tired scraper, all sizes and types over 12 cu. yds. up to and incl. 45 cu. yds. MOC (Turnapull, Euclid, Cat, D-W, Hancock, and similar equipment); Tractor operator (Pusher, Bulldozer, Scraper) up to 400 net horsepower rating; Trenching machine operator

POWER EQUIPMENT OPERATORS:

**GROUP I**  
 Air compressor operator; Field equip- serviceman helper; Heavy duty repair helper; Heavy duty welder helper; Miller; Pump operator

**GROUP II**  
 Conveyor operator; Generator operator- portable; Power grizzly operator; Self-propelled chip spreading machine-conveyor operator; Watch fireman; Welding machine operator - gasoline and diesel power

**GROUP III**  
 Concrete mixer operator - skip type; Dinky operator - (under 20 tons wt.); Driver-moto paver, Slurry seal machine, and similar type equipment; Motor crane driver; Power sweeper operator - self-propelled; Boss carrier or fork lift operator; Skip loader operator - all types with rated capacity 1-1/2 cu. yds. or less; Wheel type tractor operator (Ford, Ferguson, or similar type) with attachments such as fresno, push blade, post hole auger, mower, etc. excluding compacting equipment

**GROUP IV**  
 A-Frame boom truck or winch truck operator; Asphalt plant fireman; Elevator hoist operator (including Turkey hoist or similar types); Grade checker (excluding civil engineer); Multiple power concrete saw operator; Pavement breaker, mechanical compactor operator, power propelled; Roller operator - all types except as otherwise classified; Scream operator; Self-propelled chip spreading machine operator (including Slurry seal machine operator) Stationary pipewrapping and cleaning machine operator; Tugger operator

AQ-1,005 P. 10

Basic Hourly Rates	Fringe Benefits Payments			App. To	G/L
	H & V	Pensions	Vacation		
\$9.05	.45	.50			.02

POWER EQUIPMENT OPERATORS (cont'd)

**GROUP VII**  
 Crane Operator - pneumatic or crawler (100 ton hoisting capacity and over MHC rating); Helicopter pilot - FAA qualified when used in construction work; Highline cableway operator, over 20 ton rated capacity and using traveling head and tail tower; Remote control earth moving equipment operator  
 Skip loader operator - all types with rate capacity of 8 cu. yds. or more; Universal equipment - shovel, backhoe, dragline, clamshell, etc., 8 cu. yds. and over

**MULTIPLE-UNIT EARTH MOVING EQUIPMENT:**  
 Tractor Operator - pneumatic-tired or track type, two units - fifty cents (50¢) per hour more than the base single-unit rate established in Group V, Group V-A, or Group VI, and one dollar (\$1.00) per hour for each additional unit.

All Operators, oiler, and motor crane drivers on equipment with booms of 80 and over, incl. job shall receive .0075 (3/4 of a cent) per foot per hour premium pay additional to the regular rate of pay.

Oiler shall be required on all track or crawler-type cranes, backhoes, shovels, clamshells, draglines, gradalls, etc.

Oiler drivers shall be required on all truck mounted or self-propelled excavating and/or hoisting equipment having the configuration for two men.

AQ-1,005 P. 9

Basic Hourly Rates	Fringe Benefits Payments			App. To	Other
	H & V	Pensions	Vacation		
\$8.55	.45	.50			.02

POWER EQUIPMENT OPERATORS (cont'd)

**GROUP VI**  
 Auto-Grade Machine (CMI and similar equipment); Boring machine operator (including hole, auger and similar type); Concrete mixer operator-paving type, and mobile mixer; Concrete pump operator with boom attachment (truck mounted); Crane operator-crawler and pneumatic type, under 100 ton capacity MHC; Crawler type tractor operator - with boom attachment; Derrick operator; Forklift operator for hoisting personnel; Grade-all operator; Helicopter hoist; Highline cableway operator (less than 20 tons rated capacity); Mass excavator operator (150 Bucyrus Erie and similar types); Mechanical hoist operator (two or more drums); Motor grade operator - any type power blade; Motor grader operator with elevating grader attachment; Mucking machine operator; Overhead crane operator; Piledriver engineer (portable, stationary or skid rig); Pneumatic-tired scraper operator-all sizes and types (Turnspoil, Euclid, Cat D-W, Hancock and similar equipment over 45 cu. yds. MHC); Power driven ditch lining or ditch trimming machine operator; Skip loader operator - all types with rated capacity 4 cu. yds. but less than 8 cu. yds.; Slip form paving machine operator (including Concret, Zimmerman and similar types); Specialized power digger operator - attached to wheel-type tractor; Tower crane (or similar type) operator; Tractor operator (Pusher, Balldozer, Scraper) 400 net horsepower and over; Tugger operator (two or more); Universal equipment operator - Shovel, Backhoe, Dragline, Clamshell, etc., up to 8 cu. yds.

AO-1,005 P. 11

AO-1,005 P. 12

Basic Hourly Rates	Fringe Benefits Payments				Basic Hourly Rates	Fringe Benefits Payments			
	M & W	Pensions	Vacation	App. To		C	M & W	Pensions	Vacation
\$4.67	.35	.60		.02	\$6.95	.35	.60		.02
5.78	.35	.60		.02	7.365	.35	.60		.02
5.94	.35	.60		.02	8.24	.35	.60		.02
6.23	.35	.60		.02	6.39	.35	.60		.02
6.36	.35	.60		.02	7.98	.35	.60		.02
6.50	.35	.60		.02					
6.61	.35	.60		.02					

**TRUCK DRIVERS**

**GROUP I**

PICKUP; Station wagon; Teamsters

**GROUP II**

BUGGYBILLE, 1 C.Y. OR LESS; Bulk cement spreader (2 or 3 axle); Bus driver; Dump (2 or 3 axle); Flatrack (2 or 3 axle); Water (under 2500 Gal.)

**GROUP III**

BULK CEMENT SPREADER (4 AXLE); Dump (4 axle); Dumptor or dumpter, less than c.y.; Flatrack (4 axle); Water (2500 gal. but less than 4000 gal.)

**GROUP IV**

BULK CEMENT SPREADER (5 AXLE); Dump (5 axle); Dumptor or dumpter, 7 c.y. but less than 16 c.y.; Flaberty spreader or similar type equipment or leverman; Flatrack (5 axle); Slurry type equipment or leverman; Transit mix, 8 c.y., or less mixer capacity

**GROUP V**

BULK CEMENT SPREADER (6 AXLE); Dump (2 axle); Flatrack (6 axle); Rock truck (dart, euclid, and other similar type end dumps, single unit) less than 16 c.y.

**GROUP V-A**

OIL TANKER OR SPREADER TRUCK DRIVER and/or bootman, retortman or leverman

**GROUP VI**

BULK CEMENT SPREADER (7 AXLE); Concrete pump truck driver, (when integral part of transit mix truck); Dump (7 axle); Flatrack (7 axle); Syncro lift, Swedish cranes, Iowa 300 and similar types; Ross carrier fork lift or lift truck; Transit mix, over 10.5 c.y. but less than 14 c.y. mixer capacity

**TRUCK DRIVERS: (cont'd)**

**GROUP VII**  
BULK CEMENT SPREADER (8 AXLE); Dump (8 axle); Flatrack (8 axle)

**GROUP VIII**  
OFF-HIGHWAY EQUIPMENT DRIVER (2 or 4 wheel power unit, i.e. Cat DM series, Euclid, International, and similar type equipment, transporting material when top loaded or by external means, including pulling water tanks, fuel tanks, or other teamsters classifications; Bulk cement spreader (9 axle); Dump (9 axle); Dumptor or dumpter, 16 c.y. and over; Eject-all; Flatrack (9 axle); Rock truck (Dart, Euclid, or other similar end dump types) 16 c.y. and over

**HEAVY DUTY MECHANIC/WELDER**

**HEAVY DUTY MECHANIC/WELDER HELPER**

**FIELD EQUIPMENT SERVICEMAN or FUEL**

**Truck driver**

Combination Man - 30¢ over the highest rated work

Multiple-unit equipment driver - two units 50¢ per hour more than the base single unit rate established in Group 8 above; and \$1.00 per hour for each additional unit

AQ-1,005 P. 2

SUPERSEDES DECISION

STATE: Arizona  
 DECISION NUMBER: AQ-1,005  
 DATE: Date of Publication  
 Supersedes Decision No. AP-909 dated June 15, 1973 in 38 FR 15798  
 DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories)

COUNTIES: Greenlee, Maricopa and Mohave

DATE: Date of Publication

Supersedes Decision No. AP-909 dated June 15, 1973 in 38 FR 15798

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments				Other
		H & W	Pensions	Vacation	App. Tr.	
<b>ELECTRICIANS:</b> (Maricopa and Mohave Counties) Zone A (beginning at the northeast corner, a line extending southward on Bush Highway to McKellips Road; a line extending east on McKellips Road to a point one mile east of the intersection of State Highway 88 and U. S. 60 and 70 near Apache Junction; southward to Baseline Road; west on Baseline Road to the intersection of Baseline Road and Ellsworth Road; south on Ellsworth Road to Hunt Highway west on Hunt Highway to Powers Road; a line extending south on Powers Road five miles, then extending straight west to a point five miles west of Interstate 10, then northeast on a line parallel with Interstate 10 to intersect with Pecos Road, west on Pecos Road to intersect with Cotton Lane, North on Cotton Lane to Belmont Road, West on Belmont Road to Airport Road, North on Airport Road in a straight line to intersect Waddell Road. East on Waddell Road to intersect with Cotton Lane, North on Cotton Lane to Deer Valley Drive and east on Deer Valley Drive to intersection with Bush Highway and including Luke and Williams Air Force Bases.) Electricians Cable splicers	\$8.95 9.36	.30 .30	134.60 134.60	1/21 1/21		
<b>ASBESTOS WORKERS</b>	8.48	.50	.65	.50	.01	
<b>BOILERMAKERS</b>	7.45	.60	1.00	.50	.02	
<b>BRICKLAYERS; Stonemasons:</b> (Maricopa and Mohave Counties - Greenlee County North of Gila and San Francisco River) From City Hall of Phoenix: Zone A (0-25 miles) Zone B (25-40 miles) Zone C (40-70 miles) Zone D (70-100 miles) Zone E (100-200 miles) Zone F (200 miles and over) <b>BRICKLAYERS; Stonemasons:</b> (Greenlee County South of Gila and San Francisco River) Zone A (Tucson City limits through 10 miles) Zone B (Tucson City limits 10-25 mi.) Zone C (Tucson City limits 25-40 mi.) Zone D (Tucson City limits over 40 miles) <b>CARPENTERS:</b> Carpenters PileDrivers Millwrights <b>CEMENT MASONS</b> <b>DEWALL INSTALLERS:</b> From Court House in Phoenix, Mess, incl Williams AFB and Luke AFB Tapers: Zone A (0-40 miles) Zone B (40-60 miles) Zone C (60 miles and over) <b>Texture Sprayers:</b> Zone A (0-40 miles) Zone B (40-60 miles) Zone C (60 miles and over)	8.85 9.74 10.18 10.62 11.06 11.51	.35 .35 .35 .35 .35 .35	.30 .30 .30 .30 .30 .30	.50 .50 .50 .50 .50 .50	.03 .03 .03 .03 .03 .03	
8.575 8.95 9.325 10.075	.40 .40 .40 .40	.30 .30 .30 .30	.60 .60 .60 .65	.02 .02 .02 .02		
7.75 8.00 8.125 7.585	.35 .35 .35 .35	.60 .60 .60 .65	.025 .025 .025 .025			
8.48 9.48 9.73	.275 .275 .275	.50 .50 .50	.04 .04 .04			
8.58 9.58 9.83	.275 .275 .275	.50 .50 .50	.04 .04 .04			

AD-1,006 P. 4

AD-1,006 P. 3

Basic Hourly Rates	Fringe Benefits Payments			App. To	Other
	H & W	Fees	Vacation		
<p><b>ELECTRICIANS: (cont'd)</b>                      Zone B (Area outside of Zone A and bounded by a line formed by measuring sixteen (16) road miles from the outer boundaries of an area enclosed by the following boundaries: Powers Road on the east, from Bunt Highway on the south to one mile south of Pinnacle Peak Road on the north. One mile south of Pinnacle Peak Road to Cotton Lane on the west. Cotton Lane to Pecos Road on the south. Pecos Road to Price Road and from Price Road to Bunt Highway on the south. Bunt Highway to Powers Road on the east.)</p>					
\$10.60	.30	134.60			
11.10	.30	134.60		1/2L	
<p>Electricians                      Cable splicers                      Zone C (Outside edge of Zone B and extend to the outside limits of the Union's jurisdiction.)</p>					
11.43	.30	134.60		1/2L	
11.97	.30	134.60		1/2L	
<p>Electricians                      Cable splicers                      (Greenlee County)                      Zone A (Within 15 miles of City Hall, Tucson)                      Zone B (From 16-32 miles from City Hall, Tucson)                      Zone C (From 32-48 miles from City Hall, Tucson)                      Zone D (48 miles and over from City Hall, Tucson)</p>					
9.175	.45	13		1/2L	
9.875	.45	13		1/2L	
10.475	.45	13		1/2L	
11.175	.45	13		1/2L	
7.58	.185	.20	24-a		
70LJR	.185	.20	24-a		
50LJR					
8.58	.58	.625		.04	
<p><b>ELEVATOR CONSTRUCTORS' HELPERS (PROB.)</b>                      ELEVATOR CONSTRUCTORS' HELPERS                      ITCOMBEERS                      LATISES:                      (Maricopa and Mohave Counties - Northern Half of Greenlee County)                      Zone I (Up to 35 miles from Phoenix)                      Zone II (15 miles beyond Zone I)                      Zone III (20 miles beyond Zone II)                      Zone IV (Area outside Zone III)</p>					
5.60	.175			.04	
5.93	.175			.04	
6.26	.175			.04	
6.60	.175			.04	
<p><b>LATISES: (cont'd)</b>                      (Southern half of Greenlee County)                      Zone A (0-30 miles from Tucson)                      Zone B (30-60 miles from Tucson)                      Zone C (60-90 miles from Tucson)                      Zone D (Over 90 miles from Tucson)                      MAKE SETTERS:                      Zone I-VI (0-60 miles from Phoenix)                      Zone VII (40-60 miles from Phoenix)                      Zone VIII (60-80 miles from Phoenix)                      Zone IX (Over 80 miles from Phoenix)                      PAINTERS:                      (Cities of Gila Bend and Sentinel):                      Brush                      Spray                      Structural steel                      (Remainder of Maricopa County and Northern 2/3's of Greenlee County)                      Zone A (0-40 miles from Court House in Phoenix; Lake and Williams Air Force Bases):                      Brush; Soft floor layers                      Spray                      Steel and bridge, brush                      Spray (steel and bridge)                      Zone B (41-60 miles from Court House in Phoenix):                      Brush; Soft floor layers                      Spray                      Steel and bridge, brush                      Spray (steel and bridge)                      Zone C (60 miles and over from Court House in Phoenix):                      Brush; Soft floor layers                      Spray                      Steel and bridge, brush                      Spray (steel and bridge)                      Zone D (31 miles and over from Tucson P.O.):                      Painters, brush:                      Zone A (1-30 miles from Tucson P.O.)                      Zone B (31-60 miles from Tucson P.O.)                      Zone C (61-90 miles from Tucson P.O.)                      Zone D (91 miles and over from Tucson P.O.)                      Painters, Structural steel, brush:                      Zone A (1-30 miles from Tucson P.O.)                      Zone B (31-60 miles from Tucson P.O.)                      Zone C (61-90 miles from Tucson P.O.)                      Zone D (91 miles and over from Tucson P.O.)</p>					
\$8.66	.20				
9.16	.20				
9.41	.20				
10.16	.20				
7.39	.35	.30			.01
8.515	.35	.30			.01
9.265	.35	.30			.01
9.265	.35	.30			.01
7.50	.29	.25			.02
8.00	.29	.25			.02
8.45	.29	.25			.02
7.54	.40	.35			.05
7.79	.40	.35			.05
7.89	.40	.35			.05
8.09	.40	.35			.05
8.54	.40	.35			.05
8.79	.40	.35			.05
8.89	.40	.35			.05
9.09	.40	.35			.05
9.04	.40	.35			.05
9.29	.40	.35			.05
9.39	.40	.35			.05
9.59	.40	.35			.05
6.25	.29	.25			.02
7.00	.29	.25			.02
7.25	.29	.25			.02
7.50	.29	.25			.02
7.20	.29	.25			.02
7.95	.29	.25			.02
8.20	.29	.25			.02
8.45	.29	.25			.02

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AO-1,006 P. 6

**PAINTERS: (cont'd)**

(Mohave County Southern Half)  
 Brush; Soft floor layers  
 Brush, steel and bridge  
 Spray  
 (Remainder of Mohave County)  
 Brush  
 Brush, steel and bridge  
 Spray

**PLASTERERS:**

(City of Sentinel, portion of Maricopa County South thereof and Northern half of Greenlee County)  
 (Mohave County, Remainder of Maricopa County and Southern half of Greenlee County)

Zone A (0-40 miles from Phoenix)  
 Zone B (40-50 miles from Phoenix)  
 Zone C (60-80 miles from Phoenix)  
 Zone D (80 miles and over from Phoenix)

**PLUMBERS:**

(Zone Bases Phoenix and Tucson):  
 Zone I (0-15 miles)  
 Zone II (15-30 miles)  
 Zone III (30-45 miles)  
 Zone IV (45 miles and beyond)

**ROOFERS:**

(Maricopa and Mohave Counties)  
 Roofers and waterproofers  
 Pitch and enamellers  
 (Greenlee County)  
 Zone A (0-44 miles from Tucson):  
 Asbestos; Shingles; Tile and Waterproofing  
 Zone B (Over 44 miles from Tucson)

**SHEET METAL WORKERS:**

(Maricopa and Mohave Counties-Northern Half of Greenlee County)  
 Zone I (0-25 miles from Phoenix)  
 Zone II (25-30 miles from Phoenix)  
 Zone III (50 miles and over from Phoenix)

**SHEET METAL WORKERS: (cont'd)**

(Southern half of Greenlee County)  
 Zone A (0-17 miles from Tucson)  
 Zone B (18-23 miles from Tucson)  
 Zone C (24-31 miles from Tucson)  
 Zone D (32-43 miles from Tucson)  
 Zone E (44 miles and over from Tucson)

**SPRINKLER FITTERS:**

**TERMINAL WORKERS:**  
 Zone I-VI (0-40 miles from Phoenix)  
 Zone VII (40-60 miles from Phoenix)  
 Zone VIII (60-80 miles from Phoenix)  
 Zone IX (Over 80 miles from Phoenix)

**LINE CONSTRUCTION:**

Zone I (0-30 miles from Phoenix)  
 Cable splicers  
 Linemen  
 Equipment operators  
 Groundmen  
 Zone II (Other Areas)  
 Cable splicers  
 Linemen  
 Equipment operators  
 Groundmen

**FOOTNOTE:**

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.  
 Six Paid Holidays: A through F.

**PAID HOLIDAYS:**

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day;  
 E-Thanksgiving Day; F-Christmas Day.

Basic Hourly Rates	Fringe Benefits Payments			App. Yr.	Other
	M & W	Pensions	Vacation		
\$7.20					
7.45					
7.60					
7.15					
7.30					
7.60					
9.62	.35	.60			
7.25	.30	.50		.035	
7.75	.30	.50		.035	
8.00	.30	.50		.035	
8.875	.30	.50		.035	
8.00	.45	.97	.75	.10	
8.30	.45	.97	.75	.10	
8.65	.45	.97	.75	.10	
9.75	.45	.97	.75	.10	
6.10	.30	.20		.02	
6.60	.30	.20		.02	
6.92	.40	.10		.02	
8.17	.40	.10		.02	
7.59	.27	.32		.02	
8.22	.27	.32		.02	
9.56	.27	.32		.02	

Basic Hourly Rates	Fringe Benefits Payments			App. Yr.	Other
	M & W	Pensions	Vacation		
\$7.58	.58	1.15		.01	
8.03	.58	1.15		.01	
8.48	.58	1.15		.01	
9.08	.58	1.15		.01	
9.53	.58	1.15		.01	
8.70	.30	.50		.05	
7.96					
9.085					
9.835					
9.17	.23	124.35		1/21	
8.85	.23	124.35		1/21	
8.33	.23	124.35		1/21	
7.22	.23	124.35		1/21	
10.30	.23	124.35		1/21	
10.00	.23	124.35		1/21	
9.49	.23	124.35		1/21	
8.43	.23	124.35		1/21	

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Basic Monthly Rates	Fringe Benefits Payments				D.O.
	H & W	Pensions	Vacation	App. Tr.	
\$5.97	.35	.60			.05
6.275	.35	.60			.05
6.785	.35	.60			.05
6.135	.35	.60			.05
6.45	.35	.60			.05

## LABORERS: (cont'd)

## GROUP V

AIR AND WATER WASH-OUT NOZZLEMAN; Asphalt rakers and ironers; Driller; Grade setter (pipeline); Hand guided trencher and similar operated equipment; Jackhammer and/or pavement breaker; Pipe layer (including but not limited to non-metallic, transite and plastic pipe, water pipe, sewer pipe, drain pipe, underground tile and conduit); Rock slinger; Scaler (using bos'n's chair or safety belt); Tamper (mechanical - all types)

## GROUP VI

CONCRETE CUTTING TORCH; CONCRETE SAW (hand guided); Driller (core, diamond, wagon or air track); Drill doctor and/or air tool repairman; Gunman and miserman (gunite); Sandblaster (nozzleman)

## GROUP VII

CONCRETE ROAD FORM SETTER; Gunite nozzleman or roddman; Drillers, Joy Mustang, PR 143, 220 Gardner-Denver, hydrosonic; Powder man; Scaler (drillers); Welders and/or pipe layers installing process piping

## MASON TENDERS

## PLASTERERS' TENDERS

Employees working underground shall receive twenty cents (20¢) per hour additional above the regular rate except where herein specifically covered.

A0-1,006 P. 7

## LABORERS:

## GROUP I

ALL HELPS NOT HEREIN SEPARATELY CLASSIFIED; Cesspool diggers and installers; Chat box man; Checker, tool dispatcher; Concrete dump man-belt, pipe and/or hoseman; Dumpman and/or spotter; Fence builder, guard rail builder boy; Form strippers; Labor, general or construction; Landscape gardener and nurseryman; Packing rod steel and pans; Rip rap stoneman

## GROUP II

CEMENT FINISHER TENDER; Concrete curer (impervious membrane); Cutting torch operator; Fine grader (highway, engineering and sewer work only); Kettleman - tarman; Power type concrete buggy

## GROUP III

MANAGER; CRACKREPAIR (except tunnel); Crescote tleman; Guinea chaser; Powderman helper; Rip-rap stone paver; Sandblaster (pot tender); Spikers and wrenchers

## GROUP IV

CEMENT DUMPERS (skip-type mixer or handling bulk cement); Chain saw machines (on clearing and grubbing); Concrete vibrating machines; Cribber and shorer (except tunnel); Floor Sanders - concrete; Hydraulic jacks, and similar mechanical tools not separately herein classified; Operators and tenders of pneumatic and electric tools; Pipe caulker and/or Backup man (pipeline); Pipe wrapper; Pneumatic gopher; Rigger/signalsman (pipeline)

Basic Monthly Rates	Fringe Benefits Payments				D.O.
	H & W	Pensions	Vacation	App. Tr.	
\$5.53	.35	.60			.05
5.64	.35	.60			.05
5.75	.35	.60			.05
5.83	.35	.60			.05

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Basic Hourly Rates	Fringe Benefits Payments			Oth-
	M & W	Pensions	Vacation	
\$6.42	.45	.50		.02
6.73	.45	.50		.02
7.13	.45	.50		.02

POWER EQUIPMENT OPERATORS:

GROUP I

Air compressor operator; Field equip-  
servicemen helper; Heavy duty repair  
helper; Heavy duty welder helper;  
Oiler; Pump operator

GROUP II

Conveyor operator; Generator operator-  
portable; Power grizzly operator; Self-  
propelled chip spreading machine-con-  
veyor operator; Watch fireman; Welding  
machine operator - gasoline and diesel  
power

GROUP III

Concrete mixer operator - skip type;  
Dinky operator - (under 20 tons wt.);  
Driver-moto paver, Slurry seal machine,  
and similar type equipment; Motor crane  
driver; Power sweeper operator - self-  
propelled; Boss carrier or fork lift  
operator; Skip loader operator - all  
types with rated capacity 1-1/2 cu.  
yds. or less; Wheel type tractor  
operator (Ford, Ferguson, or similar  
type) with attachments such as freemo,  
gush blade, post hole auger, mowet, etc.  
excluding compacting equipment

GROUP IV

A-Frame boom truck or winch truck  
operator; Asphalt plant fireman;  
Elevator hoist operator (including  
Tuskey hoist or similar types); Grade  
checker (excluding civil engineer);  
Multiple power concrete saw operator;  
Pavement breaker, mechanical compactor  
operator, power propelled; Roller  
operator - all types except as other-  
wise classified; Screenshot operator; Self-  
propelled chip spreading machine  
operator (including Slurry seal machine  
operator) Stationary pipewrapping and  
cleaning machine operator; Tugger  
operator

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Basic Hourly Rates	Fringe Benefits Payments			Oth-
	M & W	Pensions	Vacation	
\$5.725	.35	.60		.05
5.86	.35	.60		.05
5.96	.35	.60		.05
6.06	.35	.60		.05
6.26	.35	.60		.05
6.595	.35	.60		.05
6.595	.35	.60		.05

LABORERS (cont'd)

Laborers employed where they may have  
afree fall over thirty (30) feet or  
on construction scaffolds above thirty  
(30) feet or bos'n chair above thirty  
(30) feet, or where gas masks are  
necessary, shall receive fifty cents  
(50¢) per hour in addition to their  
regular rate, except where inherent  
in classifications.

TUNNEL AND SHAFT WORKERS

GROUP I

BULL GANG, MUCKERS, TRACKMAN; DUMPMEN;  
Concrete crew (includes rodders and  
spreaders); Grout crew; Swapper  
(brakeman and switchman on tunnel  
work)

GROUP II

SHIPPER; CHUCKTENDER, CARLENDER;  
Vibratorman, Jackhammer, Pneumatic  
tools (except drillier)

GROUP III

GROUT GUNMAN

GROUP IV

TIMBERMAN, RETIMBERMAN - wood or steel  
blaster, driller powderman; Cherry  
pickerman; Powderman - primer house;  
Steel form raiser and setter; Komper  
and other pneumatic concrete placer  
operator; Miner - finisher

GROUP IV - A

MINERS - Tunnel (hand or machine)

GROUP V

DIAMOND DRILL

GROUP V-A

SHAFT AND RAISE MINER WELDER

AQ-1,006 P. 12

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POWER EQUIPMENT OPERATORS (cont'd)	Fringe Benefits Payments				Basic Hourly Rates
	H & W	Families	Vacation	App. Tr.	
<p><b>GROUP V</b></p> <p>Aggregate plant operator (including crushing screening and sand plants, etc.); Asphalt laydown machine operator; Asphalt plant mixer operator; Beltcrete machine; Boring machine operator; Concrete mechanical tamping, spreading or finishing machine (incl. Clary, Johnson, or similar types); Concrete pump operator; Concrete batch plant operator, all types and sizes; Conductor, brakeman, or handler; Elevating grader operator - all types and sizes (except as otherwise classified); Field equipment serviceman; Highline cableway signman; Kolman belt loader operator or similar type, w/belt width 48" or over; Locomotive engineer (including Dinky-20 tons or over); Moto-paver and similar type equipment operator; Operating engineer rigger; Pneumatic-tired scraper operator (Turnapull, Euclid, Cat, D-W, Hancock and similar equipment) up to and incl. 12 cu. yds.; Power jumbo form setter operator; Pressure grout machine operator (as used in heavy engineering construction); Road oil mixing machine operator; Roller operator-on all types asphalt pavement; Self-propelled compactor, with blade; Skip loader operator-all types with rated capacity over 1-1/2 but less than 4 cu. yds.; Slip form operator (power driven lifting device for concrete forms); Soil cement road mixing machine operator-single pass type; Stationary central generating plant operator-rated 300 k.w. or more; Surface beater and planer operator; Traveling pipestrapping machine operator</p>	.45	.50	.02	.02	\$6.01
<p><b>GROUP V-A</b></p> <p>Heavy duty mechanic and/or welder; Pneumatic tired scraper, all sizes and types over 12 cu. yds. up to and incl. 45 cu. yds. MGC (Turnapull, Euclid, Cat, D-W, Hancock, and similar equipment); Tractor operator (Pusher, Bulldozer, Scraper) up to 400 net horsepower rating; Trenching machine operator</p>	.45	.50	.02	.02	8.27

POWER EQUIPMENT OPERATORS (cont'g)	Fringe Benefits Payments				Basic Hourly Rates
	H & W	Families	Vacation	App. Tr.	
<p><b>GROUP VI</b></p> <p>Auto-Grade Machine (CMI and similar equipment); Boring machine operator (including Mole, Badger and similar type); Concrete mixer operator-paving type, and mobile mixer; Concrete pump operator with boom attachment (truck mounted); Crane operator-crawler and pneumatic type, under 100 ton capacity MGC; Crawler type tractor operator - with boom attachment; Derrick operator; Forklift operator for hoisting; Helicopter hoist; Highline cableway operator (less than 20 tons rated capacity); Mass excavator operator (150 Bucyrus Erie and similar types); Mechanical hoist operator (two or more drums); Motor grade operator - any type power blade; Motor grader operator with elevating grader attachment; Mucking machine operator; Overhead crane operator; Piledriver engineer (portable, stationary or skid rig); Pneumatic-tired scraper operator-all sizes and types (Turnapull, Euclid, Cat D-W, Hancock and similar equipment over 45 cu. yds. MGC); Power driven ditch lining or ditch trimming machine operator; Skip loader operator - all types with rated capacity 4 cu. yds. but less than 8 cu. yds.; Slip form paving machine operator (including Connett, Zimmerman and similar types); Specialized power digger operator - attached to wheel-type tractor; Tower crane (or similar type) operator; Tractor operator (Pusher, Bulldozer, Scraper) 400 net horsepower and over; Tugger operator (two or more); Universal equipment operator - Shovel, Backhoe, Dragline, Climbshell, etc., up to 8 cu. yds.</p>	.45	.50	.02	.02	\$8.55

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Basic Hourly Rates	Fringe Benefits Payments			App. Tr.	Grt.
	H & W	Pensions	Vacation		
\$5.67	.35	.50		.02	
5.78	.35	.60		.02	
5.94	.35	.60		.02	
6.23	.35	.60		.02	
6.36	.35	.60		.02	
6.50	.35	.60		.02	
6.61	.35	.60		.02	

TRUCK DRIVERS

GROUP I  
FIGUR; Station wagon; Teamsters

GROUP II  
MOTORHOME, 1 C.Y. OR LESS; Bulk cement spreader (2 or 3 axle); Bus driver; Dump (2 or 3 axle); Flatrack (2 or 3 axle); Water (under 2500 gal.)

GROUP III  
BULK CEMENT SPREADER (4 AXLE); Dump (4 axle); Dumpster or dumpster, less than c.y.; Flatrack (4 axle); Water (2500 gal. but less than 4000 gal.)

GROUP IV  
BULK CEMENT SPREADER (5 AXLE); Dump (5 axle); Dumpster or dumpster, 7 c.y. but less than 16 c.y.; Flaberty spreader or similar type equipment or leverman; Flatrack (5 axle); Slurry type equipment or leverman; Transit mix, 8 c.y., or less mixer capacity

GROUP V  
BULK CEMENT SPREADER (6 AXLE); Dump (2 axle); Flatrack (6 axle); Rock truck (dart, euclid, and other similar type end dumps, single unit) less than 16 c.y.

GROUP V-A  
OIL TANKER OR SPREADER TRUCK DRIVER and/or bootman, resortman or leverman

GROUP VI  
BULK CEMENT SPREADER (7 AXLE); Concrete pump truck driver, (when integral part of transit mix truck); Dump (7 axle); Flatrack (7 axle); Hydro lift, Swedish crane, Iowa 300 and similar types; Ross carrier fork lift or lift truck; Transit mix, over 10.5 c.y. but less than 16 c.y. mixer capacity

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POWER EQUIPMENT OPERATORS (cont'd)

GROUP VII  
Crane Operator - pneumatic or crawler (100 ton hoisting capacity and over NBC rating); Helicopter pilot - FMA qualified when used in construction work; Highline cableway operator, over 20 ton rated capacity and using traveling head and tail tower; Remote control earth moving equipment operator; Skip loader operator - all types with rated capacity of 8 cu. yds. or more; Universal equipment - shovel, backhoe, dragline, clamshell, etc., 8 cu. yds. and over

MULTIPLE-UNIT BARGE MOVING EQUIPMENT:  
Tractor Operator - pneumatic-tired or track type, two units - fifty cents (50¢) per hour more than the base single-unit rate established in Group V, Group V-A, or Group VI, and one dollar (\$1.00) per hour for each additional unit.

All Operators, oiler, and motor crane drivers on equipment with booms of 80 and over, incl. jib shall receive .0075 (3/4 of a cent) per foot per hour premium pay additional to the regular rate of pay.

Oiler shall be required on all crawler-type cranes, backhoes, shovels, clamshells, draglines, gradalls, etc. Oiler drivers shall be required on all truck mounted or self-propelled excavating and/or hoisting equipment having the configuration for two men.

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.	Grt.
	H & W	Pensions	Vacation		
\$9.05	.45	.50		.02	

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TRUCK DRIVERS: (cont'd)

GROUP VII  
 BULK CEMENT SPREADER (8 AXLE); Dump  
 (8 axle); Flatrack (8 axle)

GROUP VIII  
 OFF-HIGHWAY EQUIPMENT DRIVER (2 or 4  
 wheel power unit, i.e. Cat 9M series,  
 Euclid, International, and similar  
 type equipment, transporting material  
 when top loaded or by external means,  
 including pulling water tanks, fuel  
 tanks, or other tanksters  
 classifications; Bulk cement spreader  
 (9 axle); Dump (9 axle); Dumptor or  
 dumpter, 16 c.y. and over; Eject-all;  
 Flatrack (9 axle); Back truck (Dart,  
 Euclid, or other similar end dump  
 types) 16 c.y. and over

HEAVY DUTY MECHANIC/WELDER

HEAVY DUTY MECHANIC/WELDER HELPER

FIELD EQUIPMENT SERVICEMAN or FUEL  
 Truck driver

Combination Man - 30¢ over the highest  
 rated work

Multiple-unit equipment driver - two  
 units 50¢ per hour more than the base  
 single unit rate established in Group  
 8 above; and \$1.00 per hour for each  
 additional unit

Basic Monthly Rates	Fringe Benefits Payments				Others
	H & W	Pensions	Vacation	App. Tr.	
\$6.95	.35	.60		.02	
7.365	.35	.60		.02	
8.24	.35	.60		.02	
6.39	.35	.60		.02	
7.98	.35	.60		.02	

40-7 P. 2

SUPERSEDES DECISION

STATE: Arkansas  
 DECISION NO. 40-7  
 COUNTY: Pulaski  
 DUES: Date of Publication  
 Supersedes Decision No. 40-736, dated May 25, 1973, in 38 FR 13919.  
 Description of Work: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments				Other
		H & V	Pensions	Vacation	App. Tr.	
ASBESTOS WORKERS	\$7.35	.25			.02	
BOILERMAKERS	6.80	.30	.50		.02	
BRICKLAYERS & STONEMASONS	6.55	.30	.25		.02	
CARPENTERS:						
Carpenters	6.30	.25	.15		.01	
Millwrights & Fittedrivermen	6.55	.25	.15		.01	
CEMENT MASONS	6.20	.15			.03	
ELECTRICIANS						
Electricians	7.65		1%		1/4%	
Cable splicers	7.75		1%		1/4%	
ELEVATOR CONSTRUCTORS:						
Journeymen	5.19	.17	.185	24+4b		
Helpers	5.04	.17	.185	24+4b		
GLAZIERS	6.25					
IRONWORKERS:						
Structural, Ornamental, Reinforcing	6.88	.30	.25		.02	
LABORERS:						
Construction laborer, carpenter helper, concrete laborer	4.29	.10	.20			
Pipelayers, concrete and clay, and mechanical tool, cement mixers, wet or dry, finishers, plasterers and mason tenders, mortar mixers, asphalt rakers and shovelers, concrete wood handlers and chuck tenders	4.44	.10	.20			
Foodman and blasterers	5.19	.10	.20			
LATHERS	6.45	.10	.10	.25	.01	
MARBLE, TERRAZZO, & TILE WORKERS	5.75					
MARBLE, TERRAZZO, & TILE WORKERS' HELPERS	2.20					
PAINTERS:						
Brush	5.75					
Structural Steel	6.00		.20			
Spray	6.35		.20			
6.49						
PLASTERERS						
Within 10 mile radius of Pulaski County Courthouse	7.345	.20	.20		.02	
Over 10 miles from Pulaski County Courthouse	7.645	.20	.20		.02	
ROOFERS:						
Roofers	5.60		.05			
SHEET METAL WORKERS	6.90	.20	.30			
SPRINKLER FITTERS	7.05	.25	.40			

TRUCK DRIVERS:  
 Pickup - light, flatbed, stake body  
 Batch, dump, semi-trailer  
 A-frame, winch

WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.

FOOTNOTES:  
 a - 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate.  
 b - Paid Holidays - A through F  
 c - Apprenticeship Fund shall be \$.50 per month per journeyman and apprentice employed.

PAID HOLIDAYS:  
 A-New Year's Day; E-Memorial Day;  
 C-Independence Day; D-Labor Day;  
 F-Thanksgiving Day; G-Christmas Day.

AQ-7 P. 1 ASK-1-FED-1 (1-2)		AQ-7 P. 2 ASK-1-FED-1 (2-2)				
POWER EQUIPMENT OPERATORS		POWER EQUIPMENT OPERATORS (CONT'D)				
Basic Hourly Rates	Fringe Benefits Payments	H & W	Pensions	Vacation	App. Tr.	Other
<p><b>GROUP I</b> 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 rates by the manufacturer, and operators of all tower, climbing cranes, and derricks required to work 25 feet or over from the ground</p>	.25	.25				
<p><b>GROUP II</b> 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 pile-drivers, land or floating, all overhead and traveling cranes, all cableways, cherry pickers or tractors with swinging boom attachments, whirley, paving mixers with boom, grade alls, scrapers or rolls in tandem, all above equipment irrespective of motive power, leverman (engineer), hydraulic and bucket dredges, irrespective of size, mechanics and/or welders, blacksmith</p>	6.30	.25	.25			
<p><b>GROUP III - HEAVY EQUIPMENT OPERATORS</b> All bulldozers, all front and 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 10S and larger and concrete spreaders, all boiler fitmen 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</p>	5.99	.25	.25			
<p><b>GROUP IV - SEMI-HEAVY EQUIPMENT OPERATORS</b> Oiler-driver 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)</p>	\$5.04	.25	.25			
<p><b>GROUP V - LIGHT EQUIPMENT OPERATORS</b> 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, and dump Euclid and like equipment, third assistant engineer (dredge), safety boat operator, oiler on dredge</p>	4.70	.25	.25			

AQ-7 P. 5

LINE CONSTRUCTION:

- Linemen
- Cable splicers
- Operator
- Groundmen (advanced)
- Groundmen (last 6 months)
- Winch equipment

Basic Hourly Rates	Fringe Benefits Payments				Collected
	M & W	Positions	Effective	App. To	
\$7.65	1%			1/4%	
7.775	1%			1/4%	
7.65	1%			1/4%	
652JR	1%			1/4%	
492JR	1%			1/4%	
.73%	1%			1/4%	

AQ-4,001 P. 2.

SUPERSEDES DECISION

STATE: Georgia  
 DECISION NUMBER: AQ-4,001  
 Supersedes Decision No. AF-148 dated 38 FR 1457 - January 12, 1973  
 DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), Heavy and Highway Construction.

COUNTY: Chatham

DATE: Date of Publication

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	Basic Hourly Rates	Fringe Benefits Payments				App. T.	Oth.
		H & W	Pensions	Vacation	App. T.		
Asbestos workers	\$7.40	.20	.13				
Boilermakers	7.13	.40	.70		.01		
Bricklayers	6.45	.20	.20				
Bricklayers and stonemasons	6.45	.35					
Marble masons, terrazzo workers, and tile setters	6.95	.35					
Carpenters:	6.70						
Carpenters and soft floor layers	5.50						
Millwrights	6.80	.30	.16		.2%		
Piledrivemen	7.05	.30	.2%		.2%		
Electricians:	5.80	.17	.185	26-a-b	.005		
Cable splicers	4.06	.17	.185	26-a-b	.005		
Elevator constructors	2.90						
Elevator constructors' helpers	5.45						
Elevator constructors' helpers (prob.)	7.00	.40	.30		.01		
Glaziers	7.00	.40	.30		.01		
Ironworkers:	5.00						
Structural and sheeter	5.45						
Ornamental and reinforcing	5.70						
Painters:	5.95						
Brush	5.70						
Rollers	5.95						
Steel, brush	5.70						
Tapers	5.95						
Stage work and window jack work	5.70						
Paperhangers	5.70						
Paint burners	6.20						
Spray painting and sandblasting	3.75						
Plasterers	6.70						
Plumbers and Pipefitters:	7.35						
Plumbing, heating & piping contractors:	6.70	.35	.40		.02		
\$2,000 or less	7.35	.35	.40		.02		
Over \$2,000	6.70	.35	.40		.02		
Air conditioning mechanics:	7.35	.35	.40		.02		
Contracts, \$2,000 or less	3.00						
Contracts, over \$2,000	6.65						
Roofers	8.05	.30	.40	.15	.05		
Sheet metal workers							
Sprinkler fitters							

Truck Drivers:  
 Pick-ups and all other trucks up to and including 2 1/2 tons, tractor-farm type  
 Trucks from 2 1/2 tons up to and including 5 tons. All low-boys and other trailers pulled by tractor with ratings up to and including 5 tons (except farm type tractors) forklift

Truck over 5 tons including all trailers up to and including 70 tons  
 Excludes over 10 tons

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-Thankingsgiving Day; F-Christmas Day.

FOURTEENS:

a. Holidays, A through F.

b. Employer contributes 1/8 of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.



45-4,001 P. 5  
GA. ZONE 5

	Basic Hourly Rates	Fringe Benefits Payments				Other
		H & V	Fees/Ins	Vacation	App. T.	
<b>HEAVY AND HIGHWAY CONSTRUCTION</b>						
Carpenters	\$2.75					
Cement masons	2.15					
Electricians	6.80					
Ironworkers, structural	4.45	.30	15		.25	
Laborers:						
Unskilled	1.60					
Air tool operators (jackhammer, vibrator)	1.70					
Asphalt rollers	1.85					
Carpenters' helpers	2.50					
Power Equipment Operators:						
Asphalt distributors - spreaders	3.00					
Backhoes	2.50					
Bulldozers	2.75					
Cranes, derricks & dredges	3.25					
Loaders (all types)	2.25					
Mechanics	3.00					
Motor patrols	3.00					
Oilers and greasers	1.75					
Rollers	3.00					
Shovels	3.05					
Scrapers (push)	2.75					
Tractor, farm	2.00					
Tractor, crawler	2.50					
Truck Drivers:						
Up to 2 1/2 tons	1.60					
Over 2 1/2 tons	2.07					
Welders	2.50					

SUPERSEDES DECISION

STATE: Georgia  
 COUNTY: Pulton, Cobb and DeKalb  
 DECISION NUMBER: AQ-4,000  
 Supersedes Decision No. AP-119 dated 38 FR 1453 - January 12, 1973  
 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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Basic Hourly Rates	Fringe Benefits Payments				Other
	M & V	Pensions	Vacation	App. Tr.	
\$7.40	.35	.15		.01	
7.13	.40	.70		.01	
7.80	.30	.30		.05	
7.65	.30	.30			
7.40	.35	.35		.015	
8.00					
7.55	.35	.35		.015	
6.95	.25	.55			
8.70	.54	.64		1/10 of %	
7.81	.345	.23	24-a+b	.015	
5.17	.345	.23	24-a+b	.015	
3.905					
8.80	.35	.20	.25	.015	
7.20	.40	.37		.05	
7.10	.20	.10	.50	.04	
7.80	.30		c	.01	
7.15	.40	.40		.03	
8.15	.40	.40		.03	
7.70	.40	.40		.03	
7.30	.25	.45		.03	
7.65	.35	.45		.03	
5.65	.20	.20			
5.80	.20	.20			
8.00	.35	.25		.04	
8.05	.30	.40		.05	

BUILDING CONSTRUCTION

- Asbestos workers
- Boilermakers
- Bricklayers:
- Marble masons, terrazzo workers and tile setters
- Carpenters:
- Carpenters and soft floor layers
- Millwrights
- Plumbers
- Painters
- Cement masons
- Electricians
- Elevator constructors
- Elevator constructors' helpers
- Elevator constructors' helpers (prob.)
- Glassiers
- Ironworkers:
- Structural, ornamental and reinforcing
- Leathers
- Leadburners
- Painters:
- Brush
- Spray and sandblasting
- Paperhanging
- Plasterers
- Plumbers and steamfitters
- Roofers:
- Roofers and weatherproofers
- Slate, tile, asbestos shingles
- Sheet metal workers
- Sprinkler fitters

Welders - receive rate prescribed for craft performing operation to which welding is incidental.

PAID HOLIDAYS:  
 A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

- a. Holidays: A through F.
- b. Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.
- c. Holidays: A through F; Washington's Birthday, Good Friday, and Christmas Eve providing employee has worked 15 full days during the 120 calendar days prior to the holiday, and the regularly scheduled work days immediately preceding and following the holiday.

AG-4,000 P. 4

BUILDING CONSTRUCTION

60 - Georgia LAB C

AG-4,000 P. 3

BUILDING CONSTRUCTION

LABORERS:

Group A

Batch plant men, Baggy rollers (con.), Cleaners (brick or lumber, clearing of right of way and building site (hand tools), Concrete Curer-Sealer and liquid hardener, Conveyor operator (used by tenders of plasterers and bricklayers), Electrician laborer, Excavator, Backfiller grader (hand), Forklift operator, walk type tending bricklayers and plasterers, Form Oiler, Form Stripper, Metal pan handler, Plumber-Laborer, Pipe Dope, Precast Slab-Layer (floors, roofs, walls, curbs), Concrete Puddler, Rail porter, Railroad Track Laborer, Reinforcing steel handler, Scaffolds, and staging for masons and plasterers, Erecting and Removing Scarifier, concrete (mechanical and hand), Sheeting and shoring laborers, Steam Jammers, (used in cleaning equipment), Tenders (all crafts), Truck Spotter dumper, Winch handler (manual)

Group B

Bucket-dumpman (concrete), Mixer-machine, Grout clay, etc. (hand or power), Power post hole digger, Power cleaning machine operator, Power Wheelbarrow, Mortar mixer-hose for gypsum roofs, plastering, asbestos fiber sound proofing, etc.

Group C

Burner-demolition, Chain saw operator, Power concrete saw operator, Steel form setter, Sewer pipe layer, yarner, wiper, potman, Slip form raiser (steel or wood) Jack or screw type

Group D

Wagon Drill Operator, (Track or wheel type), and like used in drilling for blasting

Group E

Powderman-helper

Group F

Powderman, nozzleman (concrete pneumatic)

Group G

Callison holeman  
25% Above rate for classification working: Chimney or stacks isolated

Basic Hourly Rates	Fringe Benefits Payments				App. To	Others
	M & W	Pensions	Vacation	App. To		
\$4.85	.15	.20				
4.97	.15	.20				
5.07	.15	.20				
5.15	.15	.20				
5.35	.15	.20				
5.75	.15	.20				
5.60	.15	.20				

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App. Rate	M & W	Vacation	App. To	Other
7.65	.25	.15		.07
7.30	.25	.15		.07
6.08	.25	.15		.07
6.43	.25	.15		.07
5.53	.25	.15		.07
5.86	.25	.15		.07

POWER EQUIPMENT OPERATORS

Group A

Backhoe operator; Clamshell operator; Conc. mix operator, Cent. mix plant; Conc. pump operator-Sidley or similar type; Crane operator (truck, tower, crawler or locomotive); Derrick operator; Dragline operator; Drill operator-Caisson foundation type; Elevating grader operator; Forklift operator that comes within the jurisdiction of the operating engineers; Hoisting engine operator; Locomotive operator; Mechanics-heavy duty; Oilers on cranes with earth boring drill attached with a separate power source; Concrete paving mixer operator; Pile driver operator; Rock crusher operator; Shovel operator; Trenching machine operator over 6 ft. depth capacity; Well point system operator (including the operation of all pumps on project operated by the contractor); Generator operator-7 1/2 K. VA and over; Tugger hoist operator; Winch truck operator, hoisting material; Air compressor operator, 365 C. F. M. and over, furnishing air simultaneously for more than one contractor

Group B

Bulldozer operator; Dozer shovel operator; Drill operator-quarry master type; Firmman-Stationary or portable; Motor grader operator; Motor scraper operator-(pans); Pusher dozer operator; Self-propelled compactor operator, with blade; Tractor operator with special equipment; Trenching machine operator-up to and including 6 ft. depth capacity

Group C

Air compressor operator, 600 cu. ft. and over; Air compressor operator batt. of two, 300 cu. ft. and over; Hydrohammer operator; Concrete batch plant operator;

Group D

Oiler-truck or locomotive cranes

Group E

Oiler-unspecified; Pump operator, over 4", up to battery of 4; Welding machine operator, batteries of two-300 amps and over

Group F

Concrete mixer operator, skip types, except paving mixers; Concrete finishing machine operator; Concrete paving machine operator; Roller operator; Well drill operator;



HEAVY AND HIGHWAY CONSTRUCTION

	FRINGE BENEFITS PAYMENTS				OTHERS
	BASIC HOURLY RATES	H & V	PENSION	VACATION	
Bricklayers	\$2.50				
Carpenters	2.75				
Cement masons	2.47				
Ironworkers, structural	5.09				
Ironworkers, reinforcing	2.35				
Electricians	8.10	5%	6%		.25%
Laborers:					
Air tool operators (jackhammer, vibrator)	1.60				
Asphalt rakers	2.26				
Drillers	1.75				
Fine graders	2.00				
Landscape workers	1.35				
Pipelayers	2.25				
Powdermen, blasters	2.25				
Unskilled	1.60				
Carpenters' helpers	2.25				
Painters	2.50				
Painters, structural steel & bridge	2.50				
Power Equipment Operators:					
Air compressors	1.60				
Asphalt distributors-spreaders	2.18				
Asphalt plant	2.34				
Backhoes	2.65				
Bulldozers	2.75				
Cranes, derricks, & draglines	3.00				
Concrete batching plants	2.25				
Concrete curing machines	2.75				
Concrete finishing machines	3.00				
Concrete paving machines	3.00				
Concrete saws	2.57				
Drilling machines	2.40				
Loaders (all types)	2.35				
Mechanics	3.00				
Mechanics, helpers	2.50				
Mixers	2.00				
Motor patrols	2.73				
Oilers - greasers	2.25				
Piledrivers	2.80				
Rollers	2.20				
Aggregate spreader	2.00				
Shovels	3.00				
Scrapers (pan)	2.35				
Tractors, farm	2.31				
Tractors, crawler	2.85				
Truck drivers:					
Up to 2 1/2 tons	1.75				
Over 2 1/2 tons	2.25				
Welders	3.00				



AO-3 P. 3

82-100A-ED-1,2,3 a (1-2)

Basic Hourly Rates	Fringe Benefits Payments			Others
	H & W	Pensions	Vacation	
\$6.35	.35	10.00p/w		
6.55	.35	10.00p/w		
6.75	.35	10.00p/w		

BUILDING, HEAVY & HIGHWAY CONSTRUCTION

**TRUCK DRIVERS:**  
 Drivers on 4-wheel trucks, dump-cretes, scoopmobile 5 cu. yds. & under or less than 7½ tons, mixer trucks 3 cu. yds. & under, air compressors & welding machines, including those pulled by separate units, batch trucks, wet or dry, 2-3AG helpers, warehousemen, mechanics' helpers, greasers, tiremen, drivers on dumpsters or similar dumpsters, mounted on 4-wheel trucks, rated 2 cu. yds. or less, and small pallet type fork lift operator & driver on pilot trucks  
 Drivers on 4-wheel trucks over 5 cu. yds. or more than 7½ tons, 6-wheel trucks, Koehring or similar dumpsters, track trucks, euclids, tourna-pulls, bug-bottom dumps, tourna-trailers, tourna-rockers or similar equipment when used for transportation purposes under 9 cu. yds. or less than 13½ tons, tandems & semitrailer service trucks, mixer trucks over 3 cu. yds. & including 6½ cu. yds. fork lift, 4-wheel 4-frame trucks when used for transportation purposes, 4-wheel winch trucks, pavement breakers, batch trucks wet or dry-over 2 up to & including 4-3AG batches  
 Drivers on heavy equipment 3 cu. yds. or 13½ tons and/or trucks licensed for 50,000 lbs. gross up to & including 16 cu. yds. or 24 ton, such as Koehring or similar dumpsters, track trucks, semitrailer water trucks euclids, bug-bottom dumps, tourna-pulls, tourna-trailers, tourna-rockers, tractor-trailers, tandem 4-frames, tandem winch trucks, hydro-lift trucks or similar equipment when used for transportation purposes, mixers over 6½ cu. yds., batch trucks wet or dry over 4-3AG batches, single axle lowboy trailers, 6-wheel pole trailers & two-man oil distributors

AO-3 P. 4

82-100A-ED-1,2,3 a (2-2)

Basic Hourly Rates	Fringe Benefits Payments			Others
	H & W	Pensions	Vacation	
\$6.95	.35	10.00p/w		

BUILDING, HEAVY & HIGHWAY CONSTRUCTION

**TRUCK DRIVERS (CONT'D):**  
 Drivers on heavy equipment over 16 cu. yds. or 24 tons, such as Koehring or similar dumpsters, track trucks, euclids, bug-bottom dumps, tourna-pulls, tourna-rockers or similar equipment when used for transportation purposes and drivers on oil distributors, 1 man operation pole trailers over 6-wheels, water pulls, lowboy trailers, tandem axles or more no weight limitation, diesel and/or heavy equipment mechanics

AO-3 P. 5

82-100A-PEO-1,2,3 e (1 - 2)

Basic Hourly Rates	Fringe Benefits Payments			Other
	M & W	Retirees	Vacation	
\$9.40	.30	.50	.08	
7.98	.30	.50	.08	
7.81	.30	.50	.08	

BUILDING, HEAVY & HIGHWAY CONSTRUCTION  
POWER EQUIPMENT OPERATORS

All steel hoists and/or steel erection equipment

Cranes, Shovels; Caisabels; Drag-lines; Backhoes; Derricks; Cableways; Dual drum pavers; Concrete spreaders (behind 2 pavers); Asphalt spreaders; Asphalt mixer plant engineers; Dipper dredge op.; Dipper dredge cranes; Dual purpose trucks (boom or winch) levermen or engine men (hydraulic dredge); Mechanics; Paving mixers (16-E to 36-E) paving mixers with tower attached (2 operators required); Pile drivers; Boom tractors; Stationary, portable or floating mixing plants; Trenching machines; building hoists (2 drums); Hot paint wrapping machines; Cleaning and priming machines; End loaders (1/2 cu. yd. or over); On basement excavating work; Backfillers (throw bucket); Locomotive engineers

Athy; Barber greene; Euclid or haise loaders; Asphalt pugmills; Firemen & drivers; Concrete pumps; Concrete spreaders (behind 1 paver); Bulldozers; End loaders (other than mentioned above); Rock lifts; Elevating graders; Group equipment graders; LeTourneaupull & similar machines; Power blades; Power sub-graders (on forms & similar machines); Push cats; Tractors pulling elevating graders or power blades; Tractors with power attachments; Rollers on asphalt or blacktop; Single drum hoists; Jaeger mix place machines; Pipe bending machines; Welding machines (3 or 4); Miller Kenyon cement pumps or similar machines; Automatic cement & gravel batch plants (1 stop set-up)

AO-3 P. 6

82-100A-PEO-1,2,3 e (2 - 2)

Basic Hourly Rates	Fringe Benefits Payments			Other
	M & W	Retirees	Vacation	
\$6.92	.30	.50	.08	
6.51	.30	.50	.08	
6.00	.30	.50	.08	

BUILDING, HEAVY & HIGHWAY CONSTRUCTION

POWER EQUIPMENT OPERATORS (CONT'D):

Asphalt boosters; Fireman & pump op. at asphalt plants; Compressors (500 cu. ft. & over); Concrete finishing machines; Form graders with rollers on earth; Mixers (3 bag to 16-E); Power operating bull floats; Tractors without power attachments; Dope pots (agitating motor); Dope chop machines; Distributors (back-end); Flaxplains; Boat op.; Hydro-hammers; Power winch on paving work; Self-propelled earth rollers or compactors (other than paving work); Pump op. (more than 1 well point pump); Portable crusher operator

Air compressors (under 500 cu. ft.); Drivers on truck cranes; Conveyors; Light plants; Mixers (1 or 2 bag); Power batching machines (cement sugar or conveyor); Boilers engineer or firemen; Water pumps; Welding machines; Mechanical brooms; Automatic cement & gravel batch plants (2 or 3 stop set-up); Small rubber-tired tractors

Oilers; Mechanics helpers; Water pumps (pumping water to paver); Mechanical beaters (other than steam boiler)

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82-1004-2,3 d

BEAVY & HIGHWAY CONSTRUCTION

CARPENTERS  
CONCRETE MASONRY  
LABORERS:

Carpenter tender; Common laborer  
Air spade; Asphalt kettlemen; Backup  
man or joint man with pipelayer;  
Barco; Cement dumper; Center strip;  
Concrete saw; Form setter helper;  
Gas distribution men; Jackhammer;  
Laborer in ditch or tunnel on  
sewer & water main & telephone con-  
duit; Laying & jointing of tele-  
phone conduit; Mastic asphalt mixer  
man, or other preparations used on  
joints; Mechanical tapper; Mortar  
mixer; Pipelayer on laterals,  
drain tiles, culvert pipe & storm  
sewer connections to catch basins,  
manholes or main lines; Power tools;  
Power & hand saw (when clearing  
timber); Prime mover, or any  
mechanical device taking the place  
of concrete buggy or wheelbarrow;  
Puddlers; Reinforcing in concrete;  
Sand point setter; Sheetting hammer  
drivers, 2 men; Vibrator; Wagon &  
hand drill; Wire mesh  
Asphalt taker; Dynamite man; Head  
form setter; String or wireline,  
con man; Tunnel miner or pipelayer  
on sewer & water main

Basic Monthly Rates	Fringe Benefits Payments				
	H & W	Frailness	Vacation	Exp. Tr.	Others
\$6.95	.35	.30		.02	
7.31	.40				
6.25	.20	.20		.035	
6.45	.20	.20		.035	
6.75	.20	.20		.035	

AQ-4, P. 2

(2 - 2)

SUPERSEDES DECISION

STATE: Louisiana  
 DECISION NO.: AQ-4  
 SUPERSEDES DECISION NO. AP-366, dated December 8, 1972, in 37 FR 26345  
 DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

RAISER: Calcastien  
 DATE: Date of Publication

TRUCK DRIVERS:

Pick-ups  
 Stake bodies (all sizes)  
 Trucks trailer & dumps over 8 yds.  
 Mixers on trucks up to and including 3 yds.  
 Mixers on trucks over 3 yds.  
 Minch trucks  
 Mississippi wagons, Koehring dumpsters and similar dirt moving equipment up to and including 8 yds.  
 Trucks - dump  
 Mississippi wagons, Koehring dumpsters and similar dirt moving equipment over 8 yds.  
 Warehousemen  
 WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.

(1 - 2)

	Basic Hourly Rates	Fringe Benefits Payments				Others
		M & W	Pensions	Vacation	App. Tr.	
ASBESTOS WORKERS	\$7.325	.225	.30		.02	
BOILERMAKERS	6.80	.30	.50		.02	
BRICKLAYERS	7.25	.30	.20		.02	
CARPENTERS	6.555	.25	.18		.05	
MILLWRIGHTS	7.23				.04	
PILEDRIVERS	6.65				.04	
CEMENT MACHINISTS	6.07					
ELECTRICIANS	7.99	.25	11%+10			
Electricians	8.24	.25	11%+10			
CABLE SPICERS	4.65					
GLAZIERS	7.05	.30	.35		.025	
IRONWORKERS	4.71	.15	.10			
Structural; Ornamental; Reinforcing	4.81	.15	.10			
LABORERS	4.71	.15	.10			
Air tool operator (except jack-hammer)	4.86	.15	.10			
Mason tenders	4.955	.15	.10			
Mortar mixers & jackhammer operators	4.71	.15	.10			
Pipelayers (concrete & clay)	4.71	.15	.10			
Plasterers' tenders	6.00	.125	.20		.01	
LATERS	7.25	.30	.20		.02	
MARBLE SETTERS	5.70					
PAINTERS	5.825					
Brush, wood or wall	5.90					
Brush, steel; Buffer, wood & wall	6.045					
Paperhanging; Taping & floating	6.185					
Spray, wood & wall; rollers	7.49					
Steepjacks; sandblasting; spider operators; rubbering & pyroflexing; seam jammers; spray, steel	11.07					
Bridge work; water towers	6.49					
Taping & floating machines	7.43					
PLASTERERS	6.23	.42	.32		.06	
FUNNELERS & PIPEFITTERS	7.43	.10	.10			
ROOFERS	4.86	.10	.10			
ROOFERS' HELPER	7.42	.15	.15		.04	
SHEET METAL WORKERS	6.555	.25	.18		.05	
SOFT FLOOR LAYERS	7.25	.30	.20		.02	
TERAZZO WORKERS	5.87					
TILE SETTERS						

AO-4 P. 3

IA, 4 - PEO - 1 n (1 - 2)

Basic Hourly Rates	Fringe Benefits Payments			Others
	H & W	Pensions	Vacation	
\$7.245	.25	.15	.08	
6.40	.25	.15	.08	

POWER EQUIPMENT OPERATORS

**HEAVY DUTY OPERATORS**  
 Asphalt Spreaders; Backhoes (all types); Bulldozers; Cable Ways; Cherry Pickers (all types); Concrete Mixers (over 1 sack); Creamers; Deck Winch (1 drum or over); Front End Loaders (except farm type); Grease Servicemen; Hoist (1 drum, 4 stories, or 40 feet) on structures other than buildings; Hoist (2 drum or over); Locomotives (all types); Mechanic; Mixer Plant Operator - Central; Mix; Motor Patrols; Piledrivers; Pull Cat; Pump Crete - 6" and over discharge; Push Cat; Road Pavers; Derrick; Ditching or trenching machines (riding type); Draglines; Dragées; Rock Lifts (other than farm type) outside warehouses; Foundation Drill; Rollers (Plant Mix Asphalt); Scrapers; Shovels; Sidebooms; Unit Operator; Welder Journeyman; Well Point System; Whirlpays; Winch Cuts (Cat D-4 and over); Winch Truck with A-Frame (5 ton and over); Work Boats - requiring licensed operator

MEDIUM DUTY OPERATORS

Asphalt Plant Operator; Boom Trucks; Bullfloats; Concrete Spreader; Farm Type Front End Loaders; Rollers (other than plant mix asphalt); Straddle Buggies; Winch Truck with A-Frame (under 5 tons); Work Boat - not requiring licensed operator; Finishing Machines

AO-4 P. 4

IA, 4 - PEO - 1 o (2 - 2)

Basic Hourly Rates	Fringe Benefits Payments			Others
	H & W	Pensions	Vacation	
\$5.945	.25	.15	.08	
7.245	.25	.15	.08	
7.245	.25	.15	.08	
5.485	.25	.15	.08	
5.715	.25	.15	.08	
5.325	.25	.15	.08	
5.155	.25	.15	.08	
5.485	.25	.15	.08	
5.325	.25	.15	.08	
5.485	.25	.15	.08	

POWER EQUIPMENT OPERATORS (CONT'D)

**LIGHT DUTY OPERATORS**  
 Bush Hog; Compressors; Concrete pumps - under 6" discharge; Concrete saw; Kolum Buff Machine; Mixers (1 sack and under); Motorized street sweepers self-propelled; Pumps (3 inch and over); Deck Winch (1 drum); Distributors; Dowl Bar Machine; Farm-type Tractors (when used to pull discs, grasscutters, etc.); Test Pump - Internal combustion engine powered; Ditching or trenching machines (non-riding type); Water Blast Pumps; Hoist (1 drum under 4 stories)  
 Combination Oiler-Mixerman  
 Combination Oiler-Compressor Operator  
 Batch Plant Operator  
 Fireman  
 Mechanic Helper  
 Oiler  
 Oiler-Driver on Motor Crane  
 Pumps under 3 inch suction  
 Scale Operator

AQ-5 P. 2

12 - LA - 1,2 q (2 - 2)

Basic Hourly Rates	Fringe Benefits Payments			App. T.	Others
	H & W	Positions	Vacation		
\$6.05					
6.51	.30	.55		.01	.06
5.30	.20			.02	.02
3.20	.20			.02	.02
3.57	.20			.02	.02
6.67	.30			.05	.05
8.05	.30			.05	.05
7.25					
5.50					
3.00					
3.30					
3.65					
4.27					
4.35					
4.60					
4.75					
4.90					
5.10					
5.45					

PLASTERERS  
 PLUMBERS - PIPEFITTERS  
 ROOFERS:  
 Roofers  
 Helpers  
 Kettlemen  
 SHEET METAL WORKERS  
 SPRINKLER FITTERS  
 STONEMASONS  
 TILE SETTERS & TERRAZZO WORKERS  
 TRENCHED WORKERS' HELPER  
 TRENCHED MACHINE OPERATORS  
 TRUCK DRIVERS:  
 Pick-up drivers; Spotters & dumpers of dirt, gravel, asphalt & rock; Truck helpers  
 Stake bodies; flat beds (all sizes)  
 Single axle dumps & water trucks; transit mix, up to and including 3 yds.  
 Tandem axle dumps; batch & water trucks over 3 tons; pick-up trucks with trailer  
 Mississippi wagons; floats; tractor trailers; rubber tired tractors and wobble wheels  
 Euclids; low-boys; dumpers; hooking dumps; five axle trucks; transit mix over 3 yds.; fuel trucks  
 Fork lift  
 WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.

FOUNTERES:  
 a- let 6 mos. - none; 6 mos. to 5 yrs. - 2; over 5 yrs. - 4 1/2 of basic hourly rate.  
 b- Paid Holidays - A through F.

PAID HOLIDAYS:  
 A-New Years' Day; B-Memorial Day;  
 C-Independence Day; D-Labor Day;  
 E-Thanksgiving Day; F-Christmas Day.

SUPERSEDES DECISION

STATE: Louisiana  
 DECISION NO.: AQ-5  
 SUPERSEDES DECISION NO. AP-397, dated January 26, 1973, in 38 FR 2602.  
 DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories).

12 - LA - 1,2 q (1 - 2)

Basic Hourly Rates	Fringe Benefits Payments			App. T.	Others
	H & W	Positions	Vacation		
\$7.14	.30	.51		.025	
6.80	.30	.50		.02	
7.25					
6.65	.25			.03	
6.90	.25			.03	
7.15	.25			.03	
6.00					
6.25					
7.90	.40	.11		.11	
7.40	.40	.11		.11	
6.26	.365	.23	21+4b	.015	
70LFR	.345	.23	21+4b	.015	
50LJR					
5.90					
7.10	.30	.35		.04	
7.10	.30	.35		.04	
7.10	.30	.35		.04	
3.80	.10	.10			
3.90	.10	.10			
3.90	.10	.10			
3.95	.10	.10			
4.00	.10	.10			
6.925				.01	
5.50					
3.00					
5.75					
6.00					
6.25					
6.25					
6.35					

ASBESTOS WORKERS  
 BOILERMAKERS  
 BRICKLAYERS  
 CARPENTERS:  
 Carpenters; soft floor layers, lilecom  
 Piledrivers  
 Millwrights  
 CEMENT MASONS:  
 Cement masons  
 Trenching machine operators  
 ELECTRICIANS:  
 Cable splicers  
 Electricians  
 ELEVATOR CONSTRUCTORS  
 ELEVATOR CONSTRUCTORS' HELPER  
 ELEVATOR CONSTRUCTORS' HELPER (FRB)  
 GLAZIERS  
 IRONWORKERS:  
 Structural; Ornamental  
 Reinforcing  
 Sheetpiling  
 SHEETERS  
 LABORERS:  
 Building laborers  
 Mason tenders; Plasterers' tenders  
 Asphalt rakers & smoothers  
 Mortar mixers  
 Pipelayers (concrete & clay); Air jack & vibrator operators  
 LATHEES  
 MARBLE SETTERS  
 MARBLE SETTERS' HELPER  
 PAINTERS:  
 Painters, tape & float and paper-hangers; stage, window jacks & structural steel  
 Stage, window jacks & structural steel:  
 Heights exceeding 30 feet  
 Heights exceeding 75 feet  
 Sandblasting  
 Spray

LA - 3 - PEO - 1 0

AQ-5 P. 3

Basic Hourly Rates	Fringe Benefits Payments			
	M & V	Pensions	Vacation	App. Tc.
POWER EQUIPMENT OPERATORS				
HEAVY DUTY OPERATORS Asphalt Spreader; Backhoe; Bulldozer; over D-4 and equivalent; Cableways; Concrete Mixer, over 16-s; Cranes; Derricks; Ditching or Trenching Machines; Draglines; Fork Lifts (setting steel, machinery or pipe); Front-End Loaders (except Farm-Type tractors); Grease Serviceman; Hoist, 1 drum 4 stories or more; Hoist, 2 drums and over; Hydrolifts; Heavy Duty Mechanic; Motor Patrols; File- drivers; Pump, concrete (8" & over); Road Pavers; Rollers on asphalt or brick; Scoopmobiles; Scrapers; Sideboom Cats; Shovels; Tractor- vators; Welder, journeymen; Well Point System; Winch Cats (hoisting); Winch Truck, A-Frame (hauling steel or pipe)	.25	.15		
\$7.10				
LIGHT DUTY OPERATORS Air Compressor; Asphalt Plant Oper- ator; Bulldozers, D-4 and equivalent & under; Bullfloats; Concrete Spreader; Finishing Machines; Con- crete Mixer (16-s or less); Concrete Saw; Distributors (Bitum Surface); Dwell Bar Machine; Farm-Type Tractor (with all attachments except Backhoe); Fireman; Fork Lifts (other than setting steel, machinery or pipe); Hoist, 1 drum less than 4 stories; Kolum Buff Machine; Pull Cats; Pump (3" and over); Pump, concrete (under 6"); Rollers, except on asphalt or brick; Straddle Buggies; Sweepers on streets & roads (Motorized); Winch Truck, A- Frame (other than handling steel or pipe)				
Scaleman	.25	.15		
Oiler-Driver	.25	.15		
Mechanic Helper	.25	.15		
Oiler	.25	.15		

AO-6 P. 2

12 - LA - 1,2 q (2 - 2)

STATE: Louisiana  
 DECISION NO.: AO-6  
 SUPERSEDES DECISION NO. AP-398, dated January 26, 1973, in 38 FR 2604.  
 DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

12 - LA - 1,2 q (1 - 2)

Basic Hourly Rates	Fringe Benefits Payments				Othrs
	H & W	Pensions	Vacation	App. Tr.	
\$7.14	.30	.21		.025	
6.80	.30	.50		.02	
7.25					
6.65		.25		.03	
6.90		.25		.03	
7.15		.25		.03	
6.00					
6.25					
7.90	.40	.11		.11	
7.40	.40	.11		.11	
6.26	.345	.23	2%+4b	.015	
70¢/JR	.345	.23	2%+4b	.015	
50¢/JR					
5.90					
7.10	.30	.35		.04	
7.10	.30	.35		.04	
7.10	.30	.35		.04	
3.80	.10	.10			
3.90	.10	.10			
3.90	.10	.10			
3.95	.10	.10			
4.00	.10	.10			
6.825				.01	
5.50					
3.00					
5.75					
6.00					
6.25					
6.25					
6.35					

12 - LA - 1,2 q (2 - 2)

Basic Hourly Rates	Fringe Benefits Payments				Othrs
	H & W	Pensions	Vacation	App. Tr.	
\$6.05					
6.51		.30	.55	.01	.06
5.30		.20			.02
3.20		.20			.02
3.57		.20			.02
6.67	.30	.25			.05
8.05	.30	.30			.05
7.25					
5.50					
3.00					
3.30					
3.65					
4.27					
4.35					
4.60					
4.75					
4.90					
5.10					
5.45					

PLASTERERS - FIREFITTERS  
 PLUMBERS - FIREFITTERS  
 ROOFERS:  
 Roofers  
 Helpers  
 Kestelman  
 SHEET METAL WORKERS  
 SPRINKLER FITTERS  
 STONEMASONS  
 TILE SETTERS & TERRAZZO WORKERS  
 TERRAZZO WORKERS' HELPERS  
 TERRAZZO MACHINE OPERATORS  
 TRUCK DRIVERS:  
 Pick-up drivers; Spotters & dumpers of dirt, gravel, asphalt & rock;  
 Truck helpers  
 Stake bodies; flat beds (all sizes)  
 Single axle dumps & water trucks;  
 transit mix, up to and including 3 yds.  
 Tandem axle dumps; batch & water trucks over 3 tons; pick-up trucks with trailer  
 Mississippi wagons; floats; tractor trailers; rubber tired tractors and wobble wheels  
 Euclids; low-boys; dumpsy dumpsters  
 koehring dumps; five axle trucks; transit mix over 3 yds.; fuel trucks  
 Fork lift  
 WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.  
 FOOTNOTES:  
 a - 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate.  
 b - Paid Holidays - A through F.  
 PAID HOLIDAYS:  
 A-New Years' Day; B-Memorial Day;  
 C-Independence Day; D-Labor Day;  
 E-Thanksgiving Day; F-Christmas Day.

AQ-1,001 P. 2

SUPERSEDES DECISION

STATE: North Dakota

COUNTIES: Burleigh, Cass, Grand Forks, Morton, Richland, Steele, Walsh and Ward

DECISION NUMBER: AQ-1,001  
 Supercedes Decision Number AP-268 dated March 9, 1973, in 38 FR 6613  
 DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories).

DATE: Date of Publication

	Basic Hourly Rates	Fringe Benefits Payments				Other
		H & W	Pensions	Vacation	App. Tr.	
<b>BUILDING CONSTRUCTION</b>						
ASBESTOS WORKERS	7.19	.35	.35		.02	
BOILERMAKERS	8.25	.30	1.00			
BRICKLAYERS; Stonemasons; Burleigh and Morton Counties	6.75	.15	.15			
Grand Forks, Steel and Walsh Counties	8.00	.15	.15	.30		
Cass and Richland Counties	7.50	.15	.15			
Ward County	6.85	.15	.15			
<b>CARPENTERS:</b>						
Burleigh and Morton Counties	5.75					
Carpenters	5.875					
Grand Forks, Steele (Northern half), and Walsh Counties	6.35				.02	
Carpenters	6.58				.02	
Filedriversmen	6.73				.02	
Millwrights	6.56		.25			
Cass, Richland, and Steele (Southern half) Counties	6.28					
Carpenters	6.75					
Filedriversmen	6.51					
Millwrights	5.65		.15			
<b>CEMENT MASONS:</b>						
Grand Forks, Steel and Walsh Counties	6.45					
Cass and Richland Counties	6.00					
Ward County						
<b>ELECTRICIANS:</b>						
Cass, Grand Forks, Richland, Steele and Walsh Counties (Grand Forks-Fargo-West Fargo-Valley City):						
Zone A (0-15 miles from all cities-0-5 miles from Grafton)	7.15	.20	.15	.65	.15	
Zone B (15-30 miles)	7.77	.20	.15	.65	.15	
Zone C (over 30 miles from Grand Forks-Fargo-West Fargo-Valley City)	8.15	.20	.15	.65	.15	
Burleigh and Morton Counties (From Main P. O. in Bismark-Mandan)						
Electricians (0-12 miles)	7.00	.20	.15	.65	.15	
Cable splicers (0-12 miles)	7.40	.20	.15	.65	.15	
Electricians (over 12 miles)	8.00	.20	.15	.65	.15	
Cable splicers (over 12 miles)	8.40	.20	.15	.65	.15	

ELECTRICIANS: (cont'd)

	Basic Hourly Rates	Fringe Benefits Payments				Other
		H & W	Pensions	Vacation	App. Tr.	
<b>Ward County</b>						
Electricians (within 12 miles radius of Minot Post Office)	47.00	.20	.15	.65	.15	
Electricians (over 12 miles radius beyond Minot Post Office)	8.00	.20	.15	.65	.15	
Cable splicers (within 12 miles radius of Minot Post Office)	7.40	.20	.15	.65	.15	
Cable splicers (over 12 miles radius beyond Minot Post Office)	8.40	.20	.15	.65	.15	
ELEVATOR CONSTRUCTORS	8.17	.345	.23	2 1/4		
ELEVATOR CONSTRUCTORS' HELPERS	7.01	.345	.23	2 1/4		
<b>IRONWORKERS:</b>						
Ornamental; Structural; Reinforcing	7.60	.30	.23		.02	
<b>PAINTERS:</b>						
Cass, Grand Forks, Richland, Steele and Walsh Counties	6.45					.01
Brush; Rollers; Paperhangers	6.70					.01
Sashblasting; Structural	6.95					.01
Spray						
Burleigh and Morton Counties	5.05					
Brush	5.35					
Spray						
Ward County	4.55					
Brush	4.90					
Spray						
FLASTERS:						
Grand Forks, Steel and Walsh Counties	6.20		.15			
Ward County	5.50					
Cass and Richland Counties	7.70					
<b>PLUMBERS:</b>						
Cass, Grand Forks, Richland, Steele and Walsh Counties	7.75	.30	.15		.005	
Burleigh and Morton Counties	7.40		.25		.01	
Ward County	7.36		.25		.04	
<b>ROOFERS:</b>						
Cass and Richland Counties	5.20					
<b>SHEET METAL WORKERS:</b>						
Burleigh, Grand Forks, Morton, Steel, Walsh and Ward Counties	8.95					
Cass and Richland Counties	6.65					
<b>SOFT FLOOR LAYERS:</b>						
Cass and Richland Counties	5.25	.20				
<b>SPRINKLER FITTERS</b>						
Cass and Richland Counties	7.20	.30	.50		.05	

FOOTNOTE:

a. Employer credits 2% basic hourly rate for employee with 6 months to 5 years' service, 4% basic hourly rate with over 5 years' service as Vacation Credit Plan. Six Paid Holidays: A through F.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

AQ-1.001 P.A. 3

AQ-1.001 P.A.

1-30, DEK-LAB 2-3 1

**BUILDING CONSTRUCTION**

Laborers:	Basic Hourly Rates	Fringe Benefits Payments				Other
		M & V	Pensions	Vacation	App. Tr.	
Grand Forks, Steele and Walsh Counties Laborers; Concrete dumpman	\$4.85					
All power tool operators (under the laborers' jurisdiction); Brick and plaster tenders; Cutting torch for demolition	5.00					
Mod carriers; Non-metallic pipelayers; Gas line wrapping or taping (distribution only)	5.20					
Burling and Morton Counties Common laborers; Concrete bucket man; Brick and plaster tenders; All power tools (under the laborers' jurisdiction); Mortar mixers; Mod carriers; Non-metallic pipelayers; Gas line wrapping or taping	4.17					
Cass and Richland Counties Laborers; Concrete dumpman	4.40					
Jackhammer; Mortar mixer; Plasterers and brick tenders; Power tool operators	4.55					
Ward County Laborers; Concrete bucket dumpman	4.40					
Mortar mixers; Plaster tenders; Cutting torch for demolition; All power tool operators (under laborers' jurisdiction)	4.50					
Non-metallic pipelayers; Gas line wrapping or taping (distribution only)	4.65					

**Site Preparation, Excavation and Incidental Paving**

Changeel Laborers:	Basic Hourly Rates	Fringe Benefits Payments				Other
		M & V	Pensions	Vacation	App. Tr.	
Group I General Construction Laborers; Reinforced steel setter; Sack shaker (cement and mineral filler); Pipe handler; Drill runner helper; Carpenter tenders; Salsander 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 breakers (tamper (dirt))(concrete vibrator operator); Chain saw operator; Concrete saw operator; Concrete curing man (not water); Bituminous worker (aboveler, dumper, raker and floater); Kettleman (Bituminous or lead); Concrete bucket signman; Power buggy operator; Brick and mason tender; Multiple 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, nozzle man	3.25					

AS-1-001 P. 5  
1-80, DAK. -PFO-k

AS-1-001 P. 6

(1-3)

2-80, DAK. -PFO-2-3-n

Site Preparation, Excavation and  
Incidental Paving

**BUILDING CONSTRUCTION**

**POWER EQUIPMENT OPERATORS:**

**GROUP I**  
Bulldozer; Greaser; Concrete mixer 90.;  
Boom truck; Fireman; Tractor, 75 HP  
& under; Frontend loader, 1 1/2 cu. yds.  
& under; Air compressor, 300 & under;  
Forklift

**GROUP II**  
Brakeless; Any air compressed oper-  
ations over 300; Well points; Front-  
end loader over 1 1/2 cu. yd.; Power  
plant engineer; Straddle carrier;  
Oiler; Mechanic & welder; Batch plant  
drill rig; Tractor, over 75 HP.

**GROUP III**  
Cranes, tower & overhead; Derricks;  
Cherry picker

**POWER EQUIPMENT OPERATORS**

CABLEWAY OPERATOR; Crane Operator with  
over 135' boom; Derrick (Guy & Stiff  
Leg), (Power), (Skids & Stationary);  
Front End Loader over 10 cu. yds.;  
Cantey Crane Operator; Mole Operator,  
including Power Supply or Tunnel Mock-  
ing Machine; Power Shovel and/or other  
Equipment with Shovel Type Controls  
3 - 1/2 cu. yd.

CONCRETE MIXER STATIONARY PLANT OPERA-  
TOR over 345; Dredge Operator or  
Engineer; Dredge Operator (Power) and  
Engineer; Elevator Cradle 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

DOGS MACHINE OPERATOR (Pipeline); Drill  
Rigs, Heavy Duty Rotary or Churn or  
Cable Drill; Front End Loader Opera-  
tor, 6 cu. yds. & over; Locomotive,  
all types; Pipeline Wrapping, Clean-  
ing & Bending Machine Operator; Power  
Actuated Horizontal Boring Machine  
over 6" Op. (Pipeline); Pumpcrete  
Operator; Refrigeration Plant Engi-  
neer; Slip Form Op. (Power Driven)  
(Paving); Tandem Scraper-Twin Engine,  
50 cu. yds. Struck & over

ASPHALT PAVING MACHINE OPERATOR; As-  
phalt Plant Operator and Console Board  
Op.; GMI 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.;  
Cradler or Motor Patrol, Finishing  
Earth Work and Bituminous; Mechanic or  
Welder (Heavy Duty); Rubber Tired  
Dozer Napco or similar & over; Rubber  
Tired Industrial Tractor with Backhoe

Basic Hourly Rates	Fringe Benefits Payments			App. To	Others
	H & W	Pensions	Vacation		
4.75	.25	.25	.25		
5.75	.25	.25	.25		
6.35	.25	.25	.25		
46.45	.35	.25			
6.30	.35	.25			
6.15	.35	.25			

AR-1, COL. P. 7

2-NO. DAK. -PEO-2-3-n (2-3)

POWER EQUIPMENT OPERATORS (CONT'D)	Fringe Benefits Payments		
	Basic Hourly Rates	H & W	Pensions Vacation App. Tu.
Attachment (Water Main Sanitary Sewer & Storm Sewer, Trunk Line Construction); Scraper Op.; Tractor Type Dozer P-6 & over; Trenching Machine Operator, Sewer & Water, (Except Blitch Witch or Similar use oiler rate); Turnapoli Operator, (or similar type)	\$6.10	.35	.25
<b>BITUMINOUS SPREADER &amp; BITUMINOUS FINISHING OPERATOR (Power); Concrete Distributor and Spreader Operator, Finishing Machine Longitudinal Float Operator, Ft. Machine Operator &amp; Spray Operator; Concrete Mixer Operator on Job Site 165 or over; Paving Breaker or Tamping Machine Op., including Machine with Power Shovel Attachments (Power Driven); Power actuated Augers &amp; Boring Machine Operator; Power Actuated Jacks Operator; Power Plant Engineer, 100 K.W.H. &amp; over; Push Tractor; Self-Propelled Traveling Soil Stabilizer; Soil Cement Stabilizer</b>	5.85	.35	.25
<b>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 Nasco or similar; Tractor Type Dozer under P-6; Truck Mechanic</b>	5.62	.35	.25
<b>BRICKMAN OR SWITCHMAN; Concrete Batch Plant Operator (Cement, Rock and Sand) electronic; Concrete Mixer Operator on Job Site under 165; Crane Truck Oiler; Distributor Operator; Grader Operator (Motor Patrol) (Usual Road); Gravel Screening Plant Operator (Portable not Crushing or Washing); Grasser (Truck or Tractor); Concrete Operator Gonnall; Hoist Engineer (Power); Hydro Crane Operator launchman (Tankerman or Pilot License); Pick-up Sweeper, 1 yd. and over; Hopper Capacity; Shouldering Machine Operator (Power) (Space or similar type) including Self-Propelled Sand Chip Spreader Flatberry or Similar</b>	4.69	.35	.25

AR-1, COL. P. 8

2-NO. DAK. -PEO-2-3-n (3-3)

POWER EQUIPMENT OPERATORS (CONT'D)	Fringe Benefits Payments		
	Basic Hourly Rates	H & W	Pensions Vacation App. Tu.
<b>CRANER TYPE TRACTOR PULLING COMPACTION OR AERATING EQUIPMENT; Farm Type Rubber Tired Tractor with Backhoe Attachment; Self-Propelled Vibrating Packer Op. Pad Type (35 H.P. &amp; over); Sheep-foot Roller or Compactor (Self-Propelled); Off road Self-Propelled Watering Equipment</b>	\$4.54	.35	.25
<b>BITUMINOUS SPREADER &amp; BITUMINOUS FINISHING OPERATOR (Helper) (Power); Room Truck Operator; Concrete Batch Operator (Cement, Rock &amp; Sand) (Manual); Fireman or Tank Car Heater Op.; Four Trench Digger (Power); Front End Loader Op., up to 1 cu. yd.; Hyster Carrier; Leverman; Loader Operator (Barber Grease or Similar Type); Mechanics' Helper; Oiler (Power Shovel, Crane, Dragline); Pugmill Operator; Pump Operator (Well Points); Roller, Steel &amp; Self-Propelled Rubber, on other than Hot Mix Asphalt Paving; Self-Propelled Room</b>	4.44	.35	.25
<b>CONVEYOR OPERATOR; Curb Machine Operator; Bridge Deck Hand; Farm Tractors, Rubber Tired for Compacting &amp; Aestimating; Front End Loader Operator (Farm Type Rubber Tired Tractor); Stump Chipper Operator; Tie Tamper and Ballast Machine Operator</b>	4.10	.35	.25

AQ-1,001 P. 9

1-80, DAK-TD-2-3-k (1-1)

Site Preparation Excavation  
and Incidental Paving

TRUCK DRIVERS:

Single axle

Tandem

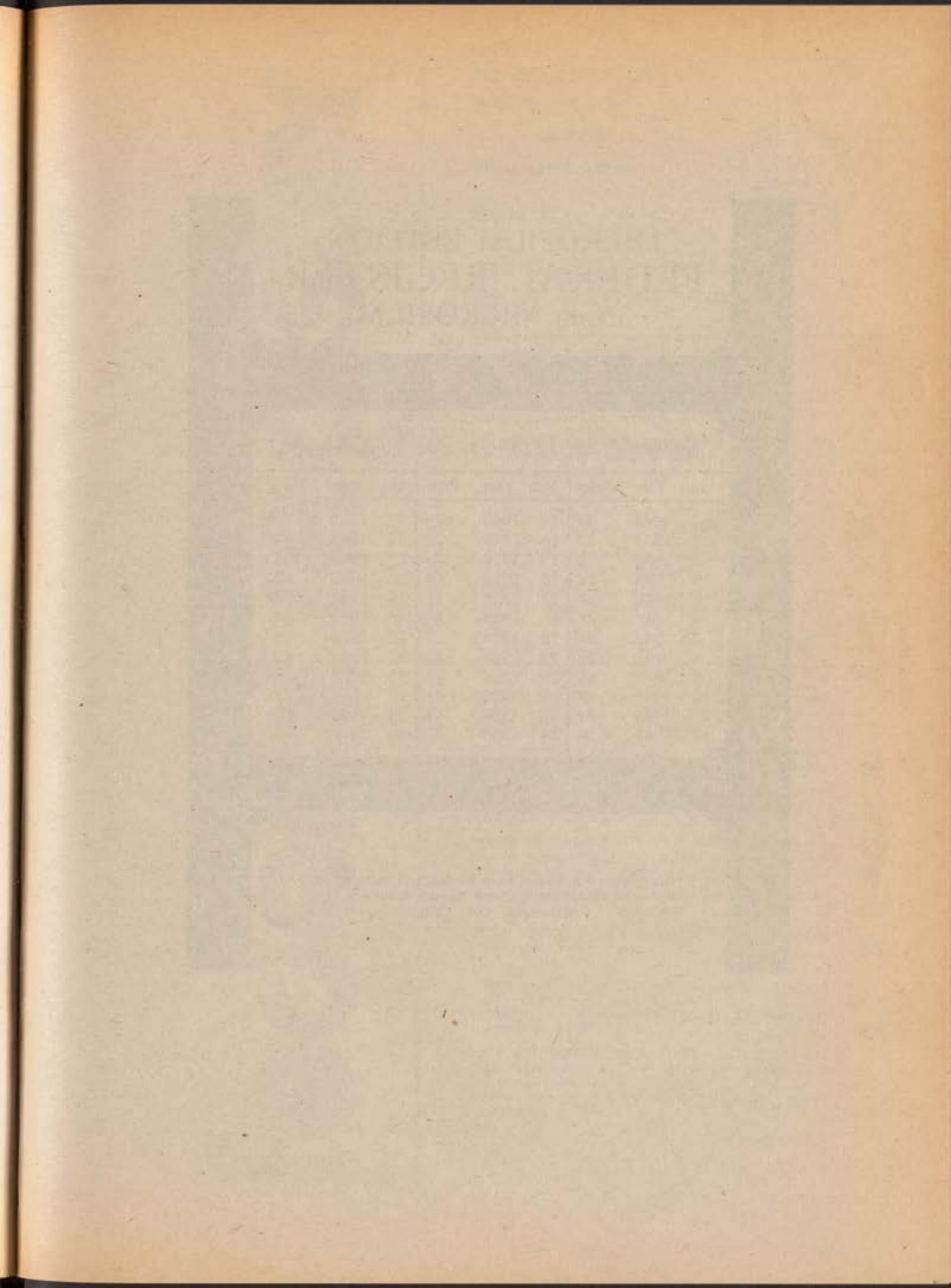
Agitator dampcrete

Lowboy; Off road heavy duty and  
dumps, 20 yds. and under; Tandem  
semi

Euclid, over 20 yds.

Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Fraternal	Vacation	App. Tr. O'n
4.37	.35			
4.47	.35			
4.57	.35			
4.72	.35			
5.35	.35			

[FR Doc. 73-14863 Filed 7-19-73; 8:45 am]



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