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MEMORANDUM OF JUNE 29, 1973

[Presidential Determination No. 73–16]

Waiver of Regional Ceiling on Military Assistance and Sales to Latin America

Memorandum for the Secretary of State

THE WHITE HOUSE,
Washington, June 29, 1973.

In accordance with the recommendation in your memorandum of June 19, 1973 I hereby find pursuant to Section 33(c) of the Foreign Military Sales Act, as amended, that overriding requirements of the national security of the United States justify the waiver of the $100 million ceiling for Fiscal Year 1973 established by Section 33(a) of the Foreign Military Sales Act, as amended, on (a) the aggregate of the total amount of military assistance pursuant to the Foreign Asssitance Act of 1961, as amended, (b) cash and credit sales pursuant to the Foreign Military Sales Act, as amended, and (c) loans and sales in accordance with Section 7307 of Title 10, United States Code, excluding training, to Latin American countries.

You are directed on my behalf to report this finding to the Congress as required by law.

This finding shall be published in the FEDERAL REGISTER.

Richard Nixon

[FR Doc.73-16141 Filed 8-1-73;3:34 pm]

Rules and Regulations

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

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

Title 46—Shipping

CHAPTER II—MARITIME ADMINISTRATION, DEPARTMENT OF COMMERCE

SUBCHAPTER C—REGULATIONS AFFECTING SUBSIDIZED VESSELS AND OPERATORS

[General Order 116, 2nd Rev.]

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

Revision of Regulation

The following revised regulations have been adopted by the Maritime Subsidy Board to govern the operating-differential subsidy program with respect to bulk cargo vessels engaged in carrying export bulk raw and processed agricultural commodities from the United States to the Union of Soviet Socialist Republics. They supersede the regulations originally appearing in the FEDERAL REGISTER on October 21, 1972 (37 FR 22747), as corrected on October 27, 1972 (37 FR 22936), revised on November 16, 1972 (37 FR 24349) and amended on January 11, 1973 (38 FR 1277), March 29, 1973 (38 FR 8160), May 18, 1973 (38 FR 13016), June 7, 1973 (38 FR 14943), June 22, 1973 (38 FR 16354), and June 28, 1973 (38 FR 17005).

These regulations are issued pursuant to the Merchant Marine Act, 1936, as amended (46 U.S.C. 1101–1294). The Secretary of Commerce is authorized under section 601(a) of the Act:

> * * * [T]o consider the application of any citizen of the United States for financial aid in the operation of a vessel or vessels, which are to be used in an essential service in the foreign commerce of the United States. . . .

The meaning of the term "essential service" is described in section 211 of the Act as including:

> The bulk cargo carrying services that should, for the promotion, development, expansion, and maintenance of the foreign commerce of the United States and for the national defense or other national requirements be provided by United States-flag vessels. . . .

The operating-differential subsidy provided for in these regulations is deemed appropriate in light of the national requirements for participation by United States vessels in the carriage of export bulk raw and processed agricultural commodities.

The authority for the operating-differential subsidy procedures covered by these regulations is set forth in section 603(b) of the Act which provides:

> . . . [T]he Secretary of Commerce may, with respect to any vessel in an essential bulk cargo carrying service as described in section 211(b), pay, in lieu of the operating-differential subsidy provided by this subsection (b), such sums as he shall determine to be necessary to make the cost of operating such vessel competitive with the cost of operating similar vessels under the registry of a foreign country.

This publication constitutes a complete revised version of the regulations affecting the carriage of bulk raw and processed agricultural commodities from the U.S. to the U.S.S.R. Most sections of the former regulations have been preserved intact although they have been renumbered. Significant changes and additions are noted below:

1. For fixtures made on or after July 1, 1973, for the carriage of raw and processed agricultural commodities, charter rates are determined according to the arrangements executed May 30, 1973 between the designated representatives of the United States and the Soviet Union. The monthly average voyage charter rate for the carriage of grain in the U.S. Gulf to Holland/Belgium trade will be used as an index number. This index number is multiplied by 1.5107 (which represents the ratio between the charter rates from the U.S. Gulf to Holland/Belgium and from the U.S. Gulf to the Black Sea in December, 1972 which were $6.09 and $9.20 respectively) to arrive at the charter rate for the carriage of raw and processed agricultural commodities from the U.S. Gulf to the Black Sea (Base Charter Rate). This Base Charter Rate is adjusted for carriage in other than the U.S. Gulf to Black Sea trade and for the carriage of barley (Adjusted Charter Rate).

2. The modification in method of rate determination for voyages fixed on or after July 1, 1973 has prompted a new formula for the abatement of subsidy. This new formula establishes a rate for each trade, above which abatement of subsidy would occur (Abatement Level). In the event charter rates in the particular trade are in excess of the Abatement Level, there will be an abatement of subsidy on such excess. An excess of $1 or less results in a subsidy abatement equal to 50 percent of that excess. Charter rates between $1 and $7 in excess of the Abatement Level result in an abatement equal to 75 percent of such excess. Excess over $7 results in abatement of subsidy by 90 percent of such excess.

3. For voyages commenced on or after August 1, 1973, the 3 and 5 year cost averages under § 294.7(b) shall be based upon the period ending at the close of the operator's fiscal year in 1972.

4. Section 294.11 has been added to require operators to notify the Maritime Administration when the subsidized voyage commences and again when the vessel has completed loading, together with information as to tonnage loaded, commodity loaded and destination.

Rulemaking involving the operating-differential subsidy program is exempt from the requirements of 60 Stat. 238, Section 4, as amended (5 U.S.C. § 553), Part 294 to Title 46, Chapter II, Code of Federal Regulations is revised to read as follows:

Sec.

294.1 Purpose.
294.2 Applications.
294.3 Definitions.
294.4 Subsidy contract.
294.5 Voyage approval procedures.
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294.7 Determination of subsidy.
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294.9 Charter rate determination and abatement of subsidy.
294.10 Payment of subsidy.
294.11 Preliminary voyage reporting requirements.
294.12 Final voyage reporting requirements.
294.13 Partial payment billing procedure.
294.14 Final payment billing procedure.
294.15 Renegotiation.
294.16 Effective date.

AUTHORITY: Section 204, Merchant Marine Act, 1936, as amended (46 U.S.C. 1114).

§ 294.1 Purpose.

The regulations in this Part prescribe rules in accordance with Title VI of the Merchant Marine Act, 1936, as amended (Act), governnig the payment of operating-differential subsidy for United States-flag bulk cargo vessels engaged in carrying export bulk raw and processed agricultural commodities from ports in the United States (U.S.) to ports in the Union of Soviet Socialist Republics (U.S.S.R.) or other permissible ports of discharge, including the return voyage.

§ 294.2 Applications.

Applications for operating-differential subsidy contracts under this Part may be obtained from the Secretary, Maritime Subsidy Board (Board), Maritime Administration, Department of Commerce, Washington, D.C. 20230.

§ 294.3 Definitions.

(a) *Bulk cargo vessels.* All vessels meeting the criteria in sections 601 and 610 of the Act, whether dry-bulk, tanker or break-bulk by design, shall be bulk cargo vessels for purposes of this Part and, as such, eligible for participation in this operating-differential subsidy program.

(b) *Foreign flag competition.* For purposes of establishing such sums as the Board determines are necessary to make the cost of operating U.S.-flag vessels competitive with the cost of operating similar vessels under the registry of a foreign country, the Board shall select a typical foreign-flag vessel which has actually participated in the carriage of export bulk raw and processed agricultural commodities from the U.S. to the U.S.S.R. In the event that it is not possible to obtain actual cost data for a selected typical vessel which has engaged in that trade the Board will establish such costs based upon the costs of a foreign-flag vessel which, in the opinion of the Board, has equivalent costs of operation.

(c) *Subsidized voyage.* (1) *Commencement.* A subsidized voyage shall commence at 0001 local time in the U.S. port of loading on the day the subsidized bulk cargo vessel:

(i) Is certified by the National Cargo Bureau, Inc., as being clean and ready to commence loading if it is at the port of loading at the time of such certification;

(ii) Arrives at the U.S. port of loading if the vessel has obtained such certification prior to its arrival at the port of loading; or

(iii) Commences loading if certification is subsequently obtained.

(2) *Termination.* A subsidized voyage shall terminate at 2400 local time on the day the subsidized bulk cargo vessel:

(i) Arrives at a U.S. port of call if it returns in ballast, provided that if the vessel returns to a U.S. port of call different from that at which it loaded cargo, the subsidized voyage shall terminate at the time the vessel would normally have returned to the port of loading, if that time is earlier;

(ii) Completes discharge of inbound cargo in a U.S. port if it has engaged in the carriage of bulk cargo in the U.S. import commerce and has not engaged in foreign-to-foreign commerce; or

(iii) Commences deviation from the general track of the normal ballast return voyage, if it engages in foreign-to-foreign commerce.

(3) *Limitation on subsidized voyage commencement and termination.* For vessels engaged in consecutive subsidized voyages, a subsidized voyage shall not commence and terminate on the same day.

(4) *Deviations to engage in U.S. import commerce.* A subsidized bulk cargo vessel shall be allowed (i) a maximum of three and one-half days steaming time and (ii) loading and unloading time, in excess of the normal total steaming time for the ballast return voyage, if the vessel engages in the carriage of bulk cargo in the U.S. import commerce. For the purpose of determining the permissible deviation under this paragraph, the total steaming time of the inbound voyage shall be compared to the normal steaming time required for the ballast return from the last port of discharge of the U.S. export cargo to the first port of discharge of the U.S. import cargo. This paragraph shall not apply to vessels which engage in foreign-to-foreign commerce during a subsidized voyage.

(5) *Idleness or delay.* The operator shall report promptly to the Board all facts and explanations thereof relating to periods of idleness or delay sustained on a subsidized voyage. The Board shall determine whether such idleness or delay could have been avoided through efficient and economical operation and whether subsidy shall be payable, in whole or in part, for such periods. If the delay was not caused by inefficient operation but it results in a reduction of operating costs, the Board shall determine the fair and reasonable amount of subsidy, if any, applicable to such period, taking into consideration the costs involved.

(6) *Ineligible voyages.* No voyages shall be eligible for subsidy during which the subsidized bulk cargo vessel carries:

(i) Cargo in the domestic commerce of the U.S.;

(ii) U.S. preference cargo, including that covered by 10 U.S.C. 2631, 46 U.S.C. 1241 and 15 U.S.C. 616a; or

(iii) Any other commercial cargo simultaneously with the export bulk raw and processed agricultural commodities being carried to the U.S.S.R., except equipment which may be needed to facilitate unloading of such agricultural commodities.

(7) *Subsidized voyage days.* For subsidy payment purposes subsidized voyage days are divided into two categories: Port days and sea days. Port days are those subsidized days (i) from commencement of a voyage to time of departure from the first loading port, (ii) from time of arrival to time of departure from any subsequent port or ports of call, and (iii) if the vessel is engaged in the bulk carriage of inbound cargo, from the time of arrival at the final discharge port until termination of the voyage. Port days are computed for the voyage on the basis of accumulated days and hours per voyage to the nearest full day. Sea days are those subsidized days within the voyage exclusive of port days and are computed for the voyage on the basis of accumulated days and hours per voyage to the nearest full day. Cumulatively port days and sea days may not exceed total approved voyage days.

§ 294.4 Subsidy contract.

(a) *Expiration.* Unless extended, contracts executed in accordance with the rules and regulations of this Part shall expire on December 31, 1973, except for purposes of renegotiations under this section and § 294.15 of this Part. Subsidized voyages in progress as of midnight of that date may continue to their termination as defined in § 294.3(c)(2) for purposes of the payment of operating-differential subsidy.

(b) *Renegotiation of contracts.* The operating-differential subsidy contract shall provide that amounts otherwise payable thereunder shall be subject to renegotiation under § 294.15 of this Part if the Board determines that the operator has earned excessive profits. In the determination of what constitutes excessive profits the Board shall consider the provisions of section 103 of the Renegotiation Act of 1951, as amended (50 U.S.C. App. 1213), and may take into consideration such other matters that the Board deems appropriate, including any other provision of said Renegotiation Act. The elimination of excessive profits shall be accomplished through the renegotiation of the operating-differential subsidy contract including withholding or recovering amounts paid or accrued with respect to any subsidized voyage. Payments received or accrued under other contracts between the operator and the Government shall not be taken into account for purposes of such renegotiation.

(c) *Subsidized voyage approval.* The operating-differential subsidy contract shall provide that each subsidized voyage must have the prior written approval of the Board. In acting upon a request for such approval, the Board will consider all pertinent facts, including the availability of appropriated funds, the most productive utilization of such funds, whether the charter rate is the maximum then obtainable, and the purposes and policies of the Act. The Board may impose such terms and conditions on its approval as it deems necessary. The Board shall not approve retroactively the subsidization of a voyage which has already commenced.

§ 294.5 Voyage approval procedures.

(a) *Requests.* All requests for the approval of a subsidized voyage must be in writing. Telegrams are acceptable. The request must contain the following data:

(i) Name of operator;

(ii) Operating-differential subsidy contract number;

(iii) Vessel name;

(iv) Charterer;

(v) Load and discharge ports;

(vi) Lay days;

(vii) Commodities and estimated tonnage;

(viii) Charter rate and terms;

(ix) Expected date of commencing the voyage;

(x) Estimated duration of voyage; including estimated number of days at sea and estimated number of days in port;

(xi) Similar data concerning U.S. import cargo if such carriage is contemplated; and

(xii) Any other data as may be deemed necessary by the Board.

(b) *Finality.* Approvals and denials of requests for subsidized voyages are final and not subject to review or appeal, except that approvals may be canceled if the operator has knowingly or negligently provided incorerct or misleading data or information to the Board. Commencement of an approved subsidized voyage shall constitute the acceptance by the operator of all terms and conditions expressed in the approval.

§ 294.6 Sources of required data.

(a) *U.S. costs.* The Board will establish the operating costs of the subsidized vessel based on statements, payrolls, invoices and other data, certified as correct by an officer of the operator, and any other sources the Board considers appropriate.

(b) *Foreign costs.* The Board will establish the operating costs of the typical foreign-flag vessel from data obtained from the Maritime Administration's foreign representatives and any other sources the Board considers appropriate.

§ 294.7 Determination of subsidy.

(a) *In general.* For purposes of this Part, the amount of operating-differential subsidy, as determined by the Board, shall not exceed the excess costs of U.S. wages of officers and crew; subsistence of officers and crew; maintenance and repairs; vessel insurance; stores, supplies and expendable equipment; fuel; and other vessel expenses over the estimated costs of the same items of expense of the typical foreign-flag vessel. An additional operating-differential subsidy amount, as determined by the Board, shall be paid for the fair and reasonable depreciation and interest costs directly attributable to the subsidized vessel, such amount not to exceed the excess of the same costs of operating a similar foreign-flag vessel. The operating-differential subsidy consisting of such excess costs will be determined as a per diem amount and shall be subject to the limitations imposed by §§ 294.(b), 294.8, 294.9 and 294.15.

(b) *U.S. costs.* The following items shall be used to establish operating costs for each subsidized vessel:

(1) *Wages of officers and crew.* Actual wage costs, including voyage payrolls, port relief crew payrolls, contributions to pension and welfare plans, social security and other taxes, and other employment costs directly attributable to the subsidized voyage;

(2) *Subsistence of officers and crew.* The net cost of food and other edibles consumed by officers and crew, including port relief crews, during the subsidized voyage, including sales taxes, government inspection fees and shipside delivery and loading costs incurred for services performed by other than the crew and relief complements;

(3) *Maintenance and repairs.* The cost of maintenance and repairs attributable to the subsidized voyage shall be:

(i) The average cost per operating day of maintenance and repair expenses for the subsidized vessel, including costs of drydocking and special surveys, but excluding costs which are reimbursed by third parties (e.g., insurance underwriters) and costs ineligible for subsidy pursuant to Part 272 of this Chapter (except for the costs identified in § 272.11 (c)), for the five-year period preceding the current year for vessels that have been owned or leased by the operator, or a holding company, affiliate, subsidiary, or associate, for five years preceding the current year. For voyages commenced before August 1, 1973, costs previously submitted to and accepted by the Board in connection with an original application shall be utilized in determining the daily cost of maintenance and repair. For voyages commenced on and after August 1, 1973, cost data for the five-year period ending at the close of the operator's fiscal year in 1972 shall be utilized. For all voyages terminating in 1973, the cost data for the five-year period will be adjusted by the Board to January 1, 1973 by application of survey reports of the U.S. Salvage Association, Inc., and the U.S. Monthly Index Wages (Hourly Earnings in Manufacturing) published by the U.S. Bureau of Labor Statistics. Or,

(ii) The fair and reasonable cost per operating day of maintenance and repair expenses for the subsidized vessel as determined by the Board, for vessels that have not been under such ownership or lease for the five-year period;

(4) *Vessel Insurance.* Vessel insurance shall include the following costs:

(i) The fair and reasonable net insurance premium costs, after brokerage and owner's adjustments, including foreign stamp taxes, in effect for the subsidized voyage. In determining fair and reasonable costs, effect shall be given to the deductibles or franchise provisions included in the policies in effect during the three years preceding the current year (or such lesser period as the vessel has been in operation) for protection and indemnity insurance, and the five years preceding the current year (or such lesser period as the vessel has been in operation) for hull and machinery insurance, if the deductible or franchise provisions of current insurance policies differ from those in effect during such prior periods.

(ii) The fair and reasonable cost of claims for death, injury and illness of officers and crews absorbed by the operator under the deductible provision of protection and indemnity insurance policies attributable to the subsidized voyage as determined on the basis of the average cost per operating day for the subsidized vessel of such expenses paid during the three-year period preceding the current year (or such lesser period as the vessel has been in operation).

(iii) For purposes of the three-year and five-year prior period cost data referred to in paragraphs (i) and (ii) above, for voyages commenced prior to August 1, 1973 the data submitted to and accepted by the Board in connection with an original application shall be utilized; for voyages commenced on or after August 1, 1973 cost data for the three-year and five-year periods ending at the close of the operator's fiscal year in 1972 shall be utilized.

(5) *Stores, supplies and expendable equipment.* The cost of stores, supplies and expendable equipment attributable to the subsidized voyage shall be:

(i) The average cost per operating day of stores, supplies and expendable equipment expenses for the subsidized vessel for the three-year period preceding the current year, for vessels that have been owned or leased by the operator, or a holding company, affiliate, subsidiary, or associate, for three years preceding the current year. For voyages commenced before August 1, 1973, costs previously submitted to and accepted by the Board in connection with an original application shall be utilized in determining the daily cost of stores, supplies and expendable equipment. For voyages commenced on or after August 1, 1973, cost data for the three-year period ending at the close of the operator's fiscal year in 1972 shall be utilized. For all voyages terminating in 1973, the cost data for the three-year period will be adjusted by the Board to January 1, 1973, by application of the U.S. Wholesale Price Index of Total Manufacturers. Or,

(ii) The fair and reasonable cost per operating day of stores, supplies and expendable equipment expenses for the subsidized vessel as determined by the Board, for vessels that have not been under such ownership or lease for the three-year period.

(6) *Fuel.* The actual cost of fuel consumed at sea and in port during the subsidized voyage, including taxes and delivery costs, after taking into account bunkers on board upon commencement and termination of the subsidized voyage;

(7) *Other vessel expenses.* The actual cost of miscellaneous expenses directly attributable to the subsidized voyage and incident to the management and maintenance of the subsidized vessel. Items as exemplified in the partial list at § 282.764 of this Chapter will be utilized, as appropriate;

(8) *Vessel depreciation.* The depreciation expense of the subsidized vessel for the period of the subsidized voyage shall be the actual unsubsidized construction cost, reconstruction cost or purchase cost of the subsidized vessel depreciated on a straight-line basis over the economic life of the vessel actually used by the operator to depreciate such construction, reconstruction or purchase cost, after taking into account the actual residual value of the vessel used by the operator for financial accounting purposes; and

(9) *Interest expense attributable to vessel indebtedness.* The interest expense of the subsidized vessel for the period of the subsidized voyage shall be the interest expense directly attributable to indebtedness incurred in connection with the construction, reconstruction or purchase of the subsidized vessel as determined by analysis of the date and principal amount of the debt, the principal amortization schedule, the interest rate and the scheduled payments of principal and interest during the period of the subsidy contract.

(c) *Foreign costs.* The following items shall be used to establish operating costs of the typical foreign-flag vessel:

(1) *Actual cost items.* The following operating costs of the selected typical vessel shall be taken at current actual figures, and, if such data are not current,

then they shall be adjusted to the current cost level by appropriate indices contained in the International Financial Statistics published by the International Monetary Fund or the Monthly Bulletin of Statistics published by the United Nations:

(i) Wages of officers and crew;
(ii) Subsistence of officers and crew;
(iii) Maintenance and repairs;
(iv) Vessel insurance;
(v) Stores, supplies and expendable equipment;
(vi) Fuel; and
(vii) Other vessel expenses.

(2) *Vessel depreciation.* Depreciation expense shall be based on the cost of constructing or reconstructing the U.S. subsidized vessel in a representative foreign shipbuilding center or purchasing the vessel at world market price, which cost shall be depreciated on a straight-line basis over the same economic life actually used by the operator for the subsidized vessel in order to determine the foreign depreciation of such construction, reconstruction or purchase cost, after taking into account the residual value of the vessel actually used by the operator for financial accounting purposes.

(3) *Interest expense attributable to vessel indebtedness.* Interest expense shall be determined by assuming the same interest rate, repayment term, and method of principal amortization as those that actually exist for the subsidized vessel, and by applying those terms to obtain the interest which would be payable if the original principal of the debt had been the same percentage of the foreign cost of construction, reconstruction or purchase as the original construction, reconstruction or purchase debt of the subsidized vessel was of its construction, reconstruction or purchase cost.

(d) *Review.* The Board shall review the costs of each voyage for which subsidy is being sought and shall disallow for subsidy any cost resulting from inefficient or uneconomical operation.

§ 294.8 Leased Vessels.

(a) *In general.* Section 601 of the Act provides that an applicant for operating-differential subsidy must own or lease the subsidized vessel. For purposes of this Part the term "leased vessels" includes only vessels leased under a bareboat charter party.

(b) *Calculation of vessel depreciation and interest expense attributable to vessel indebtedness.* (1) *In general.* For purposes of determining the U.S. cost of vessel depreciation and interest expense attributable to vessel indebtedness in paragraphs 7(b) (8) and (9) of § 294.7 for leased vessels, the appropriate data of the owner shall be used. In the event that the charterer cannot obtain such data from the owner, no subsidy will be paid in respect to those items.

(2) *Limitation.* In calculating the subsidy payable with respect to vessel depreciation and interest expense attributable to vessel indebtedness for leased vessel, U.S. costs for such items of expense in excess of the bareboat charter hire shall not be taken into account.

§ 294.9 Charter rate determination and abatement of subsidy.

(a) *Fixtures made before July 1, 1973—*(1) *Charter rate determination.* Under the terms agreed to in connection with the signing of the Agreement Between the Government of the United States of America and the Government of the Union of Soviet Socialist Republics Regarding Certain Maritime Matters, October 14, 1972, fixtures made before July 1, 1973 for shipments of bulk raw and processed agricultural commodities from the U.S. to the U.S.S.R. were to be made on U.S.-flag vessels at the higher of:

(i) A rate for the cargo and route involved based upon the average of market charter rates for the years 1969, 1970 and 1971; or

(ii) The current market charter rate for the cargo and route involved (where such market charter rates did not exist, a rate would be determined by agreed adjustments to current market charter rates for the most comparable cargo and route) plus a rate premium of 10 percent of such rate.

(2) *Adjustments.* (i) In general. If calculated according to clause (i) above, the charter rate for carriage other than in the U.S. Gulf/Black Sea trade (Base Rate: $8.05) and for the carriage of barley was adjusted as follows:

Title	*Adjustment to base rate (per long ton)*	
U.S. Gulf/Baltic	−$.30	Plus $1.00 per long ton, F.I.O.T. if scheduled date of arrival is between Nov. 1 and Apr. 30
U.S. Gulf/Soviet Pacific	+$2.00	
U.S.N.H./Black Sea	−$.50	
U.S.N.H./Baltic	−$.50	Plus $1.00 per long ton, F.I.O.T. if scheduled date of arrival Baltic is between Nov. 1 and Apr. 30
U.S. Pacific/Soviet Pacific	+$.50	

(ii) Barley. For the carriage of barley, an additional $.40 per long ton shall be added.

(3) *Abatement determination.* The operating-differential subsidy otherwise payable on voyages fixed before July 1, 1973 under this Part shall be subject to abatement on a voyage basis when fixtures are made and carriage occurs at the rate referred to in paragraph (a)(1)(ii). The abatement shall be comprised of two portions, one associated with the 10 percent rate premium and the second associated with the current market charter rate.

(i) To the extent that the charter rate exceeds the three-year average rate for the cargo and route involved as established under that Agreement and related letters, the amount of the rate premium abatement shall be equal to 100 percent of the revenue per ton attributable to the 10 percent rate premium. The commission attributable to the amount subject to abatement will be deducted from the abatement. For example, if the current market charter rate is $7.80 per ton, the minimum rate under the Agreement is 110 percent of $7.80 or $8.58 per ton. The amount subject to abatement in this case would be $.53 per ton, which is the amount by which the premium causes the charter rate to exceed the three-year average rate of $8.05 per ton. The abatement would be reduced by the amount of commission paid by the operator which is attributable to the $.53 per ton.

(ii) The amount of the current market charter rate abatement per ton shall be determined by multiplying the freight rate increments in the left hand column of the table below by the percentages in the right hand column. The commission attributable to the amount subject to abatement will be deducted from such abatement.

Charter rate increment	*Percentage*
For the first $.95 per ton that the rate in paragraph (a)(1)(ii), exclusive of the rate premium, exceeds the rate in paragraph (a)(1)(i), the percentage is	0
For the amount that such excess is between $.95 per ton and $1.95 per ton, the percentage is	50
For the amount that such excess is over $1.95 per ton, the percentage is	75

(4) *Example.* The provisions of this paragraph are illustrated by the following example:

A vessel is fixed for the carriage of U.S. export grain to the U.S.S.R. at a charter rate of $12.10 per ton, F.I.O.T. consisting of $11.00 representing the current market charter rate of $11.00 plus a rate premium of $1.10. The commission rate per the terms of the charter party is 3¾ percent of charter revenue. The average market charter rate for such cargo and route for the years 1969, 1970 and 1971 as established under the Agreement and related letters is $8.05 per ton.

Subsidy abatement is determined as follows:

	Per ton F.I.O.T.
Current market charter rate	$11.00
Add 10% premium	1.10
Fixture rate	$12.10
Less average of market charter rates for the years 1969, 1970 and 1971	8.05
Difference	$ 4.05
Abatement of subsidy per ton of cargo carried:	
Abatement attributable to the premium:	
Gross premium	$ 1.10
Less commissions at 3¾%	.04125
Net revenue	$ 1.05875
Abatement percentage	100%
Abatement per ton	$1.05875

Abatement attributable to the excess of the current market charter rate over the average of market charter rates for 1969, 1970 and 1971	*Per ton F.I.O.T.*
Excess of $.95 or less	$ .95
Less commissions at 3¾ %	.035625
Net revenue	.914375
Abatement percentage	0%
Abatement per ton	0
Excess between $.95 and $1.95	$ 1.00
Less commissions at 3¾ %	.0375
Net revenue	.9625
Abatement percentage	50%
Abatement per ton	.48125
Excess over $1.95	$ 1.00
Less commissions at 3¾ %	.0375
Net revenue	.9625
Abatement percentage	75%
Abatement per ton	.721875
Total abatement of subsidy per ton of cargo carried	$2.261875

(b) *Fixtures made on or after July 1, 1973*—(1) *Charter rate determination.* Under the additional arrangements executed May 30, 1973, concerning the implementation of the Agreement Between the Government of the United States and the Government of the Union of Soviet Socialist Republics Regarding Certain Maritime Matters signed October 14, 1972, fixtures made on or after July 1, 1973, for the carriage of bulk raw and processed agricultural commodities from the U.S. to the U.S.S.R. will be made at a charter rate determined as follows:

(i) *Index number.* The monthly average voyage charter rate for the carriage of grain in the U.S. Gulf to Holland/Belgium trade as listed in the *Daily Freight Register*, published by U. K. Publications, Ltd., London, England on or about the fifth day of the month for the preceding month shall serve as an index number.

The index number for the month of May as published in the *Daily Freight Register* on June 4, 1973, shall be applicable for fixtures made during the period July 1 through July 9, 1973. Thereafter, the index number published every month shall be effective for fixtures made from the 10th day of that month to the 9th day of the following month. In the event that a monthly average voyage charter rate for the carriage of grain in the U.S. Gulf to Holland/Belgium trade is not published in a given month, the index number will remain unchanged until a new rate for that trade is published.

(ii) *Base Charter Rate.* A Base Charter Rate shall be established monthly for the U.S. Gulf/Black Sea trade by multiplying the index number by 1.5107.

(iii) *Adjusted Charter Rate.* (A) In general. For the carriage of bulk raw and processed agricultural commodities in other than the U.S. Gulf/Black Sea trade and for the carriage of barley, the Base Charter Rate shall be adjusted as follows:

Trade	*Adjustment to Base Charter Rate*	
U.S. Gulf/ Baltic	−$ .55	Plus $1.00 per long ton, F.I.O.T. if scheduled date of arrival is between Nov. 1 and Apr. 30
U.S. Gulf/ Soviet Pacific	+$3.75	
U.S.N.H./ Black Sea	−$ .95	
U.S.N.H./ Baltic	−$ .95	Plus $1.00 per long ton, F.I.O.T. if scheduled date of arrival Baltic is between Nov. 1 and Apr. 30
U.S. Pacific/ Soviet Pacific	+$ .95	

(B) *Barley.* For the carriage of barley, the charter rates provided above will be increased by $.40 per long ton.

(2) *Abatement determination.* (i) In general. The operating-differential subsidy otherwise payable on fixtures made on or after July 1, 1973 under this Part shall be subject to abatement on a voyage basis.

(ii) *Abatement Level.* (A) In general. When the charter rate is the same as or less than the amounts shown in the table below, no abatement will occur.

Trade	*Abatement Level (per long ton)*	
U.S. Gulf/ Black Sea	$9.00	
U.S. Gulf/ Baltic	$8.70	Plus $1.00 if arrival is between Nov. 1 and Apr. 30
U.S. Gulf/ Soviet Pacific	$11.00	
U.S.N.H./ Black Sea	$8.50	
U.S.N.H./ Baltic	$8.50	Plus $1.00 if arrival is between Nov. 1 and Apr. 30
U.S. Pacific/ Soviet Pacific	$9.50	

(B) Barley—The Abatement Level for carriage of barley shall be at the amounts indicated above plus $.40 per long ton.

(iii) *Abatement.* To the extent that the charter rate exceeds the Abatement Level, the payment of subsidy will be abated as indicated below. The Commission payable under the charter party attributable to the amount subject to abatement will be deducted from the abatement.

Excess of charter rate above Abatement Level	*Percent of Abatement per long ton*
$1.00 or less	50%
$1.00 to $7.00	75%
Over $7.00	90%

(iv) *Example.* The provisions of this paragraph are illustrated by the following example.

A vessel is fixed for the carriage of U.S. export grain (non-barley from U.S. Gulf port to Black Sea port at a charter rate of $17.12 per ton, F.I.O.T. The Commission rate is 3¾ percent of the freight revenue.

Charter rate	$17.12
Abatement Level (U.S. Gulf/Black Sea)	9.00
Excess subject to abatement	$8.12
Excess of $1.00 or less	$1.00
Less commission (at 3¾ %)	(.0375)
Net revenue	.9625
Abatement percentage	50%
Abatement amount	$.48125
Excess between $1.00 and $7.00	$6.00
Less commission (at 3¾ %)	(.225)
Net revenue	5.775
Abatement percentage	75%
Abatement amount	$4.33125
Excess over $7.00	$1.12
Less commission (at 3¾ %)	(.042)
Abatement percentage	90%
Net revenue	1.078
Abatement amount	$.97020
Total Abatement of subsidy per ton of cargo carried	$5.78270

§ 294.10 Payment of subsidy.

(a) *Tentative per diem subsidy*—(1) *In general.* A tentative per diem subsidy amount (rounded to the nearest dollar) for each subsidized vessel will be incorporated in the operating-differential subsidy contract for wages of officers and crew, subsistence of officers and crew, vessel insurance, fuel, other vessel expenses, vessel depreciation, interest expense attributable to vessel indebtedness, maintenance and repairs and stores, supplies and expendable equipment. Such tentative subsidy amounts for maintenance and repairs and stores, supplies and expendable equipment also will be stated as differential percentages (rounded to two decimal places).

(2) *Partial payment.* After termination of an approved voyage, the operator shall be paid the following subsidy which shall be abated by an amount determined pursuant to section 294.9 and subject to reductions in subsidy pursuant to paragraph (c) of § 294.13.

(i) Ninety percent of the algebraic sum of the tentative per diem subsidy amounts for wages of officers and crew, subsistence of officers and crew, vessel insurance, fuel, other vessel expenses, vessel depreciation and interest expense attributable to vessel indebtedness, less any negative per diem amounts for maintenance and repairs and stores, supplies and expendable equipment, for each approved voyage day, and

(ii) An amount determined by multiplying any positive differential percentages for maintenance and repairs or stores, supplies and expendable equipment by the costs incurred for such items by the operator in any of the United States or the Commonwealth of Puerto Rico subsequent to commencement of the approved voyage but not to exceed ninety percent of the tentative per diem amounts for such items for each approved voyage day.

(b) *Final per diem subsidy*—(1) *In general.* As soon as practicable after termination of an approved voyage, and after verification of historical cost data and expenses attributable to the approved voyage, a final per diem subsidy amount (rounded to the nearest dollar) for the vessel will be incorporated in the operating-differential subsidy contract for wages of officers and crew, subsistence of officers and crew, vessel insurance, fuel, other vessel expenses, vessel depreciation, interest expense attributable to vessel indebtedness, maintenance and repairs and stores, supplies and expendable equipment. Such final subsidy amounts for maintenance and repairs and stores, supplies and expendable equipment also will be stated as differential percentages (rounded to two decimal places).

(2) *Final payment.* After final per diem amounts and differential percentages for the subsidized vessel on the approved voyage are incorporated in the operating-differential subsidy contract, the operator shall be paid subsidy as follows:

(i) The balance due of the algebraic sum of the final per diem subsidy amounts for wages of officers and crew, subsistence of officers and crew, vessel insurance, fuel, other vessel expenses, vessel depreciation and interest expense attributable to vessel indebtedness, less any negative per diem amounts for maintenance and repairs and stores, supplies and expendable equipment, for each approved voyage day, and

(ii) The balance due of an amount determined by multiplying any positive differential percentages for maintenance and repairs or stores, supplies and expendable equipment by the costs incurred for such items by the operator in any of the United States or the Commonwealth of Puerto Rico during the five-year period following commencement of the approved voyage but not to exceed the total final per diem subsidy amounts for such items for each approved voyage day. If the operator sells, transfers or otherwise disposes of its interest in the subsidized vessel within such five-year period, no outstanding accruals of such total per diem amounts shall be paid unless the Board executes a separate agreement governing such payments.

§ 294.11 Preliminary voyage reporting requirements.

(1) *Commencement of subsidized voyage.* The operator shall notify the Assistant Administrator for Maritime Aids, Maritime Administration, Washington, D.C. 20230 by telex or other appropriate means when the subsidized voyage commences, as defined in paragraph (c)(1) of § 294.3. A copy of that report shall be sent to the Region Director of the Region in which the operator is headquartered.

(2) *Departure from port of loading.* The operator shall notify the Assistant Administrator for Maritime Aids, Maritime Administration, Washington, D.C. 20230 by telex or other appropriate means upon departure from port of loading. Such notification shall specify quantity, commodity and charter rate of cargo carried and destination. A copy of that report shall be sent to the Region Director of the Region in which the operator is headquartered.

§ 294.12 Final voyage reporting requirements.

(a) *In general.* In order to determine compliance with the requirements of the operating-differential subsidy contract and this Part, a Final Voyage Report is required to be submitted to the Office of Subsidy Administration, Maritime Administration, Washington, D.C. 20230, after termination of each approved voyage but prior to or simultaneously with the first billing for the partial payment as specified in paragraph (a)(2) of § 294.10 and § 294.13.

(b) *Contents of report.* The report shall include the following items to the extent they are applicable to the approved voyage:

(1) *Name of vessel.*

(2) *Contract number.*

(3) *A copy of the Certificate of Readiness issued by the National Cargo Bureau.*

(4) *U.S. loading port(s)*: Following information by port:

(i) Date and time of arrival.

(ii) Date and time of commencement of loading.

(iii) Date and time of completion of loading.

(iv) Date and time of departure.

(v) Quantity, commodity and charter rate of cargo loaded.

(5) *Foreign discharge port(s)*: Following information by port:

(i) Date and time of arrival.

(ii) Date and time of commencement of discharge.

(iii) Date and time of completion of discharge.

(iv) Date and time of departure.

(v) Quantity and commodity discharged.

(6) *Bunkering port(s)*: (If other than loading or discharge port):

(i) Date and time of arrival.

(ii) Date and time of departure.

(7) *Foreign loading port (s)*: Following information by port, if applicable:

(i) Date and time arrival.

(ii) Date and time of commencement of loading.

(iii) Date and time of completion of loading.

(iv) Date and time of departure.

(v) Quantity, and commodity of cargo loaded by port(s) of destination.

(8) *U.S. discharge port(s): Following* information regarding discharge of U.S. import cargo by port, if applicable:

(i) Date and time of arrival.

(ii) Date and time of commencement of discharge.

(iii) Date and time of completion of discharge.

(iv) Quantity and commodity discharged.

(9) *U.S. port of arrival in ballast:*

(i) If port of arrival is the same as that at which vessel loaded outbound cargo: Date and time of arrival.

(ii) If port of arrival is different from that at which vessel loaded outbound cargo: Estimated date and time vessel would have arrived at U.S. port at which outbound cargo was loaded.

(10) *If the vessel engaged in the carriage of U.S. import cargo during the subsidized voyage:* Estimated number of days and hours that the steaming time of the inbound voyage exceeded the normal steaming time for a ballast return voyage from the last port of discharge of the U.S. export cargo to the first port of discharge of the U.S. import cargo.

(11) *If the vessel engaged in the carriage of foreign-to-foreign trade:* The date and hour that the vessel deviated from the general track of the normal ballast return voyage.

(12) *Number of subsidized days:*

(i) Days at sea.

(ii) Days in port.

(iii) Total subsidized days.

(13) *Delays.* The report must contain a detailed explanation of (i) any period of idleness or delay in excess of 2 days more than the normal operating time in port or (ii) any excessive delay at sea.

(c) *Submission.* The Final Voyage Report shall be submitted in duplicate and certified as correct by an official of the subsidized company.

(d) *Approval of voyage days.* After review, the operator will be notified by letter of the approved voyage days, in port and at sea, for use in preparing subsequent billings with respect to the subsidized voyage.

§ 294.13 Partial payment billing procedure.

(a) *In general.* Upon termination of an approved voyage a partial payment billing may be submitted for payment of an amount not to exceed 90 percent of the estimated operating-differential subsidy due in accordance with § 294.10(a)(2). The partial payment billing is to be prepared using the voyage days reported on the Final Voyage Report submitted pursuant to § 294.12 and the tentative per diem subsidy amounts and differential percentages incorporated in the operating-differential subsidy contract. If the Board has approved a different number of subsidized voyage days than reported on the Final Voyage Report, partial payment shall be based on the approved voyage days.

(b) *Partial payments of subsidy applicable to maintenance and repairs and stores, supplies and expendable equipment*—(1) *Negative differentials.* If the tentative per diem subsidy amounts incorporated in the contract for maintenance and repairs and/or stores, supplies and expendable equipment are negative, the partial payment will be reduced by 90 percent of the product of such negative per diem amount times the number of subsidized voyage days.

(2) *Positive differentials.* If the tentative per diem subsidy amounts incorporated in the contract for maintenance and repairs and/or stores, supplies and expendable equipment are positive, the partial payment will be limited to the lesser of (i) an amount determined by

multiplying the differential percentage for such category of expense by the costs incurred for such items by the operator in any of the United States or the Commonwealth of Puerto Rico subsequent to commencement of the subsidized voyage or (ii) 90 percent of the tentative per diem amounts for such category of expense times the number of subsidized voyage days.

(c) *Reduction in subsidy payments.*

(1) *Reduction in subsidy payments due to deviations, idleness or delay.* In accordance with paragraph (c)(4) of § 294.3 a subsidized vessel is allowed a maximum of 3½ days steaming time in excess of the normal total steaming time for a ballast return voyage when engaging in the carriage of bulk cargo in U.S. import commerce. Any time in excess of the allowable 3½ days steaming time plus loading and unloading time will result in a reduction of subsidy. Similarly, any time that is disallowed by the Board as a result of periods of idleness or delay pursuant to paragraph (c)(5) of § 294.3 will result in a reduction in subsidy. The required reduction in subsidy will be accomplished on Schedule A of the billing format set out in § 294.13(e) by reducing the "total voyage days" by the excess deviation time or unallowable period of idleness or delay to determine the "subsidized voyage days."

(2) *Reduction in subsidy payments due to reduced operating costs during periods of idleness or delay.* Reductions in costs during periods of idleness or delay will result in a reduction in subsidy. For partial payment billing purposes, a reduction in the amount of subsidy payable shall be effected through a reduction in the tentative wage subsidy amount applicable to the periods of idleness or delay. The reduction of the subsidy shall be computed as follows:

(i) The tentative wage per diem subsidy amount incorporated into the operating-differential subsidy contract shall be divided by the number of crew shown in the manning scale incorporated into the operating-differential subsidy contract to determine the average tentative wage per man per diem subsidy amount.

(ii) A man-day reduction shall be computed by multiplying the number of crew reduced below the contractual manning scale (regardless of crew rating) by the number of days of such reduction. If there is more than one crew reduction, the separate man-day crew reductions shall be totaled to determine the total man-day crew reduction. For example, if, for the first four days of the idle or delay period, the crew was reduced by six members and for the next twenty days, the crew was further reduced by 18 more crew members for a total crew reduction of 24, the total man-day crew reduction for the period would be 504 (six crew members for four days equal 24 man-days; 18 crew members plus six crew members, a total of 24 crew members, for twenty days equal 480 man-days).

(iii) The reduced accrued tentative wage subsidy amount shall be derived by multiplying the average tentative wage per man per diem subsidy amount by the total man-day crew reduction.

(iv) Ninety percent of the reduced accrued tentative wage subsidy shall be deducted from the partial payment billing vouchers.

(d) *Reduction in subsidy payments applicable to abatements.* The total subsidy determined as above will be reduced by the amount of the abatement calculated pursuant to § 294.9.

(e) *Forms.* The partial payment billing is to be prepared on a public voucher, standard forms 1034 and 1034a which can be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 and is to be submitted in five copies, made up of an original, (SF 1034), supported as set forth below, three supported copies and one unsupported copy (SF 1034a). The unsupported copy will be returned to the payee by the Treasury Department. The following schedules are to be used for computing the operating-differential subsidy due and as support of the public voucher. Each operator shall furnish its own required supply of these schedules.

SCHEDULE A

_____ MA/MSB _____
(Company)

Calculation of Operating-Differential Subsidy Due for Operations in Connection with the Carriage of Bulk Agricultural Commodities from the United States to the Union of Soviet Socialist Republics

Vessel Name _____
Voyage Number _____
Voyage Dates: From _____ To _____

	Per Diem	Subsidized Voyage Days	Total Subsidy
Total Voyage Days:			
Nonsubsidized Voyage Days:			
Deviation in Excess of 3½ Days			
Idle and Delay Periods			
Other (Describe)			
Subsidized Voyage Days			
Subsidy Payable:			
Tentative ( ) Final ( )			
Wages	$		$
Subsistence			
Vessel Insurance			
Fuel:			
At Sea			
In Port			
Other Vessel Expenses			
Vessel Depreciation			
Interest Expense on Vessel Indebtedness			
1. Gross Subsidy before M&R and SS&E Subsidy and Deductions			$
2. Partial Payment—90% of Item 1			
Final Payment—100% of Item 1			
3. Add:			
a. Maintenance and Repairs Subsidy (Schedule A-1)			
b. Stores, Supplies and Expendable Equipment Subsidy (Schedule A-2)			
4. Subsidy Payable before Deductions			
5. Deductions:			
a. Abatement (Schedule A-3 or A-3a)	$		
b. Crew Reduction (Schedule A-4)			
Total Deductions			
6. Subsidy Payable after Deductions			
7. Less Subsidy Previously Paid for this Voyage			
8. Subsidy Payable this Voucher			$

(Show negative amounts in brackets)

SCHEDULE A-1

_____
(COMPANY)

Computation of Maintenance and Repairs Subsidy

Vessel _____ Voyage _____

	Total
I. M&R Subsidy Based on Expenses Paid:	
a. Total M&R Expenses (see note)	$
b. M&R Subsidy Percentage	%
c. M&R Subsidy (a × b)	
	$
II. M&R Subsidy Based on Per Diem Amount:	
a. M&R Per Diem Amount [1]	
b. Subsidized Voyage Days (Schedule A)	
c. M&R Subsidy (a × b)	
d. 90% of IIc	
	$
III. M&R Subsidy Payable:	
Partial—Limited to the lesser amount on Ic or IId	
Final—Limited to the lesser amount on Ic or IIc	[2] $

[1] Show negative per diem amounts in brackets.
[2] Enter on line 3a Schedule A.

NOTE: For purpose of supplemental partial payment or final payment of ODS on M&R expenses covering the five year period following the commencement of this voyage (§ 294.10(b)(2)(ii)) the cumulative M&R expenses should be shown on line Ia.

SCHEDULE A-2

_____
(Company)

Computation of Stores, Supplies and Expendable Equipment Subsidy

Vessel _____ Voyage _____

		Total
I. SS&E Subsidy Based on Expenses Paid:		
a. Total SS&E Expenses (see note)		$
b. SS&E Subsidy Percentage		%
c. SS&E Subsidy (a×b)		$
II. SS&E Subsidy Based on Per Diem Amount:		
a. SS&E Per Diem Amount [1]		$
b. Subsidized Voyage Days (Schedule A)		
c. SS&E Subsidy (a×b)		
d. 90% of IIc		$
III. SS&E Subsidy Payable:		
Partial—Limited to the lesser amount on Ic or IId		
Final—Limited to the lesser amount on Ic or IIc	[2]	$

[1] Show negative per diem amounts in brackets.
[2] Enter on line 3b Schedule A.

NOTE: For purpose of supplemental partial payment or final payment of ODS on SS&E expenses covering the five year period following the commencement of this voyage (§ 294.10(b)(2)(iii)) the cumulative SS&E expenses should be shown on line Ia.

SCHEDULE A-3

_____
(Company)

Computation of Abatement For Fixtures Made Before July 1, 1973

Vessel _____ Voyage _____

Current market charter rate per ton		$	
Add 10% premium			
Fixture rate			
Less average of market charter rates (for the last three years)	[1] $8.05		
Difference		$	
Computation of Abatement per ton of Cargo Carried:			
Abatement Attributable to the Premium:			
Gross premium per ton			
Less commissions @			
Net revenue per ton			
Abatement percentage	100%		
Abatement at 100%			$
Abatement attributable to the excess of the current market charter rate over the average of market charter rates for the last three years:			
Excess of $.95 or less			
Less commissions @			
Net revenue per ton			
Abatement percentage	0%		
Abatement at 0%		$ 0	
Excess between $.95 and $1.95			
Less commissions @			
Net revenue per ton			
Abatement percentage	50%		
Abatement at 50%			$
Excess over $1.95			
Less commissions @			
Net revenue per ton			
Abatement percentage	75%		
Abatement at 75%			$
Total abatement per ton of cargo carried			(a) $
Abatement of Subsidy:			
Total tons of cargo carried			
Abatement per ton of cargo carried			(a) $
Abatement of Subsidy			[1] $

[1] For U.S. Gulf Port to Soviet Black Sea Port
[2] Enter on line 5a of Schedule A

SCHEDULE A-3a

_____
(Company)

Computation of Abatement For Fixtures Made on or After July 1, 1973

Vessel _____ Voyage _____
Voyage Commencement Date _____ Voyage Termination Date _____
Trade _____
Computation of Abatement Per Ton of Cargo Carried:

Charter rate			$
Abatement Level for trade (§ 294.9(b)(2)(iii))			$
Excess			$
Excess of $1.00 or less		$	
Less commissions at	%		
Net revenue per ton			
Abatement percentage	50%		
Abatement at 50%			
Excess between $1.00 and $7.00		$	
Less commissions at	%		
Net revenue per ton			
Abatement percentage	75%		
Abatement at 75%			$
Excess over $7.00		$	
Less commissions at	%		
Net revenue per ton			
Abatement percentage	90%		
Abatement at 90%			$
Total abatement per ton of cargo carried			(a) $
Abatement of Subsidy:			
Total tons of cargo carried			
Abatement per ton of cargo carried		$	(a)
Abatement of Subsidy			[1] $

[1] Enter on line 5a of Schedule A.

SCHEDULE A-4

_____
(Company)

Reduction of Accrued Tentative Wage Subsidy Due to Crew Reduction

Vessel _____ Voyage _____
Port _____
Period of Crew Reduction: From _____ To _____
I. Man-Day Crew Reduction:

(J) Days Crew Reduced		(E) Number of Crew Reduced		(F) Man-Day Crew Reduction (col. (J)×(E))
	×		=	
	×		=	
	×		=	
	×		=	
	×		=	
	×		=	
	×		=	
	×		=	
	×		=	
	×		=	
a. Total Man-Day Crew Reduction				

II. Reduction of Accrued Tentative Wage Per Diem Subsidy:

a. Tentative Wage Per Diem Subsidy Amount (per ODS contract)	$
b. Total Crew (per Manning Scale-ODS contract)	
c. Average Tentative Wage Per Man Per Diem Subsidy Amount (IIa÷IIb)	$
d. Reduced Accrued Tentative Wage Subsidy (IIc x Ia)	$
e. 90% of Reduced Accrued Tentative Wage Subsidy (90% of IId) (Enter on line 5b of Schedule A)	$

(f) *Operator's affidavit.* An operator's affidavit, substantially in the form shown below, is to be submitted with each billing.

AFFIDAVIT

State of _____,
City of _____,
County/Parish of _____,

I, _____ being duly sworn, depose and say, that I am _____ of _____ (herein referred to as the "Operator"), and as such am familiar with (a) the provisions of the Operating-Differential Subsidy Agreement, Contract No. _____ dated as of _____, to which the Operator is a party, and (b) the operation of the vessel(s) covered by said Agreement; and (c) the accounts, books, records and disbursements of the Operator relating to such operation.

Referring to the public voucher dated _____, covering (vessel name) _____, on a voyage which commenced _____ and terminated, _____, and attached, submitted by said Operator concurrently herewith for a payment on account in the sum of _____, under said Agreement, the Operator has fully complied with the terms and conditions of said Agreement and applicable orders, regulations, rulings and provisions of the Merchant Marine Act, 1936, as amended, and is entitled under the provisions of said Agreement and orders, regulations and rulings applicable thereto, to the amount of the payment on account requested; and further depose and say that the vessel named in the attached schedules was in authorized service for the voyage on which the payment on account is requested and has not included in the calculations of the amount of subsidy claimed in the attached voucher any costs of a character that the Maritime Administration, or Secretary of Commerce, acting by and through the Maritime Subsidy Board, or any predecessor or successor, had advised the Operator to be ineligible to be so included, or any costs collectible from insurance, or from any other source; and further depose and say that during the course of this voyage the vessel named did not carry (1) any cargo in the domestic commerce of the United States; or (2) any U.S. preference cargo, including that covered by 10 U.S.C. 2631, 46 U.S.C. 1241 and 15 U.S.C. 616a; or (3) any other commercial cargo simultaneously with the export bulk raw and processed agricultural commodities being carried to the U.S.S.R. except equipment which may be needed to facilitate unloading of such agricultural commodities.

Payment by the Maritime Administration of all or part of the amount claimed herein shall not be construed as approval as the correctness of the amount stated to have been due, nor a waiver of any right or remedy the Maritime Administration, or Secretary of Commerce, acting by and through the Maritime Subsidy Board, or any predecessor or successor, may have under the terms of said Agreement, or otherwise.

I further depose and say that this affidavit is made for and on behalf and at the direction of the Operator for the purpose of inducing the Maritime Administration to make a payment on account pursuant to the provisions of the aforesaid Operating-Differential Subsidy Agreement.

Subscribed and sworn to before me, a Notary Public, in and for the aforesaid County and State, this ____ day of _____, 19__. My commission expires _____.

_____

Notary Public.

(g) *Submission of partial payment billing.* The partial payment billing is to be submitted to the Maritime Administration, Office of Budget and Accounts, Washington, D.C. 20230 for processing and payment.

(h) *Supplemental partial payment billing.* Supplemental partial payment billings for maintenance and repairs and store supplies and expendable equipment costs incurred by the operator in any of the United States or the Commonwealth of Puerto Rico subsequent to the preparation of the initial partial payment billing may be submitted not more frequently than once every 30 calendar days. Supplemental partial payment billings will be prepared and submitted in the same manner as the initial partial payment billing.

§ 294.14 Final payment billing procedure.

(a) *In general.* This section sets forth the procedures for the final payment billings and supplemental final payment billings by an operator. An operator may make final payment billings after the Maritime Administration completes audit of the operator's historical costs, subsidizable costs and revenues from the carriage of bulk raw and processed agricultural commodities from the U.S. to the U.S.S.R. This section provides rules for the conduct of the audit and specifies when an operator may make final payment or supplemental final payment

(b) *Audit*—(1) *In general.* Audit consists of verification by the Maritime Administration of the following four items in respect to each subsidized vessel:

(i) Historical costs;

(ii) Actual subsidizable costs incurred on the subsidized voyage;

(iii) Actual costs of maintenance and repairs (M&R) and stores, supplies and expendable equipment (SS&E) incurred in any of the United States or the Commonwealth of Puerto Rico after commencement of the subsidizable voyage; and

(iv) Revenues earned on the subsidized voyage for the carriage of bulk raw and processed agricultural commodities from the U.S. to the U.S.S.R.

(2) *Information necessary for audit.* In order to perform the audit, the operator must submit all documents relating to the items specified in subparagraph (1) of this paragraph. These documents include, but are not limited to:

(i) Historical costs:

(A) *M&R*—invoices (as directed by the Maritime Administration) of suppliers and repair yards in support of costs paid during the five-year period preceding the current year which were submitted to the Board for tentative subsidy per diem calculation purposes;

(B) *Protection and indemnity insurance deductible absorptions*—crew injury, illness and death claim records and files compiled in connection with costs absorbed and paid under protection and indemnity insurance policy during the three-year period preceding the current year or such lesser period as the vessel has been in operation, which were submitted to the Board for tentative subsidy per diem calculation purposes;

(C) Deductible provisions of protection and indemnity insurance policies in effect during the 3 years preceding the current year and deductible provisions of hull and machinery insurance policies in effect during the 5 years preceding the current year.

(D) *SS&E*—invoices (as directed by the Maritime Administration) of suppliers in support of costs paid during the three-year period preceding the current year which were submitted to the Board for tentative subsidy per diem calculation purposes.

(ii) Actual subsidizable costs incurred on the subsidized voyage:

(A) *Wages of officers and crew*—voyage and port payrolls including overtime supports, individual pay vouchers, computation of payroll taxes and the various payroll contributions payable under collective bargaining agreements for the period of the subsidized voyage;

(B) *Subsistence of officers and crew*—computation of subsistence inventories aboard vessel both at the commencement and the termination of the subsidized voyage, vendors' invoices and delivery receipts for subsistence stores purchased; vendors's invoices for loading of subsistence stores aboard vessel;

(C) *Vessel insurance*—protection and indemnity insurance and hull and machinery insurance policies in effect during the subsidized voyage and applicable premium invoices, general and particular average claim files;

(D) *Fuel*—computation of fuel inventories aboard vessel both at the commencement and the termination of the subsidized voyage, vendors' invoices and delivery receipts for fuel purchased, contracts for the purchase of fuel;

(E) *Other vessel expenses*—invoices and receipts applicable to subsidizable costs incurred during the subsidizable voyage;

(F) *Vessel depreciation*—computation of depreciation and supporting data on vessel cost capitalized;

(G) *Interest expense attributable to vessel indebtedness*—computation of interest expense together with supporting loan agreements evidencing debt principal, interest rates, amortization schedules, and other terms of the loan.

(iii) Actual costs of M&R and SS&E incurrred in any of the United States or the Commonwealth of Puerto Rico after the commencement of the subsidized voyage:

(A) *M&R*—invoices of domestic suppliers and repair yards for all such items charged to the subsidized vessel; and

(B) *SS&E*—invoices of domestic suppliers for all such items charged to the subsidized vessel including invoices for such items used to stock inventory immediately preceding the subsidized voyage.

(iv) Revenues earned on the subsidized voyage from the carriage of bulk raw and processed agricultural commodities from the U.S. to the U.S.S.R. for the purpose of determining abatement of subsidy as provided in § 294.9—all contracts of affreightment, charter parties, bills of lading and other documents re-

lating to revenues earned from the carriage of bulk agricultural commodities, including cargo loaded and cargo discharged reports.

(3) *Time for submission of audit data.* Audit data shall be submitted as follows:

(i) Historical cost data shall be submitted as soon as possible after the commencement of a subsidized voyage.

(ii) All other data shall be submitted within one year from the termination of a subsidized voyage except as provided in paragraph (d) of this section.

(c) *Final payment procedures*—(1) *In general.* After the audit is completed, the Maritime Administration will determine final subsidy per diem amounts and differential percentages. When such amounts are incorporated into the operating-differential subsidy agreement (ODSA), the operator shall make a final payment billing pursuant to paragraph (c)(8).

(2) *Final payments of subsidy applicable to maintenance and repairs and stores, supplies and expendable equipment:*

(i) *Negative per diem subsidy amounts.* If the final per diem subsidy amount incorporated into the operating-differential subsidy contract for M&R or SS&E is negative, the final payment will be reduced by the product of such negative per diem subsidy amount multiplied by the number of subsidized voyage days.

(ii) *Positive per diem subsidy amounts and positive differential percentages.* If the final per diem subsidy amount or differential percentage incorporated into the subsidy contract for M&R or SS&E, is positive, the final payment will be limited to the lesser of:

(A) An amount determined by multiplying the differential percentage for such category of expense by the costs incurred by the subsidized operator for such items in any of the United States or the Commonwealth of Puerto Rico to the date of the final payment billing;

(B) An amount determined by multiplying the final per diem amount for such category of expense by the number of subsidized voyage days.

(3) *Reduction of final subsidy payments due to deviations, idleness or delays.* The reduction of subsidy required under § 294.13(c) because of deviations, idleness or delays during the subsidized voyage shall be made on final subsidy payment vouchers.

(4) *Reduction of final subsidy payments due to abatement of subsidy.* The total subsidy payment as determined under this Part shall be reduced by the amount of subsidy abatement calculated pursuant to § 294.9.

(5) *Forms for final payment billing.* Final payment billing shall be submitted to the appropriate Maritime Administration Region Finance Office in the forms described in § 294.13(e). Payment to the operator will be made by Maritime Administration, Washington, D.C.

(6) *Affidavit.* The affidavit set forth in § 294.13(f) shall be submitted with the final payment billing, and each supplemental final payment billing.

(7) *Finality of final payment billing.* Except as provided in paragraph (d) of this section (relating to supplemental final payment billings for M&R and SS&E) costs for all subsidizable items shall be final when billed and not subject to adjustment by the operator.

(8) *Maximum time for final payment billing.* Final payment billing shall be made not later than 30 days from the date final per diem amounts and differential percentages are incorporated into the ODSA.

(d) *Supplemental final payment billings*—(1) *In general.* Under paragraph (b)(2)(ii) of § 294.10, subsidy on M&R and SS&E is not paid until (i) the operator makes actual expenditures for such items in any of the United States or the Commonwealth of Puerto Rico within a 5-year period from the date that the subsidized voyage commenced and (ii) such expenditures are audited by the Maritime Administration. Within that 5-year period, billings may be made subject to the rules in this subsection.

(2) *Rules for supplemental billings.* Supplemental final payment billings may be made when the applicable per diem subsidy amount and differential percentage for M&R or SS&E is positive.

(3) *Frequency of supplemental billings.* Supplemental final payment billings may not be made more often than once each 30 days. Each billing shall include the cumulative costs of M&R or SS&E on which subsidy is payable to the date of such billing.

(4) *Submission of supplemental billings.* Supplemental final payment billings shall be submitted in the same manner as provided in paragraph (c) of this section.

§ 294.15 Renegotiation.

(a) *In general.* Paragraph (b) of § 294.4 of this Part provides that subsidy otherwise payable under the operating-differential subsidy contracts for the carriage of bulk raw and processed agricultural commodities from the U.S. to the U.S.S.R. shall be subject to renegotiation. This section provides rules for the filing of a statement of profit or loss on such carriage to provide the Board with a basis on which to review operating-differential subsidy contracts subject to renegotiation.

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

(c) *Filing statements.* Operators with contracts subject to renegotiation must file Maritime Administration Form MA–782 or an equivalent statement with the Secretary, Maritime Subsidy Board, Washington, D.C. 20230 (Secretary, MSB) within 120 days following the close of the operator's taxable year. Form MA–782 may be obtained from the Secretary, MSB.

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

(2) *Length of extension.* Extensions will be granted for a reasonable length of time. Where an extension is sought because the due date for filing the Federal income tax return has been extended, a statement must be filed within 15 days from the date of filing the Federal income tax form.

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

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

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

(g) *Preparation of Form MA–782.* (1) *In general.* The purpose of Form MA–782 is to make allocations of revenues and expenses between operations subject to renegotiation under this Part (renegotiable operations) and all other operations (nonrenegotiable operations). When completed, the form will show the portion of net profit which is attributable to renegotiable operations and which may be reviewed as to reasonableness.

(2) *Applicability of standard Maritime Administration accounting.* Form MA–782 is based on the standard Maritime Administration accounting system prescribed in Part 282 of this Chapter and in Maritime Administration General Order 22. Operators which do not keep books according to this system are to submit a statement as similar to Form MA–782 as possible and attached thereto an explanation of the accounting system used and the basis for allocations between renegotiable operations and other operations.

(3) *Definition of voyage for purposes of renegotiation.* The definition of voyage is contained in § 294.3(c) of this Part. However, for the purpose of determining profits subject to renegotiation, the fol-

lowing additional expenses may be allocated entirely to the renegotiable operations:

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

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

(iii) Operating expenses incurred on a route deviation to engage in U.S. import commerce, notwithstanding the limitation contained in 294.3(c)(4)(i) of this Part;

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

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

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

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

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

(iv) "Interest expense on vessel mortgages and depreciation expense on vessels." Interest expense on vessel mortgages and depreciation expense on vessels subject to the provisions of this section are to be charged to renegotiable operations in proportion to the ratio of the number of days such vessel operates on subsidized renegotiable voyages to the total number of days in the tax year for which the vessel was owned. Interest expense on vessel mortgages and depreciation expense on vessels not included in the operating-differential subsidy contract are to be charged directly to nonrenegotiable operations. Interest expense not attributable to vessel mortgages, and depreciation and amortization expense other than for vessels are to be allocated between renegotiable and nonrenegotiable operations on the basis of the vessel operating and maintenance expense formula prescribed in clause (iii) of this subparagraph.

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

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

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

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

§ 294.16 Effective date.

The provisions of this Part shall be effective on July 31, 1973, and supersede regulations originally appearing on October 21, 1972 and thereafter amended.

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

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

Dated: July 30, 1973.

By Order of the Assistant Secretary of Commerce for Maritime Affairs and the Maritime Subsidy Board,

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

[FR Doc.73-15886 Filed 8-2-73;8:45 am]

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 1001—EMPLOYEE RESPONSIBILITIES AND CONDUCT

Statements of Employment and Financial Interests

Section 1001.735–401 is being revised and thirteen new positions are added to the list of positions, the incumbents of which are required to submit statements of employment and financial interests in accordance with §§ 1001.735–402 through 1001.735–411.

Effective August 3, 1973, § 1001.735–401 is amended as set out below.

§ 1001.735–401 Employees required to submit statements.

(a) *Office of the Executive Director.* (1) The Executive Director.

(2) The Deputy Executive Director.

(3) The Assistant Executive Director.

(b) *Office of Labor-Management Relations.* (1) The Director.

(c) *The Office of the General Counsel.* (1) The General Counsel.

(2) The Deputy General Counsel.

(d) *Board of Appeals and Review.* (1) The Chairman.

(e) *Office of Administrative Law Judges.* (1) The Director.

(2) All employees in Administrative Law Judge positions.

(f) *Bureau of Management Services.* (1) The Director.

(2) The Deputy Director.

(3) The Director of Personnel and Labor Relations.

(4) The Chief, Office Services Division.

(5) The Assistant Chief, Office Services Division.

(6) The Chief, Budget and Finance Division.

(7) The Assistant Chief, Budget and Finance Division.

(g) *Bureau of Retirement, Insurance, and Occupational Health.* (1) The Director.

(2) The Deputy Director.

(3) The Assistant Director.

(4) The Assistant to the Director.

(5) The Chief, Legislative and Policy Division.

(6) The Chief Actuary, Office of the Actuary.

(7) Assistant to the Chief (Contracts and Instructions Specialists) GS–14 and GS–15, Legislative and Policy Division.

(8) Supervisory Accountant, GS–15, Systems and Audits.

(9) Systems Accountant, GS–14, Systems and Audits.

(10) Auditors (Financial Activities), GS–13, Systems and Audits.

(11) Occupational Health Program Manager.

(12) Regional Occupational Health Representative.

(h) *Bureau of Training.* (1) The Director.

(2) The Deputy Director.

(3) The Assistant Director for Training Operations.

(i) *Bureau of Personnel Management Evaluation.* (1) The Director.

(2) The Deputy Director.

(j) *Bureau of Manpower Information Systems.* (1) The Director.

(k) *Bureau of Intergovernmental Personnel Programs.* (1) The Director.

(2) The Deputy Director.

(3) Director for Grant Operations.

(4) Regional Chief.

(5) Assistant Regional Chief.

(6) Regional Chief, Grants Branch.

(7) Regional Chief, Merit Systems and Technical Assistance Branch.

(8) Intergovernmental Personnel Programs Specialist (GS–13).

(9) Grants Specialist, Office of Grant Operations.

(l) *Federal Executive Institute.* (1) The Director.

(m) *Executive Seminar Center.* (1) The Director of each Center.

(n) *Regional Offices.* (1) The Director of each Region.

(E.O. 11222, 3 CFR 1964–65 Comp. p. 306; 5 CFR 735.101 et seq.)

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

[FR Doc.73-15991 Filed 8-2-73;8:45 am]

Title 12—Banks and Banking

CHAPTER III—FEDERAL DEPOSIT INSURANCE CORPORATION

SUBCHAPTER B—REGULATIONS AND STATEMENTS OF GENERAL POLICY

PART 329—INTEREST ON DEPOSITS

Maximum Rates of Interest on Single and Multiple Maturity Time Deposits

Correction

In FR Doc. 73–15505 appearing at page 20247 in the issue of Monday, July 30, 1973, the section heading for § 329.6, should read "§ 329.6 *Maximum rates of interest payable on time and savings deposits by insured nonmember banks other than insured nonmember mutual savings banks.*"

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 73–NW–9–AD; Amdt. 39–1700]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing 737 Series Airplanes

Pursuant to the authority delegated to me by the Administrator (31 FR 13697), an airworthiness directive was adopted on July 20, 1973 and made effective immediately as to all known United States operators of all Boeing 737 airplanes delivered prior to November 1, 1972. Cracks have been detected in the wing front spar upper chord in four airplanes. These cracks were between two and twelve inches in length. These cracks severely impair the integrity of the wing and could lead to structural failure. Since this condition is likely to develop in other model 737 airplanes, the airworthiness directive was issued to require inspection and repair, as necessary, of the wing front spar upper chord.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impracticable and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately. These conditions still exist and the Airworthiness Directive is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations.

BOEING. Applies to all Boeing 737 airplanes delivered prior to November 1, 1972 certificated in all categories.

Compliance required as indicated:

To detect cracks in the wing front spar upper chord, accomplish the following:

(A) Within the next 100 hours time in service, unless already accomplished in accordance with Boeing Alert Service Bulletin 737–57–1081, dated July 19, 1973, inspect the wing front spar upper chord for cracks in accordance with that service bulletin.

(B) If cracks less than two inches long are found, repair prior to further flight in accordance with Boeing Alert Service Bulletin 737–57–1081, Paragraph 4.C. Reinspect daily, using eddy current or dye penetrant inspection methods. If crack growth is determined, or within 400 hours time in service following the first inspection in accordance with Paragraph (A), whichever occurs first, repair in accordance with Boeing Alert Service Bulletin 737–57–1081, Paragraph 5.

(C) If cracks of two inches length or greater are found, repair prior to further flight in accordance with Boeing Alert Service Bulletin 737–57–1081, Paragraph 5, or subsequent FAA approved revisions, or an equivalent method approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region.

(D) Airplanes having cracks which require rework under this AD may be flown in accordance with FAR § 21.197 to a base where rework can be accomplished.

(E) Revisions to this AD concerning reinspection intervals and terminating action will be forthcoming.

The manufacturer's specifications and procedures identified and described in this Directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this Directive who have not already received these documents may obtain copies upon request to The Boeing Company, Box 3707, Seattle, Washington 98108. These documents may also be examined at FAA Northwest Region, Boeing Field International, Seattle, Washington 98108.

This amendment becomes effective on August 3, 1973, for all persons except those to whom it was made effective immediately by telegram dated July 20, 1973.

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

Issued in Seattle, Washington on July 27, 1973.

J. H. TANNER,
Acting Director Northwest Region.

[FR Doc.73-15982 Filed 8-2-73;8:45 am]

[Airspace Docket No. 73–SO–4]

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

Alteration of Control Zone and Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Owensboro, Ky., control zone and transition area.

The Owensboro control zone is described in § 71.171 (38 FR 351) and the Owensboro transition area is described in § 71.181 (38 FR 435). In each description, an extension is predicated on Owensboro VOR 181° radial. Since the VOR RWY 35 Instrument Approach Procedure has been revised to utilize the compass locator-outer marker in lieu of the Masonville RBN, and the altitude over the COMLO has been raised to 2,300 feet MSL, the control zone extension is no longer required. The transition area extension was designated to provide controlled airspace protection for IFR aircraft executing the VOR RWY 35 and NDB RWY 35 Instrument Approach Procedures. Since the VOR RWY 35 Instrument Approach Procedure has been revised and the NDB RWY 35 Instrument Approach Procedure has been cancelled, the transition area extension is no longer required. It is necessary to alter the descriptions to reflect these changes. Since these amendments are less restrictive in nature, notice and public procedure hereon are unnecessary.

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

In § 71.171 (38 FR 351), the Owensboro, Ky., control zone is amended as follows:

"* * * within 2.5 miles each side of Owensboro VOR 181° radial, extending from the 5-mile radius zone to the Masonville RBN (Lat. 37°39'35" N, Long. 87°10'17" W) * * *" is deleted from the description.

In § 71.181 (38 FR 435), the Owensboro, Ky., transition area is amended to read:

OWENSBORO, KY.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Owensboro-Daviess County Airport (Lat. 37°44'31" N, Long. 87°09'57" W).

(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 East Point, Ga., on July 25, 1973.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.73-15984 Filed 8-2-73;8:45 am]

[Docket No. 13059; Amdt. No. 875]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

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

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

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual

copies of SIAPs may be purchased from the FAA Public Document Inspection Facility, HQ-405, 800 Independence Avenue, SW., Washington, D.C. 20591 or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $150.00 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for $30.00 each.

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

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

1. Section 97.23 is amended by orginating, amending, or canceling the following VOR-VOR/DME SIAPs, *effective September 13, 1973.*

Burbank, Calif.—Hollywood-Burbank Arpt., VOR Rwy 7, Amdt. 1
Carlsbad, N.M.—Cavern City Air Terminal, VOR Rwy 32L, Amdt. 2
Dickson, Tenn.—Dickson Municipal Arpt., VOR/DME Rwy 17, Orig.
Florence, S.C.—Florence Municipal Arpt., VOR-A (TAC), Amdt. 1
Lewiston, Id.—Lewiston-Nez Perce County Arpt., VOR Rwy 26, Amdt. 9
Lodi, Calif.—Linds Arpt., VOR Rwy 26, Amdt. 1
Melbourne, Fla.—Cape Kennedy Regional Arpt., VOR Rwy 9, Amdt. 11
Melbourne, Fla.—Cape Kennedy Regional Arpt., VOR Rwy 27, Amdt. 6
Olathe, Kan.—Johnson County Arpt., VOR Rwy 35, Amdt. 4
Rochelle, Ill.—Rochelle Municipal Arpt., VOR-A, Amdt. 1
Stratford, Texas—Stratford Field, VORTAC-A, Original
Sullivan, Ind.—Sullivan County Arpt., VOR/DME-A, Amdt. 2
Twin Falls, Id.—Twin Falls City-County Arpt., Joslin Field, VOR Rwy 25, Amdt. 13
Warsaw, Ind.—Warsaw Municipal Arpt., VOR Rwy 18, Amdt. 1
Warsaw, Ind.—Warsaw Municipal Arpt., VOR Rwy 36, Amdt. 1
Wisconsin Rapids, Wis.—Alexander Field South Wood County Arpt., VOR/DME-A, Amdt. 2

* * * *effective September 6, 1973.*

Green Bay, Wis.—Austin-Straubel Field, VOR Rwy 12, Amdt. 12
Green Bay, Wis.—Austin-Straubel Field, VOR/DME Rwy 36, Amdt. 4

* * * *effective August 30, 1973.*

Rochester, Minn.—Rochester Municipal Arpt., VOR Rwy 2, Amdt. 7
Rochester, Minn.—Rochester Municipal Arpt., VOR/DME Rwy 20, Amdt. 7

* * * *effective August 16, 1973.*

College Station, Tex.—Easterwood Field, VOR Rwy 10, Amdt. 10
College Station, Tex.—Easterwood Field, VOR Rwy 28, Amdt. 2

2. Section 97.25 is amended by originating, amending, or canceling the following SDF-LOC-LDA SIAPs, *effective September 13, 1973.*

Melbourne, Fla.—Cape Kennedy Regional Arpt., LOC (BC) Rwy 27, Amdt. 1
Quincy, Ill.—Quincy Municipal Baldwin Field, LOC (BC) Rwy 21, Original, Canceled
Quincy, Ill.—Quincy Municipal Baldwin Field, LOC/DME (BC) Rwy 21, Orig.
Yakima, Wash.—Yakima Air Terminal, LOC/DME (BC) Rwy 9, Amdt. 4

* * * *effective September 6, 1973.*

Green Bay, Wis.—Austin-Straubel Field, LOC (BC) Rwy 24L, Amdt. 9

* * * *effective August 30, 1973.*

Rochester, Minn.—Rochester Municipal Arpt., LOC (BC) Rwy 13, Amdt. 6

* * * *effective August 16, 1973.*

College Station, Tex.—Easterwood Field, LOC (BC) Rwy 16, Amdt. 1

* * * *effective August 9, 1973.*

Provincetown, Mass.—Provincetown Muni. Arpt., SDF Rwy 7, Original

* * * *effective June 30, 1973.*

Springfield, Vt.—Springfield State-Hartness Arpt., LOC-A, Amdt. 1

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAPs, *effective September 13, 1973.*

Burbank, Calif.—Hollywood-Burbank Arpt., NDB Rwy 7, Original, Canceled
Cookeville, Tenn.—Putnam County Arpt., NDB Rwy 17, Orig.
French Lick, Ind.—French Lick Municipa. Arpt., NDB Rwy 26, Amdt. 1
Grand Junction, Colo.—Walker Field, NDB Rwy 11, Amdt. 11
Melbourne, Fla.—Cape Kennedy Regional Arpt., NDB Rwy 9, Amdt. 6
Sullivan, Ind.—Sullivan County Arpt., NDB Rwy 36, Amdt. 1
Twin Falls, Id.—Twin Falls City-County Arpt., Joslin Field, NDB Rwy 25, Amdt. 1
Vincennes, Ind.—O'Neal Arpt., NDB-A, Amdt. 1
Wisconsin Rapids, Wis.—Alexander Field South Wood County Arpt., NDB Rwy 29, Amdt. 1
Wisconsin Rapids, Wis.—Alexander Field South Wood County Arpt., NDB Rwy 2, Amdt. 3

* * * *effective September 6, 1973.*

Green Bay, Wis.—Austin-Straubel Field, NDB Rwy 6R, Amdt. 10

* * * *effective August 30, 1973.*

Rochester, Minn.—Rochester Municipal Arpt., NDB Rwy 31, Amdt. 10

* * * *effective August 16, 1973.*

College Station, Tex.—Easterwood Field, NDB Rwy 34, Amdt. 1

* * * *effective August 9, 1973.*

Provincetown, Mass.—Provincetown Muni. Arpt., NDB-A, Amdt. 3

* * * *effective August 2, 1973.*

Oxford, Conn.—Waterbury-Oxford Arpt., NDB Rwy 18, Orig.

* * * *effective July 31, 1973.*

Hazleton, Pa.—Hazleton Municipal Arpt., NDB Rwy 28, Amdt. 11, Canceled

* * * *effective July 20, 1973.*

Oxford, Conn.—Waterbury-Oxford Arpt., NDB Rwy-18, Original, Canceled

* * * *effective June 30, 1973.*

Springfield, Vt.—Springfield State-Hartness Arpt., NDB-A, Amdt. 1

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAPs, *effective September 13, 1973.*

Burbank, Calif.—Hollywood-Burbank Arpt., ILS Rwy 7, Amdt. 26
Grand Junction, Colo.—Walker Field, ILS Rwy 11, Amdt. 5
Lewiston, Id.—Lewiston-Nez Perce County Arpt., ILS Rwy 26, Amdt. 1
Melbourne, Fla.—Cape Kennedy Regional Arpt., ILS Rwy 9, Amdt. 2
Tucson, Ariz.—Tucson Int'l Arpt., ILS Rwy 11L, Amdt. 3
Twin Falls, Id.—Twin Falls City-County Arpt., Joslin Field, ILS Rwy 25, Amdt. 1
Yakima, Wash.—Yakima Air Terminal, ILS Rwy 27, Amdt. 20

* * * *effective September 6, 1973.*

Green Bay, Wis.—Austin-Straubel Field, ILS Rwy 6R, Amdt. 11

* * * *effective August 30, 1973.*

Rochester, Minn.—Rochester Municipal Arpt., ILS Rwy 31, Amdt. 8

* * * *effective August 16, 1973.*

College Station, Tex.—Easterwood Field, ILS Rwy 34, Amdt. 1

* * * *effective August 9, 1973.*

Baltimore, Md.—Friendship Int'l Arpt., ILS Rwy 10, Amdt. 3

* * * *effective July 20, 1973.*

Oxford, Conn.—Waterbury-Oxford Arpt., ILS Rwy-36, Original, Canceled

5. Section 97.31 is amended by originating, amending, or canceling the following Radar SIAPs, *effective September 13, 1973.*

Burbank, Calif.—Hollywood-Burbank Arpt., Radar-1, Amdt. 9

* * * *effective September 6, 1973.*

Green Bay, Wis.—Austin-Straubel Field, Radar-1, Original

* * * *effective August 30, 1973.*

Rochester, Minn.—Rochester Municipal Arpt., Radar-1, Original

Deletion. In Docket No. 12990, Amendment 873, to Part 97 of the Federal Aviation Regulations, published in the Federal Register dated Thursday, July 19, 1973, on page 19216 under Section 97.23 effective August 30, 1973, delete Dillon, Mont.—Dillon Arpt., VOR-A, Amdt. 5. VOR-A, Amdt. 4 remains in effect.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1948; 49 U.S.C. 1435, 1354, 1421, 1510, Sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c) and 5 U.S.C. 552(a)(1)).

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

Issued in Washington, D.C., on July 26, 1973.

JAMES M. VINES,
Chief, Aircraft Programs Division.

[FR Doc.73-15983 Filed 8-2-73;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

PART 14—ADMINISTRATIVE INTERPRETATIONS, GENERAL POLICY STATEMENTS, AND ENFORCEMENT POLICY STATEMENTS [1]

Enforcement Policy Statement

The Federal Trade Commission has noted that, with increasing intensity, advertisers are making special efforts to reach foreign language-speaking consumers. As part of this special effort, advertisements, brochures and sales documents are being printed in foreign languages.

In recent years the Commission has issued various cease and desist orders which require affirmative disclosure in connection with certain kinds of representations and business activities. Generally, these disclosures are required to be "clear and conspicuous." Because questions have arisen as to the meaning and application of the phrase "clear and conspicuous" with respect to foreign language advertisements and sales materials, the Commission deems it appropriate to set forth the following enforcement policy statement:

§ 14.9 **Cease and desist order requirements with respect to clear and conspicuous disclosure in foreign language advertising and sales materials.**

(a) Where a cease and desist order requires "clear and conspicuous" disclosure of certain information, that disclosure must be in the same language as that principally used in the advertisements and sales materials involved.

(b) Any respondent who fails to comply with this requirement may be the subject of a civil penalty proceeding for violating the terms of a Commission cease-and-desist order.

(Sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

By direction of the Commission dated July 24, 1973.

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

[FR Doc.73-16085 Filed 8-2-73;8:45 am]

[1] Title changed.

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release 34-10304]

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

Application of Minimum Net Capital Requirements

In Securities Exchange Act Release No. 9633, of June 14, 1972 [37 FR 11970] the Commission announced the adoption of amendments to Rule 15c3-1 [17 CFR 240.15c3-1] which increased the minimum net capital requirements of certain brokers or dealers. The rule was amended to require that brokers or dealers who handle customer funds or securities or who engage in a general securities business maintain minimum net capital of not less than $25,000.[1] With respect to certain brokers or dealers who were registered with the Commission prior to August 13, 1971, the amended rule provided that those brokers or dealers would be permitted to maintain minimum net capital of not less than $5,000 until July 31, 1973, at which time they would be required to maintain minimum net capital of not less than $15,000.[2] On July 31, 1974, the minimum net capital requirements will be increased to not less than $25,000 for those brokers or dealers.

Rule 15c3-1 provides in paragraph (a)(3) that a minimum net capital requirement of not less than $5,000 shall continue to exist for registered brokers or dealers who limit their business activities to the prompt transmittal of customers' funds or securities, and where they do not otherwise hold funds or securities of or for customers, or do not otherwise carry accounts of customers.

Many brokers or dealers will be required to maintain increased minimum net capital of not less than $15,000 on July 31, 1973, and the Commission's Regional Offices and the National Association of Securities Dealers have been asked by certain brokers or dealers whether they are entitled to continue to maintain minimum net capital of not less than $5,000.

In adopting the amendments to Rule 15c3-1, it was the Commission's intention that the $5,000 minimum net capital requirement be available only to brokers or dealers who introduced all their transactions to another broker or dealer on a fully disclosed basis. The Commission in the adopting release emphasized the necessity of assuring that smaller firms have a secure position in the securities industry, and that entry into the industry be preserved to the greatest extent possible compatible with the public interest and the protection of investors. In that connection while establishing a $25,000 minimum requirement for most brokers or dealers who carry customer accounts, the $5,000 requirement was preserved for those who introduced their accounts on a fully disclosed basis. In order to make this provision viable, the Commission also amended Rule 17a-3(b) to permit all brokers or dealers, subject to their maintaining minimum net capital of not less than $25,000, to clear such transactions for introducing brokers or dealers.

In order to clarify the applicability of the $5,000 minimum requirement set forth in paragraph (a)(3) and to some extent the $2,500 minimum capital requirement of paragraph (a)(4), the Commission is setting forth its views below:

A. The $5,000 Minimum Net Capital Requirement—Paragraph (a)(3)

The $5,000 minimum requirement shall be available to those registered brokers or dealers who do not carry customer accounts.

In administering the net capital rule the $5,000 requirement has been held to be applicable if the broker or dealer engages only in one, or any combination, of the following activities:

(1) The broker or dealer introduces all of its transactions to another broker or dealer or bank as provided in Rule 17a-3(b). Such transactions are confirmed to customers by the clearing broker or dealer who is deemed to carry such customer's account. All checks in payment for such purchases are to be made payable to the clearing broker or dealer by the customer and if received by the introducing broker or dealer they are to be promptly transmitted to the clearing broker or dealer by noon the next business day. Also, deliveries of securities by customers are to be made directly to the clearing broker or dealer who confirms such transactions. Any payments received by the introducing broker or dealer from customers for the payment of securities purchased and any securities received from customers by the introducing broker or dealer in settlement of sales shall be transmitted promptly to the clearing broker or dealer;

(2) The broker or dealer promptly transmits subscriptions for securities (including but not limited to limited partnership interests or redeemable shares of registered investment companies) to the issuer, sponsor or distributor of such securities and delivers checks, drafts, notes or other evidences of indebtedness which shall be payable solely to the issuer, sponsor or distributor who in turn delivers the related security directly to the subscriber or who holds such security as custodian for such customer; or

(3) The broker or dealer promptly transmits customers' checks, drafts, notes or other evidences of indebtedness payable to an independent escrow agent in payment for customer purchases of securities (including best efforts underwriting or deposits for the purchase of condominium units) and where the escrow agent has agreed in writing to hold all such funds in escrow for the persons who have beneficial interests therein and to return such funds or delivers securities purchased directly to the customers who have the beneficial interest therein.

The Commission wishes to make clear that simply because a broker or dealer is entitled to an exemption from Rule 15c3-3 under paragraph (k)(2)(A) thereof, the broker or dealer is not automatically entitled to maintain minimum net capital of not less than $5,000 unless the activities of such broker or dealer are limited as described above. Finally, the $5,000 minimum net capital requirement

[1] Brokers or dealers who registered with the Commission after August 13, 1971, are required to maintain a ratio of net capital to aggregated indebtedness of not less than 800 percentum (8 to 1) during the first year of their operations or a minimum net capital of not less than $25,000 whichever is greater.

[2] A broker or dealer must maintain not less than the appropriate minimum net capital *and* such net capital may not be less than 1/20th of his aggregate indebtedness, except during the first year of operations.

of Rule 15c3–1 is not intended to preclude the broker or dealer from effecting an occasional transaction for his own account.

B. The $2,500 Minimum Net Capital Requirement—Paragraph (a)(4)

It should be made clear that the $2,500 minimum net capital requirement is a special provision applicable only to those brokers or dealers who limit their business solely as specified therein. A broker or dealer who expands his business in such a fashion as to engage in the sale of other types of investment contracts is not eligible for the $2,500 requirement. Moreover, if he engages in the sale of other types of investments he will not be eligible for the $5,000 minimum net capital requirement unless he limits his activities and the manner of conducting those activities as described in A. above. Finally, if the broker or dealer does not limit his business as set forth in paragraph (a)(4) nor will the broker or dealer be eligible for the $5,000 minimum requirement set forth in (a)(3).

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

JULY 27, 1973.

[FR Doc.73–16020 Filed 8–2–73;8:45 am]

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE, DEPARTMENT OF THE TREASURY [1]

[T.D. 73–210]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

Types of Forms To Be Accepted by Customs Officers

Pursuant to § 4.99 of the Customs Regulations, Customs officers are permitted to accept certain Customs forms printed by private parties or by foreign governments, provided the forms meet certain requirements, including size requirements. Requests have been received from the private sector for approval of reduced versions of Customs Form 7527–A, the United States Customs Inward Foreign Manifest. It appears that the use of reduction processes in trade documentation will be prevalent in the future, and that smaller forms are sufficient for Customs purposes, provided that they are legible and usable.

In view of the foregoing, it is advisable to amend the Customs Regulations to allow the importing public to use the described forms, and authorize Customs officers to accept them.

Accordingly, § 4.99, Customs Regulations, is amended to read as follows:

§ 4.99 Forms: Substitution.

Customs Forms 1300, 1301, 1303, and 1304 printed by private parties or foreign governments shall be accepted provided the forms so printed conform to the official Customs forms in size (except that such forms may be up to 14 inches in length), wording, arrangement, style, size of type, and paper specifications. Customs Forms 7527–A and 7527–B printed by private parties or foreign governments shall be accepted provided the forms so printed conform to the official Customs forms in size (except that the Customs Form 7527–A may be reduced in size to not less than 11" x 8½"), wording, arrangement, style, size of type, and paper specifications. Forms not complying with the requirements of this section are not acceptable without the specific approval of the Commissioner of Customs. If instructions are printed on the reverse of any of the official Customs forms, such instructions may be omitted (although such instructions must be followed).

(R.S. 251, as amended, sec. 624, 46 Stat. 759; 5 U.S.C. 301, 19 U.S.C. 66, 1624)

Because this amendment merely relaxes a present requirement and requires no public initiative, notice and public procedure thereon is found to be unnecessary, and good cause exists for dispensing with a delayed effective date under the provisions of 5 U.S.C. 553.

Effective date. This amendment shall be effective on August 3, 1973.

[SEAL] VERNON D. ACREE, *Commissioner of Customs.*

Approved: July 25, 1973.

EDWARD L. MORGAN, *Assistant Secretary of the Treasury.*

[FR Doc.73–16069; Filed 8–2–73;8:45 am]

[1] Effective August 1, 1973, the heading of 19 CFR Ch. I is changed from "Bureau of Customs, Department of Treasury" to read as set forth above.

Title 21—Food and Drugs

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Nitrites and/or Nitrates Combined With Spices in Curing Premixes

Correction

In FR Doc. 73–14945 appearing at page 19218 in the issue of Thursday, July 19, 1973, make the following changes:

1. In the sixth line of the second complete paragraph in the third column on page 19218, the word "nitrates" should read "nitrites".

2. In the first line of § 121.4002 on page 19219, the date "January 15, 1973", should read "January 19, 1974".

SUBCHAPTER C—DRUGS

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

Fluocinolone Acetonide Solution, Veterinary

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (15–298V) filed by Syntex Laboratories, Inc., Stanford Industrial Park, Palo Alto, CA 94304, proposing the safe and effective use of fluocinolone acetonide solution, veterinary for the treatment of dogs and cats. The supplemental application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 135a is amended by adding a new section as follows:

§ 135a.52 Fluocinolone acetonide solution, veterinary.

(a) *Specifications.* The drug contains 0.01 percent fluocinolone acetonide in propylene glycol with citric acid.

(b) *Sponsor.* See code No. 036 in § 135.501(c) of this chapter.

(c) *Conditions of use.* (1) The drug is indicated for the relief of pruritus and inflammation associated with otitis externa and certain superficial acute and chronic dermatoses in the dog. It is also indicated for the relief of pruritus and inflammation associated with acute otitis externa and certain superficial acute and chronic dermatoses in the cat.

(2) A small amount of solution is applied to the affected area 2 or 3 times daily.

(3) Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Effective date. This order shall be effective August 3, 1973.

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i))

Dated: July 26, 1973.

C. D. VAN HOUWELING, *Director, Bureau of Veterinary Medicine.*

[FR Doc.73–16001 Filed 8–2–73;8:45 am]

PART 135b—NEW ANIMAL DRUGS FOR IMPLANTATION OR INJECTION

Promazine Hydrochloride

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (10–782V) filed by Wyeth Laboratories, Division of American Home Products Corp., Post Office Box 8299, Philadelphia, Pa. 19101 proposing revised labeling for the safe and effective use of promazine hydrochloride for the treatment of animals. The supplemental application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 135b is amended by adding a new section as follows:

§ 135b.60 Promazine hydrochloride injection, veterinary.

(a) *Chemical name.* 10-[3-(Dimethylamino)propyl] phenothiazine monohydrochloride

(b) *Specifications.* The products contains 50 milligrams of promazine hydrochloride in each milliliter of sterile aqueous solution.

(c) *Sponsor.* See code No. 040 in § 135.501(c) of this chapter.

(d) Conditions of use. (1) It is administered either intramuscularly or intravenously to horses at a dosage level of 0.2

milligram to 0.5 milligram per pound of body weight and to dogs and cats at 1 milligram to 3 milligrams per pound of body weight every 4 to 6 hours as a tranquilizer or preanesthetic.

(2) It is not to be used in conjunction with organophosphates because their toxicity may be potentiated, nor with procaine hydrochloride as its activity may be increased.

(3) Not for use in horses intended for food.

(4) Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Effective date. This order shall be effective August 3, 1973.

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i))

Dated: July 30, 1973.

C. D. VAN HOUWELING,
Director,
Bureau of Veterinary Medicine.

[FR Doc.73-16000 Filed 8-2-73;8:45 am]

PART 135b—NEW ANIMAL DRUGS FOR IMPLANTATION OR INJECTION

Levamisole Phosphate

The Commissioner of Food and Drugs has evaluated a new animal drug application (49-553V) filed by American Cyanamid Co., Post Office Box 400, Princeton, NJ 08540, proposing the safe and effective use of levamisole phosphate injection, veterinary for use as an anthelmintic in cattle. The application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 135b is amended by adding a new section as follows:

§ 135b.91 Levamisole phosphate injection, veterinary.

(a) *Specifications.* Each milliliter of levanisole phosphate injection veterinary contains levamisole phosphate equivalent to 182 milligrams of levamisole hydrochloride in sterile aqueous solution.

(b) *Sponsor.* See code No. 004 in § 135.501(c) of this chapter.

(c) *Conditions of use.* (1) The drug is administered by subcutaneous injection to cattle as an anthelmintic against the following nematode infections: stomach worms (*Haemonchus, Trichostrongylus, Ostertagia*), intestinal worms (*Trichostrongylus, Cooperia, Nematodirus, Bunostomum, Oesophagostomum*) and lungworms (*Dictyocaulus*).

(2) It is administered subcutaneously in the mid-neck region at the rate of 2 milliliters per 100 pounds of body weight. Cattle maintained under conditions of constant helminth exposure may require retreatment within 2 to 4 weeks after the first treatment.

(3) Consult veterinarian before using in severely debilitated animals.

(4) Do not administer to cattle within 7 days of slaughter for food. Do not administer to dairy animals of breeding age.

Effective date. This order shall be effective August 3, 1973.

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i))

Dated: July 26, 1973.

C. D. VAN HOUWELING,
Director,
Bureau of Veterinary Medicine.

[FR Doc.73-15997 Filed 8-2-73;8:45 am]

PART 135b—NEW ANIMAL DRUGS FOR IMPLANTATION OR INJECTION

PART 135c—NEW ANIMAL DRUGS IN ORAL DOSAGE FORMS

Triflupromazine Hydrochloride Injection, Veterinary, Triflupromazine Hydrochloride Tablets, Veterinary

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (11-482V) filed by E. R. Squibb & Sons, Georges Rd., New Brunswick, NJ 08902, proposing revised labeling for the safe and effective use of triflupromazine hydrochloride injection, veterinary for use in dogs, cats, and horses; and triflupromazine hydrochloride tablets, veterinary for use in dogs and cats. The supplemental application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Parts 135b and 135c (21 CFR Parts 135b and 135c) are amended as follows:

1. Part 135b is amended by adding the following new section:

§ 135b.95 Triflupromazine hydrochloride injection, veterinary.

(a) *Specifications.* Triflupromazine hydrochloride injection, veterinary contains 20 milligrams of triflupromazine hydrochloride in each milliliter of sterile aqueous solution.

(b) *Sponsor.* See code No. 035 in § 135.501(c) of this chapter.

(c) *Conditions of use.* (1) The drug is used in dogs, cats, and horses to relieve anxiety and to help control psychomotor overactivity as well as to increase the tolerance of animals to pain and pruritus. The drug is indicated in various office and clinical procedures which require the aid of a tranquilizer, antiemetic, or preanesthetic.

(2) The drug is administered to dogs either intravenously at a dosage level of 0.5 to 1 milligram per pound of body weight daily, or intramuscularly at a dosage level of 1 to 2 milligrams per pound of body weight daily. It is administered to cats intramuscularly at a dosage level of 2 to 4 milligrams per pound of body weight daily. It is administered to horses intravenously or intramuscularly at a dosage level of 10 to 15 milligrams per 100 pounds of body weight daily to a maximum dose of 100 milligrams.

(3) Not for use in horses intended for food.

(4) Do not use in conjunction with organophosphates and/or procaine hydrochloride, because phenothiazines may potentitate the toxicity of organophosphates and the activity of procaine hydrochloride.

(5) Federal law restricts this drug to use by or on the order of a licensed veterinarian.

2. Part 135c is amended by adding the following new section:

§ 135c.112 Triflupromazine hydrochloride tablets, veterinary.

(a) *Specifications.* Each tablet contains either 10 milligrams or 25 milligrams of triflupromazine hydrochloride.

(b) *Sponsor.* See code No. 035 in § 135.501(c) of this chapter.

(c) *Conditions of use.* (1) The drug is used in dogs and cats to relieve anxiety and to help control psychomotor overactivity as well as to increase the tolerance of animals to pain and pruritus. The drug is indicated in various office and clinical procedures which require the aid of a tranquilizer, antiemetic, or preanesthetic.

(2) The drug is administered orally to dogs and cats at a dosage level of 1 to 2 milligrams per pound of body weight daily; an initial dosage at the 2-milligrams level is suggested followed by daily doses at the 1-milligram level. Frequently, the drug may be withdrawn after 4 to 5 days, with drug effect continuing after withdrawal.

(3) Do not use in conjunction with organophosphates and/or procaine hydrochloride, because phenothiazines may potentiate the toxicity of organophosphates and the activity of procaine hydrochloride.

(4) Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Effective date. This order shall become effective August 3, 1973.

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i))

Dated: July 30, 1973.

C. D. VAN HOUWELING,
Director,
Bureau of Veterinary Medicine.

[FR Doc.73-15999 Filed 8-2-73;8:45 am]

PART 135c—NEW ANIMAL DRUGS IN ORAL DOSAGE FORMS

Anthelin Tablets

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (7-226V) filed by Jensen-Salsbery Laboratories, Division of Richardson-Merrell Inc., Kansas City, MO 64141, proposing the safe and effective use of anthelin tablets, veterinary for the treatment of dogs. The supplemental application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 135c is amended by adding a new section as follows:

§ 135c.116 Anthelin tablets, veterinary.

(a) *Specifications.* Anthelin tablets, veterinary contain anthelin as the active ingredient.

(b) *Sponsor.* See code No. 062 in § 135.501(c) of this chapter.

(c) *Conditions of use.* (1) The drug is used for the removal of tapeworms (*Taenia* and *Dipylidium spp.*) from dogs.

(2) The tablets are administered orally to dogs at a dosage level of 4.7 milligrams of anthelin per pound of body weight up to a maximum dosage of 211.5 milligrams of anthelin for dogs 45 pounds or over. Only milk is fed 24 hours prior to treatment. The dosage is repeated in one week if indicated.

(3) Do not administer to sick, feverish, weak or undernourished dogs. Depression, nausea, vomiting and colic are signs of overdosage. If vomiting is a problem, a light feeding within 1 hour after administering the drug is recommended. If no catharsis occurs within 3 hours an enema will facilitate passage of large masses of tapeworms. Dogs may be fed their normal ration 4 to 8 hours after medication.

Effective date. This order shall be effective August 3, 1973.

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i))

Dated: July 26, 1973.

C. D. VAN HOUWELING,
Director,
Bureau of Veterinary Medicine.

[FR Doc.73-15998 Filed 8-2-73;8:45 am]

PART 135c—NEW ANIMAL DRUGS IN ORAL DOSAGE FORMS

Butonate Liquid Veterinary

Correction

In FR Doc. 73-14748 appearing on page 19219 in the issue of Thursday, July 19, 1973, make the following changes:

1. In the seventh line of the first paragraph, "note" should read "nate".

2. In § 135c.78(a), the chemical name "O,O-Dimethyl (2,2,2 - trichloro - 1 - n - butyryl - oxyethyl phosphonate" should read "O,O - Dimethyl (2,2,2 - trichloro - 1 - n - butyryl - oxyethyl) phosphonate".

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER A—INCOME TAX

[T.D. 7283]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Income Tax Regulations; Amendments Relating to DISC's

By a notice of proposed rulemaking appearing in the FEDERAL REGISTER for Friday, January 5, 1973 (38 FR 883), amendments to the Income Tax regulations (26 CFR Part 1) under sections 246(b), 246(d), 246(e), 901(d), 922, 931(a), 931(d), and 1014(d) of the Internal Revenue Code of 1954 were proposed in order to provide certain technical rules relating to DISC's. After consideration of all such relevant matters as were presented by interested persons regarding the rules proposed, it was determined that only certain nonsubstantive, technical changes should be made. Subject to such changes, the amendments of the regulations as proposed are adopted by this document.

Where the amendments refer to regulations under section 997 of the Code, the reference is intended to refer to such regulations as finally adopted. This procedure is being followed because of the need for immediate guidance with respect to the provisions contained in this Treasury decision. Proposed regulations corresponding to such reference, which can be used for informational purposes, have been published with a notice of proposed rule making in the FEDERAL REGISTER for Friday, December 29, 1972 (37 FR 28754).

Adoption of amendments to the regulations. On Friday, January 5, 1973, a notice of proposed rule making was published in the FEDERAL REGISTER (38 FR 883) in order to conform the Income Tax regulations (26 CFR Part 1) to section 246(b) of the Internal Revenue Code of 1954, section 246(d) of such Code (as added by section 502(a) of the Revenue Act of 1971 (85 Stat. 549)), to section 901(d) of such Code (as amended by section 502(b)(1) of such Revenue Act), to section 922 of such Code (as amended by section 502(c) of such Revenue Act), to section 931(a) of such Code (as amended by section 502(d) of such Revenue Act), to section 931(d) of such Code, to section 1014(d) of such Code (as added by section 502(f) of such Revenue Act), and to certain provisions of section 501 of such Revenue Act. After consideration of all such relevant matters as were presented by interested persons regarding the rules proposed, the following regulations are hereby adopted, effective for taxable years ending after December 31, 1971:

PARAGRAPH 1. Section 1.246 is amended by revising section 246(b)(1), by adding paragraphs (d) and (e) to section 246, and by amending the historical note. These amended and added provisions read as set forth below.

PAR. 2. Section 1.246–4 is added immediately after § 1.246–3. This added provision reads as set forth below.

PAR. 3. Section 1.301–1 is amended by redesignating paragraph (o) as paragraph (p) and by adding a new paragraph (o). This added provision reads as set forth below.

PAR. 4. Section 1.901–1 is amended by adding a paragraph (i). This added provision reads as set forth below.

PAR. 5. Section 1.902–3 is amended by adding a sentence at the end of paragraph (a)(1). This added provision reads as set forth below.

PAR. 6. Section 1.902–4 is amended by adding a sentence at the end of paragraph (a). This added provision reads as set forth below.

PAR. 7. Section 1.922 is amended by revising section 922 and by adding a historical note. These amended and added provisions read as set forth below.

PAR. 8. Section 1.922–1 is amended by adding a paragraph (c). This added provision reads as set forth below.

PAR. 9. Section 1.931 is amended by revising so much of section 931(a)(2) as follows section 931(a)(2)(A), by revising section 931(d), and by adding a historical note. These amended and added provisions read as set forth below.

PAR. 10. Section 1.931–1 is amended by adding a paragraph (j). This added provision reads as set forth below.

§ 1.931–1 Citizens of the United States and domestic corporations deriving income from sources within a certain possession of the United States.

PAR. 11. Section 1.1014 is amended by adding a subsection (d) and by revising the historical note. These amended and added provisions read as set forth below.

§ 1.1014 Statutory provisions; basis of property acquired from a decedent.

PAR. 12. Section 1.1014–1 is amended by revising paragraph (b). This amended provision reads as set forth below.

§ 1.1014–1 Basis of property acquired from a decedent.

* * * * *

PAR. 13. Section 1.1014–9 is added immediately after § 1.1014–8. This added provision reads as set forth below.

§ 1.1014–9 Special rule with respect to DISC stock.

(Section 7805, Internal Revenue Code of 1954, 68A Stat. 917; 26 U.S.C. 7805)

Approved: July 27, 1973.

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

FREDERIC W. HICKMAN,
Assistant Secretary of the Treasury.

PARAGRAPH 1. Section 1.246 is amended by revising section 246(b)(1), by adding subsections (d) and (e) to section 246, and by amending the historical note. These amended and added provisions read as follows:

§ 1.246 Statutory provisions; rules applying to deductions for dividends received.

SEC. 246. *Rules applying to deductions for dividends received.* * * *

(b) *Limitation on aggregate amount of deductions*—(1) *General rule.* Except as provided in paragraph (2), the aggregate amount of the deductions allowed by sections 243(a)(1), 244(a), and 245 shall not exceed 85 percent of the taxable income computed without regard to the deductions allowed by sections 172, 243(a)(1), 244(a), 245, and 247, and without regard to any capital loss carryback to the taxable year under section 1212(a)(1).

* * * * *

(d) *Dividends from a DISC or former DISC.* No deduction shall be allowed under section 243 in respect of a dividend from a corporation which is a DISC or former DISC (as defined in section 992(a)) to the extent such dividend is paid out of the corporations' accumulated DISC income or previously taxed

income, or is a deemed distribution pursuant to section 995(b)(1).

(e) *Cross reference.* For special rule relating to mutual savings banks, etc., to which section 593 applies, see section 596.

[Sec. 246 as amended by sec. 18 and sec. 57(c)(2), Technical Amendments Act 1958 (72 Stat. 1614, 1646); sec. 214(b)(2), Rev. Act 1964 (78 Stat. 55); sec. 434(b) and sec. 512(f), Tax Reform Act 1969 (83 Stat. 625, 641); sec. 502(a), Rev. Act 1971 (85 Stat. 549)]

PAR. 2. Section 1.246–4 is added immediately after § 1.246–3. This added provision reads as follows:

§ 1.246–4 Dividends from a DISC or former DISC.

The deduction provided in section 243 (relating to dividends received by corporations) is not allowable with respect to any dividend (whether in the form of a deemed or actual distribution or an amount treated as a dividend pursuant to section 995(c)) from a corporation which is a DISC or former DISC (as defined in section 992(a)(1) or (3) as the case may be) to the extent such dividend is from the corporation's accumulated DISC income (as defined in section 996(f)(1)) or previously taxed income (as defined in section 996(f)(2)) or is a deemed distribution pursuant to section 995(b)(1) in a taxable year for which the corporation qualifies (or is treated) as a DISC. To the extent that a dividend is paid out of earnings and profits which are not made up of accumulated DISC income or previously taxed income, the corporate recipient is entitled to the deduction provided in section 243 in the same manner and to the same extent as a dividend from a domestic corporation which is not a DISC or former DISC.

PAR. 3. Section 1.301–1 is amended by redesignating paragraph (o) as paragraph (p) and by adding a new paragraph (o). This added provision reads as follows:

§ 1.301–1 Rules applicable with respect to distribution of money and other property.

* * * * *

(o) *Distributions of certain property by DISC's to corporate shareholders.* See § 1.997–1 for the rule that if a corporation which is a DISC or former DISC (as defined in section 992(a)(1) or (3) as the case may be) makes a distribution of property (other than money and other than the obligations of the DISC or former DISC) out of accumulated DISC income (as defined in section 996(f)(1)) or previously taxed income (as defined in section 996(f)(2)), such distribution of property shall be treated as if it were made to an individual and that the basis of the property distributed, in the hands of the recipient corporation, shall be determined as if such property were distributed to an individual.

* * * * *

PAR. 4. Section 1.901–1 is amended by adding a paragraph (i). This added provision reads as follows:

§ 1.901–1 Allowance of credit for taxes.

* * * * *

(i) *Dividends from a DISC treated as foreign.* For purposes of sections 901 through 906 and the regulations thereunder, any amount treated as a dividend from a corporation which is a DISC or former DISC (as defined in section 992(a)(1) or (3) as the case may be) will be treated as a dividend from a foreign corporation to the extent such dividend is treated under section 861(a)(2)(D) as income from sources without the United States.

PAR. 5. Section 1.902–3 is amended by adding a sentence at the end of paragraph (a)(1). This added provision reads as follows:

§ 1.902–3 Credit for domestic corporate shareholder of a foreign corporation (after amendment by Revenue Act of 1962).

(a) *Domestic shareholder owning stock in a first-tier corporation*—(1) *In general.* * * * For purposes of this section and § 1.902–5, a DISC or former DISC shall be treated as if it were a foreign corporation, but only with respect to dividends from the DISC or former DISC to the extent such dividends are treated under section 861(a)(2)(D) as income from sources without the United States.

* * * * *

PAR. 6. Section 1.902–4 is amended by adding a sentence at the end of paragraph (a). This added provision reads as follows:

§ 1.902–4 Definition of less developed country corporation for purposes of section 902.

(a) *In general.* * * * A DISC or former DISC shall not be treated as a less developed country corporation for purposes of section 902.

* * * * *

PAR. 7. Section 1.922 is amended by revising section 922 and by adding a historical note. These amended and added provisions read as follows:

§ 1.922 Statutory provisions; special deduction.

SEC. 922. *Special deduction.* In the case of a Western Hemisphere trade corporation there shall be allowed as a deduction in computing taxable income an amount computed as follows—

(1) First determine the taxable income of such corporation computed without regard to this section.

(2) Then multiply the amount determined under paragraph (1) by the fraction—

(A) The numerator of which is 14 percent, and

(B) The denominator of which is that percentage which equals the sum of the normal tax rate and the surtax rate for the taxable year prescribed by section 11.

No deduction shall be allowed under this section to a corporation for a taxable year for which it is a DISC or in which it owns at any time stock in a DISC or former DISC (as defined in section 992(a)).

(Sec. 922 as amended by sec. 502(c), Rev. Act 1971 (85 Stat. 550))

PAR. 8. Section 1.922–1 is amended by adding a paragraph (c). This added provision reads as follows:

§ 1.922–1 Special deduction of Western Hemisphere trade corporation.

* * * * *

(c) *Denial of deduction for a DISC or shareholder thereof.* The special deduction provided by section 922 is not allowed to a corporation for a taxable year (1) for which it qualifies (or is treated) as a DISC or (2) during which it owns directly or indirectly at any time stock in a corporation which, at such time, is (or is treated as) a DISC or former DISC. (See section 922(a)(1) and (3), respectively, for the definitions of the terms "DISC" and "former DISC".) For example, assume X corporation and Y corporation have the same taxable years. On the first day of its taxable year X owns and sells all of the stock in Y. Y on such day owns and sells all of the stock in Z corporation and Z qualifies as a DISC as of such day. Neither X nor Y will be eligible for the special deduction provided by section 922 for their taxable years. Z will likewise not be eligible for the special deduction for the taxable year for which it qualifies as a DISC.

PAR. 9. Section 1.931 is amended by revising so much of section 931(a)(2) as follows section 931(a)(2)(A), by revising section 931(d), and by adding a historical note. These amended and added provisions read as follows:

§ 1.931 Statutory provisions; income from sources within possessions of the United States.

SEC. 931. *Income from sources within possessions of the United States*—(a) *General rule.* * * *

(2) *Trade or business.* * * *

(B) In the case of such citizen, 50 percent or more of his gross income (computed without the benefit of this section) for such period or such part thereof was derived from the active conduct of a trade or business within a possession of the United States either on his own account or as an employee or agent of another.

This section shall not apply in the case of a corporation for a taxable year for which it is a DISC or in which it owns at any time stock in a DISC or former DISC (as defined in section 992(a)).

* * * * *

(d) *Deductions*—(1) *General rule.* Except as otherwise provided in this subsection and subsection (e), in the case of persons entitled to the benefits of this section the deductions shall be allowed only if and to the extent that they are connected with income from sources within the United States; and the proper apportionment and allocation of the deductions with respect to sources of income within and without the United States shall be determined as provided in part I, under regulations prescribed by the Secretary or his delegate.

(2) *Exceptions.* The following deductions shall be allowed whether or not they are connected with income from sources within the United States:

(A) The deduction, for losses not connected with the trade or business if incurred in transactions entered into for profit, allowed by section 165(c)(2), but only if the profit, if such transaction had resulted in a profit, would be taxable under this subtitle.

(B) The deduction, for losses of property not connected with the trade or business if arising from certain casualties or theft, allowed by section 165(c)(3), but only if the loss is of property within the United States.

(C) The deduction for charitable contributions and gifts allowed by section 170.

(3) *Deduction disallowed.* For disallowance of standard deduction, see section 142(b)(2).

* * * * *

[Sec. 931 as amended by sec. 107, Foreign Investors Tax Act 1966 (80 Stat. 1571); sec. 502(d), Rev. Act 1971 (85 Stat. 550)]

PAR. 10. Section 1.931–1 is amended by adding a paragraph (j). This added provision reads as follows:

§ 1.931–1 Citizens of the United States and domestic corporations deriving income from sources within a certain possession of the United States.

* * * * *

(j) *Nonapplication to a DISC or shareholder thereof.* Section 931 does not apply to a corporation for a taxable year (1) for which it qualifies (or is treated) as a DISC or (2) during which it owns directly or indirectly at any time stock in a corporation which, at such time, is (or is treated as) a DISC or former DISC. (See section 992(a)(1) and (3), respectively, for the definitions of the terms "DISC" and "former DISC".) For example, assume X corporation and Y corporation have the same taxable years. On the first day of its taxable year, X owns and sells all of the stock in Y. Y on such day owns and sells all of the stock in Z corporation, and Z qualifies as a DISC as of such day. Section 931 will not apply to X and Y for their taxable years. Section 931 will likewise not apply to Z for the taxable year for which it qualifies as a DISC.

PAR. 11. Section 1.1014 is amended by adding a subsection (d) and by revising the historical note. These amended and added provisions read as follows:

§ 1.1014 Statutory provisions; basis of property acquired from a decedent.

SEC. 1014. *Basis of property acquired from a decedent.* * * *

(d) *Special rule with respect to DISC stock.* If stock owned by a decedent in a DISC or former DISC (as defined in section 992(a)) acquires a new basis under subsection (a), such basis (determined before the application of this subsection) shall be reduced by the amount (if any) which would have been included in gross income under section 995(c) as a dividend if the decedent had lived and sold the stock at its fair market value on the estate tax valuation date. In computing the gain the decedent would have had if he had lived and sold the stock, his basis shall be determined without regard to the last sentence of section 996(e)(2) (relating to reductions of basis of DISC stock). For purposes of this subsection, the estate tax valuation date is the date of the decedent's death or, in the case of an election under section 2032, the applicable valuation date prescribed by that section.

(Sec. 1014 as amended by sec. 2, Act of February 11, 1958 (Public Law 85–320, 72 Stat. 5); sec. 502(f), Rev. Act 1971 (85 Stat. 550))

PAR. 12. Section 1.1014–1 is amended by revising paragraph (b). This amended provision reads as follows:

§ 1.1014–1 Basis of property acquired from a decedent.

* * * * *

(b) *Scope and application.* With certain limitations, the general rule described in paragraph (a) of this section is applicable to the classes of property described in paragraphs (a) and (b) of § 1.1014–2, including stock in a DISC or former DISC. In the case of stock in a DISC or former DISC, the provisions of this section and §§ 1.1014–2 through 1.1014–8 are applicable, except as provided in § 1.1014–9. Special basis rules with respect to the basis of certain other property acquired from a decedent are set forth in paragraph (c) of § 1.1014–2. These special rules concern certain stock or securities of a foreign personal holding company and the surviving spouse's one-half share of community property held with a decedent dying after October 21, 1942, and on or before December 31, 1947. In this section and §§ 1.1014–2 to 1.1014–6, inclusive, whenever the words "property acquired from a decedent" are used, they shall also mean "property passed from a decedent", and the phrase "person who acquired it from the decedent" shall include the "person to whom it passed from the decedent."

* * * * *

PAR. 13. Section 1.1014–9 is added immediately after § 1.1014–8. This added provision reads as follows:

§ 1.1014–9 Special rule with respect to DISC stock.

(a) *In general.* If property consisting of stock of a DISC or former DISC (as defined in section 992(a)(1) or (3) as the case may be) is considered to have been acquired from a decedent (within the meaning of paragraph (a) or (b) of § 1.1014–2), the uniform basis of such stock under section 1014, as determined pursuant to §§ 1.1014–1 through 1.1014–8 shall be reduced as provided in this section. Such uniform basis shall be reduced by the amount (hereinafter referred to in this section as the amount of reduction), if any, which the decedent would have included in his gross income under section 995(c) as a dividend if the decedent had lived and sold such stock at its fair market value on the estate tax valuation date. If the alternate valuation date for Federal estate tax purposes is elected under section 2032, in computing the gain which the decedent would have had if he had lived and sold the stock on the alternate valuation date, the decedent's basis shall be determined with reduction for any distributions with respect to the stock which may have been made, after the date of the decedent's death and on or before the alternate valuation date, from the DISC's previously taxed income (as defined in section 996(f)(2)). For this purpose, the last sentence of section 996(e)(2) (relating to reductions of basis of DISC stock) shall not apply. For purposes of this section, if the corporation is not a DISC or former DISC at the date of the decedent's death but is a DISC for a taxable year which begins after such date and on or before the alternate valuation date, the corporation will be considered to be a DISC or former DISC only if the alternate valuation date is elected. The provisions of this paragraph apply with respect to stock of a DISC or former DISC which is included in the gross estate of the decedent, including but not limited to property which—

(1) Is acquired from the decedent before his death, and the entire property is subsequently included in the decedent's gross estate for estate tax purposes, or

(2) Is acquired property described in paragraph (d) of § 1.1014–3.

(b) *Portion of property acquired from decedent before his death included in decedent's gross estate.*—(1) *In general.* In cases where, due to the operation of the estate tax, only a portion of property which consists of stock of a DISC or former DISC and which is acquired from a decedent before his death is included in the decedent's gross estate, the uniform basis of such stock under section 1014, as determined pursuant to § 1.1014–1 through § 1.1014–8, shall be reduced by an amount which bears the same ratio to the amount of reduction which would have been determined under paragraph (a) of this section if the entire property consisting of such stock were included in the decedent's gross estate as the value of such property included in the decedent's gross estate bears to the value of the entire property. (2) *Example.* The provisions of this paragraph may be illustrated by the following example: *Example.* The decedent creates a trust during his lifetime to pay the income to A for life, remainder to B or his estate. The trust instrument further provides that if the decedent should survive A, the income shall be paid to the decedent for life. The decedent predeceases A, so that, due to the operation of the estate tax, only the present value of the remainder interest is included in the decedent's gross estate. The trust consists of 100 shares of the stock of X corporation (which is a DISC at the time the shares are transferred to the trust and at the time of the decedent's death) with an adjusted basis immediately prior to the decedent's death of $10,000 (as determined under section 1015). At the time of the decedent's death the value of the stocks is $20,000, and the value of the remainder interest in the hands of B is $8,000. Applying the principles of paragraph (b)(3)(i) of § 1.1014–6, the unifrom basis of the entire property following the decedent's death, prior to reduction pursuant to this paragraph, is $14,000. The amount of reduction which would have been determined under paragraph (a) of this section if the entire property consisting of such stock of X

corporation were included in the decedent's gross estate is $5,000 The uniform basis of the entire property following the decedent's death, as reduced pursuant to this paragraph, is $12,000, computed as follows:

Uniform basis under section 1014(a), prior to reduction pursuant to this paragraph	$14,000
Less decrease in uniform basis (determined by the following formula)	2,000

Reduction in uniform basis (to be determined)	=	$8,000 (value of property included in gross estate)
$5,000 (amount of reduction if paragraph (a) applied)		$20,000 (value of entire property)

Uniform basis under section 1014(a) reduced pursuant to this paragraph	12,000

(c) *Estate tax valuation date.* For purposes of section 1014(d) and this section, the estate tax valuation date is the date of the decedent's death or, in the case of an election under section 2032, the applicable valuation date prescribed by that section.

(d) *Examples.* The provisions of this section may be illustrated by the following examples:

Example (1). At the date of A's death, his DISC stock has a fair market value of $100. The estate does not elect the alternate valuation allowed by section 2032, and A's basis in such stock is $60 at the date of his death. The person who acquires such stock from the decedent will take as a basis for such stock its fair market value at A's death ($100), reduced by the amount which would have been included in A's gross income under section 995(c) as a dividend if A had sold stock on the date he died. Thus, if the amount that would have been treated as a dividend under section 995(c) were $30, such person will take a basis of $70 for such stock ($100, reduced by $30). If such person were immediately to sell the DISC stock so received for $100, $30 of the proceeds from the sale would be treated as a dividend by such person under section 995(c).

Example (2). Assume the same facts as in example (1) except that the estate elects the alternate valuation allowed by section 2032, the DISC stock has a fair market value of $140 on the alternate valuation date, the amount that would have been treated as a dividend under section 995(c) in the event of a sale on such date is $50 and the DISC has $20 of previously taxed income which accrued after the date of the decedent's death and before the alternate valuation date. The basis of the person who acquires such stock will be $90 determined as follows:

(1) Fair market value of DISC stock at alternate valuation date	$140
(2) Less: Amount which would have been treated as a dividend under section 995(c)	50
(3) Basis of person who acquires DISC stock	90

If a distribution of $20 attributable to such previously taxed income had been made by the DISC on or before the alternate valuation date (with the DISC stock having a fair market value of $120 after such distribution), the basis of the person who acquires such stock will be $70 determined as follows:

(1) Fair market value of DISC stock at alternate valuation date	$120
(2) Less: Amount which would have been treated as a dividend under section 995(c)	50
(3) Basis of person who acquires DISC stock	70

[FR Doc.73-16003 Filed 8-2-73;8:45 am]

[T.D. 7284]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Requirements for Reporting Certain Information on Forms W-3, W-2, 1096, 1099, and 1042S

Amendments to the Income Tax Regulations under sections 6041, 6052, 6071, and 6091 were first published as a notice of proposed rule making on January 31, 1967 (32 FR 1091). The purpose of those proposed amendments was to require the reporting of all forms of taxable compensation on Forms W-3 and W-2 rather than on a combination of Forms W-3, W-2, 1096, and 1099. This consolidation of compensation on Forms W-3 and W-2 was designed to augment the Service's increasing use of automatic data processing procedures for the utilization of information documents. Among the rules proposed in the notice was one requiring that all forms of compensation paid to, or for the benefit of, a particular employee, including group-term life insurance purchased for the employee, be reported on a single Form W-2. Another proposed rule required the reporting of commissions paid to full-time life insurance salesmen on Form W-2.

On Tuesday, November 21, 1972, a revised notice of proposed rulemaking was published in the Federal Register (37 FR 24757) withdrawing the prior 1967 notice of proposed rulemaking and setting forth revised requirements for reporting certain information on Forms W-3, W-2, 1096, 1099, and 1042S.

The revised notice of proposed rulemaking responded to the comments received following publication of the 1967 notice by allowing, in general, the reporting of information on multiple Forms W-2 at the election of the employer. The revised notice permits wages paid in the form of group-term life insurance to be reported on a separate Form W-2 or, in the case of a full-time life insurance salesman whose commissions are reported on Form 1099. The revised notice also permits a life insurance company to report all payments of commissions to full-time life insurance salesmen on Form W-2 or on Form 1099. With respect to any one company, however, one form or the other must be used exclusively. There is also a corresponding rule for group-term life insurance on the lives of full-time life insurance salesmen. If commissions are reported on Form W-2, Form W-2 must be used to report group-term life insurance. If commissions are reported on Form 1099, Form 1099 must also be used for group-term life insurance. Another change made by the revised notice is to specifically include as an amount reportable on Forms 1096 and 1099 contributions to a qualified retirement plan which are used to purchase life insurance protection and are taxable to plan participants by reason of section 72(m)(3)(B).

The amendments of the regulations as adopted by this document, however, do not reflect the proposed amendment to the Income Tax Regulations under section 6041 contained in the notice of proposed rule making dealing with the character of total distributions from qualified plans paid after December 31, 1969, which was published in the FEDERAL REGISTER of June 12, 1971 (36 FR 11442, 11450).

ADOPTION OF AMENDMENTS TO THE REGULATIONS

After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed in the revised notice of proposed rulemaking published in the FEDERAL REGISTER (37 FR 24757) on Tuesday, November 21, 1972, the amendments of the regulations as so proposed are hereby adopted without change.

(Sec. 7805, Internal Revenue Code of 1954, 68A Stat. 917; 26 U.S.C. 7805)

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

Approved: July 30, 1973.

JOHN H. HALL,
Deputy Assistant Secretary of the Treasury.

PARAGRAPH 1. Section 1.1461-2 is amended by revising paragraph (c)(1) to read as follows:

§ 1.1461-2 Return of tax withheld.

* * * * *

(c) *Form 1042S*—(1) *Filing requirement.* Every withholding agent shall make on or before March 15 an annual information return on Form 1042S of all items of income specified in § 1.1441-2 paid during the previous calendar year to nonresident alien individuals, foreign partnerships, or foreign corporations if such items consist of—

(i) Amounts upon which tax was required to be withheld under chapter 3 of the Code,

(ii) Amounts upon which tax would have been required to be withheld under such chapter but for an exclusion from gross income applicable under any income tax convention to which the United States is a party,

(iii) Amounts upon which tax would have been required to be withheld under such chapter but for the provisions of any specific exemption from withholding applicable under the authority of any regulation under this title or any ruling or procedure of the Commissioner, or

(iv) Amounts in respect of which tax withheld under such chapter has, pursuant to such authority, been released or refunded to the payee by the withholding agent.

Notwithstanding subdivisions (i) through (iv) of this subparagraph, income paid to nonresident alien individuals, foreign partnerships, or foreign corporations and required to be shown on Form W-2, or in the case of income

paid prior to January 1, 1972, on Form 1001 (or on any special variation of Form 1001 referred to in paragraph (i) of § 1.1461–1, or the substitute thereof) is not required to be shown on Form 1042S. However, a return under this subparagraph is required on Form 1042S (rather than on Form W–2) in respect of amounts which otherwise would be required to be shown on Form W–2 solely by reason of § 1.6041–2 (relating to return of information as to payments to employees) or § 1.6052–1 (relating to information regarding payments of wages in the form of group-term life insurance). The original and duplicate copies of Form 1042S shall accompany Form 1042 and shall be filed with the Director of International Operations, Internal Revenue Service, Washington, D.C. 20225.

* * * * *

PAR. 2. Section 1.6041–1 is amended by revising paragraphs (a) and (g) to read as follows:

§ 1.6041–1 Return of information as to payments of $600 or more.

(a) *General rule.* (1) Except as provided in § 1.6041–3, every person engaged in a trade or business shall make an information return for each calendar year with respect to payments made by him during the calendar year in the course of his trade or business to another person of fixed or determinable—

(i) Salaries, wages, commissions, fees, and other forms of compensation for services rendered aggregating $600 or more;

(ii) Interest, rents, royalties, annuities, pensions, and other gains, profits, and income aggregating $600 or more; or

(iii) Foreign items, as defined in § 1.6041–4, aggregating $600 or more.

The payments described in subdivisions (i), (ii), and (iii) of this subparagraph shall not include any payments with respect to which a statement is required by, or may be required under authority of, section 6042 (a) (relating to dividends), section 6043(a)(2) (relating to distributions in liquidation) section 6044(a) (relating to patronage dividends), section 6045 (relating to brokers' transactions with customers), or section 6049 (a) (1) and (2) (relating to interest). Thus, the term "interest", as used in subdivision (ii) of this subparagraph, includes all interest other than that coming within the definition of interest provided in § 1.6049–2. For example, a closely held corporation borrows money from one of its officers on a promissory note not in registered form the yearly interest on which is $300. It also pays royalties to such officer amounting to $400 a year. An information return is required under subdivision (ii) of this subparagraph with respect to the payments to such officer since the interest does not come within the definition of interest provided in § 1.6049–2 and the aggregate of the interest and royalty payments is in excess of $600.

(2) *Prescribed form.* The return required by subparagraph (1) of this paragraph shall be made on Forms 1096 and 1099 except that (i) the return with respect to distributions to beneficiaries of a trust or of an estate shall be made on Form 1041, and (ii) the return with respect to certain payments of compensation to an employee by his employer shall be made on Forms W–3 and W–2 under the provisions of § 1.6041–2 (relating to return of information as to payments to employees). See, however, § 1.6041–2(a) (2) for special election applicable to the reporting of commissions paid to full-time life insurance salesmen. Where Form 1099 is required to be filed under this section, a separate Form 1099 shall be furnished for each person to whom payments described in subdivision (i), (ii), or (iii) of subparagraph (1) of this paragraph are made. For time and place for filing Forms 1096 and 1099, see § 1.6041–6.

* * * * *

(g) *Payments made by the United States or a State.* Information returns on—

(1) Forms 1096 and 1099 and

(2) Forms W–3 and W–2 (when made under the provisions of § 1.6041–2)

of payments made by the United States or a State, or political subdivision thereof, or the District of Columbia, or any agency or instrumentality of any one or more of the foregoing, shall be made by the officer or employee of the United States, or of such State, or political subdivision, or of the District of Columbia, or of such agency or instrumentality, as the case may be, having control of such payments or by the officer or employee appropriately designated to make such returns.

PAR. 3. Section 1.6041–2 is amended to read as follows:

§ 1.6041–2 Return of information as to payments to employees.

(a)(1) *In general.* Wages, as defined in section 3401, paid to an employee are required to be reported on Form W–2. See section 6011 and the Employment Tax Regulations thereunder. Except as otherwise provided in subparagraph (2) of this paragraph, all other payments of compensation, including the cash value of payments made in any medium other than cash, to an employee by his employer in the course of the trade or business of the employer must also be reported on Form W–2 if the total of such payments and the amount of the employee's wages (as defined in section 3401), if any, required to be reported on Form W–2 aggregates $600 or more in a calendar year. For example, if a payment of $700 was made to an employee and $400 thereof represents wages subject to withholding under section 3402 and the remaining $300 represents compensation not subject to withholding, such wages and compensation must both be reported on Form W–2. A separate Form W–2 shall be furnished for each employee for whom a return must be made. At the election of the employer, components of amounts required to be reported on Form W–2 pursuant to the provisions of this subparagraph may be reported on more than one Form W–2.

(2) *Certain payments by a life insurance company.* All payments of commissions by a life insurance company to its full-time life insurance salesmen (within the meaning of section 3121(d)(3)(B)) may, at the election of the payer, be reported on Forms 1096 and 1099 rather than on Forms W–3 and W–2. A separate Form 1099 shall be furnished for each employee for whom a return must be made. For contents and time and place for filing Forms 1096 and 1099, see § 1.6041–6.

(3) *Transmittal form.* The transmittal form for a return on Form W–2 made pursuant to the provisions of subparagraph (1) of this paragraph shall be Form W–3. In a case where an employer must file a Form W–3 under this paragraph and also under § 31.6011(a)–4 or § 31.6011(a)–5 of this chapter (Employment Tax Regulations), the Form W–3 filed under such § 31.6011(a)–4 or § 31.6011(a)–5 shall also be used as the transmittal form for a return on Form W–2 made pursuant to the provisions of this paragraph.

(4) *Time for filing*—(i) *General rule.* In a case where an employer must file Forms W–3 and W–2 under this paragraph and also under § 31.6011(a)–4 or § 31.6011(a)–5 of this chapter (Employment Tax Regulations), the time for filing such forms under this paragraph shall be the same as the time (including extensions thereof) for filing such forms under § 31.6011(a)–4 or § 31.6011(a)–5.

(ii) *Exception.* In a case where an employer is not required to file Forms W–3 and W–2 under § 31.6011(a)–4 or § 31.6011(a)–5 of this chapter (Employment Tax Regulations), returns on Forms W–3 and W–2 required under this paragraph for any calendar year shall be filed on or before February 28 of the following year.

(iii) *Cross reference.* For extensions of time for filing returns, see section 6081 and the regulations thereunder.

(5) *Place for filing.* The returns on Forms W–3 and W–2 required under this paragraph shall be filed pursuant to the rules contained in § 31.6091–1 of this chapter (Employment Tax Regulations), relating to the place for filing certain returns.

(b) *Distributions under employees' trust or plan.* (1) Amounts which are—

(i) Distributed or made available to a beneficiary, and to which section 402 (relating to employees' trusts) or section 403 (relating to employee annuity plans) applies, or

(ii) Described in section 72(m)(3)(B), shall be reported on Forms 1096 and 1099 to the extent such amounts are includible in the gross income of such beneficiary if the amounts so includible aggregate $600 or more in any calendar year. In addition, every trust described in section 501(c)(17) which makes one or more payments (including separation and sick and accident benefits) totaling $600 or more in 1

year to an individual must file an annual information return on Form 1096, accompanied by a statement on Form 1099, for each such individual. Payments made by an employer or a person other than the trustee of the trust should not be considered in determining whether the $600 minimum has been paid by the trustee. The provisions of this subparagraph shall not be applicable to payments of supplemental unemployment compensation benefits made after December 31, 1970, which are treated as if they were wages for purposes of section 3401(a). Such amounts are required to be reported on Forms W-3 and W-2. See paragraph (b)(14) of § 31.3401(a)-1 of this chapter (Employment Tax Regulations).

(2) Any amount with respect to which a statement is required by § 1.6047-1, relating to employee retirement plans covering owner-employees, shall not be included in amounts required to be reported under section 6041.

(c) *Special rule for calendar years before 1972.* For calendar years before 1972, the provisions of this section will be deemed to have been complied with if the returns for such years were filed in accordance with the provisions of this section in effect prior to [insert date on which final regulations under this section are published in the FEDERAL REGISTER] or with the instructions applicable to the appropriate forms.

PAR. 4. Section 1.6041-3 is amended by revising paragraph (a) to read as follows:

§ 1.6041-3 Payments for which no return of information is required under section 6041.

* * * * *

(a) Payments of income required to be reported on Forms 1042, 1042S, 1000, 1001 (including all special variations thereof), 1120-S, 941, W-3, and W-2 (however, see § 1.6041-2 with respect to Forms W-3 and W-2);

* * * * *

PAR. 5. Section 1.6041-6 is amended to read as follows:

§ 1.6041-6 Returns made on Forms 1096 and 1099 under section 6041; contents and time and place for filing.

Returns made under section 6041 on Forms 1096 and 1099 for any calendar year shall be filed on or before February 28 of the following year with any of the Internal Revenue Service Centers, the addresses of which are listed in the instructions for such forms. The name and address of the person making the payment and the name and address of the recipient of the payment shall be stated on Form 1099. If the present address of the recipient is not available, the last known post office address must be given. See section 6109 and the regulations thereunder for rules requiring the inclusion of identifying numbers in Form 1099.

PAR. 6. Section 1.6052-1 is amended by revising paragraphs (a) and (b), by redesignating paragraphs (c) and (d) as paragraphs (d) and (e), and by inserting after paragraph (b) a new paragraph (c). These amended and added provisions read as follows:

§ 1.6052-1 Information returns regarding payment of wages in the form of group-term life insurance.

(a) *Requirement of reporting*—(1) *In general.* (i) Every employer, who during any calendar year provides any one of his employees remuneration for services in the form of group-term life insurance on the life of such employee any part of the cost of which is to be included in such employee's gross income as set forth in paragraph (a)(2) of § 1.79-1, shall make a separate return on Form W-2 with respect to each such employee for such year which includes the following information:

(*a*) Name, address, and identifying number of the employer;

(*b*) Name, address, and social security number of the employee; and

(*c*) Total amount includible in the employee's gross income by reason of the provisions of section 79(a), computed as if each employee reported his income on the basis of a calendar year (determined as if the employer making such return is the only employer paying the employee remuneration in the form of group-term life insurance on his life which is includible in his gross income under section 79(a)).

Returns on Form W-2 required to be filed pursuant to the provisions of this section shall be transmitted by Form W-3. In a case where, with respect to the same employee, an employer must make a return on Form W-2 under this section and also under § 31.6011(a)-4 or § 31.6011(a)-5 of this chapter (Employment Tax Regulations), or under § 1.6041-2 (relating to return of information as to payments to employees), such employer may make such returns on the same Form W-2 or on separate Forms W-2. In a case where an employer must file a Form W-3 under this section and also under § 31.6011(a)-4 or § 31.6011(a)-5 of this chapter (Employment Tax Regulations), the Form W-3 filed under such § 31.6011(a)-4 or § 31.6011(a)-5 shall also be used as the transmittal form for a return on Form W-2 made pursuant to the provisions of this section.

(ii) Notwithstanding subdivision (i) of this subparagraph, if a life insurance company has elected, as provided by § 1.6041-2(a)(2), to report all payments of commissions to its full-time life insurance salesmen on Forms 1096 and 1099 rather than on Forms W-3 and W-2, remuneration for services in the form of group-term life insurance on the lives of such salesmen shall be reported on Forms 1096 and 1099. Returns on Form 1099 required to be filed pursuant to the provisions of this section shall include the information prescribed by subdivision (i)(c) of this subparagraph and shall be transmitted by Form 1096. In a case where, with respect to the same full-time life insurance salesman, a life insurance company is required to make a return on Form 1099 under this section and also under § 1.6041-2(a)(2) (relating to return of information as to payments to employees), the life insurance company may make such returns on the same Form 1099 or on separate Forms 1099. See § 1.6041-6 for contents and time and place for filing Forms 1096 and 1099.

(2) *Definitions.* Terms used in subparagraph (1) of this paragraph which are defined in paragraph (b) of § 1.79-1 have the meaning ascribed to them in such paragraph (b).

(b) *Time and place for filing*—(1) *Time for filing*—(i) *General rule.* In a case where an employer must file Forms W-3 and W-2 under this section and also under § 31.6011(a)-4 or § 31.6011(a)-5 of this chapter (Employment Tax Regulations), the time for filing such forms under this section shall be the same as the time (including extensions thereof) for filing such forms under § 31.6011(a)-4 or § 31.6011(a)-5.

(ii) *Exception.* In a case where an employer is not required to file Forms W-3 and W-2 under § 31.6011(a)-4 or § 31.6011(a)-5 of this chapter (Employment Tax Regulations), returns on Forms W-3 and W-2 required under paragraph (a) of this section for any calendar year shall be filed on or before February 28 of the following year.

(iii) *Cross reference.* For extensions of time for filing returns, see section 6081 and the regulations thereunder.

(2) *Place for filing.* The returns on Forms W-3 and W-2 required under paragraph (a) of this section shall be filed pursuant to the rules contained in § 31.6091-1 of this chapter (Employment Tax Regulations), relating to the place for filing certain returns.

(c) *Special rule for calendar years before 1972.* For calendar years before 1972, the provisions of this section will be deemed to have been complied with if the returns for such years were filed in accordance with the provisions of this section in effect prior to (insert date on which final regulations under this section are published in the FEDERAL REGISTER) or with the instructions applicable to the appropriate forms.

* * * * *

PAR. 7. Section 1.6052-2 is amended by redesignating paragraph (d) as paragraph (e), by redesignating paragraph (e) as paragraph (f), by inserting after paragraph (c) a new paragraph (d), and by inserting after paragraph (f) a new paragraph (g). These amended and revised provisions read as follows:

§ 1.6052-2 Statements to be furnished employees with respect to wages paid in the form of group-term life insurance.

* * * * *

(d) *Special rule where Form W-2 or Form 1099 is used.* The provisions of this

paragraph shall apply notwithstanding anything to the contrary in paragraph (b) or (c) of this section. The requirement of this section for the furnishing of a statement to an employee may be satisfied by furnishing to such employee the employee's copy of Form W–2 filed pursuant to § 1.6052–1 in respect of such employee, or, in the case of an election by a life insurance company pursuant to the provisions of § 1.6041–2(a)(2), by furnishing to the full-time life insurance salesman a copy of Form 1099 filed pursuant to § 1.6052–1(a)(1). In a case where the statement furnished by an employer to an employee for purposes of complying with this section is the employee's copy of a Form W–2, or in the case of certain full-time life insurance salesmen a copy of Form 1099, then the rules in § 31.6051–1 of this chapter (Employment Tax Regulations) shall apply with respect to the means and time (including extensions thereof) for furnishing such statements to the employee and making corrections on such form.

* * * * *

(g) *Special rule for calendar years before 1972.* For calendar years before 1972, the provisions of this section will be deemed to have been complied with if the statements for such years were furnished in accordance with the provisions of this section in effect prior to [insert date on which final regulations under this section are published in the FEDERAL REGISTER] or with the instructions applicable to the appropriate forms.

PAR. 8. Paragraph (c)(7) of § 1.6071–1 is amended to read as follows:

§ 1.6071–1 Time for filing returns and other documents.

* * * * *

(c) *Time for filing certain information returns.* * * *

(7) For provisions relating to the time for filing information returns by persons making certain payments, see paragraph (a)(4) of § 1.6041–2 and § 1.6041–6.

* * * * *

PAR. 9. Paragraph (b)(7) of § 1.6091–1 is amended to read as follows:

§ 1.6091–1 Place for filing returns or other documents.

* * * * *

(b) *Place for filing certain information returns.* * * *

(7) For the place for filing returns of information reporting certain payments, see paragraph (a)(5) of § 1.6041–2 and § 1.6041–6.

[FR Doc.73–16006 Filed 8–2–73;8:45 am]

Title 29—Labor

CHAPTER XIV—EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

PART 1601—PROCEDURAL REGULATIONS

Designated 706 Agencies

By virtue of the authority vested in it by section 713(a) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e–12(a), 78 Stat. 265, the Equal Employment Opportunity Commission (hereinafter referred to as the Commission) hereby amends Title 29, Chapter XIV, § 1601.12(k) in accordance with requirements of § 1601.12(g)(1).

The amendment sets forth those state agencies which have been formally designated as 706 agencies as defined in § 1601.12(c) for the purpose of receiving charges deferred by the Commission pursuant to section 706(c) and (d) of Title VII and whose final findings and orders will be accorded substantial weight by the Commission as provided in § 1601.19b(e).

Publication of this list of agencies effectuates their formal designation as 706 Agencies. Additions to this list may be made by the Commission from time to time as amendments to this subsection published in the FEDERAL REGISTER.

Section 1601.12(k) is amended to read as follows:

* * * * *

(k) The designated 706 Agencies are:

1. Alaska Commission for Human Rights
2. Colorado Civil Rights Commission
3. Connecticut Commission on Human Rights and Opportunities
4. Delaware Department of Labor
5. District of Columbia Office of Human Rights
6. Illinois Fair Employment Practices Commission
7. Indiana Civil Rights Commission Rights
8. Michigan Civil Rights Commission
9. Minnesota Department of Human Rights
10. New Hampshire Commission for Human Rights
11. New Jersey Division on Civil Rights, Department of Law and Public Safety
12. Oregon Bureau of Labor
13. Pennsylvania Human Relations Commission
14. South Dakota Human Relations Commission
15. Utah Industrial Commission
16. West Virginia Human Rights Commission
17. Wyoming Fair Employment Practices Commission*

The following agencies which appeared on the list of proposed 706 agencies published in the FEDERAL REGISTER Vol. 38 No. 121 June 25, 1973 have been omitted from the list of formally designated 706 agencies pending the evaluation of comments received by the Commission pursuant to the requirements of § 1601.12(g)(1):

1. Arizona Civil Rights Commission
2. California Fair Employment Practices Commission
3. Massachusetts Commission Against Discrimination
4. New York State Division of Human Rights

(Sec. 713(a), 76 Stat. 265, 42 U.S.C. § 2000e–12(a)).

This amendment is effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C. 27th day of July, 1973.

WILLIAM H. BROWN III,
Chairman.

PROVISIONAL 706 AGENCIES

Pursuant to § 1601.12(d)(1) as amended and published in the FEDERAL REGISTER Vol. 38, No. 121, June 25, 1973, the Equal Employment Opportunity Commission (hereinafter referred to as the Commission) has extended until July 1, 1974, designation of the agencies listed in Chart I below as Provisional 706 Agencies for the purposes of receiving referenced types of charges deferred by the Commission, pursuant to section 706 (c) and (d) of Title VII of the Civil Rights Act of 1964, as amended.

The designations reflected herein were officially adopted by the Commission on April 17, 1972, and extended June 25, 1973. The Commission may, from time to time, amend the designations listed herein by subsequent publications.

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*Will not receive charges alleging violation of § 704(a) of the Civil Rights Act of 1964 [Retaliation Charges].

I—Provisional 706 Agencies

State	Provisional 706 Agency relationships: State FEP law appears to provide enforceable sanctions against discrimination on account of race, color, religion, and national origin, and charges alleging violations on these grounds will be deferred to the agency listed below	Provisional 706 Agency relationships: State FEP law also appears to bar sex discrimination	Provisional 706 Agency relationships: State FEP law appears to provide enforceable sanctions against discrimination by State or local, governments, government agencies, and political subdivisions	No Provisional 706 Agency relationship: State has failed to enact legislation with enforceable sanctions against any practice prohibited by Title VII	Comments
A	B	C	D	E	F
Alabama				X	
Arizona				See chart II	
Arkansas				See chart II	
California	Fair Employment Practice Commission.	X	X		
Florida				X	
Georgia				See chart II	
Hawaii	Department of Labor and Industrial Relations.	X			
Idaho	Commission on Human Rights.	X	X		
Iowa	Civil Rights Commission.	X	X		
Kansas	Commission on Civil Rights.	X	X		
Kentucky	Commission on Human Rights.	X	X		
Louisiana				X	
Maine	Human Rights Commission.	X			Charges alleging sex discrimination will be deferred for 120 days until 10-3-74.
Maryland	Commission on Human Relations.	X	X		
Massachusetts		X	X		
Mississippi					X
Missouri	Commission on Human Rights.	X	X		
Montana				See chart II	
Nebraska	Equal Employment Opportunity Commission.	X	X		
Nevada	Commission on Equal Rights of Citizens.	Commissioner of Labor (but see comments).	X		Although the Commissioner of Labor is responsible for processing complaints alleging sex discrimination by agreement among the EEOC and the 2 Nevada agencies, all complaints will be deferred to the Commission on Equal Rights of Citizens, which will transfer appropriate charge to the Commissioner of Labor.
New Mexico	Human Rights Commission.	X	X		
New York	Division of Human Rights.	X	X		
North Carolina					X
North Dakota				See chart II	
Ohio	Civil Rights Commission.	Dayton Human Relations Council (only those violations which occur within city limits).	X		
Oklahoma	Human Rights Commission.	X	X		
Puerto Rico	Department of Labor.	X	X		
Rhode Island	Commission for Human Rights.	X			
South Carolina				X	
Tennessee				X	
Texas				X	
Vermont				See chart II	
Virginia				X	
Virgin Islands	Commissioner of Public Safety.	Department of Labor.			
Washington	Human Rights Commission.	X	X		
Wisconsin	Department of Industry, Labor and Human Relations.	X	X		

II—PROVISIONAL NOTICE AGENCIES

Pursuant to § 1601.12(d)(2) of Title 29 as amended in the FEDERAL REGISTER, Vol. 38, No. 121, the Equal Employment Opportunity Commission (hereinafter referred to as the Commission) has extended, until July 1, 1974, designation of the agencies and persons listed in Chart II below as Provisional Notice Agencies. With respect to the referenced types of charges, the Commission will (1) note receipt of said charge and serve notice upon the respondent or respondents, (2) schedule the charge for investigation, and (3) inform the agency or person indicated in this chart of the receipt of the charge.

The designations reflected herein were officially adopted by the Commission on April 17, 1972, and extended on June 25, 1973. The Commission may, from time to time, amend the designations listed herein by subsequent public notice.

II—PROVISIONAL NOTICE AGENCIES

State	State law prohibits discrimination on account of race, color, religion, and national origin, and charges alleging violations on these grounds will be forwarded to the agency listed below.	State law bars sex discrimination.	State has enacted a (sex) equal pay statute and agency (or title of person) listed below will be forwarded charges filed alleging violations on these grounds.	State FEP law appears to prohibit discrimination by State or local governments, government agencies, and political subdivisions.
A	B	C	D	E
Arkansas			Commissioner of Labor	
Arizona	Civil Rights Commission	X		X.
Georgia			Commissioner of Labor	
Kentucky			Commissioner of Labor	
Montana	Attorney General	X		X.
North Dakota			Commissioner of Agriculture and Labor.	
Ohio	Director of Industrial Relations.			
Vermont	Attorney General	X		

[FR Doc.73-15985 Filed 8-2-73;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 3-73-4R]

PART 127—SECURITY ZONES

New London Harbor, Connecticut

This amendment to the Coast Guard's Security Zone Regulations, establishes the waters of New London Harbor, Connecticut as a security zone. This security zone is established to prevent interference with the launching of the USS Glenard P. Lipscomb.

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 this security zone involves a military function of the United States.

In consideration of the foregoing, Part 127 of Title 33 of the Code of Federal Regulations is amended by adding § 127.305, to read as follows:

§ 127.305 New London Harbor, Connecticut.

The waters within the following boundary is a security zone: a line beginning at the western bank of New London Harbor at 41°20'32" North; thence northerly along that bank to 41°21'03" North; thence easterly along that meridian to the east bank; thence southerly along that bank to 41°20'32" North; thence westerly along that meridian to the beginning point.

(46 Stat. 220, as amended, § 1, 63 Stat. 503, § 6(b), 80 Stat. 937; 50 U.S.C. § 191, 14 U.S.C. § 91, 49 U.S.C. § 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. 349, 33 CFR Part 6, 49 CFR 1.46(b))

Effective date: This amendment is effective from 12:00 Noon Eastern Daylight Time on Saturday, 4 August 1973 to 2:00 P.M. Eastern Daylight Time on Saturday, 4 August 1973.

Dated: July 25, 1973.

B. F. ENGEL,
Vice Admiral, United States Coast Guard, Commander, Third Coast Guard District, Governors Island, New York.

[FR Doc.73-16049 Filed 8-2-73;8:45 am]

Title 36—Parks, Forests and Memorials

CHAPTER I—NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

Rocky Mountain National Park, Colorado; Fishing

A proposal was published at page 8749 of the FEDERAL REGISTER of April 6, 1973 to revise paragraph (a) of § 7.7 of Title 36 of the Code of Federal Regulations. The effect of the revision is to permit fishing in Black Canyon Creek and Bear Lake, which had previously been closed, and to establish restrictions on the methods of taking and the possession of fish in the Park.

Interested persons were given 30 days for submitting written comments, suggestions, or objections with respect to the proposed revision. Of ten comments received, seven contained minor objections to various parts of the proposed regulations. After consideration was given to all suggestions and objections the proposed regulations are adopted with the following change: Paragraph (a)(1) was amended to clarify the total possession limit of fish to be six (6) of any species.

This revision will become effective August 3, 1973 so as to be in effect during the main visitor use season.

(39 Stat. 535, 16 U.S.C. 3; 38 Stat. 800, 16 U.S.C. 195; 34 FR 13879; 38 FR 7478; 37 FR 6324)

Section 7.7 is revised as set forth below:

§ 7.7 Rocky Mountain National Park.

(a) Fishing. (1) Possession Limit. Possession limit shall mean the numbers, sizes, or species of fish that may be in the possession of a person regardless if fresh or preserved. All fish a person does not elect to keep, or which do not meet the possession requirements, shall be carefully and immediately returned to the waters from which they were taken. The total possession limit shall be six (6) fish of any species.

(i) The possession limit for cutthroat trout is four (4) fish, which must be 10 inches or longer. This provision has park-wide application except as provided in paragraph (a)(3) of this section.

(ii) The possession limit for brook trout, rainbow trout and brown trout is six (6) fish, with no minimum length requirement. This provision has park-wide application except as provided in paragraph (a)(3) of this section.

(2) Method of capture.

(i) Each person fishing in Park water shall use only one hand-held rod or line.

(ii) Only artificial lures or flies with one (single, double, or treble) hook with a common shank may be used in Park waters.

(iii) When in possession of any fishing equipment, and while immediately adjacent to or on waters of the park, no person shall possess any fish bait, such as, but not limited to worms, insects, minnows, fish eggs, other organic matter, or parts thereof.

(3) Special Management Area. The Colorado River above its intersection with the Park boundary (between Sections 25 and 36, T4N, R76W), to the confluence of Timber Creek is designated as a special management area. Brown trout, rainbow trout, and cutthroat trout caught in this section of river must be fourteen (14) inches in length to be retained in possession.

(4) Closed Waters. Bear Lake is closed to fishing during the period April 1 to October 31.

ROGER J. CONTOR,
Superintendent, Rocky Mountain National Park.

[FR Doc.73-16043 Filed 8-2-73;8:45 am]

Title 38—Pensions, Bonuses, and Veterans' Relief

CHAPTER I—VETERANS ADMINISTRATION

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

DISABILITY BENEFITS; HOUSEBOUND RATES

On page 16396 of the FEDERAL REGISTER of June 22, 1973, there was published a

notice of proposed regulatory development to amend §§ 3.350 and 3.351 to provide a liberalization applicable to those who have a service-connected disability evaluated at 100 percent (or a nonservice-connected disability evaluated as permanent and total) pursuant to the "extra schedular" provisions of § 3.321 (b), title 38, Code of Federal Regulations. Interested persons were given 30 days in which to submit comments, suggestions, or objections regarding the proposed regulations.

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

Effective date. These VA Regulations are effective July 25, 1973.

Approved: July 25, 1973.

By direction of the Administrator.

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

1. In § 3.350(i), the introductory portion preceding subparagraph (1) is amended to read as follows:

§ 3.350 Special monthly compensation ratings.

* * * * *

(i) *Total plus 60 percent, or housebound; 38 U.S.C. 314(s).*—The special monthly compensation at the rate of $554 provided by 38 U.S.C. 314(s) is payable where the veteran has a single service-connected disability rated as 100 percent without resort to individual unemployability and,

* * * * *

2. In § 3.351(d), the introductory portion preceding subparagraph (1) is amended to read as follows:

§ 3.351 Special monthly dependency and indemnity compensation, death compensation and pension ratings.

* * * * *

(d) *Permanent and total plus 60 percent, or housebound; 38 U.S.C. 521.*—The monthly rate of pension otherwise payable to a veteran who is entitled to pension under 38 U.S.C. 521 and who does not qualify for increased pension ($110) based on need of regular aid and attendance shall be increased by $44 if, in addition to having a single permanent disability rated as 100 percent without resort to individual unemployability, the veteran:

* * * * *

[FR Doc.73-15978 Filed 8-2-73;8:45 am]

PART 36—LOAN GUARANTY

Flood Insurance Requirements

On page 2709 of the FEDERAL REGISTER of January 29, 1973, there was published a notice of proposed rulemaking to amend § 36.4326 to specifically require flood insurance coverage on properties securing a loan guaranteed by the Veterans Administration in a special flood hazard area, as designated by the Secretary of Housing and Urban Development. Interested persons were given 30 days in which to submit comments, suggestions, or objections regarding the proposed regulation.

As a result of the notice of proposed rule, four comments were received. In each instance the party commented favorably upon the idea of flood insurance, but three objected to making it mandatory. Two comments were about the effect of flood insurance in a specific area.

The flood insurance program has been available on a non-mandatory basis for only several years, and empirical knowledge is not sufficient to definitively assess the objections filed. Furthermore, designation of special flood hazard areas is within the jurisdiction of the Secretary of Housing and Urban Development and not the Administrator of Veterans Affairs. For these reasons and because of the necessity of providing a workable insurance program that will provide protection against flood disasters, the proposed regulation is hereby adopted without change and is set forth below.

Effective date. This VA Regulation is effective September 10, 1973.

Approved: July 25, 1973.

By direction of the Administrator.

[SEAL] FRED B. RHODES,
Deputy Administrator.

§ 36.4326 Hazard insurance.

The holder shall require insurance policies to be procured and maintained in an amount sufficient to protect the security against the risks or hazards to which it may be subjected to the extent customary in the locality. Flood insurance will be considered customary in the locality if the security is located in a special flood hazard area, as designated by the Secretary of Housing and Urban Development. The amount of flood insurance required will be equal to the outstanding loan balance of the mortgage or the maximum limit of coverage authorized for the particular type of security, or a sum designated by the Administrator, whichever is less. An exception to the flood insurance requirement may be made if it is determined by the Administrator in an individual case that the security, although situated in a special flood hazard area designated by the Secretary of Housing and Urban Development, is clearly not subject to flood damage because of its particular location, elevation, or construction. All moneys received under such policies covering payment of insured losses shall be applied to restoration of the security or to the loan balance.

[FR Doc.73-15977 Filed 8-2-73;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

PART 51—PREPARATION, ADOPTION AND SUBMISSION OF IMPLEMENTATION PLANS

Submission of State Reports and Emission Control Action Programs

On February 1, 1973 (38 FR 3083) the Administrator of the Environmental Protection Agency (EPA) proposed to amend two sections of the regulations for the preparation, adoption and submittal of state implementation plans (40 CFR Part 51, November 25, 1971, at 36 FR 22398). The amendments proposed to modify §§ 51.7, *Reports* and 51.16, *Prevention of air pollution emergency episodes.* Interested parties were provided an opportunity to comment on these amendments until March 5, 1973. No comments were received on the proposed regulatory changes to § 51.16, *Emergency episodes.* Eight separate comments were received on the amendments to § 51.7; seven from State and local agencies, the other from a utility company. In consideration of these and other comments, the proposed regulations have been modified.

All eight comments received on the reporting regulations were concerned with various aspects of the emission data requirements; three identified certain problems with the air quality data requirements and two discussed in general terms the needs for the required information. Three of the formal comments received from the State and local air pollution agencies indicated that the proposed report regulations were overly burdensome and indicated their concern for the resources necessary to fulfill the reporting requirements of § 51.7. It should be noted that EPA met with the State and Territorial Air Pollution Program Administrators (STAPPA) on several occasions throughout the development of the proposed regulations and in consideration of their comments significantly reduced the original reporting requirements to that level proposed in the FEDERAL REGISTER.

It is believed that the regulations set forth below require the minimum information which will allow the Agency to carry out its two basic surveillance responsibilities. These responsibilities include the need to determine whether a state implementation plan must be revised to assure the attainment and maintenance of the national standards in a timely fashion and the need to assure that individual sources achieve compliance with adopted control regulations which are part of the applicable plan.

There appears to be a misconception on the part of some agencies regarding the emission data requirements. The reporting regulations do not require a complete emission inventory with each semiannual report. Only data for major point sources which achieved compliance

with applicable regulations, new sources which began operation, sources which received approval to construct, and a listing of sources which ceased operation is required to be submitted.

In light of the comments received, a number of changes have been made to the proposed regulations. Specifically, these include:

(1) The number of sources for which emissions and plan enforcement data need be submitted has been reduced. The proposed regulations would have required states to report progress for any stationary sources causing emissions in excess of 100 tons per year of a pollutant in a region whose urban place population was equal to or greater than 1 million (1970); or for any stationary source causing emissions in excess of 25 tons per year of a pollutant in a region whose population was less than 1 million (1970). The proposed regulation also required emission information for each emission point or stack which emitted 25 tons per year of a criteria pollutant within a total facility which emitted more than 100 tons per year. Upon review of various comments which addressed these requirements, it has been determined that in general, data for only sources which emit greater than 100 tons per year need to be submitted to the EPA. Since sources which contribute 100 tons per year or more of a pollutant contribute such a significant portion of the total emissions in a Region, it is believed that monitoring the progress of these major sources in achieving compliance with applicable regulations will be a sufficient indicator of general progress of all sources within the Region. In cases where a single facility emits greater than 100 tons per year, the state must submit information on individual emissions points within that facility which emit 25 tons per year or greater of a criteria pollutant.

(2) The reporting requirements for sources listed in Appendix C of the November 25, 1971, SIP regulations (36 FR 22398) has been deleted based upon comments which indicated that Appendix C is overly broad in that it includes sources of minor significance and sources which are not emitters of criteria pollutants. As previously noted, States must provide information for all major sources which emit greater than 100 tons per year of a criteria pollutant whether listed in said Appendix C or not since these sources do contribute a significant part of the total emissions in a Region.

(3) The proposed regulations that required *all* non-regulatory revisions of the plan be submitted to the Agency with the semi-annual report has been modified. The regulations which are set forth below require States to submit only *substantive* non-regulatory revisions. Substantive revisions include, but are not limited to, changes in stack-test procedures for determining compliance with applicable regulations, modifications in projected manpower needs, and changes in responsibilities given to local agencies to carry out the implementation plan. It should be noted, however, that no modification has been made to the requirement that all *regulatory* revisions be submitted to the Agency within 60 days of their adoption.

(4) The requirement that general information on plan progress be submitted to the Agency has been deleted. States, however, are encouraged to submit any information which they believe shows that the plan is being implemented.

(5) The requirement for reporting all enforcement actions has been changed to limit reporting to those enforcement actions which result in civil or criminal penalties. This change will decrease the amount of effort required by the States to report while still providing EPA with the necessary information.

(6) A requirement has been added which will require States to submit emission data for those sources which were *approved for construction* during the reporting period. The proposed regulations required data from only sources which *began* operation. Upon further consideration, it has been determined that information pertaining to sources that have been granted approval to construct during the reporting period is necessary to allow the Agency to review the effectiveness of State's new source review procedures.

(7) A modification has been made to the regulation to require States to report the achievement of increments of progress for point sources under enforcement orders as well as compliance schedules. This modification expands the original reporting activity which dealt only with compliance schedules. The regulations set forth below will allow the Agency to monitor progress independent of the State's regulatory mechanisms or terminology.

(8) The requirement for submisson of enforcement orders with the semiannual report has been changed to require their submittal within 60 days of issuance. This change should not impose any additional reporting effort on the part of the states and in the Acting Administrator's judgment is necessary to satisfy EPA's responsibility to ensure enforcement of regulatory provisions of the SIP's.

A major area of concern in comments received was the use of the NEDS emission data format. Two States indicated concern over the specified data format since they have existing computer systems which are not compatible with NEDS, while another agency supported this orderly and uniform basis of providing the information. One State indicated concern with the NEDS format since emission information is already available on State computer forms. Other comments indicated that the instructions for completing the NEDS computer forms were either not received or that the instructions for completing the forms were not clear.

While the regulations specify the NEDS format for submitting emission data, there is a provision in the regulations which allows the Regional Administrator to approve an alternate data form. Further, to help resolve the basic problem of dual data systems, the Agency has been providing assistance to States to either manually convert the data to the NEDS system or to develop computer programs which would output the necessary information in the NEDS format for Agency usage. Similarly, assistance is available and has been provided to many States to convert data on State forms to NEDS data forms. Comprehensive data handling guidelines are also available from EPA to further assist States in data handling and reporting consistency. Every effort is being made to minimize the reporting burden to the State agencies but at the same time structure the report and information so an orderly flow of information will be provided to support the national analysis of SIP progress.

In regard to the nonreceipt of instructions for NEDS systems, specific instructions on completing the NEDS forms were provided to each State agency in September 1972 in a publication entitled "Guidelines for Compiling a Comprehensive Emission Inventory, Chapter 4, APTD–1135." While the NEDS instructions are quite extensive, technical assistance to States on special problems is available from Regional Office personnel.

Very few comments were received on the proposed air quality data reporting requirements. One comment related to the need of EPA for the detailed air quality measurements rather than data summaries. While one State suggested that summary air quality statistics should be adequate, one other agency stated in positive terms the acceptability of the reporting procedures.

It is the Acting Administrator's judgement that detailed data will allow the Agency to develop statistical trends and projections of ambient levels in relation to progress in achieving national standards. Also, a central national data handling system which can provide summary statistics to State and local agencies is a useful service to those agencies that do not have their own capability to do so. It is the intent of the Agency to make available through the Regional Offices summary statistics within 75 days of the receipt of the data by the Agency.

One comment was submitted by a utility company which indicated that the proposed requirements for States to report emission data semi-annually to the Agency would in turn require States to solicit emission data from the utility industry. The utility stated that the Federal Reports Act of 1942 obligates Federal agencies to coordinate data acquisition even if the data are to be collected by a third party. Since the regulations do not require States to establish procedures for data acquisition from sources nor do they require States to routinely obtain emission information for any sources, the utility's comment reflects a misunderstanding of the Agency's prescribed reporting requirements. The Agency however supports the use of the Federal Power Commission's Form 67 as an information source for general emission information for utilities, but also recognizes State agencies' needs for

additional information such as enforcement or compliance information. EPA will continue to coordinate with the Federal Power Commission on the environmental information needs of the Agency.

The regulations which are included in this package for § 51.16 will delete the requirement for states to negotiate and submit to EPA the emergency emission control action programs for individual sources. This modification does not relieve States or source owners or operators of their respective obligations to require and to achieve control of emissions from such sources whenever and wherever such control is necessary to prevent an air pollution episode. Nor does this modification affect EPA's authority to initiate action under section 303 of the Act to prevent imminent and substantial endangerment to the health of persons.

The existence of individual emissions control actions programs for major sources tends to facilitate source owners' and operators' responses to abatement orders issued for the purpose of episode prevention. Many agencies will require such programs from sources as indicated by § 51.16(b) and Appendix L to Part 51. In dealing with sources for which such standby programs do not exist, the responsible State or local agency, or EPA in the event of Federal action under section 303, may have to provide more detailed abatement orders, but it is entirely feasible to do so, and where necessary, State and local agencies will be expected to do so. Accordingly, it is not anticipated that this modification of § 51.16(c) will have any significant effect on protection of persons against the occurrence of air pollution levels which could cause significant harm to health.

States are still encouraged to provide for the development of individual emission control action programs for major stationary sources in order to facilitate prevention of air pollution episodes. It is the Acting Administrator's judgment, however, that an absolute requirement for preparation and evaluation of such emission control action programs for all such stationary sources in all Priority I air quality control regions and to submit them to the Agency for review and approval would consume resources which at this time can be put to more productive use in preparation and evaluation of compliance schedules and transportation control strategies and in taking other steps necessary to ensure that adequate progress is made toward attainment of the national ambient air quality standards.

The regulations discussed above are effective upon publication in the FEDERAL REGISTER. The Agency finds that good cause exists for making these regulations effective upon publication since the process of preparing quarterly and semi-annual reports of progress is already underway in most State agencies. The three additional requirements which were not proposed on February 1, 1973, moderately expand sections of the proposed reporting requirements for which few, if any, comments were received.

(42 U.S.C. 1857g(a))

Dated: July 30, 1973.

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

Part 51 of Title 40, Code of Federal Regulations is revised to read as follows:

§ 51.7 Reports.

(a) *Quarterly report on air quality data.* On a quarterly basis commencing with the end of the first quarterly period of October 1–December 31, 1972, the State agency shall report to the Administrator (through the appropriate Regional Office) information on air quality as specified in this paragraph.

(1) Quarterly reports shall include all air quality data gathered during the reporting period by the air quality surveillance network which is part of the applicable plan. The first report shall include all air quality data gathered subsequent to the air quality data which provided the basis for the development of the applicable plan.

(2) Quarterly reports shall be recorded and submitted in accordance with the procedures and data forms specified in the Storage and Retrieval of Aerometric Data (SAROAD) Users Manual, USEPA, OAP, APTD–0663. The data shall be submitted on paper forms, punched cards, or magnetic tape in the SAROAD format as specified in the following forms:

(i) SAROAD Site Identification Form for each new sampling site.

(ii) SAROAD Hourly Data Form for data with a sampling interval of less than 24 hours.

(iii) SAROAD Daily Data Form for data with a sampling interval of 24 hours or greater.

(iv) SAROAD Multiple-Parameter, Multiple-Station or Composite Data Forms may be used for reporting convenience.

(3) Quarterly reports shall be submitted within 45 days after the end of each reporting period. The quarterly periods are January 1–March 31, April 1–June 30, July 1–September 30 and October 1–December 31.

(b) *Semiannual report.* (1) For purposes of paragraph (a)(3) and paragraph (4)(i) and (ii) of this section, the term source shall have the following meaning: Any facility which emits a total of more than 100 tons per year of any one pollutant for which a national standard has been promulgated. For such facilities, emissions shall be reported as follows:

(i) Emissions of each such pollutant for the facility as a whole.

(ii) Emissions of each such pollutant from any individual emission point within the facility which emits more than 25 tons per year of any such pollutant.

(2) Submission of report: On a semi-annual basis commencing with the end of the first semiannual period of July 1–December 31, 1972, the State agency shall report to the Administrator (through the appropriate Regional Office) information as specified in this section.

(3) Source inventory data: (i) Emissions data and information related to emissions as identified by the NEDS point source coding forms shall be reported for each source which achieved compliance at any time within the reporting period with any regulation of an applicable plan. The first report shall include all sources which achieved compliance since the development of the applicable plan.

(ii) Emissions data and information related to emissions for criteria pollutants shall be reported for each new or modified source which:

(*a*) Received approval to construct during the reporting period.

(*b*) Began operation during the reporting period. The first report shall include all new or modified sources which began operation since the development of the applicable plan.

(iii) The identification of sources which ceased operations during the reporting period shall be reported. The first report shall identify all sources which ceased operation since the development of the applicable plan.

(iv) The data required by paragraphs (b)(3)(i), (ii) and (iii) of this section shall be recorded and submitted on the NEDS point source coding forms specified in the "Guide for Compiling a Comprehensive Emission Inventory," Revised (March 1973), USEPA, OAWP, ATPD–1135.

(4) Progress in plan enforcement: (i) For each source, achievement during the reporting period of any increment of progress of compliance schedules required by the applicable plan or by any enforcement order or other State action required to be submitted pursuant to paragraph (d) shall be reported.

(ii) For each source, any enforcement action taken during the reporting period and not submitted under paragraph (d) which results in civil or criminal penalties shall be reported.

(iii) For each category of area sources, an estimate of the percent of sources in compliance with any emission regulation of the applicable plan shall be reported.

(5) Revisions: All substantive revisions, during the reporting period of the applicable plan, other than revisions to rules and regulations or compliance schedules submitted in accordance with section 51.6(g) of this part shall be identified and described. Substantive revisions shall include but are not limited to changes in stack-test procedures for determining compliance with applicable regulations, modifications, in the projected total manpower needs to carry out the approved plan, all changes in responsibilities given to local agencies to carry out various portions of the plan.

(6) Submission of semi-annual report: Semi-annual reports shall be submitted within 45 days after the end of each reporting period. The semi-annual periods are January 1–June 30 and July 1–December 31.

(c) *Report format.* Where a State agency has an existing format for recording the information required by paragraphs (a) and (b) of this section that differs from the format specified in those paragraphs, the State agency must obtain approval of the format by the Administrator (through the appropriate Regional Office) prior to its submittal as part of the quarterly or semiannual report.

(d) *Report on enforcement orders and other state actions.* (1) Any enforcement orders, including any court order, and any state action which purports to modify the requirements of an applicable implementation plan shall be submitted to the Administrator within 60 days of its issuance or adoption by the State.

(2) A State enforcement order or other State action shall not revise the applicable implementation plan unless such order or action is submitted as a revision to such plan pursuant to § 51.6 and approved by the Administrator.

§ 51.16 [Amended]

In § 51.16, paragraph (c) is revoked and the first and second sentences of paragraph (f) are amended by deleting the words "paragraphs (c) and" and by inserting instead the word "paragraph."

[FR Doc.73-15972 Filed 8-2-73;8:45 am]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Approvals and Disapprovals of Plan Revisions

On May 31, 1972 (37 FR 10842), pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved portions of State plans for implementation of the national ambient air quality standards in the States of Vermont and Massachusetts. This publication contains two approvals and one disapproval of proposed revisions to those plans.

Vermont, after notice and a public hearing, submitted a proposed revision to its implementation plan that would permit the Whitefield Paper Division of Georgia Pacific Corporation to burn for a limited time fuel oil with a sulfur content in excess of the 1.5 percent maximum allowed under Vermont Air Pollution Control Regulation 5-221. The revision would allow the burning of oil with an average of 2.25 percent sulfur (not to exceed 2.5 percent) from October 1, 1972 to July 1, 1973. This revision is approved for the reasons indicated below.

The Georgia Pacific Whitefield Division is located in Gilman, Vermont, which is in the Vermont Intrastate air quality control region, and is classified Priority II for SO_2. The primary ambient air quality standard for SO_2, however, was not attained at the time of classification. Therefore, a date for the attainment of the primary standard in that region was established as a part of Vermont's SO_2 control strategy. That date is January 31, 1975. Because the revision does not relieve Georgia Pacific from its obligation to comply with the applicable Vermont emission limitation by January 31, 1975, there is no inconsistency with the approved control strategy for SO_2 in the Vermont implementation plan. The revision is also consistent with the requirements of 40 CFR Part 51 that pertain to compliance schedules. Although it relieves Georgia Pacific from compliance for a limited period of time, the Administrator has determined that the proposed compliance date is the earliest practicable time by which Georgia Pacific could acquire the low sulfur fuel necessary for compliance.

Massachusetts, after notice and public hearings, submitted two proposed revisions to its implementation plan. One would allow two facilities of the Newton Public Schools to operate hand fired coal furnaces after June 1, 1972, the date upon which Massachusetts Regulation 5.3.1, prohibiting such operation, became effective. The revision would allow operation until June 1, 1973. This revision is also approved, for the reasons indicated below.

Both facilities are located in the Metropolitan Boston Intrastate air quality control region, which is classified Priority I for particulates. The attainment date in that region for the primary particulate standard is July 31, 1975. Because the revision does not relieve either facility from the obligation to comply with the applicable Massachusetts control measure by July 31, 1975, there is no inconsistency with the approved control strategy for particulates in the Massachusetts implementation plan.

The revision is also consistent with the requirements of 40 CFR Part 51 that pertain to compliance schedules. Although it delays the date by which the two facilities must comply, the Administrator has determined that the proposed compliance date is the earliest practicable time by which the heating systems could be closed down. After that date, the facilities involved must not be operated until they have been modified to avoid hand firing.

A second proposed revision would have permitted Peirce Brothers, Inc., in Waltham, Massachusetts, to burn a maximum 1.0 percent sulfur fuel from October 1, 1972 to October 1, 1973. Massachusetts Regulation 5.1.1 prohibits the burning in certain regions of fuel with a sulfur content in excess of 0.5 percent. Peirce Brothers is located in the Metropolitan Boston Intrastate air quality control region, which is classified Priority I for SO_x. The attainment date in that region for the primary SO_x standard is July 31, 1975.

The Administrator has determined that this revision fails to satisfy the requirement of 40 CFR 51.15(b)(1) that compliance be as "expeditious as practicable." Massachusetts' justifications for the revision, that economic hardship will be incurred otherwise and that it is necessary for the public good, are insufficient to show that compliance in accordance with Regulation 5.1.1 would be impracticable. It has been determined that a sufficient quantity of sulfur fuel is available to Peirce Brothers for achieving the 0.5 percent limitation by blending. Accordingly, this proposed revision is disapproved.

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

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

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

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

ROBERT W. FRI,
Acting Administrator.

JULY 30, 1973.

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

Subpart W—Massachusetts

1. Section 52.1125, is amended by adding a new paragraph (a) and by adding new lines to the table in paragraph (b), as follows:

§ 52.1125 Compliance schedules.

(a) The compliance schedules for source identified below are disapproved as not meeting the requirements of § 51.15 of this chapter. All regulations cited are air pollution control regulations of the State, unless otherwise noted.

Source	Location	State regulation involved	Date of adoption
Peirce Brothers, Inc.	Waltham, Mass.	5.1.1	1/9/73

(b) * * *

Source	Location	State regulation involved	Date of adoption	Effective date	Final compliance date
* * *	* * *	* * *	* * *	* * *	* * *
Newton Public Schools	Newton, Mass.	5.3.1	Dec. 7, 1972	Immediately	June 1, 1973
Administration Building	265 Washington Street.	"	"	"	"
Claflin Hall, Newton Junior College.	Washington Park, Newton Hlve.	"	"	"	"

Subpart UU—Vermont

2. A new § 52.2376 is added, as follows:

§ 52.2376 Compliance schedules.

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

Source	Location	State regulation involved	Date of adoption	Effective date	Final compliance date
Georgia Pacific Corp., Whitefield Paper Division.	Gilman, Vt.	5-221	Jan. 5, 1973	Immediately	July 1, 1973

[FR Doc.73-15973 Filed 8-2-73;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 15—ENVIRONMENTAL PROTECTION AGENCY

PART 15-3—PROCUREMENT BY NEGOTIATION

Subpart 15-3.6—Small Purchases

Section 15-3.650, Oral Purchase Orders, is hereby added to Chapter 15, Title 41 of the Code of Federal Regulations.

Effective date. This regulation will be effective August 3, 1973.

Dated: July 30, 1973.

ROBERT W. FRI,
Acting Administrator.

Subpart 15-3.6—Small Purchases

Sec.
15-3.650 Oral Purchase Orders.
15-3.650-1 Policy.
15-3.651 Procedure.

AUTHORITY: 40 U.S.C. 486(c), 63 Stat. 377, as amended, sec. 205(c).

Subpart 15-3.6—Small Purchases

§ 15-3.650 Oral Purchase Orders.

§ 15-3.650-1 Policy.

Oral purchase orders are authorized under the following conditions:

(a) Items are supplies in vendor stock or services readily available.

(b) Neither the imprest fund method nor a blanket purchase agreement is available or appropriate.

(c) Total order will not exceed $250.00.

§ 15-3.651 Procedure.

(a) Upon receipt of a Procurement Request/Requisition (EPA Form 1900-8), the Contracting Officer will place an oral order with the appropriate vendor in accordance with EPA Order 1900.4.

(b) In addition to purchasing information for which specific blocks are provided on the EPA Form 1900-8, the Purchasing Agent will annotate on all copies of the Procurement Request the following:

(1) Oral Purchase Order Number
(2) Date of Order
(3) Vendor Name and Address
(4) F.O.B. Point
(5) Discount Terms
(6) Time for Delivery
(7) Pricing Data as Agreed to
(8) Federal Supply Schedule Contract Number, if applicable
(9) Name of Person Taking Order
(10) Contracting Officer's Name

(c) The vendor will be given the purchase order number and be instructed to include the number in the shipment destination address. The vendor will also be requested to invoice immediately upon shipment and to include the purchase order number on the invoice. The address for billing will also be provided the vendor. All invoices shall be forwarded by the vendor directly to the applicable Accounting Operations Office.

(d) The Contracting Officer will complete and sign the original Purchase Request/Requisition and distribute as follows:

(1) Original filed in the Procurement Office "Oral Order" open file.

(2) Copy sent to Accounting Operations Office for obligation of funds.

(3) Two copies sent to Receiving area for use as receiving report.

(4) Copy returned to the Originator.

(e) When the material is delivered, the receiving clerk shall certify receipt on one copy and forward it to the Accounting Operations Office for payment.

(f) In the event the vendor requires a written order, a copy of the requisition, properly annotated as a confirming order, will be furnished by the ordering office.

(g) Number and distribution of copies may be modified by ordering offices with prior concurrence of the Accounting Operations Office.

[FR Doc.73-15974 Filed 8-2-73;8:45 am]

PART 15-30—CONTRACT FINANCING

Subpart 15-30.1—Forms of Financing

Forms of Financing, Subpart 15-30.1, is hereby added to Chapter 15, Title 41 of the Code of Federal Regulations.

This section is a statement of agency internal procedures.

Effective date. This regulation will become effective August 3, 1973.

Dated: July 30, 1973.

ROBERT W. FRI,
Acting Administrator.

Subpart 15-30.1—Forms of Financing

Sec. 15-30.103 Advance payments authority.
Sec. 15-30.104-1 Letters of credit.

AUTHORITY: (40 U.S.C. 486(c), Sec. 205(c), 63 Stat. 377, as amended)

Subpart 15-30.1—Forms of Financing

§ 15-30.103 Advance payments—authority.

(a) In considering whether cash advances are appropriate in a particular situation, and to determine the requirements for implementing advances, the contracting officer should be guided by this EPPR, the FPR (Subparts 30.1 and 30.4), Department of the Treasury Circular 1075 and part VI of the Department of the Treasury Fiscal Requirements Manual.

(b) Cash advances by the EPA shall be limited to the minimum amounts needed by the contractor for the performance of the contract. The advances shall be timed in accord with the contractor's actual cash requirements.

(c) Department of the Treasury Circular 1075 (revised April 16, 1969) authorizes two methods for making cash advances: the letter of credit and the Treasury check. Normally, the method to be used will be chosen as follows (however, pending development and approval of the Agency's systems and procedures to deal with letters of credit, only the Treasury check method will be used):

(1) If the agency does not expect to have a continuing relationship with the contractor for at least one year, advances will be made by Treasury check.

(2) If the agency expects to have a continuing relationship with the contractor for at least one year involving total annual advances of less than $250,000, advances will be made by Treasury check.

(3) If the agency expects to have a continuing relationship with the contractor for at least one year involving total annual advances of $250,000 or more, advances will be made by use of a letter of credit.

(d) The EPA may request from the Department of Treasury specific approval of other methods of making advance payments, if they appear to be as advantageous to the Government as the Treasury check or letter of credit methods.

§ 15-30.104-1 Letters of credit.

(a) The letter of credit method provides EPA, the contractor and the Department of Treasury with a mechanism specially designed to enable the contractor to obtain cash from the Treasury promptly and with such frequency as may be necessary based upon the contractor's own determination of when and how much cash is actually needed for its disbursements.

(b) A letter of credit, which must be executed by an authorized certifying officer of the agency, gives the contractor the authority to draw directly on the Treasury, through its commercial bank (acting as its agent) and either a Federal

Reserve Bank (acting as agent of the Treasury) or the Cash Division, Office of the Treasurer of the United States, subject to any monetary and other limits established by the program agency. Withdrawals must be made by authorized officials of the contractor's organization who have been designated by it and approved by the agency's certifying officer.

[FR Doc.73-15975 Filed 8-2-73;8:45 am]

PART 15-30—CONTRACT FINANCING

Subpart 15-30.4—Advance Payments

Subpart 15-30.4, Advance Payments, is hereby added to Chapter 15, Title 41, of the Code of Federal Regulations.

This section is a statement of agency internal procedures.

Effective Date. This regulation will become effective on August 3, 1973.

Dated: July 30, 1973.

ROBERT W. FRI,
Acting Administrator.

Subpart 15-30.4—Advance Payments

Sec.

15-30.403 Interests.
15-30.406 Responsibility—Delegation of authority.
15-30.410 Findings, determinations and authorization.
15-30.412-2 Contract provisions for advance payments.

AUTHORITY: The provisions of this subpart 15-30.4 issued under 40 U.S.C. 486(c), Sec. 205(c), 63 Stat. 377, as amended.

§ 15-30.403 Interest.

(a) Interest will be charged on all advance payments at the rate of six percent per annum on the unliquidated balance; provided, however, that advance payments may be approved without interest in connection with (1) nonprofit contracts with nonprofit educational or research institutions for experimental, research, and development work, (2) contracts solely for the management and operation of Government-owned plants, or (3) other classes of cases where specifically authorized by the Director, Contracts Management Division, AMAC.

(b) If the contract provides for interest-free advances to the contractor, it shall nonetheless provide that interest will be charged at the rate of six percent per annum on advances made or used for the purpose of making subadvances to the subcontractors; provided, however, that such contract may provide that interest will not be charged on subadvances in connection with subcontracts without fee or profit with nonprofit education or research institutions for experimental, research, or developmental work.

§ 15-30.406 Responsibility—delegation of authority.

(a) Requests to make advance payments shall be forwarded to the chief officer responsible for procurement at the contracting activity. Such requests shall include, at a minimum: (1) A proposed determinations and findings prepared in the format suggested in § 1-30.410, altered to meet the condition or circumstances of the procurement action, (2) the information required in § 1-30.411 and § 1-30.412, and (3) proposed contract provisions as set out in § 1-30.414-2. The chief officer responsible for procurement at the contracting activity shall sign all determinations and findings which authorize advance payments and will approve all contract provisions relating to advance payments. Prior to signing advance payment determinations and findings, the chief officer responsible for procurement at the contracting activity shall obtain the advice and concurrence of the Director, Financial Management, AMRF, or his designee. The Financial Management Division will make arrangements with the Treasury Department for all advance payments, including the establishment of Federal Reserve Letters of Credit, and will also make arrangements with other Government agencies when EPA use of their Federal Reserve Letters of Credit is expedient.

§ 15-30.410 Findings, determinations and authorizations.

41 U.S.C. 255 shall be cited as authority for advance payments.

§ 15-30.414-2 Contract provisions for advance payments.

The appropriate contract provisions suggested in § 1-30.414-2 shall be used to authorize advance payment. Proposed alterations of the contract provisions must be aproved by the chief officer responsible for procurement at the contracting activity prior to incorporation into an EPA contract.

[FR Doc.73-16045 Filed 8-2-73;8:45 am]

Title 49—Transportation

CHAPTER I—DEPARTMENT OF TRANSPORTATION

SUBCHAPTER A—HAZARDOUS MATERIALS REGULATIONS BOARD

[Docket No. HM-57; Amdts. 172-20, 173-74, 178-26]

CLASSIFICATION AND PACKAGING OF CORROSIVE MATERIALS

The purpose of these amendments to the Hazardous Materials Regulations is to amend §§ 172.5, 173.119, 173.245, 173.245b, and 178.343-5 to specify certain shipping names and to add authorized packagings for the shipment of corrosive materials.

On February 12, 1973, the Hazardous Materials Regulations Board published a notice of proposed rulemaking, Docket No. HM-57; Notice No. 73-1 (38 FR 4270), which proposed these amendments. Interested persons were invited to give their views and many comments were received by the Board.

1. *Shipping descriptions.* Several commenters requested the inclusion of additional shipping names and packagings which were not the subject of Notice No. 73-1. Since these were not proposed to be added to the regulations, it would be more appropriate for the Board to handle these requests in a separate notice of proposed rule making to allow for adequate comment. The Board intends to publish such a notice.

2. *Drum size limitation for corrosive solids.* One commenter noted, in a petition for reconsideration in Docket HM-57, Amendment No. 173-61, that the 55-gallon capacity limitation for corrosive solids in § 173.245b(a)(4) was too restrictive in view of their experience in shipping drums of larger size. In view of the Board's previously stated position in packaging requirements for solids, (See 36 FR 11304 and 15762, 37 FR 5946) and on the basis of the reported satisfactory experience, the Board agrees with the commenter and has removed the size restriction in the subject paragraph.

3. *Inside PE container for corrosive liquids.* One commenter stated that § 173.245(a)(16), as proposed, should be changed to provide for a certain high density, non-DOT specification, 55-gallon capacity polyethylene inner container for shipping corrosive liquids, n.o.s. The commenter cites satisfactory experience with the use of such an inner container for materials previously not considered regulated. Such a change was not proposed in the notice. The Board, however, is considering a proposal to amend the inner container specifications. Meanwhile, it believes such packaging should be approved only under the terms of a special permit so that it can study the experience factor more closely. Since similar permits now exist, this commenter should petition the Board for a special permit so that the Board may add his experience to that being obtained under other permits.

4. *Corrosive material definition.* Several comments were made on the Board's proposal to adjust the corrosive material definition (§ 173.240) to coincide with certain proposals by the Commissioner of Food and Drugs (FDA) (37 FR 27635). The Board's proposals were mainly related to handling of test animals and detail on preparation of the test material. Before acting on this proposal, the Board is awaiting the outcome of the Food and Drug Administration's rule making. However, as stated in the preamble of Notice No. 73-1, the Board continues to believe that any changes it proposed will not materially alter the classification of materials severely corrosive (that cause destruction or irreversible alteration) to human skin. When the FDA rule making action is completed, the Board will then consider all the comments received on the definition in § 173.240 and the FDA decision.

5. *Test animals.* One commenter pointed out the difficulties in relating results of tests on rabbit skin to the results on human skin contact, particularly with respect to materials proven not corrosive to human skin although giving positive results under rabbit skin testing. This commenter went on to state that such a substance need not be labeled

under the provisions of the Federal Hazardous Substances Act. The Board points out that this was one of the primary reasons for the adoption of § 173.240(b). This paragraph specifically alludes to human experience. There is a mechanism, established by the Board, whereby materials may be "declassified" by its action. It should be noted, however, that the Board, under the same provision, may "classify" a material because of human experience without being strictly limited to the quantitative rabbit skin test results. In conclusion on this matter, the Board chose rabbit skin testing for its criteria because it wanted to use recognized methods and not establish completely new criteria. To have established new criteria would have posed a different series of difficulties for manufacturers.

6. *Ethylene dichloride.* Based on a comment the Board has removed ethylene dichloride from the list (§ 172.5) of flammable liquids which are also corrosive. The Board will study this matter in more depth.

7. *Cargo tank density limitations.* Several comments were made objecting to the proposed lading density limitation of 10 pounds per gallon when transporting a corrosive material in a DOT specification MC 304 or MC 307 cargo tank. The regulation has been amended to remove the restriction for MC 307 cargo tanks since the weight of lading is adequately controlled by § 178.340–10(b)(1) wherein such a cargo tank has a maximum product load limitation established by regulation. This maximum product load must be marked in pounds on the metal certification plate attached to each MC 307 cargo tank. Also, the proposed regulation has been amended to remove the reference to a lading weight restriction for MC 304 based on the comments and reports of operation and experience received indicating that such a restriction is not justified.

8. *Tank car bottom outlets.* Objections were made to the "interim" authorization for bottom outlets on tank cars. The Board recognizes that this situation creates some serious difficulties with respect to program planning, cost allocations, leasing, long-term operations, forecasts, etc. It does, however, have comments on file questioning the safety of permitting bottom outlets on tank cars containing certain corrosive materials. While the Board has not completed its evaluation of the reported problems, it nevertheless believes that it would be misleading to provide for bottom outlets in § 173.245 without an appropriate warning that such authorization is provided temporarily pending a final decision. On the other hand, the Board does not consider it has progressed far enough in its evaluation to justify any curtailment of such cars in the services where they are used. Therefore, the Board is using an "interim" solution which it considers to be appropriate under these circumstances.

9. *Emergency discharge controls.* Several comments were received objecting to a requirement for heat actuated and remote control mechanisms in bottom outlet valves as proposed for MC 304, MC 310, MC 311, and MC 312 cargo tanks used in the transportation of corrosive liquids. The Board agrees that the requirement for a heat-actuated mechanism, in view of the nature of the lading, is not justifiable under conditions of transportation as known today. The Board, however, believes that the remote control mechanism is necessary to provide adequate safety in handling corrosive materials. The comments that objected to the need for the remote control shut-off argued that such a shut-off was unnecessary. But duplication with respect to control is known to exist in several plants handling these materials. The concern for an adequately safe operation in unloading the tank truck should be of the same order of importance as the plant handling of the material. It is of interest to note that the National Transportation Safety Board (NTSB) in its report NTSB–HAR–72–3, a truck-automobile collision involving spilled methyl bromide, observed that "substantial differences exist between methyl bromide hazard control measures exercised in manufacturing plants and those found in transportation in this accident." The NTSB concluded: "Inplant hazard control procedures should be considered by the regulators in developing future changes in transportation regulations." The Board (HMRB) believes such an analogy exists here. The requirement for a second station in the event of incident involving the discharge point station is consistent with safety engineering practices in use and is not overburdening when considering the plant safety procedures in use for handling corrosive materials. Therefore, the Board is requiring use of a remote station except when liquids contain solids in suspension in sufficient quantity that settling may form a layer of solid material that may interfere with sealing of the valve seat.

10. *"Grandfather" clause.* Several commenters pointed out the difficulty in handling materials which were in the distribution system before the effective date of these amendments. The Board considers these comments valid and has provided a limited "grandfather" clause. See Note 1 to § 173.240.

11. *Inside plastic receptacles for corrosive solids.* In Notice No. 71–17, the Board proposed to authorize plastic receptacles as inside packagings for shipment of corrosive solids covered by § 173.244(c). This type of packaging was inadvertently omitted from Amendment No. 173–61. This oversight has been corrected by amending § 173.244(c).

In view of the foregoing, 49 CFR Parts 172, 173, and 178 are amended as follows:

PART 172—LIST OF HAZARDOUS MATERIALS CONTAINING THE SHIPPING NAME OR DESCRIPTION OF ALL MATERIALS SUBJECT TO PARTS 170–189 OF THIS SUBCHAPTER

In § 172.5 paragraph (a), the List of Hazardous Materials is amended as follows:

§ 172.5 List of hazardous materials.

(a) * * *

Article	Classed as—	Exemptions and packing (see sec.)	Label required if not exempt	Maximum quantity in 1 outside container by rail express
(Change)				
Crotonaldehyde	F.L.	173.118, 173.119(m)	F.L.	10 gallons.
Diethylamine	F.L.	173.118, 173.119(m)	F.L.	10 gallons.
Propylene oxide	F.L.	173.118, 173.119(m)	F.L.	10 gallons.
(Add)				
Caustic soda, dry, solid, flake, bead, or granular.	Cor.	173.244, 173.245b	Corrosive	100 pounds.
*Phosphoric acid, *liquid*, or Phosphoric acid solution.	Cor.	173.244, 173.245	Corrosive	10 gallons.
Sodium hydroxide, dry, solid, flake, bead, or granular. *See* Caustic soda.				

PART 173—SHIPPERS

A. In § 173.119, paragraph (m)(4) is amended; paragraphs (m)(9), (10), (11), (12), (13), (14), and (15) are added to read as follows:

§ 173.119 Flammable liquids not specifically provided for.

* * * * * * *

(m) * * *

(4) Specification 5, 5A, 5B, 5C, 5P, 17C (single-trip), or 17E (single-trip) (§§ 178.80, 178.81, 178.82, 178.83, 178.92, 178.115, 178.116 of this subchapter). Metal barrels or drums. Removable head packagings over 16 gallons capacity are not authorized. Authorized only for materials which will not react dangerously with the drum metal, or be decomposed by contact with it.

* * * * *

(9) Cylinders as prescribed for any compressed gas, except acetylene. All cylinder valves must be protected by one of the methods described in § 173.301(g)(1), (2), or (3). See § 173.34(e)(16).

(10) Specification MC 304: Tank motor vehicle meeting § 178.343–2(c) of this subchapter. If the cargo tank is constructed with bottom outlets, they must meet § 178.342–5(a) of this subchapter.

(11) Specification MC 307 (§§ 178.340, 178.342 of this subchapter). Tank motor vehicle meeting § 178.343–2(c) of this subchapter.

(12) Specification MC 310, MC 311, or MC 312 (§§ 178.340, 178.343 of this subchapter). Tank motor vehicles. If the cargo tank is constructed with bottom outlets, they must meet §§ 178.342–5(a) and 178.343–5 of this subchapter.

(13) Specification 103AW, 103A–ALW, 103ANW, 103BW, 103CW, 103EW, 111A100F2, 111A60ALW2, 111A60W2, 111A60W5 (§§ 179.200, 179.201 of this subchapter). Tank cars. All special requirements for tank cars according to flashpoint, vapor pressure, and viscosity in paragraphs (a) through (L) of this section apply.

(14) Specification 105A100W or 112-A200W (§§ 179.200, 179.201, 179.100, 179.101 of this subchapter). Tank cars. Authorized only for propylene oxide.

(15) Specification 103ALW, 103DW, 103W, 104W, 111A60ALW1, 111A60W1, 111A100W3, 111A100W6, 115A60W6, or AAR206W (§§ 179.200, 179.201, 179.220 of this subchapter). Tank cars. All special requirements for tank cars according to flashpoint, vapor pressure, and viscosity in paragraphs (a) through (L) of this section apply. (See Note 1.)

NOTE 1: Authorized only on an interim basis pending the Department's decision on use of bottom outlets for tank cars containing hazardous materials.

B. In § 173.240, foot note 1 is added to read as follows:

§ 173.240 Corrosive materials; definition.[1]

* * * * *

C. In § 173.244, paragraph (c) is amended to read as follows:

§ 173.244 Exemptions for corrosive materials.

* * * * *

(c) Corrosive solids, except those for which no exemptions are provided as indicated by the "No exemption" statement in § 172.5 of this subchapter in inside earthenware, glass, plastic, or paper receptacles of not more than 5 pounds capacity each or in inside metal, rigid fiber or composition cans or cartons, or rigid plastic receptacles, of not more than 10 pounds capacity each, overpacked in metal, wooden, or fiberboard outside containers not exceeding 25 pounds net weight each are, unless otherwise provided in this part, exempt from specification packaging, marking, and labeling requirements, except that marking name of contents on outside container is required for shipments via carrier by water. Shipments for transportation by highway carriers are exempt also from Part 177 of this subchapter, except § 177.817.

D. In § 173.245, paragraph (a) (16) is amended; paragraph (b) and paragraphs (a) (28) through (32) are added to read as follows:

§ 173.245 Corrosive liquids not specifically provided for.

(a) * * *

(16) Specification 6D or 37M (nonreusable container) (§§ 178.102, 178.134 of this subchapter). Cylindrical steel overpacks with inside spec. 2S, 2SL, or 2U (§§ 178.35, 178.35a 178.24 of this subchapter) polyethylene packaging.

* * * * *

(28) Cylinders as prescribed for any compressed gas, except acetylene. All cylinder valves must be protected by one of the methods described in § 173.301 (g) (1), (2), or (3). See § 173.34(e) (16).

(29) Specification MC 304. Tank motor vehicle meeting § 178.343–2(c) of this subchapter.

(30) Specification MC 307 (§§ 178.340, 178.342 of this subchapter). Tank motor vehicle meeting § 178.343–2(c) of this subchapter.

(31) Specification MC 310, MC 311, or MC 312 (§§ 178.340, 178.343 of this subchapter). Tank motor vehicles. If cargo tank is constructed with bottom outlets, they must meet § 178.343–5 of this subchapter.

(32) Specification 103AW, 103A–ALW, 103ANW, 103BW, 103CW, 103EW, 111A100F2, 111A60ALW2, 111A60W2, 111A60W5, (§§ 179.200, 179.201 of this subchapter). Tank cars.

(33) Specification 103ALW, 103DW, 103W, 104W, 111A60ALW1, 111A60W1, 111A100W3, 111A100W6, 115A60W6, or AAR206W (§§ 179.200, 178.201, 179.220 of this subchapter). Tank cars. (See Note 1.)

NOTE 1: Authorized only on an interim basis pending the Department's decision on use of bottom outlets for tank cars containing hazardous materials.

(b) If a material classed as corrosive is corrosive to steel or aluminum according to § 173.240(a) (2) and is not corrosive to skin according to § 173.240(a) (1), it is not subject to any requirements of this subchapter for rail or highway when transported in a tank car tank or cargo tank constructed entirely of materials that will not react dangerously with or be decomposed by the commodity being transported.

E. In § 173.245a, the introductory text in paragraph (a) is amended and paragraph (b) is added to read as follows:

§ 173.245a Corrosive liquids, n.o.s. shipped in bulk.

(a) Corrosive liquids, n.o.s. which are listed in the following table, may not be shipped in bulk unless they are packaged as follows:

* * * * *

(b) Corrosive liquids, n.o.s., except those listed in paragraph (a) of this section, when shipped in bulk, must be packaged as prescribed by § 173.245.

F. In § 173.245b, paragraph (a) (11) is deleted and paragraphs (a) (2), (4), (5), and (7) thru (10) are amended to read as follows:

§ 173.245b Corrosive solids not specifically provided for.

(a) * * *

(2) Fiberboard box with inside paper bags, not over 50 pounds total net capacity. When shipped by water, each box must include a moisture barrier.

* * * * *

(4) Metal drum.

(5) Fiber drum not exceeding 550 pounds net weight and not over 55-gallon capacity. When shipped by water, each drum must include a moisture barrier.

* * * * *

(7) Bag: Each bag filled to weight with product and closed as for shipment must be capable of withstanding four drops from a height of 4 feet onto a solid surface, one drop on each end and one drop on each face, without sifting or rupture. Authorized net weight not to exceed 110 pounds. When shipped by water, each bag must include a moisture barrier.

(8) Metal portable tank or closed bin of not over 660-gallon capacity and 7,000 pounds gross weight.

(9) Fiberglass or rubber tank or closed bin of not over 74-cubic-foot capacity.

(10) Metal sift-proof cargo tank or tank car, or hopper-type or pneumatic bulk vehicle.

(11) [Deleted]

PART 178—SHIPPING CONTAINER SPECIFICATIONS

Section 178.343–5 is amended to read as follows:

§ 178.343 Specification MC 312; cargo tanks.

§ 178.343–5 Outlets.

(a) Each outlet at or near the top of a tank, used for discharge of lading, must be equipped with a shutoff valve located as close as practical to the point of outlet from the tank. Each such outlet having its discharge end below the top liquid level in the tank must be equipped with an additional shutoff valve, blank flange, or sealing cap at the discharge end of the outlet.

(b) Except as provided in paragraphs (c) and (d), of this section; each bottom outlet must be equipped with a shutoff valve designed, installed, and protected as follows:

(1) Product piping must be protected to assure against the accidental escape of contents by a shear section located outboard of each valve seat and within four inches of the vessel.

(i) The shear section must be machined to abruptly reduce the wall thickness of the adjacent piping (or valve) material by at least 20 percent so that it will break under strain and leave the valve seat and its attachment to the vessel and the valve head intact without leakage of the lading.

(2) Each bottom outlet valve must be located inside the tank or immediately adjacent at the outlet point outside the tank.

(i) The valve seat must be located inside the tank or within the welded flange nozzle or coupling at the point of outlet from the tank.

[1] A corrosive material, not subject to the definition previously in effect in § 173.240, packaged before December 31, 1973, may be shipped and transported without being subject to any of the requirements in 49 CFR Parts 170 to 179 until December 31, 1974. As of January 1, 1975, these materials may not be shipped or transported unless they are in compliance with 49 CFR 170 to 179.

(ii) Each bottom discharge valve must be equipped with a remote means to activate a valve closure manually from a point no less than 10 feet away.

(3) In addition, a blank flange, sealing cap, or shutoff valve is required at the discharge end of the outlet.

(c) A bottom opening for purposes other than lading discharge may be closed by a bolted blank flange at the tank shell. If any piping extends from such an opening, it must be fitted with a shutoff valve designed, installed, and protected as described in paragraph (b)(1) of this section. In addition a supplemental closure is required at the discharge end of this piping.

(d) Bottom outlet valves need not meet subparagraph (b)(2)(ii) of this section when the cargo tank is transporting a corrosive liquid containing solids in suspension in sufficient quantity that settling may form a layer of solid material that may interfere with sealing of the valve seat.

This amendment is effective December 31, 1973. However, compliance with the regulations, as amended herein, is authorized immediately.

(Secs. 831–835, Title 18, U.S.C., sec. 9, Department of Transportation Act, 49 U.S.C. 1657, title VI and sec. 902(h), Federal Aviation Act of 1958, 49 U.S.C. 1421–1430, 1472(h), 1655(c).)

Issued in Washington, D.C. on July 27, 1973.

C. R. MELUGIN, Jr.,
Board Member, for the Federal Aviation Administration.

ROBERT A. KAYE,
Board Member, for the Federal Highway Administration.

MAC E. ROGERS,
Board Member, for the Federal Railroad Administration.

[FR Doc.73-15914 Filed 8-2-73;8:45 am]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1084; Amdt. 3]

PART 1033—CAR SERVICE

Chicago, Rock Island and Pacific Railroad Co.

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

Upon further consideration of Service Order No. 1084 (36 FR 22063; 37 FR 12726 and 28059), and good cause appearing therefor:

It is ordered, That:

§ 1033.1084 Service Order No. 1084 (Chicago, Rock Island and Pacific Railroad Company authorized to operate over tracks of Chicago and North Western Transportation Company) be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* This order shall expire at 11:59 p.m., January 31, 1974, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., July 31, 1973.

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

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

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-16077 Filed 8-2-73;8:45 am]

Title 7—Agriculture

CHAPTER VII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (AGRICULTURAL ADJUSTMENT), DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 1]

PART 722—COTTON

Subpart—Marketing Quota Regulations for the 1972 and Succeeding Crops of Extra Long Staple Cotton and Recordkeeping Requirements for Extra Long Staple and Upland Cotton

1973 RATE OF PENALTY

The purpose of this amendment is to announce the rate of penalty applicable to excess extra long staple cotton produced in the 1973 crop year. This amendment is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31), as amended (7 U.S.C. 1281 et seq.).

Under the Act, the penalty rate per pound on the farm marketing excess is equal to the higher of 50 percent of the parity price or 50 percent of the support price for extra long staple cotton as of June 15 of the calendar year in which the crop is produced.

Since the rate of penalty is simply a mathematical determination, it is hereby determined and found that the compliance with the notice, public procedure, and effective date requirements of 5 U.S.C. 553 is unnecessary and contrary to the public interest, and this amendment shall become effective August 3, 1973.

The regulations for Marketing Quotas for the 1972 and Succeeding Crops of Extra Long Staple Cotton and Recordkeeping Requirements for Extra Long Staple and Upland Cotton (37 FR 25029) are amended as follows:

1. Section 722.73 is amended by adding a new paragraph (c)(2) to read as follows:

§ 722.73 Rate of penalty.

* * * * *

(c) * * *

(2) 1973 ELS cotton penalty rate is 44.4 cents per pound.

(Secs. 346, 347, 373, 375, 63 Stat. 674, as amended, 63 Stat. 675, as amended, 52 Stat. 65, 66, as amended, 7 U.S.C. 1346, 1347, 1373, 1375)

Effective date: August 3, 1973.

Signed at Washington, D.C., on July 27, 1973.

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

[FR Doc.73-16030 Filed 8-2-73;8:45 am]

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

[Lime Regulation 7]

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 August 5–11, 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.

§ 911.407 Lime Regulation 7.

(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 poor, with f.o.b. prices last week ranging from $1.25 to $1.40 per 10 lb. pony, down about 25 cents from the previous week. Fresh shipments for the weeks ended July 28, 1973, and July 21, 1973, were 27,967 bushels and 28,899 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 regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for 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 regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such limes; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or befort the effective date hereof. Such committee was held on July 31, 1973.

(b) *Order.* (1) The quantity of limes grown in Florida which may be handled during the period August 5, 1973 through August 11, 1973, is hereby fixed at 20,000 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: August 2, 1973.

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

[FR Doc.73–16184 Filed 8–2–73;8:45 am]

[Lemon Regulation 597]

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 August 5–11, 1973. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 910. The quantity of lemons so fixed was arrived at after consideration of the total available supply of lemons, the quantity of lemons currently available for market, the fresh market demand for lemons, lemon prices, and the relationship of season average returns to the parity price for lemons.

§ 910.897 Lemon Regulation 597.

(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 resulting from consideration of the factors enumerated in the order. The committee further reports the demand for lemons continues active, exceeding supplies on all sizes and grades. Average f.o.b. price was $5.69 per carton the week ended July 28, 1973, compared to $5.34 per carton the previous week. Track and rolling supplies at 152 cars were up 3 cars from last week.

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

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 31, 1973.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period August 5, 1973 through August 11, 1973, is hereby fixed at 275,000 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: August 2, 1973.

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

[FR Doc.73–16183 Filed 8–2–73;8:45 am]

[Peach Reg. 13]

PART 919—PEACH GROWN IN MESA, COUNTY, COLORADO

Limitation of Shipments, Preamble

This regulation requires that Colorado peaches shipped to points outside of Colorado grade at least U.S. No. 1, and be at least 2⅛ inches in diameter during the period August 4, through September 30, 1973.

On July 24, 1973, notice of proposed rulemaking was published in the FEDERAL REGISTER (38 FR 19832), regarding a proposed regulation to be made effective pursuant to the marketing agreement and Order No. 919 (7 CFR Part 919), regulating the handling of peaches grown in the county of Mesa in the State of Colorado. This notice allowed interested persons 7 days during which they could submit written data, views, or arguments pertaining to this proposed regulation. None were submitted. The proposed regulation was recommended by the Administrative Committee established pursuant to the said marketing agreement and order. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

This action reflects the Department's appraisal of the need for regulation, and of the crop and current and prospective market conditions. Shipments of peaches from the production area are expected to begin on or about August 4, 1973. The grade and size requirements provided herein are necessary to prevent the handling, on and after August 4, 1973, of any peaches which do not comply with such requirements, so as to provide consumers with good quality fruit, consistent with the overall quality of the crop, while providing producers a fair return pursuant to the declared policy of the act.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the recommendation and information submitted by the Administrative Committee, and upon other available information, it is hereby found that the limitation of handling of such peaches, as hereinafter provided, will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for not postponing the effective date of this regulation until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) notice of proposed rulemaking concerning this regulation, with an effective date as hereinafter specified, was published in the FEDERAL REGISTER (38 FR 19832), and no objection to this regulation or such effective date was received; (2) compliance with the regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof; and (3) shipments of the current crop of such peaches are expected to begin on or about the effective date hereof and this regulation should be applicable, insofar as practicable, to all shipments of such peaches in order to effectuate the declared policy of the act.

§ 919.314 Peach Regulation 13.

(a) *Order.* During the period August 4, through September 30, 1973, no handler shall ship:

(1) Any peaches of any variety which do not grade at least U.S. No. 1;

(2) Any peaches of any variety which are of a size smaller than 2⅛ inches in diameter: *Provided,* That any lot of peaches shall be deemed to be of a size not smaller than 2⅛ inches in diameter (i) if not more than 10 percent, by count, of such peaches in such lot are smaller than 2⅛ inches in diameter; and (ii) if not more than 15 percent, by count, of the peaches contained in any individual container in such lot are smaller than 2⅛ inches in diameter.

(b) *Definitions.* As used herein, "peaches", "handler", "ship", and "variety" shall have the same meaning as when used in the aforesaid amended marketing agreement and order; "U.S. No. 1", "diameter", and "count", shall have the same meaning as when used in the United States Standards for Peaches (7 CFR 51.1210–51.1223).

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

Dated: July 31, 1973.

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

[FR Doc.73-16132 Filed 8-2-73;8:45 am]

[Prune Reg. 11]

PART 925—FRESH PRUNES GROWN IN DESIGNATED COUNTIES IN IDAHO AND IN MALHEUR COUNTY, OREGON

Limitation of Shipments, Preamble

This regulation specifies the grade, size and container requirements on the handling of fresh Idaho-Oregon prunes during the period August 4, 1973, through August 31, 1974. Prunes would be required to grade at least U.S. No. 1, have a minimum size of 1¼ inches and the net weight of prunes in containers, other than the ½ bushel basket, would be either less than 20 pounds or more than 30 pounds.

Notice was published in the FEDERAL REGISTER on July 18, 1973 (38 FR 19129), that consideration was being given to proposals relative to limitations of shipments of fresh prunes recommended by the Idaho-Malheur County, Oregon Fresh Prune Marketing Committee, established under the marketing agreement and Order No. 925 (7 CFR Part 925), regulating the handling of fresh prunes grown in designated counties in Idaho and in Malheur County, Oregon, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The notice afforded interested persons until July 24, 1973, to submit written data, views, or arguments in connection with said proposals. None were received.

After consideration of all relevant matters presented, including that in the notice and other available information, it is hereby found that the regulation, as hereinafter set forth, is in accordance with said marketing agreement and order and will tend to effectuate the declared policy of the act.

It is expected that ample supplies of desirable grades and sizes of fresh prunes will be available to the fresh market. The grade and size requirements set forth in the regulation are designed to prevent the handling, on and after August 4, 1973, of Italian prunes of lower grades and smaller sizes than hereinafter specified so as to provide consumers with good quality fruit, consistent with the overall quality of the crop, while improving returns to producers and providing orderly marketing conditions in the interest of producers and consumers, pursuant to the declared policy of the act.

The requirement that fresh prunes be handled in containers holding either less than 20 pounds or 30 pounds or more of prunes, with the exception of the one-half bushel basket, is necessary to standardize the capacities of containers that can be used to ship fresh prunes grown in the production area and prevent deception and misrepresentation of the net weight of prunes commonly contained in such containers. An exception is made for the one-half bushel basket as that container is customarily packed on a volume basis rather than on the basis of weight.

Individual shipments of 1,000 pounds or less of fresh prunes are exempted from regulation in that such shipments are primarily more mature prunes sold locally to fruit stands to fill a consumer need for fruit for home canning, and they do not materially affect the demand in commercial channels. Shipments of Moyer Perfecto and Empress varieties would be exempt from the grade, size, and container requirements of this section as well as the assessment and inspection provisions of the order because such varieties are of a type that does not compete, in the fresh fruit markets, with the principal varieties of Italian prunes.

It is hereby further found that good cause exists for not postponing the effective date of this regulation until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) notice was given of the proposed regulation, to become effective August 4, 1973, through publicity in the production area and by publication in the July 18, 1973, issue of the FEDERAL REGISTER; (2) the effective date hereof will not require of handlers any preparation that cannot be completed prior thereto; (3) this regulation was unanimously recommended by members of the Idaho-Malheur County, Oregon Fresh Prune Marketing Committee in an open meeting at which

all interested persons were afforded an opportunity to submit their views; and (4) shipments are expected to begin on or about August 4, 1973, and this regulation should, insofar as practicable, be applicable to all shipments of prunes in order to effectuate the declared policy of the act.

§ 925.312 Prune Regulation 11.

(a) *Order.* During the period August 4, 1973, through August 31, 1974, no handler shall handle any lot of Italian prunes except Moyer Perfecto and Empress varieties, unless such prunes meet the following applicable requirements, or are handled in accordance with (a)(3) of this section:

(1) *Minimum grade and size requirements.* Such prunes grade at least U.S. No. 1 and are a minimum size of 1¼ inches in diameter: *Provided,* That prunes which are affected by healed hail marks may be shipped if they otherwise grade at least U.S. No. 1.

(2) *Containers.* The net weight of prunes in any container, other than the one-half (½) bushel basket shall be either (1) less than 20 pounds, or (2) more than 30 pounds.

(3) Notwithstanding any other provision of this regulation, any individual shipment of prunes which, in the aggregate, does not exceed 1,000 pounds net weight may be handled without regard to the restrictions specified in this paragraph (a) of this section or in § 925.41 (Assessment) and § 925.55 (Inspection and Certification).

(4) The terms "U.S. No. 1", "diameter", and "hail marks" shall have the same meaning as when used in the United States Standards for Fresh Plums and Prunes (7 CFR 51.1520–51.1538); and terms used in the marketing agreement and order, shall when used herein, have the same meaning as is given to the respective term in the marketing agreement and order.

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

Dated July 31, 1973.

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

[FR Doc.73–16131 Filed 8–2–73;8:45 am]

[Pear Regulation 3, Amendment 1]

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

Limitation of Shipments

This amended regulation, issued pursuant to the Marketing Agreement and Order 917 (7 CFR 917) requires all California Bartlett, Max-Red Bartlett, Red Bartlett, and Rosired Bartlett pears shipped in interstate commerce during the period July 5, 1973, through July 31, 1974, to grade at least U.S. Combination, with not less than 80 percent grading at least U.S. No. 1 grade. It also requires that such pears be not smaller than 165 size, except that not to exceed 5.263 percent may be smaller but not smaller than 180 size, and provides that containers of such pears shall be marked with the variety name or the words "unknown variety." The regulation is the same as that currently in effect in § 917.432 (Pear Regulation 3; 38 F.R. 17182). The action is necessary to assure that the pears shipped will be of suitable quality and size in the interest of consumers and producers. The proposed regulation was recommended by the Pear Commodity Committee established pursuant to the said amended marketing agreement and order. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

Notice was published in the FEDERAL REGISTER issues of July 11 and 17, 1973 (38 FR 18467, 19047), that the Department was giving consideration to a proposal to amend § 917.432 (Pear Regulation 3, 38 FR 17182) effective pursuant to the marketing agreement, as amended, and Order No. 917, as amended (7 CFR Part 917), regulating the handling of fresh pears, plums, and peaches grown in California to extend the regulation through July 31, 1974. This notice allowed interested persons until July 23, 1973, to submit written data, views, or arguments for consideration relative to such proposed extension. No such comments were received in response to such notice. However, a letter from Placerville Fruit Growers Association dated July 6 was received after the initial regulation was issued. This letter requested that a regulation be issued which would permit shipment of pears meeting 75 percent U.S. No. 1 quality instead of limiting shipments to 80 percent U.S. No. 1 quality as recommended by the committee so as to accommodate shipment of pears affected by russeting from Eldorado County.

This request was carefully and fully considered along with the information contained in the aforesaid letter, the information submitted by the committee, and other available data bearing on the situation. The Bartlett pear crop in the Pacific Coast States is forecast at 521,000 tons compared with 438,000 tons last year. The carryin stocks of practically all canned fruits are at low levels. Carryin stocks of pears are about a third less than last year and fruit cocktail nearly 50 percent less. Hence, the demand in the processing outlet which normally takes in excess of 75 percent of the Bartlett pear crop is extremely favorable. Pears affected by russeting are objectionable to consumers in the fresh market, and growers generally dispose of pears so affected in processing outlets in which russeting is not objectionable. Ample supplies of pears meeting requirements set forth in the notice are available from this large crop. Therefore it is concluded that the amendment as specified in said notice is appropriate for the supply and market situation expected to prevail during the pear shipping season. Said amendment will tend to assure consumers of an adequate supply of acceptable quality pears and maintain grower returns at a level consistent with the public interest, and it is hereby found that the limitation of handling of such pears, as hereinafter provided, will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for not postponing the effective date of this regulation until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of such pears are expected to continue on and after the expiration date of the existing regulation and such regulation should be applicable to all shipments made during the season in order to effectuate the declared policy of the act; (2) notice of proposed rule making concerning this amendment with an effective date as hereinafter specified, was published in the FEDERAL REGISTER (38 FR 18467, 19047); (3) the regulatory requirements are the same as those currently in effect; and (4) compliance with this amended regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

Order. § 917.432 paragraph (a) is hereby amended to read as follows:

§ 917.432 Pear Regulation 3.

(a) *Order.* During the period July 5, 1973, through July 31, 1974, no handler shall ship:

* * * * *

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

Dated: July 31, 1973.

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

[FR Doc.73–16061 Filed 8–2–73;8:45 am]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS PURCHASES, AND OTHER OPERATIONS

[1973-Crop Distress Grain Loan Program Regs.]

PART 1473—DISTRESS LOANS

Subpart—1973-Crop Distress Grain Loan Program

This subpart issued by the Commodity Credit Corporation contains the terms and conditions under which recourse, distress loans will be made available on 1973-crop barley, corn, grain sorghum, oats, rye, and wheat stored on the ground.

The Commodity Credit Corporation has issued regulations making its regu-

lar price support loan and purchase program available for the 1973 crops of barley, corn, grain sorghum, oats, rye, and wheat. The distress loan program set forth in this subpart is an adjunct to the regular price support loan and purchase program. The distress loan program, which will be put into effect in areas where storage is temporarily unavailable, is designed to assist producers in holding their grain until they can market it in usual channels or qualify for nonrecourse loans under the regular CCC price support loan and purchase program.

Since this is a temporary emergency program which must be made effective immediately, it is hereby found and determined that compliance with the notice of proposed rule making procedure is unnecessary, impracticable and contrary to the public interest. Therefore, this subpart is being issued without following such proposed rule making procedure and shall be effective upon filing with the Office of the Federal Register.

Sec.
1473.1 Administration.
1473.2 Availability of loans.
1473.3 Disbursement of loans.
1473.4 Eligible producer.
1473.5 Eligible grain.
1473.6 Storage.
1473.7 Determination of quantity.
1473.8 Liens.
1473.9 Fees and charges.
1473.10 Setoffs.
1473.11 Interest rate.
1473.12 Release of grain under loan.
1473.14 Losses in quantity or quality.
1473.15 Personal liability of the producer.
1473.16 Loan rates.
1473.17 Maturity of loans.
1473.18 Settlement.
1473.19 Foreclosure.

AUTHORITY: Secs. 4 and 5, 62 Stat. 1070, as amended; 15 U.S.C. 714b and c.

§ 1473.1 Administration.

(a) *General statement.* This subpart contains the terms and conditions under which the Commodity Credit Corporation will make recourse distress loans (hereinafter called loans) on 1973-crop barley, corn, grain sorghum, oats, rye, and wheat piled on the ground or stored in temporary facilities. As used in this subpart, "CCC" means the Commodity Credit Corporation, and "ASCS" means the Agricultural Stabilization and Conservation Service of the U.S. Department of Agriculture.

(b) *Responsibility.* The Grain Division, ASCS will administer the regulations in this subpart under the general supervision and direction of the Deputy Administrator, Programs, ASCS, in accordance with program provisions and policy determined by the Board of Directors and the Executive Vice President, CCC. In the field, the regulations in this subpart will be administered by the State and County Agricultural Stabilization Committees (hereinafter called State and county committees), ASCS Commodity Offices and the ASCS Data Processing Center.

(c) *Documents.* Any member of the county committee, the county executive director, or other employee of the county ASCS office (hereinafter called county office) designated in writing by the county executive director to act in his behalf (such delegation to be filed in the county office) is authorized to approve documents under this program except where otherwise specified in the regulations in this subpart. He may also execute releases or otherwise obtain the release of record of chattel mortgages and security agreements made to CCC to secure loans upon payment in full of the loan involved. He may execute indemnity agreements on behalf of CCC where any county recording officer deems such indemnity agreement necessary to releasing a mortgage or security agreement of record.

(d) *Limitation of authority.* County executive directors, State and county committees, ASCS commodity offices, the ASCS Data Processing Center, and employees thereof, do not have authority to modify or waive any of the provisions of the regulations in this subpart.

(e) *State committee.* The State committee may take any action authorized or required by the regulations in this subpart to be taken by the county committee which has not been taken by such committee. The State committee may also (1) correct or require a county committee to correct any action taken by such county committee which is not in accordance with the regulations in this subpart, or (2) require a county committee to withhold taking any action which is not in accordance with the applicable regulations in this subart.

(f) *Executive Vice President, CCC.* No delegation herein to a State or county committee, an ASCS commodity office, or the Data Processing Center shall preclude the Executive Vice President, CCC or his designee, from determining any question arising under the regulations in this subpart or from reversing or modifying any determination made by a State or county committee, an ASCS commodity office, or the ASCS Data Processing Center.

§ 1473.2 Availability of loans.

(a) *Areas.* In areas designated by the State committee, loans to eligible producers shall be available on 1973-crop barley, corn, grain sorghum, oats, rye, and wheat (hereinafter jointly called "grain") stored on or off the farm either (1) on the ground, or (2) in temporary facilities, except that, in areas where the State committee determines it is not feasible safely to store grain on the ground, it may authorize loans only on grain stored in temporary facilities. Producers may obtain at the county office information as to areas where loans are available.

(b) *Requesting loans.* Producers should make requests for loans at the county office which keeps the farm program records for the farm.

(c) *Period of availability.* Loans will be available in any area designated by the State committee beginning with the date the program for the area is announced by the State committee. The final date of availability of loans in any such area shall be 30 calendar days after the program is announced for the area, or 30 calendar days after the producer completes harvest of the grain tendered for loan, whichever is later. Whenever the final date of availability or the maturity date of the loan falls on a nonworkday for the county office, the applicable final date shall be extended to include the next workday.

(d) *Completion of applicable loan documents.* To obtain a loan, the producer must sign and deliver to the county office, not later than the final date of availability for loans, a Form CCC–677, "Farm Storage Note Chattel Mortgage and Security Agreement" and a "Supplemental Terms and Conditions to Farm Storage Note, Chattel Mortgage and Security Agreement".

§ 1473.3 Disbursement of loans.

Disbursement of loans will be made to producers by county offices by drafts drawn on CCC or by credit to the producer's account. The producer shall not present the loan documents for disbursement unless the grain covered by the mortgage is in existence and in good condition. If the grain was not in existence and in good condition at the time of disbursement, the total amount disbursed under the loan shall be refunded promptly by the producer.

§ 1473.4 Eligible producer.

(a) *Producer.* An eligible producer shall be an individual, partnership, association, corporation, estate, trust, State or political subdivision or agency thereof, or other legal entity (1) which produced the grain tendered for loan as landowner, landlord, tenant, sharecropper, and (2) which meets the other requirements for eligibility for loans contained in this subpart.

(b) *Producers of barley, corn, grain sorghum, and wheat.* To be eligible for a loan on barley, corn, grain sorghum, or wheat, producers must meet the compliance requirements set forth in the CCC 1973 crop barley, corn, grain sorghum, and wheat loan and purchase program supplements respectively (Part 1421 of this title).

(c) *Estates and trusts.* A receiver or trustee of an insolvent or bankrupt debtor's estate, an executor or an administrator of a deceased person's estate, a guardian of an estate of a ward or an incompetent person, and trustees of a trust estate shall be considered to represent the insolvent or bankrupt debtor, the deceased person, the ward or incompetent, and the beneficiaries of a trust, respectively, and the production of the receiver, executor, administrator, guardian, or trustee shall be considered to be the production of the person or estate he represents. Loan documents executed by any such person will be accepted by CCC only if they are legally valid and such person has the authority to sign the applicable documents.

(d) *Eligibility of minors.* A minor who is otherwise an eligible producer shall be

eligible for a loan only if he meets one of the following requirements: (1) The right of majority has been conferred on him by court proceedings or by statute; (2) a guardian has been appointed to manage his property and the applicable loan documents are signed by the guardian; (3) any note signed by the minor is cosigned by a financially responsible person; or (4) a bond is furnished under which a surety guarantees to protect CCC from any loss incurred for which the minor would be liable had he been an adult.

(e) *Beneficial interest.* To be eligible for a loan, the beneficial interest in the grain must be in the producer tendering the grain as security for a loan and must always have been in him or in him and a former producer whom he succeeded before it was harvested, except that heirs who (1) succeed to the beneficial interest of a deceased producer, and (2) assume the decedent's obligation under a loan if a loan has already been obtained shall be eligible for loans as producers whether such succession occurs before or after harvest of the grain. A producer shall not be considered to have divested himself of the beneficial interest in the grain if he enters into a contract to sell, or gives an option to buy his grain if, under the contract or option, he retains control and risk of loss and title to the grain subject to such agreements, and retains control of its production.

(f) *Succession of interest.* To meet the requirements of succession to the beneficial interest of a former or deceased producer under paragraph (e) of this section, the rights, responsibilities and interests of the former producer with respect to the farming unit on which the grain was produced shall have been substantially assumed by the person claiming succession. Mere purchase or inheritance of a crop prior to harvest without acquisition of any additional interest in the farming unit on which the crop is produced does not constitute succession to such beneficial interest.

(g) *Joint loans.* Two or more eligible producers who have an interest in eligible grain which is the production from a farm and is stored in accordance with § 1473.5 may obtain a joint loan on such grain. Each producer who is a party to the joint loan will be jointly and severally responsible for the obligations set forth in the loan documents and the regulations in this subpart.

§ 1473.5 Eligible grain.

General. To be eligible for a loan, the grain tendered shall be stored identity preserved, except, that grain may be stored commingled outside at a warehouse; Provided, the producer furnishes weight tickets or other evidence of the quantity he contributed. Weight tickets on commingled grain must be certified by the warehouseman or other responsible persons as to the quantity and location. Storage must meet the requirements of § 1473.6 and the grain shall meet the eligibility requirements for the applicable commodity appearing in the following sections of Part 1421 of this chapter: Barley § 1421.51(a); Corn § 1421.91(a); Grain Sorghum § 1421.211(a); Oats § 1421.247(a); Rye § 1421.337(a); and Wheat § 1421.461(a).

§ 1473.6 Storage.

(a) *Temporary storage.* Temporary storage facilities shall be facilities which the county office determines to be suitable for the temporary storage of grain.

(b) *Ground storage.* Grain piled on the ground shall be protected from animals and shall be located on ground which will afford maximum protection from water drainage.

§ 1473.7 Determination of quantity.

The quantity of grain tendered for loan shall be estimated by the county office or weight tickets for commingled grain stored outside at a warehouse furnished by the producer. Measurements, threshing records, and other guides shall be used in making the estimate to the extent that they are practicable or available. Loans shall be made on the quantity of grain so determined. The quantity of grain delivered to CCC shall be determined by weight.

§ 1473.8 Liens.

If there are any liens or encumbrances on the grain, waivers that will fully protect the interest of CCC must be obtained even though the liens or encumbrances are satisfied from the loan proceeds. Notwithstanding the foregoing provisions, in lieu of waiving his prior lien on grain tendered as security for a loan, a lienholder may execute a Lienholder's Subordination Agreement (Form CCC-864) with CCC in which he subordinates his security interest to the rights of CCC in the grain subject to the loan or such other quantity of the grain as is delivered in satisfaction of a loan. No additional liens or encumbrances shall be placed on the grain after the loan is approved.

§ 1473.9 Fees and charges.

(a) *Loan service fee.* A producer shall pay a loan service fee of $8 for each loan disbursed. The loan service fee is not refundable.

(b) *Delivery charge.* A delivery charge, in addition to the loan service fee, shall be paid by producers on the quantity of grain delivered to CCC. The rate is one-half cent per bushel for barley, corn, oats, rye, and wheat and 1 cent per hundredweight for grain sorghum. The delivery charge shall be paid at time of settlement.

§ 1473.10 Setoffs.

The proceeds of the loan shall be applied against any indebtedness of the producer to CCC or any other agency of the United States in accordance with the provisions of § 1421.15 of Part 1421 of this chapter.

§ 1473.11 Interest rate.

Loans shall bear interest at the same rates as those announced for regular nonrecourse loans in a separate notice published in the FEDERAL REGISTER, 38 FR 3614.

§ 1473.12 Release of grain under loan.

(a) *Obtaining release.* A producer shall not remove any collateral covered by a chattel mortgage until he has received prior written approval for such removal from the county committee on a form prescribed by CCC. A producer may at any time obtain release of all or part of the grain remaining under loan by paying to CCC the amount of the loan made with respect to the quantity of the grain released plus interest. When the proceeds of the sale of the grain are needed to repay a loan, the producer must request and obtain prior written approval of the county office on a form prescribed by CCC to remove a specified quantity of the grain from storage. Any such approval shall be subject to the terms and conditions set out in the applicable form, copies of which may be obtained by producers at the county office. Any such approval shall not constitute a release of CCC's security interest in the grain or release the producer from liability for any amounts due on his loan indebtedness if full payment of such amounts is not received by the county office.

(b) *Release of chattel mortgage.* The chattel mortgage shall not be released until the loan has been satisfied in full. After satisfaction of a loan, the county executive director shall release the chattel mortgage.

§ 1473.13 Insurance.

CCC does not require the producer to insure the grain placed under a loan; however, if the producer insures such grain and an indemnity is paid thereon, such indemnity shall inure to the benefit of CCC to the extent of its interest after first satisfying the producer's equity in the grain involved in the loss.

§ 1473.14 Losses in quantity or quality.

CCC will not assume losses in quantity or quality of the grain under loan resulting from any cause.

§ 1473.15 Personal liability of the producer.

The personal liability of the producer to CCC for fraud or other reasons stated in § 1421.17 of Part 1421 in connection with a loan shall be the same as the personal liability of the producer in connection with a farm-storage loan as prescribed in paragraphs (a), (c), (d), (e), and (f) of such § 1421.17, except that the loan settlement value referred to in such section shall be the settlement value as determined under § 1473.18.

§ 1473.16 Loan rates.

Loans will be made under this program at 75 percent of the basic county loan rate for the applicable commodity established for the county in which the grain is stored under the regular 1973-crop price support loan and purchase programs, 7 CFR Part 1421. Such rates appear in the following sections of Part 1421 of this chapter: Barley—§ 1421.75; Corn—§ 1421.116; Grain Sorghum—§ 1421.239; Oats—§ 1421.274; Rye—§ 1421.237; and Wheat—§ 1421.489.

§ 1473.17 Maturity of loans.

Loans mature on demand, but not later than 90 days from the date the loan is disbursed.

§ 1473.18 Settlement.

Loans are recourse loans and the principal of a loan plus interest must be paid on or before maturity. Loans shall be satisfied in accordance with the provisions contained in this section.

(a) *Producer obtains nonrecourse loan.* A producer, on or before maturity of the loan, may, with approval of the county committee, place his commodity in eligible farm or warehouse storage and, if he and the commodity are eligible therefor, obtain a regular nonrecourse price support loan from CCC under the applicable loan and purchase regulations, 7 CFR 1421. When the nonrecourse loan is made, the principal on the loan made under this subpart plus accrued interest shall be paid in full either in cash or out of the proceeds of the nonrecourse loan.

(b) *Producer delivers commodity to CCC.* If, on maturity, repayment has not been made and the producer delivers the grain under loan to CCC, delivery of the grain to CCC shall be made in accordance with instructions issued by the county office. When the grain is delivered to CCC, credit shall be given to the producer for the quantity and quality of the grain actually delivered, at the market price at the time and place of delivery, as determined by CCC: *Provided, however,* That if such grain is sold by CCC in order to determine the market price, the settlement value shall not be less than such sales price. If the amount of such credit exceeds the amount due on the principal of the loan plus interest, the amount of the excess shall be paid to the producer by the county office. If the amount of such credit is less than the amount due on the principal of the loan plus accrued interest, the amount of the deficiency shall be paid by the producer to CCC. Any payment which would be due to the producer under any agricultural program administered by the Secretary of Agriculture, or any other payments which are due or may become due the producer from CCC or any other agency of the United States, may be set off against such deficiency.

(c) *Producer repays distress loan.* If the producer does not obtain a nonrecourse loan or deliver the grain to CCC, he must repay in cash the principal due on the loan plus accrued interest.

(d) *Handling payments and collections not exceeding $3.* In order to avoid administrative costs of making small payments and handling small accounts, amounts of $3 or less which are due the producer will be paid only upon his request. Deficiencies of $3 or less, including interest, may be disregarded unless demand for payment is made by CCC.

§ 1473.19 Foreclosure.

If the distress loan is not satisfied upon maturity, the regulations in § 1421.24 with respect to foreclosure shall apply.

Effective date: August 2, 1973.

Signed at Washington, D.C., on: July 27, 1973.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[FR Doc.73–16029 Filed 8–2–73;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.

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Transportation Control Measures; Correction

In the transportation control regulations proposed on July 2 and 3, 1973 for pre-construction review of parking facilities in the Los Angeles area of California, the Trenton and Philadelphia areas of New Jersey, and the Houston-Galveston, San Antonio, and Dallas-Fort Worth areas of Texas, a definition of "commenced" was inadvertently proposed which is at variance with the definition in 40 CFR 52.01, published in 37 FR 19807 (September 22, 1972). Wording consistent with other proposed regulations for parking facilities is given herein as the proposal for these three States.

In the aforementioned areas, and in the Minneapolis area of Minnesota, the proposed regulations specify that the requirement for pre-construction review will be effective upon promulgation (or, in the case of New Jersey, upon proposal). It is the Agency's intention that any such regulation be effective on August 15, 1973, regardless of the date of proposal or promulgation. Therefore, wording consistent with other proposed regulations is given herein as the proposal for these four States.

This notice of proposed rulemaking is issued under the authority of section 110 (c) and section 301(a) of the Clean Air Act. (42 U.S.C. 1857 et seq.)

Dated: July 31, 1973.

ROBERT W. FRI,
Acting Administrator.

SUBPART F—CALIFORNIA

1. The document proposing to revise Part 52 of Chapter I of Title 40 of the Code of Federal Regulations, published in the Federal Register on July 2, 1973, at 38 FR 17686, is corrected by changing § 52.244(a)(4) to read as follows:

(4) "Commenced" means that an owner or operator has undertaken a continuous program of construction, modification, or enlargement.

2. The document proposing to revise Part 52 of Chapter I of Title 40 of the Code of Federal Regulations, published in the Federal Register on July 2, 1973, at 38 FR 17686, is corrected by changing the words "after the date of this regulation" to read "after August 15, 1973" in § 52.244(c).

SUBPART Y—MINNESOTA

3. The document proposing to revise Part 52 of Chapter I of Title 40 of the Code of Federal Regulations, published in the FEDERAL REGISTER on July 2, 1973, at 38 FR 17702, is corrected by adding to § 52.1231(a) a new subparagraph (3) as follows:

(3) "Commenced" means that an owner or operator has undertaken a continuous program of construction, modification, or enlargement.

4. The document proposing to revise Part 52 of Chapter I of Title 40 of the Code of Federal Regulations, published in the FEDERAL REGISTER on July 2, 1973, at 38 FR 17702, is corrected by changing the number "(3)" to the letter "(b)", the number "(i)" to the number "(1)", and the number "(ii)" to the number "(2)" in § 52.1231, and by changing the words "the promulgation date of this regulation" to "August 15, 1973" in both instances in which it appears in § 52.1231.

SUBPART FF—NEW JERSEY

5. The document proposing to revise Part 52 of Chapter I of Title 40 of the Code of Federal Regulations, published in the FEDERAL REGISTER on July 3, 1973, at 38 FR 17790, is corrected by changing § 52.1590(a)(4) to read as follows:

(4) "Commenced" means that an owner or operator has undertaken a continuous program of construction, modification, or enlargement.

6. The document proposing to revise Part 52 of Chapter I of Title 40 of the Code of Federal Regulations, published in the FEDERAL REGISTER on July 3, 1973, at 38 FR 17790, is corrected by changing the words "after the date of this proposed regulation" to read "after August 15, 1973" in § 52.1590(c).

SUBPART SS—TEXAS

7. The document proposing to revise Part 52 of Chapter I of Title 40 of the Code of Federal Regulations, published in the FEDERAL REGISTER on July 3, 1973, at 38 FR 17811, is corrected by changing § 52.2295(a)(4) to read as follows:

(4) "Commenced" means that an owner or operator has undertaken a continuous program of construction, modification, or enlargement.

8. The document proposing to revise Part 52 of Chapter I of Title 40 of the Code of Federal Regulations, published in the FEDERAL REGISTER on July 3, 1973, at 38 FR 17811, is corrected by changing the words "after the effective date of this section" to read "after August 15, 1973" in § 52.2295(c).

[FR Doc.73-16044 Filed 8-2-73;8:45 am]

[40 CFR Part 52]

APPROVAL AND PROMULGATION OF STATE IMPLEMENTATION PLANS

Opportunity for Public Comment on Proposed Transportation and/or Land Use Control Strategies

On June 15, 1973, pursuant to section 110(a) of the Clean Air Act and 40 CFR Part 51, the Administrator announced his partial approvals and partial disapprovals of State transportation control plans for implementation of the national ambient air quality standards. This was published in the FEDERAL REGISTER on June 22, 1973 (38 FR 16550).

In accordance with the decision of the Court of Appeals for the District of Columbia Circuit in *Natural Resources Defense Council, Inc., et al. v. Environmental Protection Agency* (Civil Action No. 72-1522), the Administrator is required to promulgate a plan where a State plan is deficient, by August 15, 1973. If, prior to promulgation, a State has adopted and submitted a plan or revision which the Administrator determines to be in accordance with applicable requirements, the State plan will be approved in lieu of promulgation. (Section 110(c) of the Clean Air Act.)

In its order, the court stated that the Administrator shall permit the public to comment on the State transportation control strategies and on the request by the Governor of any State, pursuant to section 110(e) of the Clean Air Act, for an extension of the date for attainment of a primary ambient air quality standard.

This notice is issued to advise the public that revisions for the proposed implementation plans for the State of Colorado and for the District of Columbia have been received by the Environmental Protection Agency and that comments may be submitted on whether the proposed plans, as revised, should be approved or disapproved by the Administrator under section 110(a) of the Clean Air Act. Only comments received on or before August 24, 1973. Notice of opportunity to comment on State plans has been published previously on April 24, April 27, May 4, June 1, June 22, and July 18, 1973.

More detailed descriptions are set forth below.

DISTRICT OF COLUMBIA

A control strategy for the attainment and maintenance of the national standards for carbon monoxide and photochemical oxidants in the National Capital Interstate Air Quality Control Region was submitted by the Mayor of the District of Columbia on April 20, 1973. The

plan was approved in part on June 15, 1973. 38 FR 16550 (June 22, 1973). However, the absence of sufficient detail on regulatory, administrative, and enforcement aspects of some strategies, plus the unlikely availability of others, precluded full approval.

Supplemental information to correct the deficiencies was received on July 9, 1973, including a request for two-year extension of the date for attainment of the primary standards.

On July 16, 1973, the District of Columbia submitted additional supplemental information on enforcement procedures, administrative details, proposed regulations for various strategies, and designation of agencies to perform various functions, as well as cross references showing where other details may be found in the April 1973 submission. A copy of a Council of Governments study on Bus Priority Lanes for the Washington Metropolitan Area was included as an appendix, although apparently not as a commitment to the corridors recommended in the study, inasmuch as the D.C. material on July 9, 1973, designates the corridors selected by the District for bus lanes.

Copies of the supplemental information are available for inspection at Room 213, Environmental Protection Agency, Region III, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106, at Room 329, Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, and at the Bureau of Air and Water Quality Control, 25 K Street, N.E., Washington, D.C.

COLORADO

Control strategies for the attainment and maintenance of the national standards for carbon monoxide and photochemical oxidants in the Metropolitan Denver Intrastate Air Quality Control Region were submitted by the Governor of Colorado on June 4, 1973, dated May 25, 1973, including a request for a two-year extension for attainment of the primary standards. The plan could not be approved on June 15, 1973, due to lack of sufficient time for public comment. 38 FR 16550 (June 22, 1973).

On July 16, 1973, the Governor of Colorado submitted a letter containing supplemental information confirming the intent of the State of Colorado to undertake certain control measures set forth in the plan submitted earlier, containing copies of certain existing legal authority, containing copies of proposed regulations, and setting forth other information.

Copies of the supplemental information are available for inspection at the Environmental Protection Agency, Office of Public Affairs, Region VIII, Lincoln Towers Building, Suite 900, 1860 Lincoln Street, Denver, Colorado 80203, at Room 329, Environmental Protection Agency, 401 M Street, SW, Washington, D.C. 20460, and at the Colorado Department of Health, 4210 East 11th Street, Denver, Colorado.

Dated: July 30, 1973.

ROBERT W. FRI,
Acting Administrator.

[FR Doc.73-15976 Filed 8-2-73;8:45 am]

[40 CFR Part 202]

NOISE ABATEMENT

Interstate Motor Carrier Noise Emission Standards

Correction

In FR Doc. 73-15500 appearing at page 20102 in the issue of Friday, July 27, 1973, in the second complete paragraph in the third column on page 20105, the date "July 27, 1973" in the second line, should read "September 10, 1973".

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1310]

[Docket No. 35867]

COMMON CARRIERS OF PROPERTY BY MOTOR VEHICLE AND WATER

Construction, Filing, and Posting of Tariffs

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 5th day of July 1973.

In this proceeding we propose to consider the revision of existing regulations which govern the construction, filing, and posting of tariffs of common carriers of property by motor vehicle and tariffs of common carriers of property by water which contain joint motor-water rates or provisions governing such rates. The present regulations are published in Tariff Circular MF No. 3 (49 CFR Part 1307, Subpart B). The proposed regulations will be published in proposed Tariff Circular No. MF 5 (49 CFR Part 1310) and are set forth below without explanation of each individual change. We believe the nature and purpose of each proposed change will be readily understood by those conversant with the present regulations.

Changes are proposed in almost all existing rules. Many changes are of a very substantial or important nature. A list of those which we consider to be the most substantial or important follows, but it should be understood that it may not include some change which for a particular reason a person or persons might view as substantial or important. Other than these, changes have not been listed.

LIST OF PROPOSED CHANGES OF A SUBSTANTIAL OR IMPORTANT NATURE

1. *Loose-leaf tariffs.* (a) Neither loose-leaf tariffs nor loose-leaf page amendments or supplements to such tariffs will be accepted for filing after January 1, 1979. See §§ 1310.4(a) and 1310.10(a). (Presently there is no prohibition.)

(b) Printing will be permitted on one side of the sheet or both sides. See § 1310.4(f). (Now a sheet may be printed on only one side.)

(c) Expansion of a page number will be restricted to whole numbers and single letter suffixes. When the sheet is printed on both sides, only the higher numbered of the pages printed thereon will be permitted to be expanded. See § 1310.10(d)(7). (Now fractions, decimals, and multiple-letter suffixes are not referred to specifically.)

(d) The number of sheets containing pages canceled from the tariff will be subject to a maximum of five times the number of sheets containing effective tariff matter. See § 1310.10(d)(9). (Now there is no restriction.)

(e) The filing of a blanket page will be permitted to transfer all provisions from or reflect the cancellation of five or more pages. See § 1310.10(d)(12). (Present regulations require issuance of individual pages.)

(f) The updated check sheet system (one or more pages always showing listing of all current pages comprising the tariff) method will be required. See §§ 1310.6(b) and 1310.10(d)(13). (Now either this method or the "correction number check-off" method is authorized.)

(g) Numbers of pages, except title pages, will be required to be shown in the upper corner opposite the binding edge corner. See § 1310.4(f)(4). (The present regulations require the showing of the page numbers in the upper left corner, but Special Permission 20899-M authorizes their showing in the upper right corner.)

2. *Bound tariffs.* (a) The filing of a supplement will be prohibited to a tariff that has been in effect for eight years. See § 1310.9(d). (Now there is no prohibition.)

(b) An updated list of items and units in effective supplements will be required in all regular supplements of eight or more pages. See § 1310.9(b). (There is no present requirement.)

(c) The supplemental requirements of incorporated Special Permission M-70560 are liberalized to permit original tariffs containing 501 to 800 pages to have in effect one additional supplement and to permit original tariffs containing 801 or more pages to have two additional supplements. The unlimited additional supplements are in lieu of one additional supplement of not to exceed four pages. See § 1310.9(d). (Rail carriers are authorized to maintain such additional supplements by Special Permission 71-906.)

(d) Carriers and agents will be permitted to file "periodical tariffs" not less frequently than once a year. These tariffs will be permitted to be supplemented without regard to any limitation as to the number of pages in the effective supplements. See § 1310.9(d)(3). (Motor carriers now have no authority to file such tariffs, but rail carriers do under rule 9(f) of supplement 8 to Tariff Circular 20.)

(e) The filing of a blanket supplement (a common supplement issued jointly to

several tariffs of the same agent or carrier) to not less than five tariffs will be permitted. See § 1310.9(g). (Now special permission authority must be obtained before a blanket supplement may be filed.)

(f) Partial amendments will be permitted to numbered items containing many types of provisions (not rates or rules). See § 1310.10(c)(6). (Rail carriers are authorized by Special Permission 70-258 to partially amend numbered items in tariffs published by computer. This extends the coverage to motor carriers' tariffs regardless of whether or not they are published by computer.)

(g) Partial amendments will be permitted to rate tables and rate base number tables comprising more than two pages. See § 1310.10(c)(7). (There is no authority now for the publication of such partial amendments.)

(h) The use of items, with item numbers, will be required to the greatest extent possible. The use of index numbers and rule numbers for tariff provisions will be prohibited. See § 1310.4(h). (The present rules provide that the use of item numbers are permissive.) The trend in tariffs has been in this direction.

3. *Suspensions.* (a) The reproduction of portions of the suspension order itself in the suspension supplement will no longer be required. See § 1310.14(c).

(b) A notice of 10 days and an effective date will be required in connection with a statement of cancellation in a suspension notice of suspended matter reissued without change prior to the filing of the suspension notice. See § 1310.14(d).

(c) Tariff matter (providing changes) which violates an investigation and suspension order because it was enroute to the Commission at the time of the suspension will be permitted to be amended on ten days' notice to bring it into compliance. See § 1310.14(e). (Now special permission authority must be obtained to correct the defective matter or the publication is subject to rejection.)

(d) When a tariff, supplement, item, unit, or loose-leaf page which contains suspended matter is reissued, the proposed rules will require that the suspended matter be brought forward without change and that the superseded publication, item, or unit shall be canceled in its entirety. See § 1310.14(f). (Publishers now may use this method under authority of Special Permission M-89600. Otherwise, they must comply with the provisions of the third paragraph of rule 10(c) of Tariff Circular MF No. 3, which provides that the reissue shall cancel the tariff or supplement "except portions under suspension.") This is a benefit to all tariff users as well as publishers.

(e) If, after suspended matter has become effective and the matter held in force has been canceled or has expired, the Commission orders the suspended matter canceled, the carrier or agent will be permitted to restore the matter held in force (subject to whatever changes, if any, lawfully made in the interim, except for the cancellation) effective concurrently with the effectiveness of the cancellation of the matter ordered canceled and upon the same notice. See § 1310.14(k).

4. *Adoptions.* (a) The filing of a combined adoption notice and adoption supplement will be required by the new carrier when at least one tariff of the old carrier's (or its predecessor's) issue is adopted in whole or in part. See § 1310.25(f) and (g). (Now an individual adoption notice and a separate adoption supplement for each such tariff adopted is required.) This reduces the paperwork and has benefits for the tariff user.

(b) The filing of a supplement will be prohibited after one year from the effective date of the adoption to a tariff of the old carrier's (or predecessor's) issue which has been adopted in whole or in part. See § 1310.25(j). (There is no present prohibition.)

(c) The filing of adoption publications will no longer be required from receivers, trustees, or other officials appointed by a court. See § 1310.25(n).

(d) When an adoption is in part, the new carrier will be required to issue new powers of attorney or concurrences at the same time it issues the adoption publications. See § 1310.25(o)(2). (The present rules do not specifically provide for this situation.)

(e) When the adoption is in part, the new carrier will be required to amend the old carrier's tariff to announce the partial adoption thereof and to cancel therefrom rates and provisions which belong to the new carrier by virtue of the adoption. Two supplement numbers will be reserved for these purposes. See §§ 1310.25(f), (g)(2), and (s). (Now the old carrier must file the adoption supplement to its tariff and cancel rates and provisions owned by the new carrier.) This helps the new carrier to transfer adopted rates to its own tariffs.

5. *Concurrences or powers of attorney.* (a) The designation "F" will be substituted for "MFX" on the prescribed concurrence or power of attorney forms. See § 1310.27. This adopts the same letters as the rails use.

(b) Carriers will be permitted to withhold authority in their powers of attorney to publish any increases or general increases. See § 1310.27(b)(4). (The present rules contain no specific provision.) This makes specific a present interpretation.

(c) The restriction is removed which prohibits a carrier from issuing a tariff in which it is shown as an intermediate carrier, the same as applies to rail carriers. See § 1310.27(c).

(d) A carrier or agent to which a concurrence or power of attorney is issued will be permitted to notify the Commission that it no longer wishes to retain or exercise the authority and that the authority shall have no further force or effect. See § 1310.27(p)(7). (Now there is no rule covering this and agents and carriers must retain old effective instruments indefinitely until the issuing party revokes.)

6. When a receipted copy of a letter of transmittal is requested the carrier or agent will be required to furnish the envelope and either prepay or guarantee the postage by means other than sending ordinary postage stamps. See § 1310.1(c). (Now the Commission furnishes the envelope and pays the postage.)

7. The regulation which prohibits changes in rates or other provisions before they have been in effect for 30 days is omitted. See § 1310.1(g). (This is now the subject of a separate rulemaking—Ex Parte No. 294. Whatever conclusions are reached in that proceeding will be incorporated in the circular.)

8. This incorporates the present Special Permission No. 4054-M terms. A carrier will be permitted to dispense with or discontinue the posting of a tariff at a station if that tariff has not been used by the carrier or the public at that station for six months. See § 1310.2(f). (The words "a substantial period of time" in the permission is here changed to "six months".)

9. Commodity descriptions in connection with commodity rates or exception ratings will be required to be described either in the same words as the classification or as close thereto as possible. If the article appears under a generic heading in the classification, the rate or exceptions tariff will be required to show that exact heading and the commodity as subordinate to it. See §§ 1310.6(j), 1310.7(h), and 1310.17(c)(3). (Now there is no similar requirement.) This is intended to reform the present practice whereby the same commodity may be described in ways difficult or impossible to relate to the classification it displaces.

10. Motor carriers will be required to publish in the same manner as rail carriers provisions applicable on export or import traffic handled beyond by ocean carriers. See § 1310.7(m). (Rail carriers are governed by § 1300.67 [rule 67 of Tariff Circular No. 20]. There are no similar provisions for motor carriers. Ex Parte No. 261, in which this subject was previously considered, has been reopened, and whatever conclusions are reached in that proceeding will be incorporated in the circular.)

11. When the explanation of a reference mark or note is changed, the amending publication will be required to either republish all matter using the reference mark or note or publish in connection with the changed explanation a reference to the tariff matter using the mark or note. See § 1310.10(h). (Rail carriers must republish all matter using the reference mark or note unless the tariff is published by computer, in which case the use of the "reference" method is authorized by Special Permission 70-258. Regulations for motor carriers now do not adequately cover this.)

12. Changes are proposed to simplify the process of canceling tariffs, including eliminating authorizing an agent to cancel an individual carrier's tariff (now will require supplement to carrier's tariff) and, where a tariff is reissued, requiring the only cancellation notice to be in the new tariff. Generally, the changes reflect what has become the present practice. See § 1310.11.

13. Regulations governing tariffs which define the carriers' authorized operations (scope tariffs) are added. See § 1310.19. (Now the filing of such a tariff is authorized, but there are no regulations governing its construction and its application.)

14. When a carrier is canceled from a participating carrier tariff and is later reinstated, a short form method will be permitted to reinstate for the account of the carrier rates and other provisions that were canceled by statement when the carrier was canceled. See § 1310.20 (e). (Now each individual provision is required to be republished.)

15. Each Class I and Class II motor carrier will be required to file an index of all effective and all published but not yet effective tariffs to which it is a party (including those published in its own name). An index will also be required from a Class III motor carrier if it participates in a rate tariff of an agent. See § 1310.24. (There are no present effective regulations requiring indexes from motor carriers. Rail carriers are required to file them. There was included such a requirement originally in the tariff circular, but was postponed from time to time and then postponed indefinitely. It is now proposed to establish a similar, but not identical, requirement.)

16. The term "special permission authority" will be changed to "special tariff authority," as being a more appropriate term. The notarization of applications for such authority will no longer be required. See § 1310.26.

17. The participating-carrier list in tariffs reproducing the DOT (formerly ICC) regulations governing packaging and transportation of dangerous articles will be permitted to be amended upon one day's notice, instead of five days now part of Special Permission 19511–M. This reduces the notice requirement to that which we allow such changes in the classification tariffs, also under a special permission order. See § 1310.28(d).

18. Motor carriers will be permitted on five days' notice to extend expiration dates and postpone the effective dates of comeback rates. See § 1310.28(f). (Rail carriers have had this authority under Special Permission 39797.)

19. Special Permission 72–1100 M, which authorizes the postponing or repostponing of tariff provisions on eight days' notice, is incorporated. However, its use will be prohibited in connection with general rate adjustments published by means of a conversion table. The latter restriction was incorporated into the corresponding permission given the railroads. See § 1310.28(h)(14).

20. The publication of substituted service provisions (rail for motor) will be permitted without special permission authority, but subject to the same restrictions. See § 1310.30.

In addition to those listed above, the provisions of the following general special permissions are incorporated which authorize upon less than 30 days' notice the following tariff actions (the permission numbers are shown in parentheses):

1. The filing of suspension notices in consolidated form (M–94300).

2. The postponement or further postponement of suspended matter (M–83800).

3. The cancellation of suspended matter (M–94200).

4. In connection with tariff publication to cover proposed issuance of operating authority, (a) the addition of the description of such authority, (b) the addition of the name of the carrier to the list of participants, (c) the addition of routing provisions, and (d) the amendment of the list of points served (27458–M).

5. The establishment of new routes for existing operating authority (27458–M).

6. Restoration of the listing of carriers as participants following published cancellation, so as to continue participation without interruption (67–142–M).

7. The amendment of the list of participating carriers in classifications to provide additions thereto and corrections and other changes therein (M–88800).

8. The changing or cancellation of expiration dates published in connection with temporary authorities (M–64500).

9. The establishment of rates and other emergency transportation operat- other provisions to cover emergency transportation operating authority (M–60160).

It appearing, that existing regulations which govern the construction, filing, and posting of tariffs of common carriers of property by motor vehicle and tariffs of certain common carriers of property by water are published in Subpart B of Part 1307 of Title 49 of the Code of Federal Regulations (Tariff Circular MF No. 3);

And it further appearing, that the regulations need revising for the purposes of, among other things, (1) updating; (2) clarifying; (3) incorporating the modifying provisions of general special permission authorities; (4) adding restrictions to eliminate or correct practices which have been the source of justifiable complaint; (5) canceling regulations no longer needed; and (6) accomplishing overall tariff simplification and improvement;

And good cause appearing therefor:

It is ordered, That a rulemaking proceeding be, and it is hereby instituted under the provisions of the Interstate Commerce Act and section 553 of the Administrative Procedure Act for the purpose of considering whether or not the facts and circumstances require or warrant the revision in the manner and form set forth in Appendix A attached hereto of the regulations referred to in the first appearing paragraph of this order.

It is further ordered, That all common carriers of property by motor vehicle, all common carriers of property by water that participate in joint motor-water rates, and their tariff publishing agents be, and they are hereby, made respondents in this proceeding.

It is further ordered, That any person intending to participate in these proceeding by submitting initial or reply statements, or otherwise, shall notify this Commission by filing with the Office of Proceedings, Interstate Commerce Commission, within 30 days from the date of publication of this order in the Federal Register the original and one copy of a statement of his intention to participate. Inasmuch as the Commission desires wherever possible (a) to conserve time, (b) to avoid unnecessary expense to the public, and (c) the service of pleadings by parties in proceedings of this type only upon those who intend to take an active part in these proceeding, the statement of intention to participate shall include a detailed specification of the extent of such person's interest, including (1) whether such interest extends merely to receiving Commission releases in these proceedings, (2) whether he genuinely wishes to participate by receiving or filing initial and/or reply statements, (3) if he so desires to participate as described in "(2)", whether he will consolidate or is capable of consolidating his interests with those of other interested parties by filing joint statements in order to limit the number of copies of pleadings that need be served, such consolidation of interests being strongly urged by the Commission, and (4) any other pertinent information which will aid in limiting the service list to be issued in these proceedings; that this Commission shall then prepare and make available to all such persons a list containing the names and addresses of all parties desiring to participate in these proceedings and upon whom copies of all statements must be filed; and that at the time of service of this service list the Commission will fix the time for filing and serving statements under the modified procedure;

It is further ordered, That any interested person subsequently submitting initial written statements of facts, views, and arguments should specify therein (1) whether he opposes or supports the general revision; (2) the specific rules which he opposes or supports; (3) the reasons for such opposition or support; and (4) recommendations for specific changes in the rules which he opposes.

It is further ordered, That while this proceeding does not currently appear to be a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, statements filed by parties participating in these proceedings shall indicate the presence or absence of any effect of the recommendations made therein to this Commission on the quality of the human environment. Cf. *Implementation—National Environmental Policy Act, 1969*, 340 ICC 431 (1972).

And it is further ordered, That statutory notice of the institution of this proceeding be given to the general public by mailing a copy of this order to the Governor of every State and to the Public Utilities Commissions or Boards of each State having jurisdiction over transportation, by depositing a copy of this order in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C. 20423, for public in-

spection, and by delivering a copy thereof to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to all interested persons.

By the Commission, Division 2.

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

PART 1310—FREIGHT RATE TARIFFS AND CLASSIFICATIONS OF MOTOR COMMON CARRIERS

Sec.
1310.0 General provisions.
(a) General.
(b) Application of this Part 1310.
(c) Conformity required.
(d) Intrastate, liability and information-only provisions.
(e) Carrier liable for violations.
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1310.1 Filing tariffs (Rule 1).
(a) Where to file.
(b) Number of copies required.
(c) Letter of transmittal.
(d) Letters of authorization.
(e) Tariff publications not consecutively numbered.
(f) Concurrences and powers of attorney required.
(g) Period of notice required.
(h) Other filing requirements.
(i) Rejection of tariff publications.
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1310.2 Posting tariffs (Rule 2).
(a) Introduction to posting requirements.
(b) What tariffs must be posted at principal office.
(c) What tariffs must be posted at stations.
(d) Period of notice.
(e) Exception as to posting by Class III motor carriers.
(f) Exception as to posting at stations.
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(h) Conditions: Non-posted tariffs.
1310.3 ICC Tariff numbers (Rule 3).
(a) Nonapplication of this section.
(b) ICC numbers to be printed on tariffs.
1310.4 Form, size, and printing (Rule 4).
(a) Form, size, durability, and method of printing.
(b) Size of type.
(c) Alterations.
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(e) Bound tariffs: Pages and binding.
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(h) Items and numbering systems.
1310.5 Title page (Rule 5).
(a) Title page required.
(b) ICC number and cancellation notice.
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(e) Type of rates, modes of transportation, and territorial application—rate tariffs.
(f) Governing tariffs.
(g) Nomenclature for tariff.
(h) Reference to item containing list of governing tariffs.
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(l) Name and title of issuing party and address.
1310.6 Contents of tariff (Rule 6).
(a) General requirements.
(b) Check sheets—loose-leaf tariffs only.
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(d) Reference to tariffs naming rates on other commodities.
(e) List of participating carriers.
(f) Indexes of commodities, origins, and destinations.
(g) Statement of operating authority in rate tariffs.
(h) List of governing tariffs.
(i) Rules and other provisions which govern the tariff.
(j) Exceptions to classification classes, ratings, and rules.
(k) Explanatory statements.
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(m) Statement of routes.
(n) Explanation of reference marks, notes, and abbreviations.
1310.7 Statement of rates (Rule 7).
(a) Rates must be clear and explicit.
(b) Arbitraries.
(c) Percentage, fraction or multiple of class rates.
(d) Minimum quantities.
(e) Rates based on varying quantities.
(f) Mixed shipments.
(g) Generic terms.
(h) Commodity rates.
(i) Rates of a carrier must be in limited number of tariffs.
(j) Conflicting or duplicating rates prohibited.
(k) Through rate applies.
(l) Proportional rates.
(m) Export, import, coastwise, and intercoastal rates.
(n) Intermediate application of rates.
(o) "From" and "to" intermediate rules may apply in connection with same rate.
(p) Class rate from or to unnamed points.
1310.8 Routing (Rule 8).
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(b) Routing guide.
(c) Emergency routing clause.
1310.9 Supplements (Rule 9).
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(b) Updated lists of items and units in effective supplements.
(c) Index and table of contents.
(d) Number of supplements and pages permitted.
(e) Additional supplement to comply with order of Commission.
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1310.10 Amendments (Rule 10).
(a) How made.
(b) Participating carriers—how shown.
(c) Amendments to bound tariffs.
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(f) Changes indicated.
(g) Reissued matter.
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1310.11 Transfer or cancellation of provisions (Rule 11).
(a) Different situations.
(b) Procedures to follow.
1310.12 Expiration dates (Rule 12).
(a) Expiration dates may be shown.
(b) Expiration dates may be shown in separate item.
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1310.13 Sectional tariffs (Rule 13).
(a) May be filed—sections must be numbered.
(b) Alternative use of rates may be provided.
(c) Nonalternating section—position of sections—statements.
(d) Restrictions.
(e) Arrangement may not be changed.
1310.14 Suspended matter (Rule 14).
(a) Suspension orders and vacating orders.
(b) Supplement to loose-leaf tariff.
(c) Supplement announcing suspension—consolidated supplement.
(d) Suspended matter reissued before supplement announcing suspension is issued.
(e) Suspended matter republished before supplement announcing suspension is issued.
(f) Reissue of suspended matter.
(g) Postponement or further postponement of matter suspended.
(h) No change permitted—suspended matter and matter held in force.
(i) Suspended matter may be canceled.
(j) Vacation of order—suspended matter under postponement found justified.
(k) Suspended or postponed matter ordered canceled.
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(m) Compliance with § 1310.9(d) (rule 9) not required.
(n) Reference to authority and to investigation and suspension docket number required.
(o) Court orders.
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(a) Provisions must be filed.
(b) Method of publication.
(c) Joint rates include intermediate drayage or transfer.
(d) Pickup and delivery service.
1310.16 Distance rates (Rule 16).
(a) Distance rates may be filed—when they may be used.
(b) Statements on publications required.
(c) Application of rates must be clear.
(d) When a map is referred to.
(e) When a distance guide is referred to.
(f) Size of characters on maps.
1310.17 Classification, exceptions, rules, and dangerous articles tariffs; precedence of class rates (Rule 17).
(a) Classification.
(b) Precedence of rates.
(c) Exceptions tariffs.
(d) Rules tariffs.
(e) Dangerous articles tariffs.
(f) Participation in governing publications.
1310.18 Rate basis tariffs (Rule 18).
(a) Separate tariffs may be filed.
(b) Points and carriers to be listed.
(c) Rate groups or rate basis—arbitraries or differentials.
(d) General rules may not be included.
(e) Scope of operating authority.
1310.19 Tariffs listing carriers' operating authority (Rule 19).
(a) Separate tariffs may be filed.
(b) Reference to scope tariffs for one carrier.
(c) Agents' tariffs governed by more than one scope tariff.
(d) Scope provisions may be included in participating carrier tariffs.
1310.20 Participating carrier tariffs (Rule 20).
(a) Separate tariffs may be filed by agents.
(b) List of carriers.
(c) List of tariffs.
(d) Cancellation of participating carrier.
(e) Reinstatement of participating carrier.
(f) Adoptions.
(g) Participating carrier tariff may include statements of operating rights.
1310.21 Tariffs of joint agents (Rule 21).
(a) May be filed.
(b) Title pages and loose-leaf pages.
(c) Publications must be identical and filed under one cover.
(d) List of participating carriers.

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1310.22 Seasonal motor-water rates (Rule 22).
(a) Tariffs may provide for restoration or discontinuance of service.
(b) Notation required on title page.
(c) When definite dates of service cannot be determined.
(d) When definite dates of service can be determined.
(e) Supplements announcing discontinuance of service.
(f) Tariffs may be reissued.
1310.23 Rates prescribed by Commission (Rule 23).
1310.24 Tariff indexes (Rule 24).
(a) Must be filed by most carriers—information required.
(b) Arrangement.
(c) Supplements or loose-leaf page amendments to tariffs listed in the index.
(d) Revisions, supplements, and loose-leaf pages.
(e) Notation on title page.
(f) Issued date but no effective date.
1310.25 Transfer of operations—Change in name and control (Rule 25).
(a) Different situations.
(b) Requirement for recording new ownership of effective tariffs, etc.
(c) If old carrier has no tariff provisions or other instruments.
(d) When only adoption notice is required.
(e) Form for adoption notice.
(f) When combined adoption notice and adoption supplement is required.
(g) Form for combined adoption notice and adoption supplement.
(h) Series of ICC numbers to use on adoption notices and new tariffs.
(i) Effective date on adoption publication.
(j) Adopted tariff may not be amended after one year.
(k) When name of old carrier need not be shown.
(l) Temporary control.
(m) Adoption publications to contain no other matter.
(n) Adoption publications not required from trustees, etc.
(o) Concurrences and powers of attorney.
(p) Tariffs issued by other carriers or by agents.
(q) Tariffs involved in part shall be amended.
(r) Junction point.
(s) New carrier may amend tariff adopted in part—reserved supplement numbers for new carrier's use.
(t) Subsequent supplements or loose-leaf pages.
(u) Former tariff must be described when canceled.
(v) Adoption notice not to be canceled.
(w) Adoption supplements to be noncounting.
(x) Carriers to which this section applies.
1310.26 Applications for special tariff authority (Rule 26).
(a) Commission has authority to grant special tariff authority.
(b) Special tariff authority will not be issued to modify formal orders.
(c) Filing of application by carrier—also joint agents' tariff.
(d) Where to send applications and number of copies required.
(e) Numbering and signing of applications.
(f) Form of application.
(g) Information application shall show.
(h) The authority must be used in its entirety.
(i) Confirmatory application.
(j) Authority to reject publication.
1310.27 Concurrences or powers of attorney—Transfer of agent (Rule 27).
(a) Different situations.
(b) Forms of powers of attorney.
(c) Forms of concurrences.
Sec.
(d) Exact name of carrier must be shown what individual may sign instrument.
(e) Official or employee may not act as agent.
(f) Corporation as agent.
(g) Specifications for forms.
(h) Number of copies.
(i) Conflicting authority must be avoided.
(j) Alternate agent.
(k) Transfer of authority from one agent to another agent—death or disability of agent.
(l) Take-over publications.
(m) Supplements (or loose-leaf pages) to be shown in series of former agent.
(n) New agent must start new series.
(o) Cancellation of instruments.
(p) Revocation of instruments.
1310.28 Provisions which may be filed on less than 30 days' notice (Rule 28).
(a) Certain provisions in connection with new temporary or new permanent operating authority.
(b) New route for existing operating authority.
(c) Restore carrier participation.
(d) Amend participating carrier list in dangerous articles tariff.
(e) Amend participating carrier list in classification.
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(g) Change or cancel expiration dates in connection with temporary authorities.
(h) Postponement of tariffs or tariff matter.
(i) Tariffs covering emergency transportation operating authority.
1310.29 Commodity rates determined by the use of rate base numbers (Rule 29).
(a) May be filed.
(b) Reference to other tariffs for rate base numbers.
(c) Other requirements.
1310.30 Substituted service (rail for motor) (Rule 30).
(a) Tariffs may provide for substituted service.
(b) Required provisions.
(c) Participation of rail carrier.
(d) Substituted freight service directory.
(e) Different rates prohibited.
(f) Routing provisions not required.
1310.31 Transmission of publications to subscribers (Rule 30).

AUTHORITY: The provisions of this Part 1310 issued under secs. 204, 217, 49 Stat. 546, as amended, 560, as amended, sec. 210a, as amended, 52 Stat. 1238, as amended; 49 U.S.C. 304, 317, 310a.

§ 1310.0 General Provisions.

(a) *General.* (1) Every problem that might arise cannot be anticipated in regulations. It is intended by the Commission that the contents of each tariff be so published that the size of the printed characters, the proportion and distribution of blank space allowed on a page, the system used for indentation or setting off material, the breaking up of lengthy material into smaller units, and the like, are such as to permit prolonged reading, without straining of the eyes, by the average person, and to permit any one with reasonable technical transportation knowledge and experience to understand the application. The Commission expects the cooperation in this respect of all persons associated with the construction of tariffs, and reserves the right to require modification or reissue of a tariff which it considers as not affording the public this accommodation to which it is lawfully entitled.

(2) The Commission expects all carriers to observe strict compliance with its posting regulations, and to control and direct the practices of its publishing agents or representatives toward making possible such compliance without exception.

(3) Nothing in paragraph (a) (1) and (2) of this section shall be construed as being a relaxation of any of the regulations in this part.

(b) *Application of this Part 1310.* (1) Subject to the provisions of paragraph (b)(3) of this section, the regulations promulgated in this part shall govern the construction, publication, filing, posting, and keeping open for public inspection of:

(i) Any tariff filed under section 217 of the Act by a motor carrier or its agent; and

(ii) Any tariff filed under section 306 of the Act by a water carrier or its agent which contains any joint motor-water rate or any provision governing the application of such rate.

The regulations in this part shall also apply to any tariff filed under section 217 of the Act containing any joint rate or provision for the transportation of property over a motor carrier of property jointly with a common carrier of passengers by motor vehicle having authority from this Commission to transport property together with passengers in the same vehicle, or jointly with a carrier of property by air as authorized by the Federal Aviation Act of 1958.

(2) Carriers (other than motor common carriers of property) and freight forwarders whose rates are on file with the Interstate Commerce Commission may participate in tariffs subject to the regulations of this part which are exclusively distance guides (§ 1316.16 (rule 16)), or classifications or dangerous articles tariffs (§ 1310.17 (rule 17)) and also in participating carriers tariffs (§ 1310.20 (rule 20)) but only to the extent necessary to establish participation in such other tariffs.

(3) The regulations in this part do not apply to any tariff filed by a motor carrier, by a water carrier jointly with a motor carrier, or by its agent which contains joint rates applicable over joint intermodal routes as to which rail carrier transportation forms any segment of the joint route, or any provision governing the application of such rates and routes, unless such rates, routes and provisions form only a minor portion of the tariff material, and the carrier or agent notifies the Commission at time of filing, as part of the letter transmitting the tariff, that it is effecting compliance with the regulations in this part rather than another for the construction of the tariff. Such portions of the tariff as pertain to such intermodal transportation shall, however, comply with the regulations elsewhere governing the publication of rates, routes, and provisions which include rail carrier participation.

(4) For regulations for water common carrier tariffs not governed hereby, Part 1300 and §§ 1308.0 through 1308.11 of this chapter (Tariff Circular Nos. 20 and 22, or reissues thereof) should be referred to.

(c) *Conformity required.* (1) Except as otherwise authorized by special permission order, all tariffs must conform to the reglations in this part 1310 by (here will be shown a date of one year from the approved date of these regulations).

(2) For reasons it considers to be sufficient, the Commission may direct the reissue of any tariff, power of attorney, or concurrence at any time.

(d) *Intrastate, liability and information-only provisions.* A tariff may include provisions having intrastate application only, provided they are so indicated (see § 1310.6(n)(6) (rule 6)), and a tariff may be indicated as a joint filing with state regulatory bodies. Provisions indicated as "For Information Purposes Only" provisions which explain the plan of the tariff or the manner in which the tariff should be used, to assist the tariff user, may be included provided they are not contrary to the actual application of the tariff. Except as specifically authorized by this Commission, provisions pertaining to such as liability of the carrier for loss, damage or overcharge, and transportation not subject to economic regulation of this Commission, and advertising or promotional material, may not be included in the tariff.

(e) *Carrier liable for violations.* Carriers have a positive duty under the Act to file with this Commission and to post for public inspection all of its tariffs required by the Act. The Act places upon the Commission the obligation to issue regulations prescribing the manner in which tariffs shall be constructed, filed and posted. The law prescribes penalties against carriers for failure to comply with the Act and the regulations, and also for using any rate which is not one contained in its lawfully published, filed and applicable tariffs. The tender of a tariff and its receipt by the Commission does not relieve any carrier participating therein from liability for violation of the Act itself or of regulations issued under the authority of the Act.

(f) *Definition of terms used in this part.* (1) "Act" means the Interstate Commerce Act, as amended.

(2) "Agent" means a person or corporation duly authorized under this part by a carrier to publish rates and provisions for that carrier's account in tariffs published in the name of the agent.

(3) "Bound tariff" means a tariff consisting of a single sheet, or two or more sheets bound at left edge in pamphlet or book form.

(4) "Carrier" means a motor or water carrier.

(5) "Classification" means a publication containing a list of articles or commodities and the class ratings to which they are assigned for the purpose of applying class rates, together with governing rules and regulations.

(6) "Class I, II, and III motor carriers" are as defined in the Commission's Uniform System of Accounts for Motor Carriers, § 1240.5 of this title.

(7) "Class rate" means a rate which applies on any one or more of various articles according to the class rating to which they are assigned in a classification or tariff of exceptions thereto or in the class rate tariff. It does not include a so-called all-freight, all-commodity, etc. commodity rate which applies on commodities or articles by definition as to the maximum and/or minimum classification or exception class rating to which they are assigned but otherwise has none of the characteristics of a class rate. Nor does it include a so-called column-commodity or commodity-column rate which applies on commodities assigned a column number and are based on the particular rate-basis number applicable between points of origin and destination in class rate tariffs, but otherwise has none of the characteristics of a class rate. "Class tariffs" are those which contain class rates.

(8) "Commission" means the Interstate Commerce Commission.

(9) "Commodity rate" means a rate published to apply on a commodity or commodities which are specifically named or described in the tariff in which the rate is published or in a separate commodity list. "Commodity tariffs" are those which contain commodity rates.

(10) "Item" means a tariff provision of any kind bearing an "item number" designation.

(11) "Joint motor-rail rate" means a joint rate over a joint route consisting of at least one motor segment and one rail segment. It includes ones embracing more than one such segment, and in any sequence.

(12) "Joint motor-water-rail rate" means a joint rate over a joint route consisting of at least one motor segment, one water segment, and one rail segment. It includes ones embracing more than one such segment, and in any sequence.

(13) "Joint motor-water rate" means a joint rate over a joint route consisting of at least one motor segment and one water segment. It includes ones embracing more than one such segment, and in any sequence.

(14) "Joint rate" means a rate that applies over the lines or routes of two or more carriers and that is made by arrangement or agreement between such carriers evidenced by concurrence or power of attorney. "Joint tariffs" are those which contain joint rates.

(15) "Local rate" means a rate that applies over the lines or routes of one carrier only. "Local tariffs" are those which contain local rates.

(16) "Loose-leaf page amendment" means a publication consisting of a single sheet containing any amendment to a loose-leaf tariff.

(17) "Loose-leaf tariff" means a tariff (not a bound tariff) consisting of loose-leaf pages.

(18) "Motor carrier" means a common carrier of property by motor vehicle.

(19) "Original tariff" means the tariff as originally filed excluding supplements or other amendments thereto, if any.

(20) "Post" refers to the maintenance of a file of tariffs which the public may inspect.

(21) "Proportional rate" means a rate published to apply only on traffic originating beyond the point from which such rate applies, destined beyond the point to which such rate applies, or originating and destined beyond the points from and to which such rate applies. "Proportional tariffs" are those which contain proportional rates.

(22) "Rail carrier" means a common carrier of property by railroad.

(23) "Station" of a carrier means the terminal, office (other than principal office), or other facility maintained by or for such carrier.

(24) "Supplement" means a publication, indicated as a supplement, consisting of a single sheet, or two or more sheets bound at the left edge in pamphlet or book form containing any amendment to a tariff, including its cancellation.

(25) "Tariff" means a publication containing one or more rates, charges, classification ratings, rules, regulations, or other provisions, or any combination thereof, of one or more common carriers, together with its supplements or loose-leaf page amendments thereto, if any.

(26) "Tariff publication" means an original tariff, a supplement, or a loose-leaf page amendment.

(27) "Through rate" means the total rate from point of origin to destination. It may be a local rate, a joint rate, or combination of separately established rates.

(28) "Unit" means a tariff provision of any kind set apart by use of a number designation (other than item) or by employment of line or space separations, or because of its obvious independent completeness in itself.

(29) "Water carrier" means a common carrier of property by water subject to part III of the Act.

§ 1310.1 Filing tariffs (Rule 1).

(a) *Where to file.* Except as otherwise authorized, all tariff publications sent for filing should be addressed

Interstate Commerce Commission
Bureau of Traffic
Washington, D.C. 20423

and every package marked prominently with the word "Tariffs."

(b) *Number of copies required.* Unless additional copies are requested by the Commission, and except as otherwise provided in the regulations in this part, two copies of every tariff publication must be filed with the Commission. When a tariff publication is published and filed in the name of more than one agent, as a joint-agency issue, each such agent must file the required number of copies.

(c) *Letters of transmittal.* (1) All tariff publications filed with the Commission must be accompanied by a letter of transmittal listing them. The letter shall

be prepared on durable paper approximately 8 by 10½ inches in size in substantially the following form:

(Name of carrier or agent in full)

(Street address or R.F.D. number)

(City, state, etc. and ZIP Code)

(Date)

Transmittal No.---
Interstate Commerce Commission
Bureau of Traffic—Tariffs
Washington, D.C. 20423

The accompanying publication(s) which is (are) listed below (on the attached sheet(s)) (below and on the attached sheet(s)) is (are) sent to you for filing in compliance with the requirements of the Interstate Commerce Act.

Supplement
or Page No.
I.C.C. (MF-I.C.C.) No.

(Signature of person issuing publication or other authorized person)

(Title)

If because of the quantity and bulk of the material being transmitted, more than one package is used, one should include the original, and each of the others a copy, each indicating how many packages make up the whole. If a receipt from the Commission is desired, a duplicate marked "Receipt Requested" must be furnished, together with a self-addressed return envelope. The envelope must provide the postage needed, by, for example, the sender's postage meter, a stamp embossed as part of the envelope itself, or guarantee by the sender's U.S. Postal Service permit number. In no case must loose stamps or envelopes with stamps affixed be supplied. A separate letter of transmittal must accompany the filing by each agent in the case of a tariff publication issued jointly by two or more agents.

(2) A letter of transmittal accompanying a tariff publication filed in the carrier's name must be signed by the person issuing the tariff publication or by a person duly authorized by the carrier to perform this service evidenced by a letter of authorization (see paragraph (d) of this section).

(3) A letter of transmittal accompanying a tariff publication filed in the name of an individual as agent or alternate agent must be signed by that individual, and such authority may not be delegated.

(4) A letter of transmittal accompanying a tariff publication filed in the name of a corporation as agent must be signed by a duly authorized tariff-publishing officer. See § 1310.27(f) (rule 27).

(d) *Letters of authorization.* (1) A letter of transmittal of a carrier should be signed by the person shown on the title page of the tariff publication as the one issuing it. If it is not, then the signer must be specifically authorized to do so. The authorization must be prepared on durable paper approximately 8 by 10½ inches in size in the following form:

LETTER OF AUTHORIZATION

(Complete name of carrier)
Docket No. MC- ---

(Street address or R.F.D. number)

(City, state, etc. and ZIP Code)

(Date)

Interstate Commerce Commission
Bureau of Traffic—Tariffs
Washington, D.C. 20423

This is to certify that ---
(Name of individual

(authorized to act)
is hereby authorized to sign letters of transmittal and transmit to the Commission thereunder for filing in compliance with the Interstate Commerce Act, as amended, tariffs, supplements, or loose-leaf page amendments issued in the name and MF-I.C.C. or I.C.C. series of the carrier named herein.

All such tariffs, supplements, and pages are to be considered the official filings of the carrier named herein when tendered for filing by the individual named in the first paragraph hereof.

(Name of carrier)
By ---
(Signature)

(Title)

Verification:
The above statement was subscribed and sworn to before me this --- day of ---, 19---.

(Notary Public)

The authorizing letter must be signed by the owner, a partner or an officer, as the case may be, of the carrier. If such a letter does not accompany the publication or has not previously been filed, the publication may be returned to the sender.

(2) A letter of authorization may only be issued in favor of a single individual. It may not authorize two or more individuals, a firm, or a corporation to act. Only one such letter may be effective at any one time.

(3) A letter of authorization may not cancel a previous one. Cancellation shall be made by a separate notice prepared on durable paper approximately 8 by 10½ inches in size in the following form:

Cancellation of
LETTER OF AUTHORIZATION

(Complete name of carrier)
Docket No. MC-

(Street address or R.F.D. number)

(City, state, etc. and ZIP Code)

(Date)

Interstate Commerce Commission
Bureau of Traffic—Tariffs
Washington, D.C. 20423

Effective ---, 19---, the letter of authorization dated ---, 19---, issued by the carrier named above in favor of --- is hereby
(Name of individual formerly authorized to act)
withdrawn and cancelled.

(Name of Carrier)
By ---
(Signature)

(Title)

Copy to: ---
(Name of representative)

(Street address or R.F.D. number)

(City, state, etc. and ZIP Code)

The effective date specified should take into account the necessary time enroute to the Commission. If the date shown is prior to that on which it is received, the Commission considers the prior authority canceled on the date received. Only publications received on and after that date, or the date shown on the notice (if later), are considered affected thereby. It must be signed by the owner, a partner, or an officer of the carrier. The representative whose authority is being canceled shall be furnished with a copy of the cancellation notice at the same time the notice is sent to the Commission.

(e) *Tariff publications not consecutively numbered.* An original tariff, a supplement, or an original or revised page tendered for filing which is out of the sequence required by the regulations of this part must be accompanied by a separate letter affirming that a publication bearing the skipped over number will be filed and when, which in no case may be a date after the published effective date of the publication not in sequence.

(f) *Concurrences and powers of attorney required.* Any participation by a carrier in a tariff publication other than its own issue must be supported by a power of attorney or concurrence, whichever is appropriate (see § 1310.27 (rule 27)). If it is not already on file with the Commission, it must accompany the publication being filed.

(g) *Period of notice required.* (1) The Act requires that all changes in rates or charges, or in rules or other provisions that affect rates, shall be filed with the Commission at least 30 days before the date upon which they are to become effective unless otherwise authorized by the Commission. Manifestly it is impossible for the Commission to check the items in tariffs to determine whether or not 30 days' notice has been given. Therefore, except as otherwise authorized by the Commission, 30 days' notice to the public and to the Commission must be given as to every tariff publication filed with the Commission, regardless of whether or not changes are effected thereby.

(2) Notice commences to run with the date the tariff publication is received by

the Commission in Washington, D.C. Thus, a publication received any time during one calendar day has on the next calendar day (whatever it may be) accounted for one day of the required thirty days, and then on the thirtieth day following the date on which it was received has accounted for the full thirty days. For example, a publication received on a March 1st date must have an effective date of March 31st or later; one received April 1st needs an effective date of May 1st or later.

(h) *Other filing requirements.* (1) A tariff publication received by the Commission will not be returned unless formally rejected (see paragraph (i) of this section), except under the following circumstances. If, before the filing is received by the Commission, the carrier or agent advises that it is withdrawing its tender for filing and requests that it be returned not accepted, the Commission will take such a request under consideration but compliance is not to be assumed. Verbal requests must be confirmed in writing promptly, and be signed by an authorized person. Purported filings which are absent one or more essentials (such as an I.C.C. number, or a title page) will be returned as not a bonafide tariff publication.

(2) No package containing any tariff publication will be accepted unless all charges applicable to the transmission thereof have been paid.

(3) A joint tariff publication filed by a carrier or a tariff publication filed by an agent will constitute filing for all carriers participants therein.

(4) All rates used in making combination through rates for interstate shipments, including rates between points in one state, must be filed with the Commission and posted for public inspection and they can be changed as to such traffic only in accordance with the provisions of the Act, and as amended.

(i) *Rejection of tariff publications.* Any tariff publication tendered for filing which.

(1) Fails to give lawful notice of changes in rates, charges, or other provisions which it proposes to establish;

(2) Fails to meet the requirements of the regulations in this part; or

(3) violates any order of the Commission or of a court is subject to rejection by the Commission. When a tariff publication is rejected, the Commission, acting through a designated administrative officer, will inform the carrier or agent who tendered it for filing, in writing, of the reasons for rejection. The several copies will ordinarily be returned. The Commission may at its discretion retain one or more copies for its own information use, but the tariff publication is nevertheless rejected any may not be applied.

(j) *Rejection or suspension of revocation notice.* A notice of the partial or complete revocation of a concurrence or power of attorney may be rejected in the same manner as a tariff publication where the effectiveness of such notice would require the establishment of rates or charges in violation of

(1) An order of the Commission;
(2) An order of a court; or
(3) The regulations in this part.

Any such notice of revocation which would require the establishment of rates or charges of doubtful lawfulness may be suspended.

§ 1310.2 Posting tariffs (Rule 2).

(a) *Introduction to posting requirements.* Under the Interstate Commerce Act, carriers are required to keep open to public inspection their tariffs naming rates and charges, in such form and manner as the Commission by regulation shall prescribe. The file of tariffs posted and maintained for public inspection shall be in a complete, accessible and usable form and shall be available for inspection during the ordinary business hours of the carrier. Employees of the carrier shall be required to give any desied information contained in such tariffs, to lend assistance to seekers of information therefrom, and to afford inquirers opportunity to examine any of such tariffs without requiring the inquirer to assign any reason for such desire. A carrier performing local pickup or delivery service for another carrier within the latter's bonafide terminal area and not named as a participant in its tariffs is not required to post such tariffs.

(b) *What tariffs must be posted at principal office.* Except as otherwise provided in paragraph (e) of this section, each motor or water carrier shall post at its principal office a complete set of all tariffs of its own issue and all tariffs to which it is a party except that a water carrier shall be required to post only such tariffs which contain any joint motor-water rate or provision governing the application of such rate. Only tariffs in effect or issued but not yet in effect are required to be posted hereunder.

(c) *What tariffs must be posted at stations.* Each motor or water carrier shall also post tariffs at each station (see § 1310.0 (f)(23)) at which it receives freight for transportation and at which it employs the person in charge of that station exclusively or jointly with another carrier. Except as otherwise provided in paragraphs (e) and (f) of this section, the tariffs that must be posted at such station are those of the carrier's own issue and those to which the carrier is a party which contain the following:

(1) Any effective, or published but not yet effective, rate published to apply for account of the carrier from or at such station, or any origin in that station's terminal area, except a water carrier need post only when a joint motor-water rate.

(2) Any effective, or published but not yet effective, provision governing the application of any such rate.

(d) *Period of notice.* Except as otherwise authorized, each tariff publication must be posted continuously from a date at least 30 days prior to the effective date. When the Commission permits or requires a different period of notice for filing, the tariff publication shall be posted at least that number of days before the effective date. The carrier shall at the time of posting stamp or write thereon such posting date.

(e) *Exception as to posting by Class III motor carriers.* A Class III motor carrier may at any location dispense with or discontinue the posting of a tariff (other than those specified in paragraph (g) of this section) in which the carrier participates solely as to joint-rate application, provided that the public file of its connecting carrier or carriers contains the tariff, and also subject to the provisions of paragraph (h) of this section.

(f) *Exception as to posting at stations.* A carrier may discontinue the posting of a posted tariff (other than those specified in paragraph (g) of this section) if for six months time no request has been made to inspect, and the carrier has not used, the tariff (including the prior issue if not in effect six months), but subject to the provisions of paragraph (h) of this section. If posting of a tariff is discontinued, the authority under this paragraph also extends to the reissues.

(g) *Freight classifications and dangerous articles tariffs.* When reference is made to this paragraph, the tariffs are those providing classifications of freight and those containing the U.S. Department of Transportation's regulations governing the acceptance and transportation of dangerous articles (hazardous materials).

(h) *Conditions: non-posted tariffs.* When a request is received at a station or principal office to post at that place a tariff the posting of which had been dispensed with or discontinued at that location under the provisions of paragraphs (e) or (f) of this section, the requested tariff, and all tariffs governing the application thereof, shall be posted at that station or principal office within 20 calendar days and posting of the tariff and its reissues shall be continued for at least six consecutive months. (After that time, the provisions of paragraphs (e) and (f) of this section may again be used.) Any carrier availing itself of the authority herein to dispense with or discontinue posting of a tariff at a location shall display continuously in a conspicuous place at that station or that principal office a notice printed in large type as follows:

With only such exceptions as have been specifically authorized by the Interstate Commerce Commission, all tariffs containing rates, and governing tariffs, effective or published but not yet effective, for the account of this carrier applying from or at this terminal area are on file in this office. The tariffs may be inspected during ordinary business hours by any person upon request and without assignment of any reason for such inspection. The employee on duty in this office will lend any assistance desired in securing information therefrom. [In the case of a principal office, omit the words "applying from or at this terminal area." In the case of a water carrier, insert the words "joint motor-water" immediately following the word "containing." In the case of a Class III carrier maintaining no tariff file at its principal office or at a station, this paragraph should be omitted from the notice posted at that location.]

If request is made for an effective tariff or tariffs naming rates or governing provisions for the account of this carrier applying

from or at this terminal area which is not posted hereunder authorization of the Interstate Commerce Commission, the employee on duty here will arrange to have such tariff or tariffs posted within 20 days and thereafter maintain posting until authorized otherwise. [In the case of a principal office, omit the words "applying from or at this terminal area."]

[This paragraph to be used where the affected location is a station, not the principal office, but not as to a Class III motor carrier that does not maintain a complete file at any office.] In addition, a complete file of all this company's tariffs is maintained and kept available for public inspection at [here identify the location].

[A Class III carrier not posting a tariff under authority of paragraph (e) of this section shall add the following to the notice.] Any tariff naming joint-line rates not posted here under authorization of the Interstate Commerce Commission may be inspected at [here show name of connecting carrier and location of its file containing such tariff and reference to the complete file at its principal office if one is maintained there].

§ 1310.3 ICC tariff numbers (Rule 3).

(a) *Nonapplication of this section.* The regulations in this section shall not apply to emergency temporary authority tariffs (see § 1310.28(i) (rule 28)). See also § 1310.21 (rule 21) as to joint agents.

(b) *ICC numbers to be printed on tariffs.* (1) Each tariff shall be assigned an ICC number. The numbers shall run consecutively beginning with the next unused consecutive number in the issuing carrier's or agent's ICC series. If the last tariff filed was designated MF-I.C.C. No. 14 under the former regulations, the next tariff shall be designated ICC 15, followed by 16, 17 and so on. If a carrier or agent has not previously filed a tariff, the number series shall commence with ICC 1.

(2) Title pages of the original tariff (bound and loose-leaf) and supplements thereto, and any revised title page of a loose-leaf tariff shall show the ICC number in the upper right-hand corner (see § 1310.9(g) (rule 9)—blanket supplements). All other pages (original and revised) of a loose-leaf tariff shall show the number in the upper corner forming part of the binding edge. When the tariff is one published on both sides of the sheet, this would be the upper left-hand corner on one page and the upper right-hand corner for the next higher numbered page published on the reverse side.

(3) "MF-ICC" designations printed on existing effective tariffs need not be changed. Reissues of those tariffs shall bear only "ICC" designations, for example ICC 15—without intervening periods (e.g. I.C.C. 15), without the use of "No.", and without letter prefixes or suffixes on the number.

(4) Any tariff referring to another tariff must identify it by ICC (or MF-ICC) number.

(5) The number assigned to a tariff which has been rejected may not again be used. The rejected tariff may not be referred to in any subsequent tariff as having been cancelled, amended, or withdrawn, but the tariff which is published in its stead must bear the following notation:

Issued in lieu of [here identify the rejected tariff], rejected by the Commission.

§ 1310.4 Form, size, and printing (Rule 4).

(a) *Form, size, durability, and method of printing.* Except as otherwise provided in this part, all original tariffs and amendments thereto shall be of size not less than 8 by 11 inches and not more than 8½ by 11 inches, except that all supplements and loose-leaf page amendments shall be of the same size as the tariff they amend. They shall be in book, pamphlet, single-sheet, or loose-leaf form, be in the English language, and printed or prepared by other process on paper of good quality providing durable copies. Copies filed with the Commission and posted shall be clearly and permanently legible in every respect, free from blurring or distortion of content, and free from smudged or darkened background. Typewritten sheets, handwritten material, carbon copies, or proof sheets shall not be used for filing or posting. All copies filed and posted must be identical. (See § 1310.9(g) (rule 9) blanket supplements.) No tariff in loose-leaf form will be accepted for filing by this Commission after January 1, 1979. (See § 1310.10(a) (rule 10) as to loose-leaf page amendments after January 1, 1979.)

(b) *Size of type.* Except as otherwise provided in § 1310.16 (rule 16), the type used shall be of size not less than 8-point or its equivalent (if systems not employing the printer's point standards are used), but in no case may there be more than 9 lines of printed matter to the vertical inch and 16 printed characters to the horizontal inch, with fractional inches of material to be in proportion. Characters, words, and lines shall be spaced in an uncrowded manner to assure easy readability of the material. See § 1310.0(a).

(c) *Alterations.* Alteration before reproduction by such as crossing out or blotting out material is not permitted. No alteration, insertion, or erasure of material in copies after reproduction is permissible. (See § 1310.9(g) (rule 9) blanket supplements.)

(d) *Margin.* A margin of not less than five-eights of an inch with no printing thereon shall be allowed at the binding edge of tariff publication. (The "binding edge" of a loose-leaf tariff or amendment is its left long edge if printed on one side of the sheet only. If printed on both sides, it is the right long side for the higher numbered page printed on the reverse side.)

(e) *Bound tariffs: Pages and binding.* (1) Pages of an original bound tariff shall be consecutively numbered employing Arabic numerals. The title page shall not be numbered. The next page shall be numbered 1, the next page 2, and so on. Pages of supplements shall be similarly numbered, starting with 1 again. Any numbered page intentionally left blank should so state thereon.

(2) Any original bound tariff of two or more sheets and any supplement of two or more sheets shall be permanently bound. Stapling is acceptable, but use of plastic rings, fasteners which can be opened and closed, wire fasteners other than staples, brads, and other similar fasteners are not acceptable forms of binding and shall not be used.

(f) *Loose-leaf tariffs.* (1) The requirements of this paragraph shall not apply to title pages. See also § 1310.21 (rule 21) as to joint agents.

(2) Pages of a loose-leaf tariff may be printed on one side of the sheet or on both sides. Whichever general plan is used in the original tariff must be followed in all its amendments for the life of the tariff. Any numbered page intentionally left blank shall contain a statement to that effect.

(3) Pages of an original loose-leaf tariff shall be consecutively numbered employing Arabic numerals only. Fractional or decimal numbers, or letter prefixes or suffixes, may not be used. The first page following the title page shall be designated as "Original Page 1", the next page designated as "Original Page 2", and so on. Omit the words "No." and "Number".

(4) Each page shall show the page designation in the upper corner opposite the binding edge corner. When the tariff is one published on both sides of the sheet, this would be the upper right-hand corner on one page and the upper left-hand corner for the next higher numbered page published on the reverse side. See § 1310.10(d) (rule 10) as to cancellation of prior issues of the same page, and § 1310.3(b)(2) (rule 3) for placement of the ICC number.

(5) Each page shall show at the top, in the center, the complete name of the issuing carrier or agent, as officially recorded with the Commission. At the bottom, it shall show the issue date on the left side and the effective date on the right side. The date in each case shall show the name of the month spelled out, followed by the day and year by number. If the page contains matter effective upon a date other than the general effective date of the page, the notation "(Except as otherwise provided)" shall be shown in direct connection with the general effective date. Included in this category is matter reissued without change effective later than the general effective date of the new page, and therefore constituting an exception thereto. Except as to tariffs of joint agents (see § 1310.21 (rule 21)), each page shall show at the bottom, in the center, the name and title of the issuing party, and the complete street and mailing address of the carrier or agent, including the postal service ZIP Code number.

(g) *Ruling of tables.* When tables of rates, rate base numbers or charges, or numerals or letters for other purposes are used, the pages shall be vertically ruled in columns of sufficient width to accommodate the matter to be shown thereon (including reference marks) without crowding. At least one blank space or a ruled line shall appear after every sixth horizontal line, or less, of printed matter.

(h) *Items and numbering systems.* (1) The Commission believes that simplicity would be better served by a reduction in

the number of different categories of provisions, each with its own numbering system. Items, with item numbers, should be employed to the greatest extent possible. Rule numbers and index numbers may not be used for tariff provisions, except that tariffs in effect on the conformity date of the regulations in this part and containing such numbers may continue their use for the life of such tariffs. (Section numbers, class-rate table numbers, and note numbers, and numbers or letters within an item, may be used.) When arranging the contents, items should be relatively limited in size for convenience in handling amendments, but each essentially complete in itself. An original tariff should allow sufficient unused numbers within each numerical sequence used therein so that the use of other than whole numbers will be unnecessary when assigning numbers to future provisions. All numbering systems shall employ Arabic numerals.

(2) The numbers assigned to items shall be in numerical sequence in the original tariff, but need not be consecutive. For example, items may be numbered 5, 10, 15, etc. Only one series of item numbers may be used in a tariff. Except as authorized for suspension-notice items (see § 1310.14(c) (rule 14), alphabetical letters may not be used either alone or as part of an item number except as a suffix to designate amendments as provided in § 1310.10(c) (rule 10) and except as to classification tariffs. If two or more items relate one to the other in subject matter, or are considered subordinate in some way to a master item, it is permissible to use compound numbers. This is an initial number followed by a hyphen, then one of a new series of numbers—for example, item 400 and item 400–1, item 400–2, and so on. No decimal or fractional item numbers are permitted. If the whole initial numbers are used up, and new but unrelated matter must be inserted, a compound number may be introduced provided the initial number (for example, item 400 in the above illustration) has not already been used in a compound number series. This, however, should be used sparingly, and the tariff considered for early reissue.

(3) Sections of a sectional tariff must be numbered (see § 1310.13 (rule 13)). Class-rate tables may or may not be numbered, but if they are, the numbers must be in numerical sequence. Notes outside of items must be numbered in numerical sequence.

§ 1310.5 Title page (Rule 5).

(a) *Title page required.* Each original tariff shall have a title page, which shall contain the information required by paragraphs (b) through (l) of this section and in that sequence. It is the purpose of the title page to inform the tariff user. Hence it should identify the nature, purpose, and scope of the publication, but do so in brief, yet complete fashion. When any of these change, the title page must be amended at the same time. The essential elements follow, but others should be shown if they further the purpose. (See also § 1810.21 (rule 21) as to joint agents.)

(b) *ICC number and cancellation notice.* In the upper right-hand corner shall be shown the tariff's ICC number. Immediately thereunder shall be shown the ICC (MF–ICC) number of each tariff, if any, cancelled thereby, except that if the cancellations are numerous, the ICC (MF–ICC) numbers of the tariffs cancelled may be shown near the top of page 1, and a reference to that cancellation notice shown under the ICC number on the title page.

(c) *Loose-leaf tariffs.* The title page of an original loose-leaf tariff shall be printed on one side of the leaf only. The term "Original Title Page" must be shown in the upper left-hand corner.

(d) *Name and certificate number.* At the top, in the center, the complete name of the issuing carrier or agent, as officially recorded with the Commission, shall be shown: If a carrier, its name must be followed by its certificate number. Sub numbers of certificates need not be shown. On agency tariffs, when the agent is a corporation, the name of the corporation shall be shown, but, when the agent is an individual, the name of the association (if any) for whom the agent acts may also be shown. If this is done, the name of the agent shall be preceded by the name of the association.

(e) *Type of rates, modes of transportation, and territorial application—rate tariffs.* (1) A tariff naming rates shall show statements indicating the type of rates therein, the modes of transportation for which the rates are published to apply, and the territorial application of the rates.

(2) The following terms must be used where and to the extent they properly identify such rates: Local, joint, proportional, export, import, coastwise, intercoastal, distance, assembling, distribution, class, commodity, commodity-column (column-commodity), truckload, less-than-truckload, and any quantity. If the tariff does not name any rates specifically restricted to apply on export, import, coastwise, or intercoastal traffic, these terms should not be used.

(3) Each mode of transportation must be specifically identified, such as all-motor routes, motor-water routes, motor-rail routes, etc. It is not necessary to repeat the name of the same mode appearing twice in a combination. Motor-rail-motor need simply be motor-rail.

(4) The statement as to the territorial application shall provide a brief but reasonably complete description of the territory covered by the tariff, or it shall list the states from and to, or between, which the rates therein are published to apply.

(f) *Governing tariffs.* A classification or other type of governing tariff shall show under the carrier's or agent's name a brief description of the tariff and its contents.

(g) *Nomenclature for tariff.* If desired, a brief reference name (e.g. "Iron and Steel Tariff") by which the tariff can be readily identified may be shown next.

(h) *Reference to item containing list of governing tariffs.* A tariff governed by one or more other tariffs shall next refer to the item containing a list of the publications governing the tariff in the following manner:

For governing publications, see item_____.

(i) *Tariffs issued under order or other authority.* If the entire tariff—

(1) Is issued to comply with a mandatory order requiring the specific action;

(2) Is issued under authority of a permissive order allowing notice of less than thirty days or departure from tariff-publishing regulations; or

(3) Is published under a regulation of this part permitting less than thirty days' notice and/or departure from an outstanding order;

a reference to such order or rule by number, and the number of days' notice (where less than thirty is authorized) shall be shown.

(j) *Issue and effective dates.* (1) The issue date shall be shown on the left side and the effective date opposite thereto on the right side. The date in each case shall show the name of the month spelled out, followed by the day and year by number.

(2) A tariff containing matter effective upon a date other than the general effective date of the tariff must show one of the following notations in direct connection with the general effective date. Included in this category is matter reissued without change from a prior tariff effective later than the general effective date of the tariff, and therefore constituting an exception thereto.

(3) The added notation for a bound tariff is

(except as otherwise provided in _____) or (for exceptions, see page 1).

The exceptions, whether referred to on the title page or on page 1, shall identify by number the provisions containing the exceptions. If the excepted provisions are not numbered, the page numbers on which they appear must be shown.

(4) The added notation for a loose-leaf tariff is

(except as otherwise provided).

(k) *Expiration dates.* An entire tariff that is to expire with a given date must show the following notation:

This tariff, as amended, expires with [here show date of expiration], unless sooner canceled, changed, or extended.

(l) *Name and title of issuing party and address.* (1) Except as otherwise provided in § 1310.21 (rule 21), at the bottom, in the center, shall be shown the name and title of the issuing party, and the complete street and mailing address of the carrier or agent, including the postal service ZIP Code number.

(2) A tariff published in the name of a carrier must show the owner, a partner, or an otherwise authorized official or duly appointed traffic manager as the issuing party. Where the owner or a partner, no title is necessary.

(3) A tariff published in the name of an individual as agent or alternate agent must show that individual as the issuing party.

(4) A tariff published in the name of a corporation as agent must show its duly authorized tariff publishing officer as the one issuing it. See § 1310.27 (rule 27).

§ 1310.6 Contents of tariff (Rule 6).

NOTE: See §§ 1310.14, 1310.22, 1310.24, 1310.25, 1310. 27, and 1310.28 (rules 14, 22, 24, 25, 27, and 28) for provisions which may be filed on less than 30 days' notice.

(a) *General requirements.* Tariffs must contain only rates, charges, and related provisions that cover services in strict conformity with each carrier's operating authority. No provision may be published in tariff publications which results in restricting service to less than the carrier's full operating authority or which results in exceeding such authority. Tariff publications containing such provisions are subject to rejection or suspension for investigation. Original tariffs shall contain the provisions required by paragraphs (b) through (n) of this section in the order named.

(b) *Check sheets—loose-leaf tariffs only.* The first page shall be used to list in numerical order the numbers of the original loose-leaf pages comprising the tariff. (This page is to always show an updated listing of each page and supplement.) No other matter may be printed on either side of the sheet containing this list.

(c) *Table of contents.* Except where a tariff contains less than 15 numbered pages, and its title page or interior arrangement plainly discloses its contents, each tariff must provide a table of contents, arranged alphabetically by general headings, fully descriptive and indicative of the matter being identified. Each such heading shall show the item or page number where information on that subject is located.

(d) *Reference to tariffs naming rates on other commodities.* A user of a tariff naming general commodity rates should be aided in locating other possible sources of rates on a considered shipment. Therefore, a general commodity tariff or a combined class and commodity tariff shall contain reference to any other tariffs published in the name of the same carrier or agent in which rates on other commodities are published from any origin to any destination within the same territorial coverage over the same carriers. Each reference must briefly describe the tariff, the commodities therein, and the territorial application.

(e) *List of participating carriers.* (1) A list of participating carriers (complete names must be shown) arranged alphabetically shall be provided, with the city and state of the principal office, the lead docket number of its certificate series, and the form and number of the power of attorney or concurrence issued. This does not apply to tariffs of a carrier having application only for that carrier. The issuing carrier is not to be named a participating carrier in any case. The commonly accepted rules for alphabetizing shall be used, with the key part of the name shown first. In the case of trade names and partnerships, the names of the individual or partners are to follow, but away from the left margin. Where one carrier leases and operates another (section 210a(b) of the Act), the name of the lessor (which is to be followed by the lessee name) controls its position in the list. The name or part of the name controlling its alphabetical position should be in upper case characters if the tariff employs both upper and lower case.

(2) When reference to a concurrence is shown in an agent's tariff, the carrier to whom it has been given shall be indicated.

(f) *Indexes of commodities, origins, and destinations*—(1) *Intent of Commission.* The tariff user must be provided with a quick, direct, and ready means to determine whether or not the tariff names a rate, rating or charge governing line-haul transportation as to any given traffic, and if so, where it may be found in the tariff. The Commission reserves the right to require reissue of any tariff which it believes does not afford the user adequate means for this purpose.

(2) *Indexes of commodities.* (i) Each tariff naming commodity rates and each rate tariff naming ratings or classes constituting exceptions to the classification shall contain an alphabetically arranged index of articles together with a reference to the number of each item (or page) where such article is shown. The index shall list each article on which the tariff shows a commodity rate or shows an exception rating or class.

(ii) When nouns are not sufficiently explicit, articles shall be indexed also under the names of descriptive adjectives. All of the entries relating to different kinds or species of the same commodity shall be grouped together. For example, "Paper, building; paper, printing; paper, wrapping."

(iii) When articles are grouped together in one list under a generic heading as authorized in § 1310.7(g)(3) (rule 7), such generic name shall be shown in the index and opposite thereto shall be shown reference to each item (or page) where the generic term is used. Each article in the generic list must be shown separately in its proper alphabetical order in the index together with reference to each item (or page) where such article is shown by name, but when such article appears only in a generic list, reference to the items (or pages) containing rates or ratings (classes) may be omitted provided reference is given to the generic name as it appears in the index.

(iv) Tariffs naming rates on "all freight" shall list the term in the index but need not list each article embraced in the term.

(v) The index may be omitted if

(*a*) All of the commodity rates to each destination in a general commodity tariff or a combined class and commodity tariff are arranged in alphabetical order by commodities; or

(*b*) The tariff names rates or exceptions on only "all freight."

(3) *Indexes of origins and destinations.* (i) Tariffs which name specific point to point rates shall provide an index of all points from which rates apply and a separate index of all points to which rates apply showing the states in which points are located. All generally recognized points (cities, towns, townships, and other named state locations that have a precise meaning territorially) of sufficient size located within the territorial coverage of the tariff shall be listed. The points shall be arranged alphabetically within each state and the states arranged alphabetically, or the points shall be arranged alphabetically througout the index. When all or substantially all the rates named in the tariff apply in both directions between the points shown therein, the points of origin and destination may be shown in one index. If there be not more than 12 points of origin or 12 points of destination, the names of such points may, if practicable, be shown in alphabetical order on the title page. In this event, the index of such points of origin or destination, or both, as the case may be, may be omitted.

(ii) When the traiff names rates for the account of more than one carrier, the index shall provide directly with such point the complete names of all carriers serving the point pursuant to the regular-route portion of their operating authorities from this Commission. The complete names of all carriers serving the point pursuant to the irregular-route portion of their operating authorities from this Commission shall also be shown to the greatest extent practicable. The name of a carrier serving the point pursuant to both types of authorities shall be shown only once. Omission of the showing of a carrier as serving a point does not in itself render inapplicable a rate named from or to such point. Carrier name abbreviations or code designations may be used provided they are explained in the tariff in which used. Where desirable the rate tariff may refer to a separate publication (not a rate tariff) for the name or names of carriers serving the points appearing in such rate tariff.

(iii) If a tariff names a rate from or to a state or county without specifying the points in such state or county, at the beginning of the appropriate index shall be shown a reference to the number of the item (or page) containing such rate.

(iv) If rates are shown in a tariff by rate bases or by named, numbered, or lettered territorial groups, the indexes shall show the basis or group to which each point is assigned. When reference is made to a separate publication as provided in § 1310.18 (rule 18) for lists of points in such groups, such points may be omitted from the indexes. In this event there shall be shown in the table of contents the number of the item (or page) giving reference to the separate publication and there shall be shown at the beginning of the index of points (if the tariff contains any such index) reference to the separate publication.

(v) If rates are published in items, the indexes of points shall show the numbers of items in which rates from or to such points appear. When rates are not published in items, the indexes shall show the numbers of the pages on which rates from or to such points will be found.

(vi) The index of origins or destinations may be omitted if

(a) Points of origin or of destination are shown in the rate or rate basis tables in groups arranged by states, the points being in alphabetical order in the groups and such groups also being in alphabetical order of states; or

(b) Points of origin or destination are shown in rate tables in continuous alphabetical order throughout the tariff: *provided*, That, when the tariff names rates for more than one carrier, information will be included showing the carrier or carriers serving the various points.

(vii) If points are arranged in commodity items in alphabetical order or in numerical sequence by index numbers and such commodity items are referred to in the index of commodities required by paragraph (f)(2) of this section, such item numbers may be omitted from the indexes of points.

(viii) When points are arranged in rate tables in alphabetical order and indexes of points of origin and destination are not included in the tariff, the table of contents shall refer to the pages on which the rate tables showing an alphabetical list of points are to be found. Also, when points are grouped in rate tables by states, the table of contents shall give reference to the pages on which rates from or to points in each state will be found.

(g) *Statement of operating authority in rate tariffs.* (1) Tariffs naming rates (for account of regular or irregular route motor carriers) must either define clearly the carriers' authorized operations, both as to commodities and territories, insofar as they are pertinent to the application of the rates and routes, or must contain reference to a separate governing publication (not a rate tariff) containing such provisions and on file with this Commission. Such governing publication must be one authorized by § 1310.19 (rule 19). Unless a separate tariff is referred to which has provisions restricting the application of rates and provisions to the extent of carriers' operating authorities, the application of the rate tariff shall be restricted by a provision published therein as follows:

> Rates and provisions named in this tariff, or as amended, are limited in their application on interstate or foreign commerce to the extent of the operating rights set forth ["below" or "in items ——"]. Unless otherwise specifically provided, the provisions are to be interpreted in the same manner as the Commission interprets the certificate from which the following is quoted, with respect to such as implied authority, commercial zones, tacking (of separate authorities), and diversion routes.

If the tariff names joint intermodal rates, the wording may be modified so as to confine the restriction to apply only to the extent the rates apply over the motor carriers.

(2) The limitation statements, reproducing a carrier's operating authority, should not be used as a substitute for the required description of commodities or territories in connection with the application of rates.

(h) *List of governing tariffs.* (1) Except where the regulations in this part permit omission of reference to certain kinds of governing tariffs, each tariff governed in any way by others must provide a list of such tariffs, arranged in columnar form, the columns headed as follows:

> Tariff No.
> ICC (MF-ICC) No.
> Title or Kind of Tariff
> Issuing Agent or Carrier
> Governs to the Extent Provided in Items

Each such governing tariff shall be separately listed, the information called for by the headings fully explained, and the table headed by a provision reading:

> This tariff is governed, except as otherwise provided herein, by the following described tariffs, and by supplements or loose-leaf page amendments thereto or successive issues thereof:

If there are no separate items explaining or further qualifying the application of any such particular tariff, the last column should be omitted.

(2) Except as otherwise specifically authorized by the regulations in this part, a rate tariff may not refer to another rate tariff for governing provisions and may not contain provisions purporting to govern another rate tariff; nor may a governing tariff contain any rule which in effect would permit a rate tariff to be governed by another rate tariff. Except as otherwise specifically authorized by the regulations in this part, a tariff issued by an agent may not refer to a tariff issued by a carrier or a tariff issued by another agent as a governing tariff. A tariff issued by a carrier may not so refer to a tariff issued by another carrier. A carrier may not publish and file local rates to apply for another carrier, nor any joint rates in which it is not a party.

(i) *Rules and other provisions which govern the tariff.* (1) Unless a separate tariff is published for this purpose (see § 1310.17(d) (rule 17) and except as to those explanatory statements treated in paragraph (k) of this section, all of the rules or provisions stating conditions which in any way affect the rates named in the tariff shall be entered under this heading in a rate tariff. A rule affecting a particular item or rate must be specifically referred to in such item or in connection with such rate, except that provisions affecting more than one but not all of the rates in the tariff or applying to only a portion of the carriers for which the rates are published may be included in the explanatory statements authorized in paragraph (k) of this section.

(2) Each rule or similar provision must be given a brief, but descriptive, title.

(3) Except as otherwise specifically authorized in the regulations in this section, no tariff may include any rule or other provision which in any way or in any terms authorizes substituting a rate for any other rate or substituting a rate made up by means of a combination of rates, nor any rule to the effect that traffic of any nature will be "taken by special agreement," "taken at carrier's convenience," or other provisions of like import.

(4) Tariffs which contain rates for the transportation of dangerous articles (hazardous materials) shall also reproduce the regulations promulgated by the Department of Transportation governing the acceptance and transporation thereof, or must bear specific reference to a separate tariff which contains such regulations (see §§ 1310.17(d) and 1310.17 (e) (rule 17)).

(j) *Exceptions to classification classes, ratings, and rules.* (1) Exceptions made to classification classes or ratings, and rules, which apply only for the rates published in one tariff must be published in that tariff, and shall:

(i) Be published in a separate tariff section headed "Exceptions to the Governing Classification" or "Exceptions to the Governing Classification and Tariff of Exceptions Thereto" (see paragraph (j)(4) of this section for alternative plan).

(ii) Be arranged in the same order as they appear in the classification.

(iii) Be complete in itself (if a rule) by republication of the complete rule as amended by the exception, and identification of the rule in the classification (and in the tariff of exceptions, if any) and the part being changed. If, however, the exception is to make the rule not applicable, it need not be republished in full.

(iv) Describe the commodity (if a commodity exception) either in the same words, or as close thereto as possible, used in the classification, and use the generic heading (if any) appearing in the governing classification under which the article would otherwise fall.

(v) Indicate if classes or ratings have any-quantity, less-than-truckload, truckload, volume, or other clearly defined quantity application.

(vi) Provide in the rate tariff for the nonapplication of any exception in a separate tariff, if any, to the same class, rating, or rule, or to the same part of the same rule.

(2) Different classes or ratings on the same article, articles, commodity, or commodities based on different minimum quantities may be published provided the lowest charge resulting from any such class or rating applied in connection with its published minimum (or actual quantity shipped, if greater) is made applicable by publishing such classes or ratings in the same item and by providing in connection with such item a rule to the effect that the lowest charge obtainable under the different classes or ratings and minimums applicable thereto (or actual quantities, if greater) will be applied.

(3) Exceptions may not be alternated with exceptions in another tariff or with classes, ratings, or rules in the classification. A statement providing that the class, rating, or rate on any article will be that applying to another article is not permissible.

(4) Exceptions to classification rules (not classes or ratings) may be included in the same section containing the rules authorized by paragraph (i) of this section, in which event the heading for the combined section must contain reference to the inclusion of both kinds of provisions, and the heading for the exceptions

section must refer to classes or ratings only.

(k) *Explanatory statements.* Tariffs shall contain such explanatory statements as may be necessary to remove all doubt as to the proper application of the rates and rules contained therein. When rates are published for account of any carrier under authority of a concurrence or of a limited power of attorney, and the rate application should accordingly be restricted there shall be included in this section of the tariff an explicit statement clearly indicating to what extent the published rates apply for account of such carrier. Only such specific statements as are required to indicate the application with respect to particular carriers should be included in this section. The name of the carrier must be shown in the caption or heading of the item. General rules relating to the application of the rates should be published under paragraph (i) of this section.

(l) *Statement of rates.* Rate tariffs shall show a statement of rates applicable for the transportation of the articles or class of articles on which rates are named therein, arranged as set forth in § 1310.7 (rule 7).

(m) *Statement of routes.* A clear and explicit statement of routes over which the published rates apply prepared in accordance with the provisions of § 1310.8 (rule 8) shall be shown.

(n) *Explanation of reference marks, notes, and abbreviations.* (1) The use of reference marks and note references should be held to a minimum for the convenience of the tariff user. Abbreviations should be confined to commonly used ones in business and commerce, and to carrier-name abbreviations and/or designations (but only if the carrier is repetitively referred to).

(2) If a reference mark, note reference, or abbreviation is not explained in the item or unit itself, or on the page on which it appears, then the explanation must be provided in a location assigned for that purpose at the end of the tariff. A separate unit for each category—reference marks, note references, and abbreviations—is required. The unit for reference marks explanation shall be a numbered item. If the explanation of a reference mark or note reference does not appear on the page where used, such page must refer to the page where the explanation is given.

(3) Carrier name abbreviations or code designations may be included as part of the List of Participating Carriers if one is published within the tariff, provided a statement to that effect is included under the Explanation of Abbreviations.

(4) State name abbreviations shall be explained unless they are abbreviations adopted by the U.S. Postal Service for official use.

The abbreviation Cwt. may not be used. The following commonly used abbreviations are acceptable without explanation and will have the meaning shown in connection therewith:

Abbreviation	*Explanation*
&	and
Ave	avenue
Blvd	boulevard
bldg	building
Bros	Brothers
¢	cents
Co	Company
Corp	Corporation
cu	cubic
$	dollars
E	East
etc	and so forth
e.g.	for example
Ft	Fort
ft	foot, feet
gal	gallon
i.e.	that is
in	inch
Inc	Incorporated
lb	pound
Ltd	Limited
Mfg	Manufacturing
Mt	Mount, Mountain
N	North
PO	Post Office
Rd	Road
S	South
St	Street
US	United States
wt	weight
W	West

(5) Carriers and agents should, to the greatest extent possible, avoid using the same reference mark or note reference for different purposes in a tariff. Otherwise, the explanation thereof must appear on the page where used. If used for different purposes on the same page, the explanation must appear in each item or unit where used. A reference mark or note reference may not be used for different purposes within the same item or unit.

(6) The following reference marks (symbols) shall be used in the exact form shown for the purpose indicated and shall not be used for any other purpose.

↓ or (R)	to denote reductions
♦ or (A)	to denote increases
▲ or (C)	to denote changes which result in neither increases nor reductions in charges
●	to denote no change in rate (see § 1310.10(f) (rule 10))
+	to denote intrastate application only
□	to denote reissued matter (see § 1310.10(g) (rule 10))

When alternative reference marks (symbols) are provided in this subparagraph, one should be used exclusively throughout the tariff, as amended. New or added matter on which the prescribed reference marks (symbols) in this subparagraph would not be appropriate shall be indicated as "New," "Addition," or "Add" or bear a reference mark of the carrier's or agent's choice properly explained.

(7) The mark □ or ( ) is an acceptable substitute for the □ if compilation is by typewriter and it has no means to construct the latter mark. If substituted, the use must be consistent throughout all supplements of the tariff and the other two forms may not be used for any purpose.

§ 1310.7 Statement of rates (Rule 7).

(a) *Rates must be clear and explicit.* (1) The Act intends tariffs to be for the information of and use by any and all members of the public, not just for professionals. The regulations in this section are intended to insure, to the greatest extent practicable, that tariffs are so constructed that not only are they readable from a physical standpoint, but that their terms and conditions are susceptible to ready understanding and application. To protect the interest of the general public in this respect, the Commission through its Bureau of Traffic may reject or require correction, of any tariff provision which in its judgment is not sufficiently clear, explicit, and self-explanatory for this purpose.

(2) All rates and governing provisions or restrictions shall be clearly and explicitly stated, together with the names or other proper designations of the places from, to, between, or within which they apply. Rates may only be stated in cents, in dollars, or in dollars and cents in lawful money of the United States. They shall be stated to apply per 100 pounds, per ton, or other standard United States or defined (in the tariff) unit, but, except as otherwise specifically provided in this paragraph, not unit of time nor per cubic foot or other space-occupied basis. Per trailer, per truck, per truck-mile, per container, per package, or other variable unit is permissible provided the measure of the service is fixed by defining the unit specifically, or in "maximum" terms, such as a stated maximum weight of contents permitted per truck or container of a certain maximum cubic capacity or measurement, or stated maximum dimensions or weight per individual package. Per-hour and other time-based units are permissible for terminal and other services under § 1310.15 (rule 15). Rates otherwise complying with this section may be subject to a minimum charge which employs a time factor, which, however, may not be less than a defined weekly period—such as a stated amount per defined vehicle per calendar week. Rates stated simply as "per ton" or "per net ton" and not defined shall apply per ton of 2,000 pounds and the term need not be defined in the tariff. If a different weight quantity is to apply, other terms must be used and defined, for example "per ton of 2,240 pounds." Rates must be stated as having any-quantity, less-than-truckload, truckload, volume, or other clearly defined quantity application.

(3) If the rates on a page, or in a table or column, are generally to apply per 100 pounds or other one unit, that fact may be stated in the caption or heading thereof with the addition of "except as noted" or other words of like import if exceptions are to be made. If for an entire tariff, this fact may be stated on the title page of the tariff. If done, the statement of unit of application need not be repeated each time in connection with each rate.

(4) The names or other proper designations of the places from, to, between, or within which the rates are published to apply must be shown. The rates may be stated as applying from, to, between, or within named states, counties, cities, towns, townships, or other named state locations that have a precise meaning territorially; or described areas provided the limits of such described areas are in geographical terms, such as named rivers or numbered highways, or by established political boundaries, such as state or county lines. Code letters and/or numbers may not be substituted for names of origins or destinations in items unnecessily. Subject to the provisions of paragraph (a)(5) of this section, rates may be published to apply from or to a plant site, construction site, etc. Rates may not be stated as applying to the commercial zone of a point, as defined by the Commission, unless the appropriate description referred to is published in the tariff or in a governing tariff.

(5) When rates are published to apply from or to a named plant site, construction site, or other site, the location of the site must be identified as specifically as possible. For example, the "plant site of John Doe Manufacturing Company, on U.S. Highway 10 approximately 23 miles east of A Town, Z State." The terms "near" or "near or at" should be avoided, unless they contribute still more specificity. Rates may not be published to apply from or to a named shipper or receiver (except for the purpose of identifying the site), or from or to a named site located within a city, town, or township unless the carrier's operating certificate is so restricted in the same words.

(6) Where it is necessary to carry over part of a rate item or table to a succeeding column or page, general captions to which the continued material is subordinate, and any explanation of column headings necessary for an understanding of such material must be repeated.

(7) All rates and provisions must be arranged in a simple and systematic manner. Complicated plans, including ones requiring multiple-step computing not authorized herein, may not be used. Ambiguous, conflicting, or indefinite terms, rules, or other provisions affecting or governing the application of rates are prohibited.

(8) Except as specifically authorized, a rate item or other rate unit may not refer to another rate item or other rate unit for commodity descriptions or other application, and a rate may not be stated as applying only in the absence of another rate, or as applying regardless of another rate named to apply.

(9) Joint rates having intermodal application only over motor and off shore water carriers, and rates restricted to apply only on shipments having a prior or subsequent movement by off shore water carriers may be stated in cents, in dollars, or in dollars and cents per cubic foot, provided it is clearly and explicitly stated how the determination is made.

(10) Tariffs should contain a rule governing what shall apply on returned undelivered shipments. In the absence of such a rule, the following shall govern. Any class or commodity rate published to apply over a named route or routes in one direction effective on the date of return is applicable on the undelivered shipment returned over the same route but in the reverse direction. However, if there is another rate specifically published to apply on the considered shipment being returned, over the same route, which results in a lower total charge, that rate shall apply in the absence of provisions to the contrary.

(b) *Arbitraries.* A tariff may provide rates from or to designated points by the addition of arbitraries to rates shown therein from or to named base points. Provision for this shall be shown either in a separate item in the same tariff, which must specifically name the base point and clearly and definitely state the manner in which such arbitraries shall be applied, or in a separate rate basis tariff as provided for in § 1310.18 (rule 18). Arbitraries, or any provision for addition or subtraction of any amounts, may not be published to construct rates to apply from or to the base point itself, or to differentiate between commodities, nor may any tariff provision be made, whether in the same tariff or in a governing tariff, for accrual of the charges to a certain carrier or carriers, or for division of the revenue between carriers.

(c) *Percentage, fraction or multiple of class rates.* Except as otherwise provided in this paragraph, for each classification or exception class rating governing class rates, the tariff naming the class rates must name a rate for that class rating. A statement that a class rate for a class rating shall be a percentage, fraction, or multiple of another rate is prohibited. However, the same rate tariff may provide a table which shows in one column the class rate and in succeeding columns the actual rates representing the various percentages, fractions, or multiples of such class rate. Class rates for certain class ratings may be omitted, provided there is a statement that in such cases the next higher class rating shall be used.

(d) *Minimum quantities.* When a rate per 100 pounds, per ton, or other weight or quantity unit stated as being a truckload (not "per truck", etc.—see paragraph (a)(2) of this section) rate or volume rate is published, a minimum quantity on which the rate is published to apply must be provided in that tariff, except as otherwise provided in paragraph (g) of this section authorizing separate lists tariffs or combined exceptions and lists tariffs. Where a rate or rating refers to a separate list elsewhere in the same tariff or in a different tariff, the minimum quantity or quantities (if any) applicable shall be stated in direct connection with the rate or rating, unless different minimum quantities apply to different commodities. In the latter case, the minimum quantities may be shown in the list.

(e) *Rates based on varying quantities.* Different rates based on different minimum quantities may be published, provided the lowest charge resulting from any such rate applied in connection with its published minimum (or actual quantity shipped, if greater) is made applicable by publishing such rates in the same item or in different columns on the same page and by providing in connection with such items or rate columns a rule to the effect that the lowest charge obtainable under the different rates and minimums applicable thereto (or actual quantities, if greater) will be applied.

(f) *Mixed shipments.* If two or more commodities are listed in connection with a rate or rating application, there must be a clear statement as to whether the rate or rating applies on straight shipments only, on a specific mixture of such articles only, or on straight or mixed shipments. If one or more of such commodities are to be subject to a rate or a minimum quantity or both, different from the others, how the minimum charge per mixed shipment is to be determined must be made clear. This is also required if two or more rates or ratings, based on different minimum quantities, are provided for the same commodity. Where different rates or ratings, or different minimum quantities are so provided, there must be a statement published to the effect that the deficit, if any, in the applicable minimum weight shall be rated at the lowest rate or rating used for any commodity in the shipment.

(g) *Generic terms.* (1) A tariff may provide for the transportation of an entire plant to a new location by publication of a point-to-point commodity rate published to apply on commodity descriptions employing generic terms. The rate may not be published to apply in both directions. The rate and related provisions must be indicated to expire with a specific date not later than six months from their effective date, which may be extended for an additional period totaling not more than 12 months (only) from the original date by republication. All provisions must terminate at that time. The tariff must specifically state that the rate covers a movement of a plant, name the classes of articles to be transported under the rate, and provide either that the rate does or does not include transportation of raw materials or finished or semifinished products, in substantially the following form:

> Rate covers the movement of a plant to a new location only and applies only on the articles that are actually a part of the equipment, furnishings, materials, and supplies of such plant. [Here state whether or not the rate includes raw materials or finished or semifinished articles of manufacture or stock]

to which should be added for inclusion or exclusion, for clarification purposes, classes of articles in connection with which there may be doubt as to whether or not the broad description covers or excludes. For example: Tools; machine parts, used; office furniture, equipment, machines, and supplies.

(2) Commodity rates may be published to apply on straight (a single commodity) or mixed (two or more commodities)

shipments of "all freight" without naming the individual commodities embraced in such term. Only the term "all freight" is authorized. The rates may be restricted to not apply on one or more commodities provided such commodities are specifically described. To avoid conflicting or duplicating rates (which are prohibited by paragraph (j) of this section), a notation reading substantially as follows may be shown:

Rate does not apply on a straight shipment of a single commodity where there is published to apply on such shipment a specific commodity rate.

(3) Except as otherwise authorized in paragraph (g) (1) and (2) of this section, a commodity rate item may, by use of a generic term, provide rates on a number of articles without naming such articles, provided such commodity item contains reference to an item (not a rate item) in the tariff which contains a complete list of such articles, or contains reference to a separate tariff (not a rate tariff) containing such a list, or both. Example: "Packing house products, as described in item __ or successive issues thereof," or "Packing house products, as described under heading 'Packing house products' in ICC (or MF-ICC) __, supplements (or loose-leaf page amendments) thereto or successive issues thereof." The separate list must bear a commodity caption (for example "Chemicals, namely:") and the caption must be worded identically with the reference thereto. Reference may not be made to a separate list for only a portion of the commodities included in the list nor restricted to those which are subject to certain ratings. The commodities in each list must be alphabetically arranged.

(4) A separate tariff, not containing rates and not a classification (see paragraph (g)(5) of this section), may be filed by a carrier or an agent, showing lists of the commodities and minimum quantities, on which rates published by reference to generic terms will apply, and rate tariffs may be made subject thereto as provided above. The title page of such separate publication shall contain the following notations:

List of commodities upon which rates are provided in tariffs making reference hereto,

and

This tariff may be used only in connection with tariffs making specific reference hereto by ICC (or MF-ICC) number.

Except as provided in § 1310.17(c)(4) (rule 17), pertaining to combined exceptions and lists tariffs, a separate publication issued for the purpose of publishing generic lists shall contain no information other than that authorized in this subparagraph. Except as to reference to a classification for commodity descriptions (see paragraph (g)(5) of this section), only one such publication may be in effect at any time in a carrier's or agent's file and it may list only generic terms which refer to 10 or more commodities. Otherwise the tariff of rates shall specify each commodity upon which the rates therein apply. A tariff of rates may not refer to another tariff of rates for lists of commodities.

(5) A rate tariff (only) may refer to a classification (see § 1310.17 (rule 17)) instead of, or in addition to, a separate list tariff for description of articles on which rates published by reference to generic terms will apply. The reference may be restricted to the descriptions in certain identified items under the generic heading referred to. A rate item may also refer to certain items in the classification for a more complete description of the commodity named instead of for purposes of a list of commodities. In this event, the commodity term used in the rate item must embrace the commodities in such classification items, and the use of the classification items must be necessary only for the descriptive details, governing conditions and requirements, or other material. The rate tariff must clearly indicate whether or not the reference to the classification items is intended to embrace any reference therein in turn to notes, qualifying conditions, and other matter published in conjunction with the classification items.

(h) *Commodity rates.* (1) Except as otherwise provided in paragraph (g) of this section, when commodity rates (including column commodity rates—see § 1310.29 (rule 29)) are established, the description must be specific and the rates thereon may not be applied to analogous articles. As far as possible uniform commodity descriptions should be used in all tariffs. If the carrier or agent anywhere maintains class rates governed by a classification, the article on which the commodity rate is published to apply shall be described either in the same words used in the classification or as close thereto as possible. If the article appears under a generic heading in the classification, the rate tariff must also show that exact heading and the commodity as subordinate to it.

(2) If a commodity rate (distance or otherwise) is published, such commodity rate, except as otherwise provided in these rules, is the applicable rate and the only rate that may be applied from and to the same points over the route or routes over which the commodity rate applies, even though a class rate (except as provided in this paragraph, paragraph (n) of this section, and § 1310.13 (rule 13)) may make a lower charge.

(3) When, because of differences in minimum weights, package requirements, mixed quantity provisions, or other conditions, the charges accruing under commodity rates result in higher charges than those accruing under the class rates published in other tariffs, provision may be made in a tariff containing commodity rates only, for the alternation of such rates with class rates published in not more than three other tariffs, provided that the commodity tariff contains specific reference to the class tariffs and shows in connection with each reference a complete description of the origin and destination territory shown in that tariff. The following notation must be shown in the commodity tariff under the application of rates:

If the charges accruing under the class rates published in the following tariffs, including supplements or loose-leaf page amendments thereto or successive issues thereof, from and to the same points via the same routes are lower than the charges accruing under the commodity rates published in this tariff, the lower charges resulting from such class rates will apply. [Here show ICC (or MF-ICC) numbers of the class tariffs and the required description of each.]

(4) If a commodity tariff contains only a few rates which result in higher charges than would accrue under the class rates, the reference to the class tariffs prescribed herein should be shown immediately in connection with such commodity rates or may be shown in a separate item shown under an appropriate heading and reference to such item shown immediately in connection with the commodity rates.

(5) Great care should be exercised in describing the territorial application of the class tariffs in order that users of the commodity tariff may determine without examining the class tariffs, which of such class tariffs is to be used in connection with any commodity rate. The alternative application of commodity rates in one tariff with class rates in another tariff may be resorted to only where there is real necessity therefor, and that wherever possible, the commodity rates should be revised so that they will not exceed the class rates between the same points.

(i) *Rates of a carrier must be in limited number of tariffs.* (1) It is the sense of the regulations in this paragraph that rates be so published that the user of a particular tariff may expect that as to the issuing carrier or as to a carrier named as a participant therein the tariff will contain all the issuing carrier's local rates and all joint rates via joint routes provided for therein, of a particular kind (class or commodity), on a considered commodity and shipment if within the scope of the tariff application and unless specifically restricted otherwise.

(2) Except as otherwise provided in this paragraph, a tariff naming any local class rate for a carrier must name all that carrier's local class rates published to apply within the scope of that tariff, and a tariff naming any local commodity rate for a carrier must name all that carrier's local commodity rates published to apply within the scope of that tariff.

(3) Except as otherwise provided in this paragraph, a tariff published in the name of a carrier containing any joint class rate or containing any joint commodity rate, or a tariff published in the name of an agent containing any joint class rate or containing any joint commodity rate for a carrier who participates therein under a power of attorney, must contain all of that carrier's joint class rates or must contain all of that carrier's joint commodity rates, as the case may be, published to apply within the scope of that tariff in connection with the carriers parties thereto, irrespective of differences, if any, as to the point of interchange between such carriers.

(4) When carriers participating under powers of attorney in joint-rate application with other carriers, but not with each other, in tariffs having the same scope, but published by different agents, wish to establish a joint rate with each other, such rate may be published in either agent's tariff.

(5) Distance or mileage rates, or commodity column rates (column commodity rates) may be published each in a separate tariff for that particular kind of rates only. Each of such tariffs must, in all other respects, comply with the requirements of this paragraph.

(6) Rates for a special type of service, such as for pool-truck distribution, or assembling or distribution rates under Section 408 of the Act, need not be included in the same tariff with rates for regular service or for other special type of service, but if not, the requirements of this paragraph must, in all other respects, be complied with as to each such tariff as to that particular service. Rates providing merely a lesser or greater degree of service on what essentially is the same traffic (for example, rates which do not include pickup or delivery service, or rates which apply only when transit service, included in the rate, is performed on the shipment) are not rates for a special type of service within the meaning of this subparagraph.

(7) If a carrier wishes as to a certain commodity or commodities to publish in a tariff some local commodity rates, or some joint commodity rates in connection with a certain carrier or carriers, which are encompassed within the scope of another tariff, the latter tariff must provide that it names no local rates for account of that carrier, or no joint rates for the account of that carrier in connection with the other carrier or carriers, as the case may be, as to that commodity or commodities, identifying clearly the commodity or commodities without use of undefined generic terms. The restriction published for this purpose in the tariff must be a general one, and may not be provided for by individual restrictions in rate items or in connection with specific rates.

(8) For the purpose of this paragraph, the "scope" of a tariff means the commodity and territorial coverage of a tariff. The publication of rates on a commodity or commodities, whether in straight or in specific mixture shipments (including rates on "all freight" and like terms), establishes the commodity coverage as being that commodity, commodities, or specific mixture of commodities, as the case may be. The publication of rates from an origin area or to a destination area establishes the origin territorial coverage or destination territorial coverage as one blanketing the area bounded by a line drawn through the outermost of such origins or such destinations and this includes all points within such boundaries whether or not a rate is published from or to such points.

(j) *Conflicting or duplicating rates prohibited.* The publication of class or commodity rates which duplicate or conflict with the rates published in the same or any other tariff over the same route is not permissible. Except as otherwise authorized in the regulations in this part, the publication of a statement in a tariff to the effect that the rates published therein take precedence over the rates published in some other tariff, or that the rates published in some other tariff take precedence over or alternate with the rates published therein, is prohibited. (See also paragraph (a)(8) of this section.)

(k) *Through rate applies.* When a carrier or carriers establish a local or joint rate for application over any route from origin to destination, such rate is the one that must be applied by such carrier or carriers over the authorized route, notwithstanding that it may be higher than the aggregate of intermediate rates over such route. No rule may be published which provides for the use of any such aggregate, if lower.

(l) *Proportional rates.* Tariffs containing proportional rates must clearly and definitely show the application thereof. If a proportional rate is intended for use on traffic destined to a restricted territory, such territory should be clearly defined. For example, a tariff naming a proportional rate to St. Louis, Missouri, intended for use on traffic destined to points in Kansas, shall state that the proportional rate applies only for the purpose of constructing rates on traffic destined to points in Kansas. If the application of a proportional rate is not restricted, such proportional rate will be usable in connection with any other applicable rates from or to the proportional rate point. A statement that proportional rates apply from (or to) points from (or to) which no through rates are published must not be used, as such a statement is not sufficiently definite to restrict the application of the rates and such proportional rates could not in any event be applied on traffic on which applicable through one factor rates are published. However, proportional rates may be published to apply only on traffic from or to (or from and to) points on the line or lines of a particular carrier or carriers. It is not permissible to include a provision in a tariff to the effect that proportional rates will be stated percentages of other rates.

(m) *Export, import, coastwise, and intercoastal rates.* (1) Export, import, coastwise, and intercoastal rates, when so designated, whether class or commodity, take precedence over rates (either class or commodity), not so designated, published to apply between the same points, over the same route, on export, import, coastwise, or intercoastal traffic, as the case may be, and tariffs containing such rates or governing tariffs must so provide, and must define such terms.

(2) Ocean carriers operating between ports of the United States and foreign countries are not subject to the terms of the Interstate Commerce Act or to the jurisdiction of the Commission. The inland carriers of property exported to or imported from a foreign country by water must file their rates to the ports and from the ports, and such rates must be the same for all, regardless of what ocean carrier may be designated by the shipper, except as otherwise provided by section 28 of the Merchant Marine Act.

(3) When rates are published to apply on traffic exported or imported by ocean carriers, but not on traffic destined to or originating at the port, the tariffs containing such rates shall specify by inclusion or exclusion the countries to or from which traffic subject to such rates shall move, regardless of whether such countries are, or are not, adjacent to the United States. Tariffs shall also specify whether or not property destined to or coming from the Republic of Cuba, the Commonwealth of Puerto Rico, Guam, Hawaii, or the Canal Zone is subject to such rates. In the absence of a statement in tariffs limiting the application of export or import rates, such rates will apply on traffic destined to or coming from them.

(4) As a matter of convenience to the public, said inland carriers may also publish as information in their tariffs, in connection with the inland rate as provided in this paragraph, the steamship charges to or from foreign destinations. When this is done, such steamship charges may be changed without notice, but the rates of inland carriers to (or from) ports are subject to all provisions of section 217 of the Act and of the Commission's rules with respect to notice and form of publication. Tariffs containing such steamship charges must not be concurred in by the ocean carriers.

(5) Shipments exported and imported by ocean carriers may be forwarded under through billing, but through bills of lading must clearly separate the liability of the inland carrier or carriers and of the ocean carrier, and must show the tariff rate of the inland carrier or carriers.

(n) *Intermediate application of rates.* (1) By means of the rule authorized in this paragraph, the application of published class and commodity rates may be extended to intermediate points. Such rule may be used only to provide application from or to, as the case may be, points situated on the regular-route portion of a carrier's operating authority from this Commission. Any such rule published in a tariff must show in connection with it that it is applicable only as to points on the regular routes of the carrier.

(2) If the rule is published, it must be accompanied by a statement as to whether or not, for purposes of application of the rule, locations within one mile of a highway which may be served under the implied authority of the carrier's certificate shall be considered intermediate if the corresponding location on the highway is intermediate. Also, if off-route points (if any) authorized to a carrier to be served in connection with its regular route authority shall be considered intermediate if the point on such highway to which it is nearest is intermediate.

(3) The wording of the rules shall not be varied. Tariffs may, however, by appropriate provision published in connection with any such rules, provide that it

will apply only in connection with the rates or routes making reference thereto, or may provide for the nonapplication of any such rule to particular rates or routes.

(4) The rules applicable in connection with commodity rates shall read as follows:

COMMODITY RATES APPLICABLE FROM INTERMEDIATE POINTS

When any point of origin is not provided in this tariff with a commodity rate on a given article to a particular destination over a particular route, and such origin is between the considered destination/and a point from which a commodity rate on the article is published herein over the same route to such destination, apply on such article the commodity rate from the next more-distant point from which a commodity rate is named thereon over the considered route through the intermediate point, except as provided in notes 1, 2, 3, and 4.

NOTE 1. When, by reason of branch or diverging routes, there are more than one more-distant points from which commodity rates on the article to be considered destination are named herein, apply the rate from the more-distant point which, on that article to the same destination over the same route, results in the lowest charge.

NOTE 2. If the intermediate point is located between two points from which commodity rates on the same article are published in this tariff to the same destination over the same route, apply that one of such rates which results in the higher charge. If, due to branch or diverging routes, there are two or more next more-distant points in the same direction, only that one of such points from which the lowest charge results will be considered in applying the provisions of this note.

NOTE 3. If the class rate on the same article to same destination over the same route from the intermediate point produces a lower charge than would result from applying the commodity rate under this rule, such commodity rate will not apply.

NOTE 4. If there is in any other tariff a commodity rate (not made by use of an intermediate-point rule) published for account of the same carrier or carriers on the same article from the considered intermediate point, applicable to the same destination over the same route, the provisions of this rule will not be applied from such intermediate point.

COMMODITY RATES APPLICABLE TO INTERMEDIATE POINTS

When any point of destination is not provided in this tariff with a commodity rate on a given article from a particular origin over a particular route, and such destination is between the considered origin and a point to which a commodity rate on the article is published herein over the same route from such origin, apply on such article the commodity rate to the next more-distant point to which a commodity rate is named thereon over the considered route through the intermediate point, except as provided in notes 1, 2, 3, and 4.

NOTE 1. When, by reason of branch or diverging routes, there are more than one more-distant points to which commodity rates on the article from the considered origin are named herein, apply the rate to the more-distant point which, on that article from the same origin over the same route, results in the lowest charge.

NOTE 2. If the intermediate point is located between two points to which commodity rates on the same article are published in this tariff from the same origin over the same route, apply that one of such rates which results in the higher charge. If, due to branch or diverging routes, there are two or more next more-distant points in the same direction, only that one of such points to which the lowest charge results will be considered in applying the provisions of this note.

NOTE 3. If the class rate on the same article from the same origin over the same route to the intermediate point produces a lower charge than would result from applying the commodity rate under this rule, such commodity rate will not apply.

NOTE 4. If there is in any other tariff a commodity rate (not made by use of an intermediate-point rule) published for account of the same carrier or carriers on the same article to the considered intermediate point, applicable from the same origin over the same route, the provisions of this rule will not be applied to such intermediate point.

(5) The rule applicable in connection with class rates shall read as follows:

CLASS RATES FROM AND TO INTERMEDIATE POINTS

From or to any point not named or referred to in this tariff which is intermediate to a point from or to which class rates are published herein through such unnamed point, the class rate published herein over the same route from or to the next more-distant point will be applied, except as provided in notes 1 and 2.

NOTE 1. When, by reason of branch or diverging routes, there are more than one more-distant points from or to which class rates are named herein, apply the rate published to apply over the same route from or to the more-distant point which results in the lowest charge.

NOTE 2. If the intermediate point is located between two points from or to which class rates are published to apply over the same route, apply the rate which results in the highest charge. When, by reason of branch or diverging routes, there are two or more next more-distant points in the same direction, only that one of such points from or to which the lowest charge results will be considered in applying the provisions of this note.

(6) Intermediate rules may not be published to apply on the same traffic on which unnamed points rules as set forth in paragraph (p) of this section have been published.

(o) *"From" and "to" intermediate rules may apply in connection with same rate.* When the rules providing application "from" and "to" intermediate points are both shown in connection with any class or commodity rate, they establish class or commodity rates from intermediate points of origin to intermediate points of destination on such classes or commodities. Unless otherwise provided in the tariff, intermediate application rules establish rates from or to intermediate points on the routes of carriers parties to the tariff without regard to the concurrence forms and numbers under authority of which carriers are shown as participating carriers.

(p) *Class rate from or to unnamed points.* (1) Where use of the class-rate intermediate rule is not permitted or will not suffice to cover all unnamed traffic generating or receiving points a carrier may serve, the rule authorized by this paragraph may be published as an alternative.

(2) Any tariff naming class rates may provide for the application of such rates from or to unnamed points by including the rule set forth in paragraph (p) (4) of this section. Before a tariff may include the rule, the tariff must provide, as a minimum, class rates for all points within the territorial coverage thereof which the carrier or carriers participating in the rule have authority to serve and which are shown as points on the official state maps issued by the particular state authorities or on commercial maps equivalent thereto. The maps must either be attached to the tariff and referred to for application, or be part of a governing tariff. The initial filing must be of current maps in use, and they should be replaced from time to time to maintain a reasonable currency.

(3) The rule may not be published to apply on class rates having a limited application, such as assembling and distribution rates, nor may it be published when intermediate rules have been published to apply on the same tariff.

(4) The rule shall read as follows:

CLASS RATES FROM OR TO UNNAMED POINTS

From any unnamed origin point located on a highway between two named points, apply the higher of the class rates provided from such named points.

To any unnamed destination point located on a highway between two named points, apply the higher of the class rates provided to such named points.

In each case, the named point must be the nearest named point on a highway (or highways) leading thereto from the unnamed point.

When, by reason of branch or diverging highways, there are two or more nearest named points equidistant from the unnamed point, the highest rated of the nearest named points will be used.

From or to unnamed points located on highways, but not located between named points, or from or to unnamed points not located on highways, apply the following:

When the distance between the unnamed point and the nearest named point is:	The rate from or to the unnamed point will be determined by adding the following arbitrary to the rate from or to the nearest named point.
Distance in miles (See Note)	Arbitraries in cents per 100 pounds
------ or less	----------
------ and over ------	----------

NOTE—In determining the distance, the actual distance over the shortest route over which a truck can operate shall be used. Distances shall be computed from or to the Post Office having the same name as the named point from or to which a rate is published (Use the main Post Office if it has more than one) from or to the actual place of loading or unloading. If the point named herein from or to which a rate is published has no Post Office by the same name, the distance shall be computed from or to the generally recognized business center of the community.

This rule does not authorize a carrier to handle shipments from or to points or via routes not within the scope of its operating authority.

If there is in any other tariff, a class rate published specifically to or from the un-

named point, for account of the same carrier or carriers, over the same route, this rule will not apply.

The definition of terms as used in this rule are as follows:

"Highway" means the roads, highways, streets, and ways in any state.

"Point" means a particular city, town, village, community, or other area which is treated as a unit for the application of rates.

"Unnamed" point is one from or to which class rates are not provided, other than by use of this rule. "Named" point is one from or to which class rates are provided in this tariff, other than by use of this rule.

§ 1310.8 Routing (Rule 8).

NOTE: See §§ 1310.22 and 1310.28 (rules 22 and 28) for provisions which may be filed on less than 30 days' notice.

(a) *Routing to be specified.* (1) Tariffs naming joint rates shall specify routes over which such rates apply or refer to a separate tariff or tariffs (see paragraph (b) of this section) for such provisions, or both. The routes must be stated in such a manner that they may be definitely ascertained. The names or other identifying abbreviations or numbers (abbreviations and numbers must be explained in the tariff in which used) of the carriers and the name of every point of interchange between such carriers must be shown. To the greatest extent practicable, the statement of the route should be complete, identifying each carrier and the point of interchange in proper order from origin to destination of the rate. Highway numbers need not be listed. Identification of the interchange point only as being any common point served by the carriers, or use of other indefinite provisions, is not permitted.

(2) Tariffs must provide that the joint rates therein apply only over the routes specifically shown.

(b) *Routing guide.* (1) A tariff (not a rate tariff) containing routes may be designated as a routing guide. When a tariff refers to a routing guide or guides for all of the routes over which the rates therein are published to apply, it must show the following notation:

> The rates herein apply over the routes of the carriers parties to this tariff specified in ICC (or MF-ICC) ___, supplements (or loose-leaf page amendments) thereto or successive issues thereof.

(2) When a tariff refers to a routing guide or guides for routes in connection with some but not all of the rates in a tariff, or for routes for account of some but not all of the carriers parties to the tariff, an appropriate notation must be shown therein. When a rate tariff provides that certain rates published therein will not apply over all the routes shown in a routing guide to which the tariff is subject, the rate tariff shall show clearly what routes in the routing guide are not applicable, or are the only routes applicable, as the case may be, in connection with such rates. Such exceptions may not be published in the routing guide. Routing guides may not contain exceptions having a narrow application, such as by providing nonapplication or application in connection with certain identified commodity rates or rate items of certain tariffs.

(3) When a tariff which refers to a routing guide also shows routes, it shall show clearly whether the routes named therein are in addition to the routes shown in the routing guide or are the only routes over which the rates making reference to such routes will apply. No one rate may be made subject to more than one routing guide for account of any initial carrier except that interterritorial rates may be subject to one guide for each of such territories in which such a guide is published for that territory alone.

(4) A routing guide must be concurred in by all carriers over whose lines routes are provided therein.

(5) Routing guides shall show on their title pages the following notation:

> The routes provided herein may be used only in connection with rates made subject thereto by specific ICC (or MF-ICC) reference to this guide in the tariff containing such rates. Its use in connection with any tariff is restricted to the carriers and to the application provided in such tariff.

(c) *Emergency routing clause.* The following provision may be incorporated into routing guides or under "Routing Instructions" in rate tariffs:

> The rates named in [here rate tariffs shall show "this tariff" and routing guides shall show "tariffs made subject to this tariff"] will apply over the routes and through transfer points authorized herein except that when in the case of pronounced traffic congestion (not an embargo), detours or other similar emergency, or through carriers' error, carriers forward shipments by other transfer points of the same carriers or over the lines of other carriers parties to the tariff, the rate specified in [here rate tariffs shall show "this tariff" and routing guides shall show "tariffs making reference to this tariff"] (but not higher than the rate applicable over the actual route of movement) will be applied.

The words "or over the lines of other carriers parties to the tariff" may be omitted.

§ 1310.9 Supplements (Rule 9).

NOTE: See §§ 1310.14, 1310.22, 1310.24, 1310.25, 1310.27, and 1310.28 (rules 14, 22, 24, 25, 27, and 28) for provisions which may be filed on less than 30 days' notice.

(a) *Amendment by supplement.* (See paragraph (g) of this section—blanket supplements.)

(1) Apart from reissuing the tariff itself, the supplement is the vehicle for adding to, deleting, or changing provisions of a bound tariff. Paragraph (d) of this section provides the restrictions on the use of this means. (See § 1310.10 (rule 10) as to loose-leaf tariffs and § 1310.11 (rule 11) as to complete and partial cancellation of a tariff.)

(2) The first supplement to a tariff shall be desgnated as Supplement 1 either in the upper right-hand corner of the title page thus:

Supplement 1
to
ICC (or MF-ICC) ——

or in the center of the uppermost portion in connection with the carrier's or agent's own tariff number (not ICC number). Subsequent supplements shall be numbered consecutively in like manner. Whatever location is used for the first supplement must be also used for all subsequent supplements to the same tariff.

(3) Each supplement shall specify on its title page, immediately under the supplement and ICC (or MF-ICC) number (if the supplement designation is to appear in the upper right-hand corner) or immediately under the supplement and carrier's or agent's tariff number (if the supplement designation is to appear in the upper center portion) the publications which the supplement cancels. Cancellations must be specific. A statement that the supplement cancels conflicting portions of the tariff or prior supplements, or all provisions of a certain kind or application, may not be used.

(4) The numbers of the supplements in effect on the effective date of the supplement must be shown in the upper portion of the title page. Effective supplements of a special nature (suspension, postponement, adoption, general increase, etc.) should be indicated in the list as to their special nature and may be grouped separately.

(5) The matter contained in each supplement shall be arranged in the same general manner and order as the tariff which it amends. (See § 1310.25 (rule 25) for additional regulations governing adoption supplements.) When points in a tariff are given index numbers, the same index number must be assigned to the same point in all supplements to the tariff.

(b) *Updated lists of items and units in effective supplements.* Every supplement of eight or more pages issued to a bound tariff, except blanket supplements and general increase or reduction conversion table supplements, shall provide near the front of the supplement a cumulative list of all items and numbered units that have been added, canceled, or changed by supplement together with reference to the number of the supplement where each is last shown.

(c) *Index and table of contents.* A supplement of 5 or more pages must be properly indexed, and a supplement of 15 or more pages must also contain a table of contents. If the table of contents is published in a numbered item, see § 1310.10 (rule 10) *Amendments.* The table of contents or any index may be omitted if § 1310.6(c) or § 1310.6(f) (rule 6) does not require the tariff to contain a table of contents or such an index.

(d) *Number of supplements and pages permitted.* (1) A tariff is published to be used, and no tariff should be permitted to reach the maximum supplemental limits prescribed without a reissue already prepared to file with the Commission and distribute to users. Nor should a tariff be permitted to become so old or so much supplemented that little of the matter in the original tariff has application any longer, and copies are no longer obtainable. No tariff may be further supplemented that has been in effect for eight years, except to cancel, to announce a suspension, to announce an adoption, or

to comply with an order of the Commission and then only for the initial compliance action required. (For exception as to adopted publications see § 1310.25 (j) (rule 25).)

(2) Except as otherwise authorized, the following is the maximum number of supplements to a tariff that may be in effect at any time and the maximum number of pages they may contain.

Number of pages in original tariff (inclusive)	Number of effective supplements permitted	Maximum number of pages effective supplements may contain
1 to 2	None	None.
3 to 4	1 (see note)	2 (see note).
5 to 8	1	4.
9 to 16	2	8.
17 to 80	2, plus 2 additional supplements of not to exceed 4 pages each.	
81 to 200	3, plus 2 additional supplements of not to exceed 4 pages each.	
201 to 500	4, plus 2 additional supplements of not to exceed 4 pages each.	Not to exceed 50 percent of the number of pages in the original tariff.
501 to 800	5, plus 1 additional supplement of not to exceed 4 pages.	
801 or more	6, plus 1 additional supplement of not to exceed 4 pages.	

(NOTE: The tariff of 3 or 4 pages, if supplemented hereunder, must be canceled within 180 days of the effective date of such supplement.)

(3) A tariff may provide that it will be reissued periodically, but not less frequently than once a year. Such tariff must carry on its title page the notation:

A reissue of this tariff will become effective not later than [here name date].

This notation may not be changed or eliminated by amendment. Supplements may be issued to such a tariff without limit as to the number of pages in effective supplements, but the regulations pertaining to the number of supplements in effect at any time must be complied with.

(e) *Additional supplement to comply with order of Commission.* When the Commission, in a formal case, orders the cancellation of tariff matter or the establishment of tariff matter, the supplemental limits may be exceeded to the extent necessary to initially comply therewith (but not continuing compliance as to a continuing order), but if exceeded the next regular supplement issued to the tariff must republish or otherwise dispose of the initial publication, observing the prescribed supplemental limits. If the initial publication would result in exceeding the supplemental limits, the supplement may not contain any other matter and the title page must refer to this section for authority to exceed such limits.

(f) *Bridge supplements.* When a bound tariff is issued and filed canceling a prior issue, it is sometimes found necessary to establish, cancel, or change matter in the prior issue effective before the new issue becomes effective replacing it. If the action is intended to affect only the matter in the prior issue, the supplement, which must be on lawful notice, is to be issued only to the prior issue. If it is to affect matter in both tariffs, a separate supplement may be issued to each, or a bridge supplement may be issued which is a supplement to both. To do so by one publication requires a clear separation to be made therein as to the separate actions. A separate and appropriate supplement number must be shown as to each ICC (or MF-ICC) number. A separate effective date must be established as to each, which in the case of the new issue must be the same as the general effective date of the tariff. The contents must be separated as to each tariff and clearly identified as to the tariff it amends, and the item or other unit as to each tariff that is being added, canceled, or changed. If a bridge supplement is issued, the supplement to the old tariff need not be within the requirements of paragraph (d) of this section. Only one bridge supplement may be in effect at any time.

(g) *Blanket supplements.* (1) Ordinarily amendment of a tariff should be effected by issuance of a supplement to that tariff alone. However, it sometimes happens that the same or similar addition, deletion, or change of provision is to be made simultaneously in a substantial number of different tariffs. If the matter is susceptible to handling in this fashion, a blanket supplement (a common supplement issued jointly to several tariffs of the same agent or carrier) may be issued and filed, subject to the provisions and regulations of this paragraph.

(2) A blanket supplement may not be issued to less than five tariffs.

(3) Such supplements shall show on their title page, in lieu of printed supplement and tariff number designations, in the upper right-hand corner the following wording and spaces for later insertion of numbers:

Supplement ..... to ICC (or MF-ICC) .....

Before filing with this Commission, each copy shall have inserted in ink or by other permanent means the appropriate supplement number and the ICC (or MF-ICC) number of the tariff it supplements. The number of copies ordinarily required for each tariff supplemented shall be filed.

(4) The listing of the effective supplements as to each tariff may be omitted.

(5) On page 1 or a subsequent page, the number of each supplement and the number of each tariff supplemented, as a minimum, shall be shown in columnar form, under a caption reading "List of Tariffs Supplemented Hereby." Any additional provisions (such as cancellation notices, items containing matter held in effect, etc.,) must be similarly shown.

(6) Supplements may not be filed in blanket form to loose-leaf tariffs except for the same purposes for which the filing of individual supplements to such tariffs are authorized. (See § 1310.10(d) (rule 10)—amendments to loose-leaf tariffs.)

(7) Supplements published in blanket form need not comply with the indexing requirements of paragraphs (b) and (c) of this section.

§ 1310.10 Amendments (Rule 10).

NOTE. See §§ 1310.14, 1310.22, 1310.24, 1310.25, 1310.27, and 1310.28 (rules 14, 22, 24, 25, 27, and 28) for provisions which may be filed on less than 30 days' notice.

(a) *How made.* Any change in, addition to, or cancellation from a tariff shall be known as an amendment. Amendment of a bound tariff shall be made by reissue of the tariff or by issue of a supplement as provided in § 1310.9 (rule 9). Amendment of a loose-leaf tariff shall be made by reissue of the tariff or by issue or reissue of a page or pages as provided in paragraph (d) of this section. A loose-leaf tariff may also be amended by issue of a supplement (prepared as specified in § 1310.9 (rule 9)), but only for the purposes referred to in paragraph (d) of this section. A loose-leaf tariff may not be amended after January 1, 1979, except (1) to cancel; (2) to reissue as a bound tariff; (3) to announce a suspension; (4) to announce an adoption; or (5) to comply with an order of the Commission and then only for the initial compliance action required.

(b) *Participating carriers—how shown.* (1) Paragraph (b) (2), (3), and (4) of this section will not apply to participating-carrier tariffs. For regulations governing participating carrier tariffs, see § 1310.20 (rule 20).

(2) If an original bound tariff specifically names participating carriers, each supplement thereto must contain either a complete list of the carriers participating in the tariff, as amended, and show that it cancels the prior list, or shall state that the list of participating carriers is "as shown in the tariff" to which may be added "except [here shown cumulative list of corrections in, additions to, or cancellations from the list in the original tariff]." Only one such cumulative list may be in effect at any one time. The participating-carrier list may be published in numbered item form, in which case paragraph (c) of this section governs. The names of the carriers shall be listed alphabetically as provided in § 1310.6(e) (rule 6). When the participation of a carrier is canceled, the carrier's complete name shall be shown, together with the word "Cancel" or other suitable provision, but without reference to the power of attorney or concurrence. Each addition and cancellation of a carrier must be carried forward as reissued matter and not dropped.

(3) The list of participating carriers published in a loose-leaf tariff may be amended only by republication of the page upon which it appears. Additions, cancellations, and changes shall be indicated as such. Cancellations shall be republished on successive reissues of the list and the page, indicating when cancellation was first made effective, until all provisions in the tariff referring spe-

cifically to said carrier have been removed from the effective pages, after which the cancellation listing may be omitted.

(4) When the participation of a carrier is canceled, the supplement (when a bound tariff) or the page or pages (when a loose-leaf tariff) must also provide for the cancellation of rates and other provisions for the account of such carrier unless the cancellation of the carrier is in connection with the publication of a complete adoption of the rate of such carrier by another. (See § 1310.25 (rule 25)—Transfer of Operations; Changes in Name and Control.) The cancellation of rates and other provisions must be accomplished by either amending the individual pages (when a loose-leaf tariff) or items or other provisions affected or by the publication of a blanket cancellation notice specifically indicating that all rates and other provisions in the tariff applying for the account of the carrier are canceled. Such blanket cancellation must be shown in direct connection with the list of participating carriers and be referred to in the cancellation of the carrier's name from the list. As to a bound tariff, the blanket cancellation must be carried forward as reissued matter in the usual manner when the suplement is reissued. As to a loose-leaf tariff, it must be carried forward on successive reissues of the page (with a statement as to when the cancellation first became effective) until all provisions referring to the carrier have been eliminated by reissue. If the blanket cancellation notice alternative is used, the items and other provisions affected must be promptly amended to remove the canceled application. If the cancellation of provisions (whether specifically canceled or canceled by notice) becomes effective, any subsequent restoration of the canceled provisions, for any reason, must be by republication of such provisions.

(c) *Amendments to bound tariffs.* (1) Except as otherwise specifically authorized, an item or numbered or unnumbered unit amended by a supplement must be published in that supplement in its entirety as amended.

(2) When any part of an item (see definition of "item" in § 1310.0 (f)) is amended, except as otherwise specifically authorized the new item shall be given the same number with a letter suffix and shall specifically cancel all uncanceled correspondingly numbered items in the same numbered series. The first revision shall use suffix A, the next B, and so on through Z, then starting over with AA, BB, and so on. For example: Item 40–A cancels Item 40; Item 40–B cancels Item 40–A and Item 40 (if Item 40 has not been previously canceled), and so on.

(3) Specific cancellation of items may be omitted if the original tariff contains the following rule:

As this tariff is supplemented, numbered items with letter suffixes cancel, except as otherwise specifically indicated, correspondingly numbered items in the original tariff or in a prior supplement. Letter suffixes will be used in alphabetical sequence starting with A. Example: Item 445–A cancels Item 445, and Item 365–B cancels Item 365–A in a prior supplement, which in turn canceled Item 365 (if Item 365 had not been canceled for some reason, Item 365–B would cancel it as well). If an item provides a specific cancellation of a prior issue or issues, this rule is not applicable.

If this method of cancellation is used, it may not be discontinued during the life of the tariff. The item which, in whole or in part, was the subject of an order of suspension, and also the prior issue of that item containing matter held in force by reason of that suspension, are required to be canceled specifically if it is intended to cancel them (this prohibition does not apply to subsequent issues of such items in which suspended matter and matter held in force have been brought forward in an authorized manner—see § 1310.14 (rule 14)).

(4) When any part of a numbered unit (not an item—see definition of "unit" in § 1310.0(f)) is amended, except as otherwise specifically authorized the new unit shall be given the same number and shall specifically cancel all prior uncanceled units bearing that number. Cancellation shall be made by referring to the number of the unit and to the number of the page in the original tariff or in the supplement on which the unit to be canceled is shown. If in a supplement, the number of the supplement must also be referred to. When it is necessary to effect cancellation in more than one supplement, or in the original tariff and one or more supplements, appropriate references must be made to all. Numbered units may not be given suffix letters when amended.

(5) Tariffs should not publish unnumbered units unless necessary or desirable because of the character of the particular matter. Use of a number clearly indicates to the tariff user what matter in the original tariff or an uncanceled prior supplement has been superseded, no matter how the character and content may have been changed. Therefore, an unnumbered amended provision must, in addition to directing the cancellation of the prior issue of the provision (clearly indicating the matter to be canceled), also make specific reference to the page or pages of the original tariff or the prior uncanceled supplement on which the provision first appeared in the tariff. Except where partial amendments of units are authorized, an unnumbered unit, when amended, shall be republished in its entirety as amended.

(6) Indexes of commodities, origins, and destinations; and items containing only

Table of contents,
Lists of commodities,
Lists of points,
Statements of carriers' operating authorities,
Explanation of abbreviations,
Explanation of reference marks,
Package descriptions,
Notes, and explanations of notes,

may, subject to the following conditions, be amended in part without bringing forward the index, item, or unit in its entirety as amended. Only one partial amendment may be in effect at one time as to any index, item, or unit. Unless otherwise specifically authorized, each successive partial amendment must accumulate all changes as to a particular index, item, or unit and must cancel any prior partial amendment thereto. The purpose of a table of contents in a supplement is to list the contents of the same supplement, and location. Therefore, if the table of contents is published in item form, the number of partial amendments permitted is not limited. A unit may not be amended in part if it contains provisions required by a released-rate order. If an index of origins or destinations is amended in part and if index numbers are assigned to origins or destinations in the tariff, the following notation must be shown at the beginning of such indexes:

The index numbers of points in this supplement correspond with the index numbers of the same points shown on pages — to —, inclusive, of the tariff, with the following additions and exceptions.

Partial amendments shall be published in such a manner that it is clear what matter is being changed or canceled. For canceling or amending expiration dates in connection with publications covering temporary authorities, see § 1310.28(g) (rule 28).

(7) A table of rates, rate base numbers, or other figures comprising not more than two pages must be republished in its entirety if amended. Otherwise, the table may be amended in part, subject to the following. When amending a figure at the intersection of a headline point or other caption and a sideline point or other designation, either the entire vertical column of figures in which the change appears shall be reproduced, or the entire horizontal line of figures in which the change appears. Only one partial amendment of any table may be in effect at any time, and each amendment shall republish the prior changes, directing the cancellation of the prior showing.

(8) When any rate or provision expires or is canceled, in part or in its entirety, the expired or canceled matter should not be reproduced in the new item or unit effecting the cancellation except to the extent necessary to identify the subject matter. No rate or other figure that is no longer effective shall be reproduced.

(9) If an item or unit expires or is canceled, leaving no rates or provision in effect in that item or unit, the statement of the expiration or cancellation shall be treated as any other reissued matter in subsequent supplements.

(10) If all or any part of the matter in an item or unit is transferred to another tariff or to a different location in the same tariff, whether in the same or in a modified form, that item or unit shall be revised in the regular manner authorized in this paragraph to show the revised provision, or when no effective matter is continued therein, to indicate cancellation of such item or unit. In all cases, the item or unit must show where the transferred rates or provisions will thereafter be found. For example: "Item 10–A cancels Item 10; rates formerly appearing in Item 10, but not shown

herein will be found in Item — (or in tariff ICC —)."

(d) *Amendments to loose-leaf tariffs.* (1) When any part of a page is amended, that page shall be reprinted, given the same number, designated as a revised page, and given a revision number. Revised page designations shall be shown in the same corner in which original page designations are required to be shown. Except as otherwise specifically authorized, the new page shall specifically cancel all uncanceled pages bearing that number. The first revision shall be numbered 1, the next 2, and so on in consecutive numerical sequence. For example: "First Revised Title Page cancels Original Title Page"; "Third Revised Page 4 cancels Second Revised Page 4 and First Revised Page 4" (If First Revised Page 4 has not been previously canceled); and so on. Items and numbered units must not be given suffix numbers (see paragraph (d)(6) of this section).

(2) Specific cancellations of pages, except the title page, may be omitted if the tariff contains the following rule:

METHOD OF CANCELING ORIGINAL AND REVISED PAGES, EXCEPT THE TITLE PAGE

When this tariff is amended by revised pages, the cancellation of prior pages, except the title page, will be effected by means of this rule. A revised page will not show a cancellation notice except when a cancellation notice is necessary because of suspension, rejection, or other reason. Revisions of each page will be published and filed in numerical sequence.

Except where a specific cancellation is shown on a new revised page, a revised page cancels any and all uncanceled revised or original pages, or uncanceled portions thereof, which bear the same page number. See Exception. For example: First Revised Page 10 will have the effect of canceling Original Page 10; 45th Revised Page 12 will have the effect of canceling 44th Revised Page 12; 13th Revised Page 4–A will have the effect of canceling 12th Revised Page 4–A and also 11th Revised Page 4–A if the cancellation of 12th takes place on or before its effective date.

EXCEPTION: When a specific cancellation on a prior revised page excepts a previously filed page wholly or in part, this rule does not have the effect of canceling such excepted previously filed page or portion thereof.

If this method of cancellation is used, it may not be discontinued during the life of the tariff. The page which, in whole or in part, was the original subject of an order of suspension, and also the prior issue of that page containing matter held in force by reason of that suspenare required to be canceled specifically if it is intended to cancel them (this prohibition does not apply to subsequent issues of such pages on which suspended matter and matter held in force have been brought forward in an authorized manner—see § 1310.14 (rule 14)).

(3) Revised title pages shall be printed on one side of the sheet only, show the number of the revision in the upper left-hand corner, and show immediately under the effective date the following notation:

Original tariff effective [here show effective date of original tariff]

(4) When the tariff is one the pages of which are printed on both sides of the sheets and it is desired to amend only one page, the page published on the reverse side must also be reprinted, assigned the next consecutive revision number, and filed on lawful notice (see paragraph (d)(6) of this section). In direct connection with the revision number on the unchanged page shall appear the following statement, or a reference mark explained as follows:

Change in revision number only, without change in matter on body of the page.

This reference mark must be used for this purpose, and no other, for the life of the tariff.

(5) When a sheet containing an original page printed on one side with no tariff provisions printed on the reverse side is added to a tariff containing sheets printed on both sides, the blank page must show the notation "Intentionally left blank" or a notation reading as follows shown at the bottom of the printed page:

The reverse side of this sheet is intentionally left blank.

One or the other notations must be carried forward on future reissues of the sheet.

(6)(i) If tariff material is printed on both sides of a sheet and it is desired to withdraw all material from only one side and leave that side blank without being required to reprint that side each time the reverse side is amended, publication may be made as set forth in paragraph (d)(6) (ii) through (iv) of this section, provided a rule is published in the tariff clearly setting forth the method to be used, with an example.

(ii) At the time the matter on the page is withdrawn, both sides of the sheet shall be reissued in the normal manner and assigned the next consecutive revised-page numbers. Prior revisions of those pages shall be properly canceled. In the center portion of the page from which the matter is being withdrawn shall be shown the following notation:

Tariff provisions canceled. This page series discontinued.

(iii) The next reissue of the page containing effective tariff provisions shall then dispose of the revised-page designation by including a statement at the bottom reading

The reverse side of this sheet is intentionally left blank. The [here show revised page number of the page from which the material was withdrawn as it was last designated] is hereby canceled and page series discontinued until further notice.

Each subsequent reissue shall include a statement reading

The reverse side of this sheet is intentionally left blank.

If, in accordance with this procedure, the contents of a page have been canceled and the page series discontinued, and the subsequent reissue of the page on the reverse side has effectively canceled the page designation, and it is desired to reactivate the page series the following shall govern: The revision number shown in connection with the page number shall be the same as the revision number of the page on the reverse side. It shall not cancel any previous page, but shall publish a notation specifying that the unused intervening revision numbers of the page have not been used and will not be used, identifying what revision numbers these are.

(iv) If it is desired to use the page after the tariff provisions have been withdrawn, but before the page series has been specifically canceled and that side of the sheet left blank, amendment shall be accomplished in the normal manner (designating the page with the next consecutive revision number of that page series and making the proper cancellation).

(7) If it becomes necessary to add an additional page, such page (except when it follows the final page) shall be designated with the same number as an existing page together with a single letter suffix—for example, Original Page 4–A, Original Page 4–B, etc. If it is necessary, for example, to change matter on Original Page 4–A, the page shall be reprinted and such changed page shall be designated as First Revised Page 4–A, and, unless the tariff contains the automatic cancellation rule provided in paragraph (d)(2) of this section, shall show that it cancels Original Page 4–A. Only single letter suffixes are permitted for this purpose, and no other system or variation, such as use of multiple letter suffixes, decimal or fractional numbers, etc., is permitted. As to any page number designation, suffix letters (if used) shall start with A and proceed alphabetically as needed through Z. When a sheet is printed on both sides, only the number of the higher numbered of the pages printed thereon may be used for expansion by adding a letter suffix. For example, if the page on one side of the sheet is numbered 5 (regardless of whether an original or revised page) and the page on the reverse side is numbered 6, an added page may be designated as "Original Page 6–A," but may not be designated as "Original Page 5–A."

(8) If, after a loose-leaf tariff has been filed with the Commission, it is desired to file additional pages at the end of the tariff, the pages shall be numbered consecutively with the last page of the tariff, and shall be designated as original pages, without letter suffixes.

(9) The number of sheets containing thereon pages canceled from the tariff may not exceed five times the number of sheets containing effective tariff matter. Sheets containing only pages on which no tariff matter is printed except for notations such as "Intentionally left blank", or page numbers and other provisions necessary only to accommodate the format of the tariff, are not included in the count of sheets containing effective matter within the meaning of this rule.

(10) When the Commission, in a formal case, orders the cancellation of or the establishment of tariff matter, the page limit provided in paragraph (d)(9) of this section may be exceeded to the extent necessary to initially comply therewith (but not continuing compliance as to a continuing order).

(11) When a revised page is issued which omits rates, rules or other provisions previously published on the page which it cancels, the disposition of the omitted provisions must be indicated clearly. If the omitted provisions are published on a different page, the revised page shall make specific reference to the page on which they will be found. The page to which reference is so made shall contain the following notation in connection with such rates, rules, or other provisions:

"For [here insert rates, rules, provisions, etc. as appropriate] in effect prior to the effective date hereof, see page (or pages) [here identify page or pages from which transferred, whether changed or unchanged]."

If canceled or expired and not transferred to another page unchanged or in changed form, the page shall so indicate that fact, identifying the provision canceled or expired only to the extent necessary to show what is affected. No rate or other figure that is no longer effective shall be reproduced.

(12) If five or more pages of a tariff, the pages of which are printed on one side of the sheet only, are reissued at one time with the same effective date to cancel all provisions thereon or to transfer all provisions to other pages, the reissue and cancellation may be accomplished by means of a single printing, but showing the individual cancellations. In one column shall be listed the designation of each page (for example, "2nd Revised Page 16") under a column headed "Page." In a second column, headed "Cancels," and opposite each listing in turn shall be shown the designation of the page the new page cancels—for example, "1st Revised Page 16." In the upper left-hand or upper right-hand corner, where the page designation for that tariff, would otherwise appear, the following wording and spaces for later insertion of words and numbers shall be shown:

———Revised Page———
cancels
———Page———

Before filing with this Commission, each copy (two copies for each different page) shall have inserted in ink or other permanent means the designation of the new page and the designation of the page which the new page cancels. The automatic cancellation provisions of paragraph (d)(2) of this section may not be used with this procedure. Each cancellation must be specific. Such pages may be filed only when all provisions on each page are canceled or transferred, and no other or new provisions are substituted thereon. Any such page, however, may be subsequently reissued individually in the regular manner to establish provisions thereon.

(13) Each time a page is revised or a new page or supplement is added, the page (check sheet) showing the updated listing of pages and supplements comprising the tariff shall be correspondingly revised by reissuance to show in numerical sequence by page numbers the effective original pages and effective revised pages, and the original pages and revised pages that have been filed but are not yet effective. The check sheet shall indicate by reference mark or other means which revision numbers shown thereon are different or are in addition to those shown on the next previous check sheet. Effective and to be effective supplements shall also be listed thereon. Pages or supplements which only contain matter under suspension or subsequent postponement and pages or supplements which contain matter held in effect by reason of suspension or subsequent postponement shall be included and an appropriate explanation made in each case. Cancellation of supplements when they have served their purpose (except supplements announcing an adoption of the tariff, which should not be canceled, and except supplements canceled by other supplements of like or similar character or content) shall be effected by reissuance of the check sheet and a notation to that effect made thereon. No other matter may be shown on either side of the sheet containing this updated list.

(14) The indexes of the tariff must be amended concurrently with changes in the contents of the tariff to show additions, cancellations, and changes as to points and commodities.

(15) Changes shall be indicated as required by paragraph (f) of this section. Reference marks or wording to indicate reissue without change need not be employed, but if they are, they shall be used once only, then omitted from subsequent reissues.

(16) If an item or unit expires or is withdrawn in its entirety and canceled, the statement of the expiration or cancellation shall be shown one time and then omitted from subsequent reissues of the page. The same item or unit may be used again for other provisions or for reinstatement of the same provisions.

(17) When a protective cover not a part of the official filing of the tariff is used, only such information should appear thereon as will remain constant and in use during the life of the tariff.

(18) Supplements shall not be issued to loose-leaf tariffs, except for the purposes authorized by the following:

(i) *Section 1310.10(j)*. Conversion supplements to provide general rate changes (rule 10).

(ii) *Section 1310.11*. Transfer or cancellation of provisions (rule 11).

(iii) *Section 1310.14*. Suspended matter (rule 14).

(iv) *Section 1310.22*. Seasonal motor-water rates (rule 22).

(v) *Section 1310.25*. Transfer of operations—change in name and control (rule 25).

(vi) *Section 1310.27(1)*. Take-over publications (transfer of agent) (rule 27).

(vii) *Section 1310.28(g)*. Change or cancel expiration dates in connection with temporary authorities (rule 28).

(viii) *Section 1310.28(h)*. Postponement of tariffs or tariff matter (rule 28).

(e) *Reinstatement of canceled or expired provisions must be by republication.* If provisions have been eliminated by cancellation or expiration, they may not be reinstated except by republication with a new effective date providing lawful notice. If in a supplement and if republication is made in an item bearing the same number as the old item, the next unused letter suffix in that numbered series must be assigned thereto.

(f) *Changes indicated.* (1) Tariff publications shall indicate changes made in existing rates, charges, classifications, rules, or other provisions by use of the following uniform reference marks in connection with each such change:

or (R)	to denote reductions
♦ or (A)	to denote increases
▲ or (C)	to denote changes which result in neither increases nor reductions in charges

(2) Explanations of such reference marks shall be provided (see § 1310.6(n) (rule 6)), in the publication in which used, and these marks shall not be used for any other purpose. The form of the reference marks and their explanations must be shown exactly as prescribed herein. The reference mark must be positioned in direct connection with the changed rate or other provision. The use of more than one reference mark in connection with the same provision to indicate more than one type of change is not permitttd unless the character of the amendment is such that the provision cannot be treated to show the appropriate single reference mark in connection with each part proposing a certain kind of change.

(3) When a change of the same character is made in all or in substantially all rates in a tariff or supplement, or on a page thereof, that fact and the nature of such change may be indicated in distinctive type at the top of the title page of such issue, or at the top of each page, as the case may be, in the following manner: "All rates in this issue are increases"; or "All rates on this page are reductions"; or there may be added, when appropriate, "except as otherwise provided in connection with particular rates." When a tariff publication indicates a change, with exceptions, in the manner provided in this subparagraph, a bold-faced dot "•" shall be used to indicate a rate or other provision in which no change has been made, and the appropriate reference mark shall be used to indicate any other change not indicated by the general statement on the publication. A bold-faced dot may not be used to indicate "no change" under any other circumstances.

(4) When tariff matter, in connection with which a reference mark or wording as above has been used, is reissued with-

out change, the mark or wording shall be omitted.

(g) *Reissued matter.* (1) Matter brought forward without change from one supplement into another within the same tariff must be designated as "Reissued" and must show the original effective date and the number of the supplement from which it is reissued; or it must conform to the requirements provided in paragraph (g)(2) of this section.

(2) The reissued matter shall be uniformly designated by a number within a square (or an authorized substitute—see § 1310.6(n) (rule 6)), the number corresponding to the number of the supplement from which the matter is reissued, and the explanation thereof must appear in the supplement in which the reference mark is used. The explanation must identify the matter as reissued in substantially the following manner:

□ (with number enclosed) Reissued from supplement bearing the number enclosed within the square. See item [here insert number of item referred to, explaining the methods of denoting reissued matter in supplements].

The rules section of the tariff shall contain an item (the number of which will be inserted in the explanation of the reference mark denoting matter reissued from a prior supplement) reading substantially as follows:

METHOD OF DENOTING REISSUED MATTER IN SUPPLEMENTS

Matter brought forward without change from a supplement being canceled into another supplement will either (1) be designated as reissued by a complete statement to that effect in direct connection with the reissued matter, indicating the number of the supplement in which the reissued matter first appeared in its currently effective form, or (2) by a reference mark [here show □, [ ] or ( ), whichever single type is adopted in the tariff] enclosing a number, the number being that of the supplement in which the reissued matter first appeared in its currently effective form. To determine its original effective date, consult the supplement in which the reissued matter first became effective.

(3) When the matter brought forward was first published in its currently effective form in one supplement and its effective date was modified by another supplement, the matter shall be indicated as "Reissued" together with a notation that refers to the number of the supplement in which the matter was first published, the final effective date of the matter, and the number of the supplement which established such final effective date—for example, "Reissued from Supplement 4, effective January 1, 19—, per Supplement 5." When such a notation is referred to by use of a reference mark, the reference mark must be one other than that prescribed in this paragraph for ordinary reissuances, and shall be explained on the same page as that on which the reissued matter appears.

(4) Republication of matter as "reissued" matter serves to establish a new effective date for the provisions, which shall be the general effective date of the supplement into which it is brought forward. The reference to a prior supplement serves to direct the tariff user to where the provision first appeared in its present form. Therefore, if the effective date shown for a provision in the prior supplement being canceled is a date later than the general effective date of the new supplement into which the provision is being reissued, the number-in-a-square reference mark may not be used, but instead the reference to the prior supplement and the later effective date shall be stated in full in direct connection with the reissued provision.

(h) *Change in the explanation of reference marks and notes.* A change in the explanation of a reference mark or note governing tariff provisions published elsewhere in the tariff or prior supplement should not require the tariff user to conduct a search for its use in order to determine the effect. Therefore, any change or cancellation of an explanation of a reference mark or a note, or in an item or other provisions such explanation refers to in turn, shall be accompanied by a republication at the same time of all tariff provisions in the tariff as amended which employ the use of the reference mark or note, or, in the alternative, the changed explanation (or tariff provision referred to in turn by such explanation) shall identify by item number or page (identifying the supplement if in a supplement) the effective tariff provisions which refer to the reference mark or note.

(i) *Matter issued under order or other authority.* If an entire supplement or a loose-leaf page or a provision

(1) Is issued to comply with a mandatory order requiring the specific action;

(2) Is issued under authority of a permissive order allowing notice of less than thirty days and/or departure from tariff-publishing regulations; or

(3) Is published under a regulation of this part permitting less than thirty days' notice and/or departure from an outstanding order;

a reference to such order or rule and the number of days' notice (where less than thirty is authorized) shall be shown on the title page if covering an entire supplement and in direct connection with the tariff provisions (together with the specific effective date) if not comprising an entire supplement. Outstanding orders departed from must be identified.

(j) *Conversion supplements to provide general rate changes.* (1) A conversion table type supplement may be filed to any bound or loose-leaf tariff having not less than 20 pages (excluding supplements) to provide a general change in the level of all or substantially all the rates or charges, or all or substantially all the rates or charges in a described category (less-than-truckload, truckload, etc.) named in the tariff. The supplement shall be in clear, explicit, and simple terms, and be free of conflict and ambiguity. A conversion type supplement may be filed by a carrier or agent to a tariff of less than 20 pages (excluding supplements) provided it is filed at the same time as such supplements are filed by it to other of its tariffs which have 20 or more pages and provided the change is part of the same general rate adjustment.

(2) The conversion supplements shall contain an application provision reading substantially as follows:

Except as provided in [here identify location of listing of items, notes, or provisions not subject to rate change in whole or in part, specifying what part] and in [specify whether supplements or loose-leaf pages] issued subsequent to this supplement, all rates and charges published in this tariff, as amended, or as may be amended in [specify whether supplements or loose-leaf pages] issued subsequent to this supplement, are hereby or will on their effective dates be [specify whether increased or reduced] as follows for the period this supplement is in effect:

Immediately following this statement, a clear and explicit application of each column of changes must be published. If the supplement does not contain exceptions to or any non-application or the rate changes, the reference in the statement to a listing of exceptions must be omitted. However, under no circumstances may the exception therein with respect to subsequent supplements or loose-leaf pages be omitted. If not all of the rates or charges in a tariff are being changed by the supplement, the statement must clearly and definitely state the exact category of rates or charges (any-quantity, less-than-truckload, truckload, volume, or less-volume rates, minimum charges, etc.) being changed and/or the exact items, sections, etc. of the tariff in which they are contained. Reference to categories of rates may employ only terms used in the tariff or determinable through its published definitions.

(3) If the supplement does not include all the tariff rates and charges to be changed, it must provide a percentage formula or other basis for converting rates and charges which are higher than those shown or otherwise not shown in the conversion table. If this is necessary, the supplement must provide a method of disposing of resulting fractions. When multiple-factor rates or charges made by use of arbitraries or other means are being changed, the method of computing such changes shall be provided.

(4) The base and the converted rates or charges must be in the same monetary unit (in cents, in dollars and cents, etc.) used in the tariff. If the tariff names rates or charges in more than one monetary unit (for example, some in cents, others in dollars and cents), the unit used must be the one employed in the greatest percentage of rates and charges to be changed, and a provision must be published stating how the change is to be applied in connection with the remainder—for example, if the conversion supplement is based on a monetary unit of "in cents," it shall contain the following rule:

Where the rate or charge is stated in dollars or dollars and cents per 100 pounds, per ton, per article, per piece, per package, per shipment, or per any other unit, first find the rate or charge which is equivalent in cents under column [here show column containing

base rates] of the conversion table herein and then apply the changed rate or charge shown opposite thereto in columns [here show numbers of columns containing changed rates or charges] in item [here show number of item containing application of columns] herein.

(5) Each supplement may contain not more than 10 columns of rates or charges including the base rate or charge column. As to any base rate or charge, application of only one column of changed rate or charge is permitted.

(6) Each conversion type supplement shall contain no other matter, be indicated to expire with a specific date not beyond one year from its effective date, and, as to a bound tariff, be exempt from the terms of § 1310.9(d)(2) (rule 9). Each regular (not conversion type) supplement containing only republished class-rate tables and necessary related provisions forming a part of the same general rate adjustment and not made subject to a conversion table shall also be exempt from the terms of § 1310.9(d)(2) (rule 9). Such a regular supplement need not show an expiration date.

(7) As to a bound tariff, an exception item or note may be republished from the conversion supplement into a regular supplement in order to add, eliminate, or change provisions. As to a loose-leaf tariff, exceptions may be published in an item in the tariff proper to which the conversion supplement may refer, in which case the item may be republished in the regular manner in subsequent republications of the particular page. If the exceptions are published in the conversion supplement issued to a loose-leaf tariff, they may not be amended.

(8) The title page of the conversion supplement shall indicate, in the top margin, whether the changes are increases or are reductions. If the changes consist of some or both kinds, the notation must add "as indicated herein" and the different categories of changes must be indicated by use of the appropriate symbols for increase and reduction.

(9) All subsequent amendments (supplements or loose-leaf pages) to the tariff becoming effective during the effectiveness of the conversion supplement and naming rates or charges shall contain a notation indicating whether such amendments are or are not subject, as the case may be, to the provisions of the conversion supplement and/or an item, identifying such supplement and/or item.

(10) As to a tariff, only one conversion supplement may be in effect at any time. The duration of the application of published changes in a conversion supplement may not be extended by a like supplement providing the same increases or reductions. A conversion supplement may not be reissued with the same expiration date unless requested by the Commission.

(11) The provisions of this paragraph do not authorize the publication and filing of so-called master tariffs or connecting link supplements.

§ 1310.11 Transfer or cancellation of provisions (Rule 11).

(a) *Different situations.* Cancellation of a tariff, in whole or in part, involves one or more different situations each of which requires a different procedure to be followed in publishing. Below is summarized each of the several different kinds of situations, together with a reference in each instance to the paragraph giving the details of the procedure required to be followed.

(1) Cancellation of an entire tariff, as amended, with discontinuance of all provisions therein, no transfer of provisions to another tariff or tariffs—see paragraph (b)(1) of this section.

(2) Cancellation of an entire tariff, as amended, with transfer of all provisions not being discontinued to a new tariff (issued by the same carrier or agent) being issued concurrently—see paragraph (b)(2) of this section.

(3) Cancellation of an entire tariff, as amended, with transfer of all provisions not being discontinued to two or more tariffs (which may be new concurrent issues or already effective issues, or both) issued by the same carrier or agent—see paragraph (b)(3) of this section.

(4) Cancellation of an entire tariff, as amended, issued by a carrier with transfer of all provisions not being discontinued to one or more tariffs (which may be new concurrent issues or already effective issues, or both) issued by an agent—see paragraph (b)(4) of this section.

(5) Cancellation of a tariff, as amended, in part only, with discontinuance of the provisions canceled, no transfer of provisions to another tariff—see paragraph (b)(5) of this section.

(6) Cancellation of a tariff, as amended, in part only, transferring such of the provisions of that part which are not being discontinued to one or more other tariffs—see paragraph (b)(6) of this section.

(7) Cancellation of a tariff, as amended, to correct error of omission in failing to direct its cancellation in the new issue thereof—see paragraph (b)(7) of this section.

(8) Transfer of provisions from an agent's tariff to the tariff of a carrier. A carrier's tariff may not direct the cancellation of a tariff, either in whole or in part, of an agent. Transfer may only be effected by cancellation by the agent and publication by the carrier, each as to its own issue. A common effective date for both actions should be arranged to prevent conflict in rates or absence of any effective rates.

(b) *Procedures to follow.* (1) Issue a supplement "to" the tariff (bound or loose-leaf) to be canceled showing that it "cancels" the tariff. State what provisions, of what tariff, will thereafter apply.

(2) Show on title page of new tariff, or within, as provided in § 1310.5(b) (rule 5), that it "cancels" the prior issue. If the new issue does not contain all of the provisions superseding those formerly in the canceled tariff, the canceling tariff shall show where provisions not appearing therein will thereafter be found, or what rates thereafter will apply.

(3) Issue a supplement "to" the tariff (bound or loose-leaf) to be canceled, showing that it "cancels" the tariff. Refer to each other tariff in which the provisions thereafter will be found. If to more than one other tariff, identify in some manner what portion is being transferred to what tariff. If some portion is being discontinued, without transfer, state this fact, identifying the provisions to the greatest extent possible, and state what tariff will thereafter apply on the traffic or on the service. In each tariff to which a transfer is made (by reissue or amendment to an existing tariff), indicate in connection with the superseding provisions in each case, if newly published and not already effective, the tariff containing the provisions superseded, whether changed or not. The effective date of all actions must be the same.

(4) Follow same procedure set forth in paragraph (b)(3) of this section.

(5) Amend the tariff to be canceled in part in the regular manner (by supplement, by revised pages, or by reissue, as appropriate for the type of tariff under this part), making specific cancellations of provisions (except where tariff reissued). If a bound tariff, and the amount of tariff matter it would be necessary to publish to comply would require more than four complete pages (including the title page), or if a loose-leaf tariff, and the reissuance of more than one-fourth the effective pages would be required to comply, the cancellation may be effected by a statement for the purpose published in a special supplement issued to the tariff. The statement shall specifically identify the material canceled (numbers of the items, units, tables, sections, pages, etc.) and state what provisions in what tariffs will thereafter apply in the absence thereof. The supplement must be permitted to remain in effect for the life of the tariff, or in the case of loose-leaf tariffs until all the affected pages have been reissued (such reissued pages must refer to the supplement action). A supplement to a bound tariff may contain both cancellation in the regular manner and cancellation by statement. A supplement containing only matter necessary for the partial cancellation is exempt from supplemental limit provisions of this part. In bound tariffs, any reissue in a subsequent supplement of an item or unit affected by the statement form of cancellation shall specifically cancel the prior item or unit "as amended by" the canceling supplement.

(6) Proceed as set forth in paragraph (b)(5) of this section in amending the tariff to be canceled in part, and follow the procedure set forth in paragraph (b)(3) of this section to the extent it prescribes the method of referring to the

tariffs to which the provisions are being transferred, and to the extent it prescribes the procedure in amending those tariffs to which transferred. The effective date of all actions must be the same.

(7) Issue a cancellation supplement to the tariff (bound or loose-leaf) which in error was not canceled by its reissue. Do not attempt to add the cancellation notice to the new issue.

§ 1310.12 Expiration dates (Rule 12).

NOTE: See § 1310.28 (rule 28) for provisions which may be filed on less than 30 days' notice.

(a) *Expiration dates may be shown.* Any tariff as amended, any supplement to a tariff, or any certain provisions thereof, may be indicated to expire "with" a given date. If to govern an entire tariff as amended, the provision must be on the title page and start with "This tariff, as amended * * *." The statement should not be repeated on the title pages of subsequent supplements. If an expiration date is to be added or one changed by supplement, the amending provision must be specific, for example: "Refer to the title page of tariff and ["add," "change," etc]." Such amendments should be treated the same as other matter being reissued, if the supplement is reissued. If to govern an entire supplement, the expiration statement must be shown on the title page of the supplement, starting with "This supplement * * *." If to govern an item, the statement may be published within the item simply as "Expires with * * *." If a unit other than an item or if only a portion of an item, the statement must be clear as to what is subject to the expiration.

(b) *Expiration dates may be shown in separate item.* The reference mark (E) may be attached to a provision (the reference mark may be used only against items or parts of items, and may not be used for any other purpose) and explained "Subject to expiration date shown in item * * *" in which case the referred to item, reserved for this purpose only, shall identify the item affected, whether all or what provisions therein are subject thereto, and the "with" expiration date, so worded as to leave no doubt as to the proper application. After expiration, the reference therein (to an item or parts of an item) should be amended promptly to indicate "expired" and so maintained until the provisions affected have been amended to indicate the expiration.

(c) *Expired provisions.* Expired provisions part of a tariff should be reissued in accordance with § 1310.10(c)(9) (rule 10) to indicate the fact.

§ 1310.13 Sectional tariffs (Rule 13).

(a) *May be filed—sections must be numbered.* A tariff arranged in "sections" may be filed. Each section must be consecutively numbered, commencing with section No. 1, and each page (including the title page, if any) of the section shall show the section number in the upper center portion thereof, in a prominent manner.

(b) *Alternative use of rates may be provided.* (1) Rates may be alternated by publishing them in different sections of the same tariff. A section containing rates which alternate with rates in any other section of the same tariff shall be known as an alternating section. The first page of each section in a tariff containing alternating sections shall be the title page of that section, be reserved for provisions pertaining to application, and show, in addition to the section number, the application of rates published in the section. The title page of each alternating section must contain the following statement:

If the charge accruing under section ———, ———, or ——— of this tariff is lower than the charge accruing under this section on the same shipment over the same route, the charge accruing under section ———, ———, or ———, whichever is lower, will apply.

If the rates in the section alternate with rates in less than three other sections, the statement shall be modified to be compatible therewith.

(2) Unnecessary alternation of rates must be avoided by checking the rates in one section against those in other sections and omitting rates which clearly result in higher charges than those which result from the rates in the other sections. Alternating reference must not be given to another section unless that section actually contains rates which alternate.

(c) *Nonalternating section—position of sections—statements.* Each commodity tariff and each combined class and commodity tariff arranged in sections for alternative use shall contain a section naming specific commodity rates which do not alternate with rates in any other section. This section shall be known as the nonalternating section. When a tariff names commodity rates only, the nonalternating section shall be the first one naming rates. When a combined class and commodity tariff, only class rates shall be shown in the first section of sections naming rates, and the nonalternating section shall be the first one naming commodity rates. Such tariffs shall show, in the places indicated, the following statements: Under "Application of Rates" in the rules section of the tariff, show

The rates in section [here show number of nonalternating section] are specific commodity rates and do not alternate with rates in other sections of the tariff. See application of that section.

On the title page of the nonalternating section, show

When the rates are published in this section on the commodity transported from point of origin to destination, rates named in this section will apply regardless of rates between the same points, over the same routes, published in other sections.

On the title page of each other section containing commodity rates, preceding the statement prescribed in paragraph (b), show

When rates are published in section [here show number of nonalternating section], the rates named in this section on the same commodity from and to the same points, over the same route, will not apply.

Specific section numbers may be shown instead of "other sections" in the statements.

(d) *Restrictions.* A tariff arranged in sections for alternative use is subject to the following restrictions on alternations between sections in the same tariff:

(1) A class rate section may alternate with not more than one other class rate section.

(2) A tariff may contain not more than two alternating commodity rate sections, which may alternate with one another and may alternate with not more than two class rate sections.

(3) One section may not alternate with more than three other sections.

(4) Rates published in another tariff may not be reproduced for alternative purposes.

(5) Except as otherwise authorized in § 1310.7(e) (rule 7), a rate in one section may not alternate with a rate in the same section.

(6) Alternating sections may not be subdivided.

(e) *Arrangement may not be changed.* A bound tariff which, as originally filed, does not contain alternating sections may not be changed into one with alternating sections except by reissue, nor may a supplement issued thereto add an additional section to a tariff containing alternating sections. A loose-leaf tariff may be changed in the regular manner, by issuance of new and revised pages.

§ 1310.14 Suspended matter (Rule 14).

(a) *Suspension orders and vacating orders.* An order of suspension suspends the operation of the tariff provisions described therein and prohibits any change during the period of suspension in such provisions or in the matter held in effect by reason of the suspension. Regardless of whether or not a notice of suspension is filed and amendments made to published cancellations (if any) to carry out the purpose of the order, neither the matter described nor cancellations (published and on file at time of issuance of such order) prohibited by the order shall become effective. The use is permissive of any authority arising from a vacating order (unless otherwise provided in the order), but if used the tariff must be specifically amended to remove the published notice of suspension and other impediments in the tariff to the application of the provisions originally suspended.

(b) *Supplement to loose-leaf tariff.* A supplement may (or must, as the case may be as to each affected paragraph) be filed to a loose-leaf tariff to comply with the provisions of paragraph (c), (g), (i), (j), (k), or (l) of this section. Such a supplement may contain no other matter. As to paragraphs (i) and (k) of this section, the supplement may be filed only for the purposes specifically indicated therein.

(c) *Supplement announcing suspension—consolidated supplement.* (1) Upon receipt of an order suspending any tariff publication in part or in its entirety,

the carrier or agent in whose name the publication was filed shall immediately file a supplement containing a "Notice of Suspension." The title page of the supplement shall identify the investigation and suspension docket number, and shall bear an issue date, but not an effective date. The notice of suspension shall specifically indicate the publication or portion thereof that is suspended, the date with which the suspension ends, state that the matter under suspension may not be used during the period of suspension (and subsequent postponement, if any), and identify the provisions that will apply. If class rates in a tariff published in the name of the same carrier or agent will apply, the reference need only be to "class rates." If the class rates are published elsewhere, the tariff must be identified. If commodity rates will apply, the reference must be specific. Indefinite terms such as "presently applicable provisions" or "rates and charges in effect prior to suspension" may not be used. The notice shall also correct, where necessary, by statement (i) cancellation notices which have the effect of canceling the suspended matter or matter held in force by reason of the suspension and (ii) statements on title pages of supplements listing the numbers of the effective supplements to the tariff. The notice may include a provision postponing the effective date of the suspended matter beyond the suspension period until the date on which the suspension notice is canceled. A notice of suspension may not include any provision not relating to the suspension.

(2) As to bound tariffs (only) two or more notices of suspension may be published in a supplement confined to such a purpose, which shall be known as a consolidated suspension supplement. The title page shall bear an issue date, but not an effective date. Each notice must be designated as an item, which shall include all provisions required by paragraph (c)(1) of this section and may include any provision permitted thereby. The item numbers shall be in a separate series, differentiated from the regular tariff series by use of the prefix "S", starting with S-1, then S-2, S-3 and so on in consecutive numerical sequence. Not more than two such supplements may be in effect at one time in any tariff. Once such a supplement is filed to a tariff, this supplement and item form of publication must continue for the life of the tariff.

(3) When it is necessary to adjust an item in the consolidated supplement to conform with a corrected order of the Commission, the supplement shall be reissued and the item republished showing "(Corrected)" after the item number instead of showing a letter suffix. If matter in an item in a consolidated suspension supplement is changed and republished in another such supplement for any other reason (for example, to add a postponement notice), cancellation shall be by letter suffix as provided in § 1310.10(c) (rule 10) if a bound tariff or specific if a loose-leaf tariff. The cancellation shall provide an effective date and be filed on lawful notice.

(4) Otherwise, as long as the status of the tariff matter suspended does not change, or unless and until the manner of showing the fact of suspension and postponement is changed to that authorized in paragraph (f) of this section, the item must be maintained in a consolidated suspension supplement. If the matter is placed into effect by tariff publication or is canceled, then the item must be brought forward into the supplement effecting that change in the matter and the item canceled in the regular manner. If the period of suspension or the period of postponement expires, causing the matter to become effective the item should be canceled in the regular manner in the next regular supplement issued to the tariff. If, using the method authorized in paragraph (f) of this section, the suspended or postponed matter is brought forward in a regular supplement with appropriate notations as to suspension or postponement, then the item, no longer serving any purpose, must be concurrently canceled in the regular manner in the same supplement taking such action. If the announcement of suspension (with or without postponement) is in a single supplement (not in an item) authorized in paragraph (c)(1) of this section; such supplement must be canceled when it has served its purpose, and effective concurrently with the tariff matter (if any) which removes the need for it, by supplement if a bound tariff or by the reissued check sheet if a loose-leaf tariff. Cancellation of such a supplement or item should include a brief reference to the circumstance or reason causing its issuance. A single supplement containing a notice of suspension, or a suspension item, must not be canceled unless all the matter referred to therein is canceled, becomes effective, or is properly brought forward as explained in the regulations in this section.

(5) In the case of a resuspension of tariff matter, the notice of suspension or the item announcing suspension, as the case may be, shall be reissued, canceling the first, and the statements therein adapted to the new action taken by the Commission, including a reference to the facts of the first suspension. Subsequent handling of the matter shall proceed substantially as prescribed for suspension matters in this section.

(d) *Suspended matter reissued before supplement announcing suspension is issued.* If a bound tariff and if, prior to the filing of the supplement announcing suspension, a carrier or agent files a later supplement which contains as reissues the matter suspended in the previous supplement, the supplement announcing the suspension shall specifically by statement (not reissue) cancel from the later supplement such reissued matter. Such statement of cancellation must itself have an effective date, and such date must be the same as the date upon which the reissued matter is indicated to become effective, giving not less than 10 days' notice. As used in this paragraph, "reissued matter" means matter republished without change and designated or referenced as reissued matter in the manner required by § 1310.10 (g) (rule 10). Items or other tariff provisions which direct the cancellation of a previous showing of such matter do not constitute reissued matter which the suspension supplement may cancel, even though no actual change in the provision is made. Tardiness in filing any supplement announcing a suspension may result in the rejection of the later supplement which cancels the suspended matter.

(e) *Suspended matter republished before supplement announcing suspension is issued.* (1) If, prior to the filing of the supplement announcing suspension, a carrier or agent files a later publication which contains a republication (not a reissue as defined in paragraph (d) of this section), in the same or in changed form, of matter in the previous publication, which matter, however, is under suspension, the matter must again be republished to remove the violation of the investigation and suspension order. When a bound tariff, the republication shall be accomplished by supplement (it may not be included in the supplement announcing the suspension), and when a loose-leaf tariff, by loose-leaf page amendment. See paragraphs (f) and (g) of this section for procedure.

(2) Such publication may be filed on not less than 10 days' notice, but all the correcting provisions must become effective on or before the date the erroneously republished matter was originally indicated to become effective.

(f) *Reissue of suspended matter.* (1) When a tariff, supplement, loose-leaf page, item, or unit, part of which is under suspension is reissued and the suspended matter therein is to remain suspended, the publication, item, or unit shall be canceled in its entirety and the suspended matter brought forward without change into the new publication, item, or unit.

(2) The suspended matter which is brought forward shall clearly show that it is under suspension by publication of a notice in direct connection with such matter and in substantially the following form:

NOTICE OF SUSPENSION

This [here indicate whether item, rate, rule, etc.] is reissued from [here state whether tariff, supplement, or page and the number thereof] and is under suspension to and including [here show date appearing in suspension order] by order of the Interstate Commerce Commission dated [here show date of order] in I. & S. Docket No. [here show docket number]. It may not be applied on any shipment during the period of suspension [here add "and postponement" when the postponement notice is used]. Apply [here identify in the same manner as in the suspension notice the provisions that will apply].

(See paragraph (g) of this section for provisions pertaining to the postponement of suspended matter.)

(3) If matter held in force by the suspension is in the same tariff as the suspened matter, it may be brought forward without change into the new publication. If such matter is normally shown in the same location where the supended matter is shown, it must when bringing it

forward be shown with the suspended matter in the new publication. If a publication, item, or unit containing matter held in force by reason of a suspension is canceled, and the matter therein is to be continued in force, such matter must be reissued without change. When such matter held in force is brought forward, it must be properly identified in every case.

(4) Matter originally suspended and later postponed may be carried forward in the same manner as suspended matter.

(5) If the matter held in force is brought forward into the new publication and is to be canceled or is to expire with the effectiveness of the suspended matter, publication in every case must be made in such a manner that in event the suspended matter becomes effective at the end of the period of suspension or postponement without additional publication, the matter held in force will be canceled or will expire by its own terms effective concurrently.

(6) Before the suspended matter may be brought forward for the first time under the provisions of this paragraph, a supplement announcing the suspension must be on file.

(7) Every tariff or supplement which contains suspended matter brought forward under the provisions of this paragraph must contain in the table of contents and opposite the words "Suspended Matter Herein" reference to such matter by number of the item, unit, page, or other designation where it appears. If the tariff or supplement does not contain a table of contents, the same information shall appear under the same subject near the front.

(g) *Postponement or further postponement of matter suspended.* (1) If it is desired that suspended matter not become effective at the end of the suspension period, and if the supplement announcing the suspension does not provide for postponement thereof, a postponement notice may be published and filed at any time during the suspension period. The postponement notice must be indicated to become effective not later than the date to which the matter is suspended (See paragraph (g)(3) of this section). It must provide that the postponed matter may not be applied on any shipment during the period of postponement. If the postponement notice is to appear in connection with the reissue of suspended matter authorized by paragraph (f) of this section, it must follow the first sentence in the "Notice of Suspension" required by paragraph (f)(2) of this section. The postponement notice may postpone the effectiveness of the matter to a date upon which such notice is canceled, or to a specific date.

(2) When it is postponed to a specific date and it is desired that the matter be further postponed, the postponement notice may be changed at any time during the period of suspension or postponement. The changed postponement notice must be indicated to become effective not later than the date to which the matter was previously postponed. The previous notice must be canceled.

(3) When a postponement or further postponement provision authorized by this paragraph (g) of this section is filed, as much notice as reasonably possible must be given, but in no case less than one day. When the matter held in force by the suspension is indicated to be canceled on or to expire with a date prior to the date to which the suspended matter is postponed, such cancellation or expiration must be concurrently extended on the same notice. A postponement notice may be canceled at any time upon 30 days' notice.

(h) *No change permitted-suspended matter and matter held in force.* A suspended rate, charge, classification, rule, or provision respecting practices may not be changed or withdrawn, except as otherwise specifically authorized; nor may any change be made in a rate, charge, classification, rule, or provision respecting practices which is continued in effect as a result of such suspension, except as otherwise specifically authorized.

(i) *Suspended matter may be canceled.* (1) After the notice of suspension required by paragraph (c) of this section has been filed, matter under suspension or suspended matter under postponement may be canceled upon not less than 10 days' notice. The cancellation shall be made effective on or prior to the date to which the matter has been suspended (or postponed), or on or before the date a final decision in the proceeding is reached by the Commisison, whichever is earlier.

(2) The carrier or agent shall concurrently with the filing of such cancellation notify all parties of record in the proceeding and the Office of Proceedings, Interstate Commerce Commission, Washington, D.C. 20423, by first class mail or telegram of such cancellation. The notification shall refer to the docket number of the investigation and suspension proceeding, to the ICC (or MF-ICC) number of each tariff included in the suspension, and to the number of each supplement or loose-leaf page effecting the cancellation, and shall indicate the effective date thereof. The carrier or agent shall concurrently certify by first class mail to the Office of Proceedings that the notifications have been made. A signed copy of the certifying letter shall be attached to the letter of transmittal accompanying the copies of the tariff publication sent to the Bureau of Traffic for official filing.

(3) If the matter held in force is contained in the same tariff as the suspended or postponed matter and if it was specifically indicated to be canceled by the suspended or postponed matter, it must be brought forward without change concurrently and on the same notice into the supplement or onto the page canceling the suspended or postponed matter. If the matter held in force is still contained in a prior issue of the tariff containing the suspended matter, it may be brought forward without change concurrently and on the same notice into the canceling publication or into a new tariff.

(4) Suspended or postponed matter may not be canceled under the provisions of this paragraph

(i) When a particular carrier or agent cancels only a portion of the matter in tariffs issued in its name which is under suspension in a particular I. & S. docket;

(ii) Where cancellation of suspended matter by one carrier or agent would result in duplicating or conflicting provisions for account of any carrier if and when other suspended matter (which is also included in the same I. & S. docket) will become effective in tariffs of other agents or carriers; and

(iii) Where there is no matter (other than class rates) held in force to bring forward and the item, unit, or other provision providing for such cancellation contains the same provision (as that suspended) or a new or changed substitute provision. ("Docket" includes orders bearing sub numbers as well as the lead-number order.)

(5) The cancellation shall be accomplished by supplement (if a bound tariff) or by loose-leaf page amendment (if a loose-leaf tariff), except that if a loose-leaf tariff containing only the suspended matter is to be canceled, that cancellation shall be accomplished by supplement. Supplements and loose-leaf pages shall comply fully with the requirements of § 1310.10(c) or § 1310.10(d) (rule 10), respectively, and cancellation by notice, contrary to the provisions of such paragraphs, is not permitted except in a supplement canceling a tariff containing only the suspended matter. If a provision postponing the suspended matter is in effect, such provision shall be canceled concurrently and on the same notice by the supplement or, when the matter is canceled by a loose-leaf page amendment to a loose-leaf tariff, by the check sheet.

(6) No new matter may be published, nor the effective date of any matter advanced under the provisions of this paragraph.

(j) *Vacation of order—suspended matter under postponement found justified.* (1) When the Commission vacates an order of suspension, or when the effective date of suspended matter has been postponed beyond the term of the suspension order and the Commission finds the matter lawful or otherwise justified, unless otherwise directed the suspended or postponed matter may be made effective on not less than one day's notice. If this is done, the effectiveness shall be accomplished by supplement, if a bound tariff. As to loose-leaf tariffs, if the matter suspended or under postponement has not been brought forward on a new page with appropriate notations as permitted under paragraph (f) of this section, effectiveness shall be accomplished by supplement. If it has been brought forward to a new loose-leaf page (in the same tariff or in a reissue of the tariff) the effectiveness shall be accomplished by reissuance of the particular page or pages. If the order contains an effective date, the tariff action may not be indicated to become effective prior thereto.

(2) The supplement or the loose-leaf page shall identify the suspended or postponed matter and give effect thereto by statement, indicate the date upon which the matter will become effective, and cancel the postponement notice, if any.

(3) When a supplement containing a vacating notice is canceled, if a bound tariff the notice shall be brought forward as reissued matter, the same as any other tariff provision.

(4) Concurrently therewith and on the same notice, the matter held in force shall be canceled (the cancellation must be specific) provided it was originally indicated to be canceled by the suspended or postponed matter, or indicated to be canceled or to expire simultaneously with the effectiveness of the suspended or postponed matter.

(5) When the cancellation of a tariff is to be completed under the provisions of this paragraph, this must be accomplished by statement in a supplement to the new tariff if the new tariff had originally provided for the cancellation of the old tariff in its entirety. Otherwise, the cancellation of the old tariff shall be completed by statement in a supplement to that tariff.

(6) When an entire tariff which is under suspension (or subsequent postponement) is found lawful or otherwise justified, any changes or additions which in the interim have been lawfully made in the tariff held in force may be brought forward without change into the tariff found lawful or otherwise justified. If a new tariff superseding the tariff held in force has been filed during the period of suspension (or subsequent postponement) and the tariff originally held in force has been canceled, any changes or additions lawfully made in the new tariff which are not included in the tariff found lawful or otherwise justified may be brought forward without change into the latter tariff. In this event, concurrently and on the same notice, the new tariff shall be canceled by a supplement thereto. If the tariff found lawful or otherwise justified is a bound tariff, the reissued matter must be shown in the supplement which gives effect thereto. If a loose-leaf tariff, concurrently and on the same notice the reissued matter must be shown on one or more loose-leaf page amendments thereto. Supplements or pages filed under the provisions of this paragraph (j) may not contain any other matter.

(k) *Suspended or postponed matter ordered canceled.* (1) When the Commission orders suspended (or subsequently postponed) matter canceled, unless otherwise directed by the order, the cancellation may be accomplished on not less than one day's notice, by tariff amendment or reissue, effective not later than the final date of compliance stated in the order. The amendment shall be in full accord with § 1310.10(c), § 1310.10 (d) (rule 10), or § 1310.11 (rule 11).

(2) If after the matter (that had been suspended) has become effective at the termination of the suspension period, or subsequent period of postponement (if any), the Commission issues an order requiring the respondent carrier or agent to cancel, and the matter that was held in force by reason of the suspension has been specifically canceled by the now effective formerly suspended provisions, or it had expired by its own terms in accordance with the manner of publication authorized in paragraph (f) of this section, such matter must be restored (subject to whatever changes, if any, lawfully made in the interim, except for the cancellation) effective concurrently with the effectiveness of the cancellation of the matter ordered canceled, and upon the same notice. Reinstatement may be accomplished only by republication of the canceled matter, unless otherwise authorized by this Commission.

(l) *Postponement of tariff matter published under an order which is stayed.* If a Commission order directs or authorizes, as the case may be, certain tariff action, and the effectiveness of the order or the compliance date therein specified is deferred or postponed specifically by order of the Commission, by operation of its regulations, or by a court of competent jurisdiction, the authority therein to require or permit certain action is also deferred or stayed. Therefore, if not already effective, the provisions published therein, if not otherwise authorized, must be postponed by the publishing carrier or agent. For this purpose, postponement may be published effective upon not less than one day's notice, referring to this rule for the authority therefor. The postponement must be to a date not earlier than that upon which it may otherwise lawfully be made effective or postpone indefinitely to such time as the postponement is specifically canceled. Postponement may be in the form of a statement, provided the application is clearly stated.

(m) *Compliance with § 1310.9(d) (rule 9) not required.* (1) When the Commission suspends an entire tariff, any tariffs which would have been canceled by the suspended tariff are continued in effect and will remain in force during the period of suspension or until lawfully canceled or reissued. Supplements to bound tariffs thus continued in effect containing additions to and changes in matter not sought to be changed by the suspended tariff may be filed without regard to the volume of supplemental matter which the effective supplements in the aggregate contain. If the volume permitted by § 1310.9(d) (rule 9) is exceeded and the Commission orders the cancellation of the suspended tariff, either the volume shall be brought within the requirements of § 1310.9(d) (rule 9) or the tariff reissued within 120 days.

(2) Supplements containing only the following kinds of provisions shall be considered exempt for the life of the tariff from the limitations of this part pertaining to the number of effective supplements and the volume of supplemental matter permitted to a tariff:

(i) Suspension notices, as provided by paragraph (c) of this section;

(ii) Provisions which have been republished to remove the violation of the suspension order caused by the republishing of matter under suspension, as provided by paragraph (e) of this section;

(iii) Notice of postponement of matter suspended, as provided by paragraphs (g) and (l) of this section;

(iv) Provisions for the cancellation of suspended matter, as provided by paragraphs (i) and (k) of this section; or

(v) Notice of vacation of suspension or postponement, as provided by paragraph (j) of this section.

(n) *Reference to authority and to investigation and suspension docket number required.* Reference to the investigation and suspension docket number and to this section or rule by number is required for any publication made hereunder. (See § 1310.5(l) (rule 5) as to tariffs, and § 1310.10(l) (rule 10) as to amendments.)

(o) *Court orders.* Restraining orders, injunctions, enjoinders, or other court orders having the effect of suspending the operation of tariff provisions must, to the greatest extent possible, be reflected in tariffs in the same manner as suspensions.

§ 1310.15 Terminal and other services—Charges and allowances (Rule 15).

(a) *Provisions must be filed.* (1) Each carrier or its agent shall identify and publish in clear and explicit terms and file with the Commission all rules governing, and, where charged, all rates and charges for: (i) Protective service (icing, refrigeration, heat), detention of vehicles, helper or extra labor furnished, storage, weighing, diversion, reconsignment, C.O.D. collection, transit, loading, unloadings, and all other terminal or extra services in addition to the line haul transportation; (ii) allowances or absorptions; (iii) and all other practices, privileges, or other considerations which in any way increase or decrease the amount to be paid on any shipment, or which increase or decrease the value of the service to the shipper. Tariffs authorizing such services, privileges, or practices, or providing rates or charges therefor, or authorizing allowances or absorptions must clearly show their application.

(2) Tariffs may not provide for the addition of any unspecified bridge tolls or ferry charges. They may provide for the addition of named bridge tolls or ferry charges on truckload or volume shipments only if the facilities are identified and the tariff shows clearly and explicitly when and under what circumstances the tolls or charges accrue on any given shipment. Tariffs may not provide for the addition of highway tolls or taxes assessed against the vehicle or the carrier. They may provide for the addition of the unspecified costs of federal, state, or local permits and fees only if the size or weight of the shipment, or the inherent nature of the commodity shipped, is such that the costs must necessarily be incurred, and if the tariff clearly indicates under what circumstances they will be incurred and that the separate amounts will be identified in any billing.

(b) *Method of publication.* (1) All such services, practices, charges, privileges, allowances, and absorptions shall be provided for in one of the following three ways:

(i) By including in the line-haul rate tariff the rules governing the service, practice, charge, privilege, allowance, or absorption, and the charge, if any, for any such service, practice, or privilege;

(ii) By including in the line-haul rate tariff a specific reference by ICC (or MF–ICC) number to a separate tariff for the rules governing the service, practice, charge, privilege, allowance, or absorption, and the charge, if any, for any such service, practice, or privilege; or

(iii) By including in the line-haul rate tariff the rule set forth below:

Shipments made under the rates contained in this tariff are entitled also to terminal and transit services and privileges, and are subject to the charges, allowances, rules, and regulations legally applicable thereto, as provided in separately published, lawfully filed tariffs.

No toll or ferry charge, nor charges or fees for permits, or other charges not for a service performed by the carrier or for a privilege may be provided for in this manner.

(2) The tariffs referred to by paragraph (b) (1) (iii) of this section may include only provisions for services, practices, privileges, charges, allowances, and absorptions which have local application for the carrier for and on behalf of which the tariff is published.

(3) The use of "free," "without charge," and similar terms must be avoided unless the term is published to apply on transportation which is authorized to be performed free by the Interstate Commerce Act. Except where otherwise provided by orders of the Commission, the tariff may provide that the line-haul rate includes the performance of the particular service.

(4) A tariff may not provide for performance of a service at actual cost. The charge must be specific and readily obtainable from the tariff. However, a carrier may exclude a service from its transportation performance provisions and provide that it will, upon request, act as the shipper's or consignee's agent and undertake to procure such service from other parties, advance the actual charges to the other parties, and collect such charges from the shipper or consignee. However, if the carrier, under the same or another name, is otherwise in the business of performing such service, practice, or privilege, it may not procure its own service at actual cost.

(5) Agents may refer specifically to a tariff (not a tariff naming line-haul rates) published in the name of a member carrier or another agent covering services, charges, practices, privileges, allowances, or absorptions local to the carrier's own line.

(c) *Joint rates include intermediate drayage or transfer.* Joint through rates from points on the line of one carrier to points on the line of another carrier include drayage or other transfer services at intermediate transfer points, and no part of such charges may be added to the joint rates on shipments handled through and not stopped for special services at such intermediate transfer points. All tariffs containing joint rates shall contain the following provision:

The joint rates published herein include all charges for drayage or other transfer services at intermediate transfer points on shipments handled through and not stopped for special services at such intermediate transfer points.

(d) *Pickup and delivery service.* (1) All tariffs containing rates for the transportation of property shall specify whether such rates do or do not include pickup and delivery service within the limits of the points from, to, or between which the rates are named. If the rates therein do include such service, the following rule must be published in the rate tariff (not a governing tariff):

The rates named herein include pickup and delivery service at all places within the limits of the cities, towns, villages, or other points from, to, or between which the rates apply.

To this rule may be appended exceptions or reference to exceptions or qualifying provisions elsewhere in the tariff or in a governing tariff (not another rate tariff).

(2) If pickup and delivery service will be performed also in an area beyond or outside the limits of the cities, towns, villages, or other points, from, to, or between which the rates apply, such area shall be described in the tariffs.

(3) If there are to be limitations to, or exclusions from, the service of pickup or delivery, they must be specifically and clearly stated. Unless the tariff specifically provides otherwise, pickup service includes loading by the carrier onto the vehicle and delivery service includes unloading by the carrier from the vehicle. Conflicts must be avoided when establishing rates specifically excluding loading and unloading by the carrier and there are other rates which, being silent on the matter, apply regardless of who loads and unloads.

§ 1310.16 Distance rates (Rule 16).

(a) *Distance rates may be filed—when they may be used.* A carrier or agent may file tariffs containing distance or mileage (hereinafter referred to only as distance) class or commodity rates, or both. Except as otherwise provided in § 1310.13 (rule 13) pertaining to alternating sections in tariffs, (1) distance class rates may be used only when no through class rates (other than distance class rates) are published to apply from and to the same points over the same route and (2) distance commodity rates may be used only when no through commodity rates (other than distance commodity rates) are published to apply from and to the same points over the same route.

(b) *Statements on publications required.* (1) Each tariff that contains only distance class rates or only distance commodity rates which do not alternate with the rates in any other tariff shall show on the title page the appropriate following statement:

Distance class rates shown herein may be used only when no commodity rates or class rates (other than distance class rates) are published to apply from and to the same points over the same route.

or

Distance commodity rates shown herein may be used only when no commodity rates (other than distance commodity rates) are published to apply from and to the same points over the same route.

(2) Each tariff that contains only distance class and commodity rates which do not alternate with the rates in any other tariff and which do not alternate with each other shall show on the title page the following statement:

Distance class rates shown herein may be used only when no commodity rates or class rates (other than distance class rates) are published to apply from and to the same points over the same route, and distance commodity rates shown herein may be used only when no commodity rates (other than distance commodity rates) are published to apply from and to the same points over the same route.

If the rates alternate with each other, the statement may be used if appropriately modified.

(3) If distance rates without alternative application are published in a tariff which also contains rates other than distance rates, the appropriate statement prescribed by paragraph (b) (1) or (2) of this section shall be shown directly with such distance rates.

(c) *Application of rates must be clear.* The application of distance rates must be clearly and definitely shown. The rate table or unit shall provide a scale of distances ranging from the minimum distance to the maximum distance for which charges will be applied. A rate shall be provided for each such distance. Each state or area embraced by the application of the rate table or unit shall be listed. Such listing must be brief, but must be completely informative as to the territorial coverage. The distances to use for application of the rates shall be determined by providing in the rate tariff the distances between all locations from and to which the rates are published to apply, or by referring in the rate tariff to one or more maps attached thereto or to one or more distance guides. Provisions for the use of "actual" mileage may not be published.

(d) *When a map is referred to.* (1) Not more than three maps may be referred to, and each shall be attached to the publication in a manner that will enable a user to open each map without tearing it or undoing the fastening. Each map should be attached to an individual sheet. The map or maps must provide distances between locations in every state embraced in whole or in part by the rates. (If not more than three maps cannot completely cover the territorial application of the rates, maps may not be used to provide the distances.) Only maps each of which covers a single state are acceptable, except where not more than three states are commonly grouped and no adequate single-state maps are available from ordinary commercial or government sources. (State governments

generally have available highway maps of their respective jurisdictions.)

(2) When maps are referred to, the rate tariff must include a rule specifying the manner in which the distances will be obtained from the maps. The rule must include a definite means for determing distances (not "actual" mileage) for ratemaking purposes between all locations within the territorial coverage of the rates, regardless of whether all such locations are or are not shown on the maps and regardless of whether actual distances are or are not shown between all locations shown thereon.

(3) When a map to a tariff supersedes another map to the same tariff (loose-leaf or bound), the new map shall be attached to and made a part of a supplement to a bound tariff or a loose-leaf page to a loose-leaf tariff which shall specifically cancel the old map and give effect to the new.

(e) *When a distance guide is referred to.* (1) Only distance guides officially on file with the Commission may be referred to. More than one may be referred to provided the rate tariff clearly specifies the circumstances under which each guide will apply. All carriers parties to distance rates referring to one or more distance guides must also be parties to each guide referred to. An agent may refer to a distance guide published in the name of another agent for the account of participating carriers also parties to the guide.

(2) Distance guides shall be constructed on the principle of distance tables or combinations of tables and maps, definitely and clearly indicating distances between the locations covered by the rates referring thereto. Tables must provide specific distances between a substantial number of the points and be shown as having precedence. Each guide must provide rules setting forth the application of the guide. The rules must include a definite means for determining distances (not "actual" mileage) for ratemaking purposes between all locations within the territorial coverage of the guide, regardless of whether all such locations are or are not shown in the guide and regardless of whether distances are or are not shown between all locations therein. If distances between certain points or areas are to be determined through a certain gateway or interchange point only, and not by use of the short-line distance as determined from the maps or by use of the tables, the affected origin and destination areas and the gateway or interchange point (limited to one only) in connection therewith must be identified. Distance guides may exceed the maximum size limitation imposed by § 1310.4(a) (rule 4) but may not exceed 14½ by 17½ inches in size.

(f) *Size of characters on maps.* All characters shown on maps (including maps forming part of a distance guide) need not be of the minimum size ordinarily required by § 1310.4(b) (rule 4) but must be of sufficient size and clarity that they can be read without use of magnification. The Commission may refuse or require correction of maps which in its judgment require improvement to be acceptable.

§ 1310.17 Classification, exceptions, rules, and dangerous articles tariffs; precedence of class rates (Rule 17).

NOTE: See § 1310.28 (rule 28) for provisions which may be filed on less than 30 days' notice.

(a) *Classification.* (1) A tariff (not a rate tariff) may be filed containing a classification of the articles or commodities upon which the rates named in tariffs making reference thereto will apply. The various articles or commodities shall be listed in the classification in an orderly manner, and the class or rating to which an article or a commodity is assigned shall be shown directly therewith. Such a tariff shall contain an alphabetically arranged index of all of the articles or commodities listed. Item numbers shown in connection with commodity descriptions shall be assigned, and the items treated, in the manner prescribed in § 1310.4(h) (rule 4), except that they may have portions subordinate thereto indicated as "sub" or "S" following by a number which shall start with the number one and progress in numerical sequence if two or more such parts. Any amendment must be by complete reissue of the item including all its parts. A statement providing that the class, rating, or rate on any article or commodity will be that applying on another article or commodity is not permissible.

(2) Different classes or ratings on the same article, articles, commodity, or commodities based on different minimum quantities may be published provided the alternation provisions of § 1310.6(j)(2) (rule 6) are complied with.

(3) Rules which have general application may be published in a classification tariff. All rules in a classification must precede the list of articles and must be separately indexed.

(4) A tariff published in the name of an agent may refer to a classification tariff published in the name of another agent.

(b) *Precedence of rates.* (1) Each classification shall provide that the establishment of a commodity rate removes the application of the class rate on the same article between the same points over the same route, except when and insofar as alternative use of class and commodity rates is specifically provided in the tariff containing such commodity rates, and except that import, export, coastwise, and intercoastal class rates will take precedence over commodity rates which are not published to apply specifically on import, export, coastwise, or intercoastal traffic. In connection with the application of such a rule, there shall be provided a clear statement showing as to volume, truckload, less-than-truckload, and any-quantity commodity rates what category of class rates the application of which is removed by each such category of commodity rates.

(2) In applying the rule required by paragraph (b)(1) of this section, a local commodity rate will take precedence, on traffic originating or destined beyond, over a proportional class rate between the same points over the same route whether higher or lower, but an import, export, coastwise, or intercoastal class rate will take precedence on import, export, coastwise, or intercoastal traffic, respectively, over a domestic commodity rate.

(c) *Exceptions tariffs.* (1) A separate tariff may be filed containing exceptions to classification classes, ratings, rules or conditions for application in connection with tariffs or rates referring thereto. Exceptions published therein shall not be restricted to a small number of points. One rate tariff may be governed for account of any one carrier by not more than one tariff of exceptions published either by a carrier or by an agent. Except as otherwise provided in subparagraph (4) of this paragraph, a tariff of exceptions may not contain any matter which is not in fact an exception to a rule, class, rating, or other condition published in the classification. Exceptions may not be alternated with classes, ratings, rules, or conditions in the classification. Any statement providing that the class, rating, or rate on any article will be that applying to another article is not permissible.

(2) Different classes or ratings on the same article, articles, commodity, or commodities based on different minimum quantities may be published provided the alternation provisions of § 1310.6(j)(2) (rule 6) are complied with.

(3) An exceptions tariff shall contain separate and complete alphabetical indexes of the rules and of the articles listed therein. The exceptions shall be arranged and constructed in the manner set forth for exceptions in rate tariffs in subdivisions (ii), (iii), (iv), and (v) of § 1310.6(j)(1) (rule 6). The title page shall provide a statement reading substantially as follows:

This tariff applies only in connection with tariffs referring hereto by ICC number.

(4) Rules and provisions covered by § 1310.6(i) (rule 6) may be included in the same tariff with classification exceptions. Lists of commodities authorized in § 1310.7(g)(4) (rule 7) may also be included in an exceptions tariff, in which case the carrier or agent may not have any other tariff publishing commodity lists exclusively. Where classification exceptions are published in the same tariff with rules or commodity lists, the tariff shall be divided into sections. Classification exceptions shall be shown in the first section, rules and similar provisions in the second, and commodity lists in the last. Such a publication must contain a complete index.

(d) *Rules tariffs.* Governing rules and similar provisions may be published in a separate tariff filed in the name of an agent or a carrier. As to any one rate tariff published by a carrier as its own issue there may not be more than one governing rules tariff of its own issue and not more than one governing rules tariff of its agent's issue. As to any one rate tariff published by an agent there

may not be more than one governing rules tariff, which must be the issue of that agent. A carrier may not publish in its own issue rules which cover the same service, practice, or privilege provided for its account in the tariff of its agent. Either the agent's tariff rule must indicate nonapplication for its account, or the carrier's tariff rule must be indicated as an exception to the rule of its agent and clearly identify what rule. Exceptions when taken must indicate it is to the complete rule, not merely a part, and an exception must be a complete rule in itself. For the purposes of this subparagraph, the following tariffs shall not be considered rules tariffs:

(1) Tariffs containing exclusively rules and charges applying to terminal and other services and other matters covered by § 1310.15 (rule 15);

(2) Classification tariffs authorized by paragraph (a) of this section;

(3) Classification exceptions tariffs authorized by paragraph (c) of this section, provided they do not contain rules or other provisions authorized to be included by § 1310.6(1) (rule 6);

(4) Rate basis books authorized by § 1310.18 (rule 18);

(5) Tariffs containing rules and regulations governing the acceptance and transportation of dangerous articles (hazardous materials);

(6) Substituted freight service directories authorized by § 1310.30 (rule 30); and

(7) Tariffs confined to providing basis numbers (by intersection of headline and sideline points) for determination of class rates or column commodity rates in other tariffs.

(e) *Dangerous articles tariffs.* A separate tariff may be filed reproducing the regulations promulgated by the Department of Transportation governing the acceptance and transportation of dangerous articles (hazardous materials). The tariff shall be properly indexed and include necessary provisions for the application of the regulations. It may contain no other matter. An agent may refer to such tariff published in the name of another agent.

(f) *Participation in governing publications.* All carriers parties to tariffs making reference to separate tariffs for classification classes or ratings, classification exceptions, rules, or other provisions affecting the rates or the services rendered, except such carriers as do indicate by restrictions in the referring tariffs that they will not apply the provisions of such referred to tariffs, shall also be participating carriers in such separate tariffs. The regulations in this paragraph do not require participation in local drayage tariffs or in tariffs containing provisions for terminal or special services local to the carrier in whose name the tariff is published. Rail and water carriers whose participation in the rate tariff is solely to provide substituted service at the motor carrier's option need not be parties to the tariffs governing the rate tariff except the governing tariff, if any, containing the provisions for such substitution. See § 1310.30 (rule 30).

§ 1310.18 Rate basis tariffs (Rule 18).

(a) *Separate tariffs may be filed.* Instead of showing in the rate tariff the rate groups or bases to be used in determining rates between points named therein and the carriers serving such points, a separate rate basis tariff may be filed to serve this purpose. If it is not desired to include both grouping and carrier service in the same tariff, one for each purpose may be filed. No tariff may be governed by more than two rate basis tariffs (not including points of service tariffs), one for points of origin and one for points of destination. A rate tariff may not refer to another rate tariff for a list of points assigned rate groups or rate bases or for a list of carriers serving points.

(b) *Points and carriers to be listed.* All generally recognized points (cities, towns, townships, and other named state locations that have a precise meaning territorially) of sufficient size located within the territorial coverage of the tariff shall be listed. The points shall be arranged alphabetically within each state and the states arranged alphabetically, or the points shall be arranged alphabetically throughout the tariff. There shall be shown in direct connection with each point the complete names of all carriers serving the point pursuant to the regular-route portion of their operating authorities from this Commission. The complete names of all carriers serving the point pursuant to the irregular-route portion of their operating authorities from this Commission shall also be shown to the greatest extent practicable. The name of a carrier serving the point pursuant to both types of authorites shall be shown only once. Omission of the showing of a carrier as serving a point does not in itself render inapplicable a rate named from or to such point. Carrier name abbreviations or code designations may be used provided they are explained in the tariff in which used.

(c) *Rate groups or rate bases—arbitraries or differentials.* The applicable rate group or rate basis, or arbitraries or differentials to be added to or deducted from the group or base rates, shall be shown directly with each point, except that reference may there be made to an item or unit showing such information. Exceptions to the rate group or rate basis shall not be made in rate basis tariffs unless such exceptions apply to or from a considerable number of points or on a considerable number of commodities. When the arbitraries or differentials are governed by classification or other provisions other than those governing the base or group rate, reference to such classification provisions or other provisions shall be made directly in connection with the arbitraries or differentials.

(d) *General rules may not be included.* Rules or other provisions governing the application of rates determined by the use of a rate tariff and a rate basis tariff or providing application of groups, bases, or rates at intermediate points may not be published in a rate basis tariff.

(e) *Scope of operating authority.* A rate basis tariff may include a section in which is reproduced the operating authorities of carriers in the manner set forth in § 1310.19 (rule 19).

§ 1310.19 Tariffs listing carriers' operating authority (Rule 19).

NOTE: See § 1310.28 (rule 28) for provisions which may be filed on less than 30 days' notice.

(a) *Separate tariffs may be filed.* (1) separate tariffs (not rate tariffs) may be filed by carriers or agents defining clearly the carriers' authorized operations, both as to commodities and territories, insofar as they are pertinent to the application of the rates in the tariffs referring thereto and of the routes over which such rates apply. For purposes of this section, such a separate tariff shall be known as a "scope" tariff. The application of the rate tariffs referring to the scope tariff shall be restricted by a provision published in the scope tariff as follows:

Rates and provisions for the account of carriers participating in tariffs governed by this tariff are limited in their application on interstate or foreign commerce to the extent of the carriers'[1] operating rights set forth herein [if any tariff governed by the scope tariff refers to any other scope tariff, here show "and in" and identify the other scope tariff or tariffs by issuing carrier's or agent's name and ICC (or MF-ICC) number or refer to where such information is listed]. [If the scope tariff is issued in the name of a carrier, and all rates in tariffs referring thereto have local application only, the phrase "for the account of carriers participating" and the word "carriers'" shall not appear.] Unless otherwise specifically provided, the provisions are to be interpreted in the same manner as the Commission interprets the certificate from which the following is quoted, with respect to such as implied authority, commercial zones, tacking (of separate authorities), and diversion routes.

If the tariffs referring thereto names joint intermodal rates, the wording may be modified so as to confine the restriction to apply only to the extent the rates apply over the motor carriers.

(2) The limitation statements, reproducing a carrier's operating authority, should not be used as a substitute for the required description of commodities or territories in connection with the application of rates.

(b) *Reference to scope tariffs for one carrier.* A carrier publishing rates in a tariff of its own issue may refer to limiting scope of operating authority provisions in one other tariff only, which must be either of its own issue or an issue of its agent. A carrier publishing rates in a tariff of its agent's issue may refer to a separate tariff of that agent's issue, or refer therein to a tariff of another agent's issue in which the carrier is also a party, but not more than one separate issue may be referred to in any case. A carrier may not refer in its agent's issue to a tariff of its own issue or to one of another carrier. A carrier may not refer in its own issue to the issue of another carrier.

(c) *Agents' tariffs governed by more than one scope tariff.* A rate tariff filed

in the name of an agent may refer to more than one scope tariff. When this is done, the list of participating carriers in the rate tariff or in the participating carrier tariff governing the rate tariff shall identify the tariff in which each carrier's operating authority is published. Such identification or reference to such identification shall be shown directly with the carrier's name. Each scope tariff which governs a rate tariff must be specifically referred to by that rate tariff.

(d) *Scope provisions may be included in participating carrier tariffs.* Instead of filing a separate tariff, statements of carriers' operating authorities may be included in participating carrier tariffs or in rate basis tariffs, provided the operating authorities are shown in a separate section and the requirements of this section are otherwise complied with.

§ 1310.20 Participating carrier tariffs (Rule 20).

Note: See § 1310.28 (rule 28) for provisions which may be filed on less than 30 days' notice.

(a) *Separate tariffs may be filed by agents.* (1) An agent (not a carrier) or an agent jointly with not more than two other agents may file a tariff (not a rate tariff) listing the carriers participating in tariffs referring thereto provided there are at least ten participants and five governed tariffs. The title page must state it is applicable only as to tariffs which specifically refer to it.

(2) The tariff shall include rules and other provisions necessary to provide application thereof, but not rate restrictions, application of rates, or similar provisions which properly belong in rate tariffs or other tariffs. Exception: It may provide that the carriers participate in the governed tariffs only for local hauls or for joint hauls.

(b) *List of carriers.* (1) In the list of participating carriers, carrier numbers or abbreviations may be shown in connection with the names of the carriers.

(2) In connection with each participating carrier the participating carrier tariff and the governed tariffs in which it participates (by tariff number, not ICC or MF-ICC number) shall be shown. Exception: the participation of all carriers in the participating carrier tariff itself may be established by a statement, instead of listing the tariff number each time.

(3) In all cases reference shall be made to an item, unit, section, or page containing an explanation of such tariff numbers (see paragraph (c) of this section).

(c) *List of tariffs.* (1) A list of all tariffs, including those which contain their own list of participating carriers, published and filed in the name of the agent issuing the participating carrier tariff shall be shown, arranged in numerical sequence together with the ICC or MF-ICC number of each. The list must be correct and current at all times. The tariffs which contain their own list of participating carriers must be identified and described.

(2) Each tariff listed or referred to in the participating carrier tariff shall be described in a manner sufficient and indicative enough to enable the determination of the general application of the tariff without specifically reviewing such tariff.

(d) *Cancellation of participating carrier.* When a carrier is canceled from the list of participating carriers in a participating carrier tariff or is shown as eliminated from a tariff governed thereby, unless the cancellation is in connection with the publication of a complete adoption of the rates of such carrier by another (see paragraph (f) of this section and § 1310.25 (rule 25)—*Transfer of operations; changes in name and control*) reference must be made in connection with such cancellation to an item reading substantially as follows:

APPLIES ONLY WHEN REFERENCE IS MADE HERETO

When this tariff provides that a carrier's participation in this tariff or in one or more of the tariffs governed hereby is canceled, the provisions of the tariff or tariffs from which the carrier's participation is shown as canceled do not apply for the account of such canceled carrier after such cancellation becomes effective, notwithstanding some of the provisions of such tariffs may still be shown as applying for such canceled carrier, not having been specifically canceled by publication therein.

The canceled carrier's name together with the reference must be continued in the alphabetical list of participating carriers until the participating carrier tariff (whether bound or loose-leaf) is reissued or until all provisions referring to such carrier have been amended to omit the carrier, whichever occurs first. The cancellation provision in the participating carrier tariff should be carried forward into the reissue if the canceled carrier's name appears in any effective provisions in any tariffs governed by the participating carrier tariff at time of reissue.

(e) *Reinstatement of participating carrier.* When a carrier, which was canceled from the list of participating carriers in a participating carrier tariff or was shown as eliminated from a tariff governed thereby, is reinstated, reference must be made in connection with such reinstatement to an item reading substantially as follows:

APPLIES ONLY WHEN REFERENCE IS MADE HERETO

The participation of the carrier whose listing refers hereto was canceled and was (or will be) subsequently reinstated on the dates as indicated in the tariff. In the interim period the tariffs do not apply, but upon reinstatement all provisions not specifically eliminated by publication or republication again applied (or will apply) upon the effective date of the reinstatement.

The reference must continue to be shown with the reinstated carrier's name in the alphabetical list of participating carriers until the participating carrier tariff is reissued.

(f) *Adoptions.* (1) When one carrier adopts the rates, tariffs, etc. of another carrier in full or in part (see § 1310.25 (rule 25)), such adoption must be announced in the participating carrier tariff substantially as follows:

The carrier shown in Column 2 below, by its adoption notice referred to in Column 3 below, having taken over tariffs, powers of attorney, and other instruments of the carrier shown in Column 1 below, the carrier shown in Column 2 below is hereby substituted for the carrier shown in Column 1 below wherever it appears in this tariff and in tariffs governed hereby.

Column 1	Column 2	Column 3	
		Adoption Notice	
Old Carrier	New Carrier	ICC or MF-ICC No.	Effective Date

[Here list the adoption notices, and when adopted in part, the part adopted must be shown.]

(2) If the adoption is in full, the former (old) carrier must be canceled from the list of participating carriers. If the old carrier is adopted in part only and the agent continues to publish all or some of its remaining rates, it must not be canceled from the tariff. In either event the old carrier whether continued or canceled should bear reference to the announcement of the adoption. Such cancellation and reference to the adoption must be continued in the participating carrier tariff until such tariff is reissued, and the announcement of the adoption must be carried forward from one participating carrier tariff into the reissues thereof until the adopted carrier's name no longer appears in any item, rule, or other provision in any of the tariffs governed by the participating carrier tariff. No other information (except where the adoption is partial) may be shown in connection with the adopted carrier.

(g) *Participating carrier tariff may include statements of operating rights.* One tariff may combine participating carrier provisions authorized by this section and statements of carriers' operating authority provisions authorized by § 1310.19 (rule 19) provided they are shown in separate sections.

§ 1310.21 Tariffs of joint agents (Rule 21).

(a) *May be filed.* An agent for certain carriers may join with not more than two other agents for other carriers in the issuance of tariffs. This may be done without each of such agents having powers of attorney from all of the carriers parties to the tariff as required by § 1310.6(e) (rule 6), provided each carrier is shown as participating under authority issued to one of such agents. In such cases, each agent acts for the carriers that have given it powers of attorney or have given concurrences to the carriers issuing powers of attorney and for such lines only.

(b) *Title pages and loose-leaf pages.* The title page of each tariff and supplement, and each loose-leaf page shall bear the name of each agent joining therein, bear a separate ICC (or MF-ICC) number in the series of each agent, and show at the bottom the name and title of each issuing party and the complete street and mailing address of each agent, including the postal service ZIP Code number. The name of the agent actually issu-

ing the publication shall be shown first followed by the words "jointly with" and then the names of the other agents joining therein. The pages (title or loose-leaf) shall be prepared in such a manner that it will be clear as to the agent for which each ICC (or MF-ICC) number and each address applies and for which agent each issuing officer (if different from the name of the agent) is acting. In all other respects, such pages (title or loose-leaf) shall be constructed in accordance with the regulations in this part.

(c) *Publications must be identical and filed under one cover.* Each of the agents shall file each and every tariff publication for and on behalf of the carriers for which it is agent, as if the publication were its individual publication on behalf of those carriers alone. The tariff filed by one agent is not a complete publication properly authorized by all carriers named therein. It is a complement of the tariff filed by each agent. Therefore, identical copies of each tariff and of each supplement or loose-leaf page thereto must be filed by each agent. As each agent will file the tariff for the carriers which it lawfully represents, the cross exchange of concurrences between all of the different carriers represented by each agent will not be necessary as to that tariff. In order to avoid complications, all copies of each publication shall be transmitted under one cover (see § 1310.1(c) (rule 1) as to letters of transmittals). A tariff filed by one agent shall not be amended to show an additional agent as participating in the issuance thereof except upon reissue of the tariff; nor shall a tariff issued by joint agents be converted into one issued by a lesser number of agents except by reissue. In either event, the old tariff shall be canceled only by a supplement issued thereto.

(d) *List of participating carriers.* Each tariff issued by two or three agents jointly shall show one complete alphabetical list of participating carriers indicating the carriers from which each of the agents has power of attorney, by showing in separate columns the form and number of the authority granted to each. The list shall also indicate the carriers that participate under concurrences to any of the carriers for which one of the agents acts, by showing in an additional column the form and number of such concurrences together with appropriate reference marks to indicate the carriers to whom the concurrences are given. If the same agents have jointly issued a participating carrier tariff, this information may be shown therein (see § 1310.20 (rule 20)).

§ 1310.22 Seasonal motor-water rates (Rule 22).

(a) *Tariffs may provide for restoration or discontinuance of service.* Tariffs containing joint motor-water rates applicable over routes upon which it is necessary to close navigation during a portion of each year shall provide for the restoration and discontinuance of service over such routes in the manner prescribed in paragraphs (b) through (f) of this section.

(b) *Notation required on title page.* The following notation shall appear on the title page of the tariff:

Transportation service in connection with [here insert name of water carrier or carriers named in the tariff] is subject to restoration and discontinuance as indicated on page _____.

(c) *When definite dates of service cannot be determined.* When definite dates for restoration and discontinuance of transportation service for each season of navigation cannot be determined, the following rule shall be published in the tariff under the heading of "Application of Rates":

Shipments will be accepted by carriers parties to this tariff during the period from [here show date approximately thirty days prior to the first sailing from port of transshipment] to [here insert date which will allow sufficient time for shipment to reach the port of transshipment prior to the last sailing] of each year, for transportation on the vessels of the [here insert name of water carrier or carriers named in the tariff]. Shipments will also be accepted from the latter date until the date announced by supplements to this tariff subject to the conditions that all freight left on hand at the port of transshipment after the closing of navigation for lack of space on vessels sailing after the arrival of such freight, and all freight reaching the port of transshipment after the last sailing of each season of navigation, will be forwarded over all-motor routes and be subject to the tariff rates applicable over such all-motor routes in effect on date of shipment from the point of origin of the shipment. In such cases shipping receipts and bills of lading shall bear notation to that effect. Supplements announcing the final date upon which shipments will be accepted for transportation under this tariff and effective supplements thereto will be filed with the Interstate Commerce Commission and posted at points where required not less than one day in advance of such date.

(d) *When definite dates of service can be determined.* When definite dates for restoration and discontinuance of transportation service for each season of navigation can be determined, the following rule shall be published in the tariff under the heading of "Application of Rates":

Shipments will be accepted by carriers parties to this tariff during the period from [here show date approximately thirty days prior to the first sailing from port of transshipment] to [here show date which will allow sufficient time for shipment to reach the port of transshipment prior to the last sailing] of each year, for transportation on the vessels of the [here insert name of water carrier or carriers named in the tariff]. Shipments will also be accepted from the latter date until [here insert final date upon which shipments will be accepted for transportation under the tariff and effective supplements thereto], subject to the condition that all freight left on hand at the port of transshipment after the closing of navigation for lack of space on vessels sailing after the arrival of such freight, and all freight reaching the port of transshipment after the last sailing of each season of navigation, will be forwarded over all-motor routes and be subject to the tariff rates applicable over such all-motor routes in effect on date of shipment from the point of origin of the shipment. In such cases shipping receipts and bills of lading shall bear notation to that effect. No supplement will be issued to this tariff announcing the date of discontinuance of transportation service.

(e) *Supplements announcing discontinuance of service.* Supplements announcing discontinuance of transportation service under paragraph (c) of this section may be filed to a bound or loose-leaf tariff on not less than one day's notice. Only one such supplement may be in effect at any time. Such supplement may not contain any other matter and may be issued without regard to the supplemental limits of this part.

(f) *Tariffs may be reissued.* Tariffs containing joint motor-water rates may be reissued or amended at any time in the regular manner, but tariffs containing the rule prescribed by paragraph (c) of this section which are made effective subsequent to the date of actual discontinuance of service shall contain a statement that "service was discontinued on _____ as per supplement No. ____ to ICC (or MF-ICC No.) _____ (former tariff) and that a further supplement announcing discontinuance of service for that season will not be filed."

§ 1310.23 Rates prescribed by Commission (Rule 23).

Rates prescribed by the Commission in its decisions and orders in formal cases shall be promulgated by the carriers or agents to which such orders are issued in duly published, filed, and posted tariffs, loose-leaf pages, or supplements, and notice shall be furnished the Commission that its decision or order has been complied with. The notice shall refer to the docket number (when possible, the volume and page number of the report of the Interstate Commerce Commission, if printed, should also be shown) and shall identify the number of the item, page, supplement, and/or tariff where the complying rates are published. Unless otherwise specified in the decision or order in the case, the prescribed rates shall be made effective upon not less than 30 days' notice. The tariff publication shall refer to the order or decision in the manner required by the regulations in this part.

§ 1310.24 Tariff indexes (Rule 24).

(a) *Must be filed by most carriers—information required.* (1) Each motor carrier shall publish, file, and post as a tariff, under an ICC number and in its own name, a complete index of all effective and all published but not yet effective tariffs to which it is a party (including those published in its own name). A Class III carrier need not comply with this subparagraph if it does not participate in any rate tariff of an agent. A carrier participating in rate tariffs published in the name of an agent need not list the tariffs of that agent if the agent publishes a participating carrier tariff listing the carrier's participation in all such tariffs to which it is a party. In this event, the index shall state that the carrier participates in tariffs pub-

lished in the name of the agent (identifying the agent) and shall refer to the agent's participating carrier tariff. Any general restriction (for example "Joint Rates only") affecting the carrier in connection with the agent's tariffs shall also be shown. If a carrier participates in any tariff of an agent not governed by a participating carrier tariff the index must list that tariff.

(2) The index shall show as to each tariff listed therein (i) the ICC (or MF-ICC) number; (ii) the carrier's or agent's tariff number, if any; (iii) the name of the carrier or agent in whose name the tariff is published; (iv) the type of tariff (such as classification, class rate, specific commodity rate, rules, etc.); (v) a description of the articles, if any, on which the tariff applies (such as general commodities, all-freight, iron or steel articles, etc.); and (vi) the actual or general territorial application, if any, of the provisions in the tariff applying for the account of the carrier in brief but reasonably complete form. Any general restriction in a tariff pertaining to the carrier (such as "joint rates only") shall be shown. In no case may the description of the application of referred to tariffs represent less than the actual application.

(b) *Arrangement.* The tariffs shall be listed under appropriate headings in the following order: specific commodity tariffs, general commodity tariffs, combined class and commodity tariffs, class tariffs, and governing tariffs. Specific commodity tariffs shall be entered alphabetically under the names of commodities or principal commodities. Tariffs applying to different kinds of the same commodity shall be grouped together—for example, "Lumber, hardwood," "lumber, yellow pine," etc. Governing tariffs shall be entered alphabetically by the type of governing tariff. In addition, all tariffs appearing within a group or grouped together under a specific heading shall be listed in an orderly manner.

(c) *Supplements or loose-leaf page amendments to tariffs listed in the index.* Supplements or loose-leaf page amendments to tariffs should not be referred to in indexes. Where supplements or loose-leaf pages have the effect of changing the application of the original tariff, the description of such tariff in the index shall be revised accordingly.

(d) *Revisions, supplements, and loose-leaf pages.* The information in the index must be maintained in a current condition, and amended concurrently with changes in tariffs. Each supplement shall bear on the title page the following notation:

> Supplement (or supplements) [here show the number or the numbers of the supplements containing changes from the original index] contain all changes from original index which are in effect on the issue date hereof;
>
> to which may be added
>
> or which have been filed to become effective at a later date as shown herein.

Supplements (not loose-leaf page amendments) may be issued without regard to the volume limitations imposed on supplements by this part, but not more than three supplements may be in effect at any time.

(e) *Notation on title page.* Each index must bear on its title page the following notation:

> This index contains a list of tariffs in effect on [here show date of issue of index];
>
> to which may be added
>
> or which have been filed to become effective at a later date as shown herein.

(f) *Issued date but no effective date.* The title page of each index and of each supplement or loose-leaf page amendment thereto shall bear an issue date but not an effective date. The date of issue shall not be one prior to the date filed with the Commission.

§ 1310.25 Transfer of operations—Change in name and control (Rule 25).

(a) *Different situations.* The construction and filing of tariff publications, powers of attorney, and concurrences when the name of a carrier is lawfully changed or the operating control of a carrier's properties is lawfully transferred to another party involve many different kinds of situations each of which requires different procedures to be followed. Below are summarized many kinds of situations together with a reference in each instance to the paragraph in this section containing the regulations governing that situation.

(1) For publications required to record new ownership of effective tariffs, etc.—see paragraph (b) of this section.

(2) When old carrier has no tariff provisions or other instruments or filings—see paragraph (c) of this section.

(3) When only adoption notice is required—see paragraph (d) of this section.

(4) For form of adoption notice—see paragraph (e) of this section.

(5) When combined adoption notice and adoption supplement is required—see paragraph (f) of this section.

(6) For form of combined adoption notice and adoption supplement—see paragraph (g) of this section.

(7) For series of ICC numbers to use on adoption notices and new tariffs—see paragraph (h) of this section.

(8) For effective date to show on adoption publication—see paragraph (i) of this section.

(9) For period after which adopted tariff may not be amended—see paragraph (j) of this section.

(10) When name of old carrier need not be shown in connection with series—see paragraph (k) of this section.

(11) When a carrier assumes temporary operating control of another carrier's properties—see paragraph (l) of this section.

(12) When receivers, trustees, etc. are involved—see paragraph (n) of this section.

(13) When concurrences or powers of attorney are involved—see paragraph (o) of this section.

(14) When tariffs issued by other carriers or by agents are involved—see paragraph (p) of this section.

(15) For provisions governing the amendment or cancellation of adopted tariffs—see paragraphs (q), (s), (t), and (u) of this section.

(16) For provisions governing the amending by the new carrier of a tariff adopted in part and the reservation of supplement numbers therefor—see paragraph (s) of this section.

(b) *Requirement for recording new ownerships of effective tariffs, etc.* When the name of a carrier is lawfully changed or the operating control of a carrier's properties is lawfully transferred in whole or in part to another party under authority of an order of the Commission (all hereinafter referred to as an adoption), an adoption notice is the vehicle required by this Commission for recording the new ownership of effective tariffs, tariff provisions, concurrences, powers of attorney, and other instruments and filings (see paragraph (n) of this section for exception as to receivers, etc.). An adoption supplement to a tariff is the vehicle required by this Commission to reflect the adoption notice insofar as it pertains to that tariff. The supplement also acts as a notification to the user that the ownership of the tariff has or tariff provisions therein have been transferred, and when and to what party. For purpose of this section, "old carrier" refers to the carrier whose operating authority is being transferred to a new name or another party in whole or in part, and "new carrier" refers to the new name or party to which the operating authority is being transferred in whole or in part.

(c) *If old carrier has no tariff provisions or other instruments.* If the old carrier has no tariffs, concurrences, or powers of attorney involved in the adoption, no adoption notice shall be filed. In this event, the new carrier shall immediately, but on lawful notice, provide published rates and provisions to cover the operating authorities involved in the transfer.

(d) *When only adoption notice is required.* When the old carrier has no effective tariffs of its own (or predecessor's) issue that are to be adopted but has one or more of the following categories of filings that are involved in the adoption, the new carrier shall file and post in its own name an individual adoption notice in the form of a tariff as set forth in paragraph (e) of this section.

(1) Tariffs of an agent in which old carrier participates.

(2) Tariffs of another carrier in which old carrier participates.

(3) Powers of attorney.

(4) Concurrences.

(5) Any other instruments filed with the Commission.

(e) *Form for adoption notice.* If the circumstances are as recited in paragraph (d) of this section, and the adoption is in whole, the adoption notice shall be prepared in substantially the following form (numbers and names used only for illustration purposes):

ICC 45

JOHN DOE TRANSPORT, INC.

ADOPTION NOTICE

The above-named carrier hereby adopts, ratifies, and makes its own, in every respect, as if the same had been originally filed and posted by it, all tariffs, classifications, rules, notices, traffic agreements, statements of divisions, powers of attorney, concurrences, or other instruments or filings whatsoever, including supplements or amendments thereto, filed with the Interstate Commerce Commission by, or heretofore adopted by

Richard Roe, doing business as
Roe's Trucking

prior to the effective date shown below.
Issued: [show date prepared.]
Effective: [show date.]

(Issued under authority of Rule 25 of Tariff Circular No. MF 5 and order in ICC Docket No. MC-FC-00000—Transfer)

Issued by
William P. Doe, Traffic Manager
1111 A Street
Any town, Your state 00000

When, in the same circumstances, the adoption is in part, the notice shall read the same except the statement "insofar as said instruments and filings apply" shall be added at the end of the notice followed by a statement of the operating authority transferred or a reference to the number or numbers of the page or pages of the adoption notice where this information is shown.

(f) *When combined adoption notice and adoption supplement is required.* Where the old carrier has even one effective tariff of its own (or predecessor's) issue that is involved in the adoption, regardless of whether the adoption is in whole or in part the new carrier must file and post in its own name a combination publication which shall serve as both the adoption notice and the adoption supplement or supplements (see paragraph (s) of this section as to the new carrier amending the old carrier's tariffs when the adoption is in part). The publication shall be prepared as set forth in paragraph (g) of this section. Two copies plus two additional copies for each tariff supplemented shall be filed.

(g) *Form for combined adoption notice and adoption supplement.* (1) If the circumstances are as recited in paragraph (f) of this section, and the adoption is in whole, the combined publication shall be prepared in substantially the following form (numbers and names for illustration only):

JOHN DOE TRANSPORT, INC.

Adoption Notice Tariff	ICC 45
Adoption Supplement 8 to	MF-ICC 11 [1]
Adoption Supplement 7 to	MF-ICC 27 [1]
Adoption Supplement 3 to	ICC 4 [1]

[1] (Richard Roe, doing business as Roe's Trucking, series).

The above-named carrier hereby adopts, ratifies, and makes its own, in every respect, as if the same had been originally filed and posted by it, all tariffs, classifications, rules, notices, traffic agreements, statements of divisions, powers of attorney, concurrences, or other instruments or filings whatsoever, including supplements or amendments thereto, filed with the Interstate Commerce Commission by, or heretofore adopted by

Richard Roe, doing business as Roe's Trucking

prior to the effective date shown below.
Effective with the effective date shown below, each tariff, or as amended, to which this is a supplement became the tariff of John Doe Transport, Inc. as stated in its adoption notice shown next above.
Issued: [show date prepared.]
Effective: [show date.]
(Issued under authority of Rule 25 of Tariff Circular No. MF 5 and order in ICC Docket No. MC-FC-00000-Transfer)

Issued by
William P. Doe, Traffic Manager
1111 A Street
Any town, your state 00000

When, in the same circumstances, the adoption is in part, the adoption notice shall read the same except (i) the statement "insofar as said instruments and filings apply" shall be added at the end of the first paragraph of the combined notice followed by a statement of the operating authority transferred or a reference to the number or numbers of the page or pages of the adoption publication where this information is shown and (ii) the statement "but only to the extent indicated" shall be added at the end of the second paragraph of the combined notice.

(2) Each adoption supplement shall be assigned the next unused supplement number to the particular tariff supplemented. If the tariff involved in an adoption is one that is adopted in part only, the old carrier shall reserve (and not use) the next two consecutive numbers for the sole use of the new carrier for adoption and cancellation purposes. The adoption supplement issued by the new carrier shall use the first of these numbers for the issuance by it of the partial-adoption supplement (and later the other for cancellation and transfer of the adopted provisions to other tariffs). See paragraph (s) of this section.

(h) *Series of ICC numbers to use on adoption notices and new tariffs.* Except as otherwise provided in this paragraph as to temporary operating control situations and appointments of receivers, etc., the ICC number assigned to an adoption notice shall be the next consecutive unused one in the ICC number series of the new carrier. If no previous tariffs have been filed, the adoption notice shall be numbered ICC 1. An adoption notice shall be assigned the next consecutive unused number in the ICC number series of the old carrier when the adoption is one where a party assumes temporary operating control of all the properties of a carrier pursuant to section 210a(b) of the Act or when the adoption is one where possession and operating control of a carrier is assumed by a court appointed receiver, trustee, executor, administrator, assignee, etc. (see paragraph (n) of this section). In this event and if the old carrier has not previously filed a tariff, the adoption notice shall be numbered ICC 1 in the old carrier's series. All subsequently filed tariffs shall continue to be published in the same series. In the event it is in the old carrier's series, the ICC designation shall be identified by naming the carrier followed by "Series."

(i) *Effective date on adoption publication.* An adoption notice or combined adoption notice and adoption supplement shall be filed and posted immediately and if possible on or before the effective date shown thereon. Copies shall be sent to each agent and carrier to which power of attorney or concurrence has been given by the old carrier. The effective date shall be the date (as shown in the body of the notice) on which the adoption occurs, except that if prior approval of such adoption by this Commission is required, the effective date shown shall not antedate that approval.

(j) *Adopted tariff may not be amended after one year.* The transfer of the old carrier's tariffs and tariff provisions is intended to be only a temporary expedient so that operations may be continued without interruption or commenced without delay. It is not intended to be a permanent solution or even one of other than short duration. The new carrier, after adopting a tariff in its entirety, has a duty to promptly establish rates and other provisions to cover in tariffs of its own issue and to cancel the adopted tariff. A tariff of the old carrier's (or predecessor's) issue which has been adopted, whether in whole or in part, may not be amended by any publication filed after one year's time from the effective date of the adoption except (1) to cancel; (2) to reissue; (3) to announce a suspension; (4) to announce another adoption; (5) to initially comply with an order of the Commission (but not continuing compliance as to a continuing order); or (6) to cancel rates or other provisions adopted by the new carrier. This paragraph does not apply where the adoption (1) is one to effect temporary operating control pursuant to section 210a(b) of the Act, (2) is to cover appointment of a receiver, trustee, etc. (see paragraph (n) of this section), or (3) is one where the old carrier reassumes control of the operation.

(k) *When name of old carrier need not be shown.* When a carrier adopts back tariffs which it had issued (and which had been adopted) there is no need to refer to those tariffs as being in its series as it would do if adopting issues of another carrier.

(l) *Temporary control.* (1) When the adoption is one where a party assumes temporary operating control of all or part of a carrier's properties pursuant to section 210a(b) of the Act, a new separate and distinct carrier is established. For example, if John Doe Transport, Inc. assumes temporary control of the properties of Richard Roe, doing business as Roe's Trucking, the name of the new carrier is as follows:

John Doe Transport, Inc.
Operator of
Richard Roe,
doing business as
Roe's Trucking

The exact name of the new carrier must be shown on or in all tariff publications, concurrences, powers of attorney, and other instruments filed by it or for its account.

(2) When permanent authority to take over the temporarily controlled operations is granted by the Commission, the new carrier shall file new adoption publi-

cations in the name specified in the permanent authority and otherwise comply with the provisions of this section. The name of the old carrier in the adoption publications must be that of the immediate predecessor ("operator of") carrier.

(3) If the temporary authority to assume operating control of the old carrier is not made permanent, the original carrier (whose operations had been temporarily controlled) must file adoption publications reassuming ownership of the rates, tariffs, etc. and otherwise comply with the provisions of this section. The effective date to be shown is the date on which the temporary authority expires or is vacated.

(m) *Adoption publications to contain no other matter.* No adoption notice or combined adoption notice and adoption supplement may contain any matter other than that authorized by the provisions of this section.

(n) *Adoption publications not required from trustees, etc.* When the appointment of a receiver, trustee, executor, administrator, or assignee is approved or directed by a court of law and such person assumes possession and operating control of a carrier's properties, the authority vested in such person or persons is accepted as notice of the change in control of both the properties and the filings with this Commission, and no adoption publications need be filed. However, if filed, the regulations of this section shall be complied with. When such possession and operating control are terminated, the party taking over the properties shall in turn comply with the regulations in this section.

(o) *Concurrences and powers of attorney.* (1) When the adoption is in whole, the new carrier takes over the effective concurrences and powers of attorney the old carrier has on file, and the authority given therein by the old carrier continues as authority given by the new carrier until replaced by new instruments or revoked or canceled. However, the new carrier has a positive duty to dispose of them promptly, and in any case must replace and cancel (or revoke) them within 120 days of the effective date of the adoption publications (see next following for exceptions). The instruments need not be replaced and canceled, or revoked, if they are taken over:

(i) By a court appointed receiver, trustee, or other court appointed officer;

(ii) In the case of temporary operating control of all a carrier's properties (under authority of section 210a(b) of the Act) being exercised; or

(iii) By the carrier that originally issued them following termination of temporary operating control by another.

When an instrument is canceled, the cancellation notice shall identify the name of the carrier having originally issued the instrument.

(2) When the adoption is in part, the authority given in an involved concurrence or power of attorney by the old carrier also serves to give authority by the new carrier until the new carrier issues new instruments (unless in the meantime the old carrier has canceled or revoked them). This is intended to continue the authority for only the shortest period of time necessary for the new carrier to execute and issue new instruments. Therefore, the new carrier must issue new instruments at the same time it issues the adoption publications (see next following sentence for exception). The new carrier shall not issue any instrument grantifig authority which will duplicate or conflict with the authority granted by any instrument previously issued by it.

(3) The number series of any new instrument shall be that of the new carrier, except that it shall be that of the old carrier where temporary operating control of all the properties of the old carrier (under authority of section 210a (b) of the Act) is being exercised or where control is exercised by a receiver, trustee, or other court appointed officer. The number of any instrument issued in the series of the old carrier shall be identified by naming that carrier followed by "Series."

(p) *Tariffs issued by other carriers or by agents.* (1) Where a tariff (not a participating carrier tariff) is an issue of another carrier or of an agent, has its own participating carrier list, and lists the old carrier being adopted in whole as a participant, such tariff must be amended on lawful notice to reflect the change. The old carrier's name shall be brought forward and shown as canceled. In direct connection with the cancellation shall be shown a reference to a statement in the tariff providing for the substitution of the new for the old. The latter statement referred to shall read substantially as follows:

[Here show name and trade name, if any, of the new carrier] by its adoption notice, ICC ------, which became effective on ----------, having taken over the tariffs, etc., of [here show name and trade name, if any, of the old carrier] [here show name and trade name, if any, of the new carrier] is hereby substituted for [here show name and trade name, if any, of the old carrier] wherever it appears in this tariff.

(2) In the same circumstances set forth in paragraph (p) (1) of this section, but where the adoption is in part only, each tariff involved in the adoption shall be amended to add to the list of participating carriers the name of the new carrier and to incorporate necessary changes. The old carrier's name may not be canceled from the list until such time that the tariff no longer contains provisions applicable for the account of that carrier. In direct connection with the name of the old carrier shall be shown a reference to a statement in the tariff providing for the substitution of the new for the old. The latter statement referred to shall read substantially as follows:

[Here show name and trade name, if any, of the new carrier] by its adoption notice ICC ------, having taken over tariffs, etc., of [here show name and trade name, if any, of the old carrier] insofar as they contain rates, charges, rules, or other provisions applying [here describe the operations transfered], [here show name and trade name, if any, of the new carrier] is hereby substituted for [here show name and trade name, if any, of the old carrier] wherever the latter appears in this tariff in connection with said points, routes, or territories.

(3) Where a participating carrier tariff lists the old carrier being adopted in whole or in part as a participant in a tariff involved in the adoption, the participating carrier tariff shall be amended to reflect the change in the manner set forth in § 1310.20 (rule 20).

(q) *Tariffs involved in part shall be amended.* Rates, rules, and other provisions applying locally between points on the transferred portion shall be transferred as quickly as possible to tariffs of the new carrier. Such rates, rules, and other provisions shall be canceled from the old carrier's tariffs on lawful notice and reference made to the new carrier's tariffs for provisions to apply thereafter. The new carrier shall file corresponding or different rates, rules, or other provisions on lawful notice to become effective upon the same date as the cancellation from the old carrier's tariff.

(r) *Junction point.* If, after the adoption, any point will be served both by the old carrier and by the new carrier, a statement shall be shown in connection with the name of that point reading substantially as follows:

This adoption notice does not have the effect of eliminating [here show name of point] as a point served by [here show name and trade name, if any, of the old carrier], but has the effect of establishing service at said point by [here show name and trade name, if any, of the new carrier].

(s) *New carrier may amend tariff adopted in part—reserved supplement numbers for new carrier's use.* If a tariff issued by the old carrier or its predecessor is adopted in part, in addition to filing the combined adoption notice and adoption supplement the new carrier may file another supplement to that tariff (bound or loose-leaf) for the purpose of canceling therefrom rates, routes, rules, or other provisions that belong to it by virtue of the adoption. Two unused supplement numbers to such a tariff shall be reserved for the new carriers' use. The first number shall be used as the "adoption supplement number" in connection with the listing of the tariff on the combined adoption notice and adoption supplement. The second shall be used on the cancellation supplement. The old carrier may not use the reserved numbers under any circumstances nor may it cancel the tariff provisions adopted by the new carrier. The old carrier may, however, cancel the entire tariff at any time. Both carriers should inform one another fully of their respective actions.

(t) *Subsequent supplements or loose-leaf pages.* A subsequent supplement or loose-leaf page amendment to an adopted tariff issued by the old carrier or its predecessor shall show in connection with the ICC (or MF-ICC) number the name of the carrier in whose ICC (or MF-ICC) number series the tariff was issued (see paragraph (k) of this section for exception). Each supplement or page shall be filed by the new carrier if the tariff was adopted in whole. If the tariff

was adopted in part, except as otherwise provided in paragraph (s) of this section supplements or loose-leaf pages shall be filed by the old carrier. Subsequent supplements shall be numbered consecutively beginning with the number following that of the adoption supplement.

(u) *Former tariff must be described when canceled.* The new carrier, when canceling any tariff issued or adopted by the old carrier, shall identify such tariff in the cancellation notice by reference to its ICC (or MF-ICC) number and to the name of the carrier that issued it, and, when tariffs have been published by the old carrier in more than one series, by reference to the particular series in which the tariff was published.

(v) *Adoption notice not to be canceled.* Unless requested by this Commission, an adoption notice may not be canceled.

(w) *Adoption supplements to be noncounting.* Adoption supplements may be filed without regard to and shall be considered exempt from the limitations imposed by the regulations in this part pertaining to the volume of supplemental matter and the number of supplements permitted to a tariff.

(x) *Carriers to which this section applies.* The regulations in this section shall apply only to carriers filing tariffs under the regulations in this part and only when the adoption is one authorized by the Interstate Commerce Commission.

§ 1310.26 Applications for special tariff authority (Rule 26).

(a) *Commission has authority to grant special tariff authority.* The Commission has the authority to permit, in its discretion and for good cause shown, the filing of tariff provisions on less than 30 days' notice, and also to permit other departure from the regulations in this part. The Commission will exercise this authority only in cases where actual emergency and real merit are shown. Desire to meet the tariff provisions of a competing carrier that has given 30 days' notice will not of itself be regarded as good cause for permitting notice of less than 30 days. Clerical or typographical errors in tariffs constitute good cause for the exercise of this authority, but every application based thereon must plainly specify the error together with a full statement of the attending circumstances and must be presented with reasonable promptness after issuance of the defective tariff, supplement, or loose-leaf page.

(b) *Special tariff authority will not be issued to modify formal orders.* When a formal order of the Commission requires publication on a stated number of days' notice, a request for special tariff authority to file on less notice is in effect a modification of the formal order. Any such request should be filed as a petition on the formal docket for modification of the order and not as an application for special tariff authority.

(c) *Filing of application by carrier—also joint agents' tariff.* A carrier may apply for authority to file tariff provisions on less than 30 days' notice or for waiver of the regulations in this part as to tariffs of its own issue, but not those of its tariff publishing agent. If an application requests authority to file provisions in a joint agents' tariff, it must state that it is filed for and on behalf of all carriers parties to the proposed change.

(d) *Where to send applications and number of copies required.* Two copies of each application tendered (including amendments thereto and exhibits made a part thereof) should be addressed

Interstate Commerce Commission
Bureau of Traffic
Washington, D.C. 20423

and every envelope marked prominently with the words "Special Tariff Authority Application." A check drawn to the order of the Interstate Commerce Commission in the amount of the required fee shall accompany each application.

(e) *Numbering and signing of applications.* Applications shall be consecutively numbered and shall be signed by a person authorized to sign a letter of transmittal for the carrier or agent. The signature need not be notarized, but the application must contain a certification as to the correctness of the statements therein and as to the authority of the person to sign it.

(f) *Form of application.* Applications shall be prepared on paper 8½ by 11 inches in size, and be in substantially the following form. Each application shall give all information required by this rule together with any other pertinent facts.

(Street address, or R.F.D. number)

(City, state, etc. and ZIP Code)

(Date)

Interstate Commerce Commission
Bureau of Traffic
Washington, D.C. 20423

Application No. ---------- ----------,
(Name of carrier or agent),
by ----------, for and on behalf of all
(Name and title of person signing applications)
carriers parties to its tariff ICC (or MF-ICC) ----------,[1] does hereby petition the Interstate Commerce Commission that it be permitted, under section 217 of the Interstate Commerce Act, and as amended, to put in force the following tariff provisions to become effective ____ days after the filing thereof with the Interstate Commerce Commission:

(Here show matter as directed by paragraph (g)(1) of this section.) Your petitioner further represents that the said [here state whether rates, charges, classification ratings, or other provisions] above mentioned will be published in [here show matter as directed by paragraph (g)(2) of this section].

1. [Here state matter as directed by paragraph (g)(3) of this section].

2. [Here state matter as directed by paragraph (g)(4) of this section].

3. [Here state fully matter as directed by paragraph (g)(5) of this section].

4. [Here show justification as directed by paragraph (g)(6) of this section].

(Name of carrier or agent)

By ----------
(Signature of authorized person)

(Title)

I hereby certify that the information contained herein is to the best of my knowledge true and that I am authorized to sign and file this application.

By ----------
(Signature of authorized person)

(Date)

[1] If reference to tariff or tariffs does not exactly designate carrier involved, other methods of designating carriers should be employed.

When the tariff involved is a local one or relief from any regulation in this part is requested, appropriate changes shall be made in the introductory paragraph of this form.

(g) *Information application shall show.* (1) The proposed tariff provisions shall be set forth clearly and completely. An accompanying exhibit may be used if identified by letter, such as "Exhibit A," and so referred to in the application. If the proposed provisions consist of rates, all points of origin and destination must be shown or definitely indicated. If the proposed provision is a rule, the exact wording must be given.

(2) The application shall show the ICC (or MF-ICC) numbers of the tariffs in which the proposed provisions will be published. If publication is to be made in supplements to tariffs already referred to, this fact shall be shown. It shall be clearly stated whether publication will be by republication of the affected matter or by statement. If waiver of any regulation in this part is required, the number of the affected section or part thereof must be identified and the reason for the waiver explained.

(3) When a request to file a new rate on less than 30 days' notice is involved, the method or formula that was used to construct the proposed rate shall be provided. When the matter to be shown is voluminous or for other reasons difficult of presentation, it may be included in an accompanying exhibit, properly identified and referred to in the application. Reference shall be made to the tariff and to the number of the supplement in which provisions to be superseded are published. If such provisions are published in items or numbered units, reference shall be made thereto by number. If they are not so published, the pages of the publication on which the provisions appear shall be shown. The extent to which and the manner in which cancellations will be made must be definitely indicated.

(4) The application shall state the names of carriers known to maintain competitive provisions between the same points or points related thereto, together with the ICC (or MF-ICC) numbers of the tariffs and the numbers of the supplements thereto containing such provisions.

(5) The application shall state whether such carriers have been advised

of the proposed provisions and whether they have been advised that it is proposed to file such provisions on less (or on not less) than 30 days' notice. If competitive carriers have expressed their views in regard to the proposed provisions, a brief statement of their views shall be given.

(6) The application shall state the special circumstances or unusual conditions which are relied upon as justifying the requested authority together with any related facts or circumstances which may aid the Commission in determining whether the requested authority is justified. If special tariff authority to give notice of less than 30 days is sought, the petitioner shall state why notice of not less than 30 days cannot be given.

(h) *The authority must be used in its entirety.* If the special tariff authority is used, it must be used in its entirety and in the manner set forth in the order of special tariff authority. If it is not desired to use all of the authority granted, and less or more extensive authority is desired, a new application complying with the provisions of this section in all respects and referring to the previous authority must be filed.

(i) *Confirmatory application.* When special tariff authority is requested by telegram because of an emergency which does not permit timely filing, the telegram must state all pertinent facts required in this section and include a statement that a written application and filing fee is being sent. An application (with the required fee) confirming the request must be transmitted on the same day. (The application and fee must be transmitted regardless of whether the request is granted or denied.)

(j) *Authority to reject publication.* The issuance and use of a special tariff authority does not restrict or remove the Commission's authority to reject a publication for reasons it deems sufficient in the circumstances.

§ 1310.27 Concurrences or powers of attorney—Transfer of agent (Rule 27).

(a) *Different situations.* The construction, filing, cancellation or revocation of powers of attorney or concurrences, and the construction and filing of publications when one agent takes over another involve many different kinds of situations each of which requires different procedures to be followed. Below are summarized many kinds of situations together with a reference in each instance to the paragraph in this section that contains the regulations governing that situation.

(1) To authorize an individual to act as agent—see paragraph (b) (1) and (2) of this section.

(2) To authorize a corporation to act as agent—see paragraph (b) (1) and (3) of this section.

(3) To limit the authority of a power of attorney—see paragraph (b) (4) and (5) of this section.

(4) To give concurrence in a particular tariff of a carrier—see paragraph (c) (1) and (2) of this section.

(5) To give general concurrence to a carrier—see paragraph (c) (1) and (3) of this section.

(6) When the principal agent dies or is disabled—see paragraphs (j), (k) (2), (3), and (l) of this section.

(7) When the alternate agent dies or is disabled—see paragraphs (k) (2), (3), and (l) of this section.

(8) When an agent takes over another agent or a corporation as agent changes its name—see paragraphs (k) (1), (3), and (l) of this section.

(9) To cancel a power of attorney or concurrence—see paragraph (o) of this section.

(10) To revoke a power of attorney or concurrence—see paragraph (p) of this section.

(b) *Forms of powers of attorney.* (1) The following forms shall be used by a carrier to give authority to an agent to publish and file tariffs, including supplements or loose-leaf pages thereto, in which such carrier participates. (Existing powers of attorney which are not otherwise objectionable need not be reissued solely to comply with the prescribed form). If common carriers by water governed by the regulations in this part desire to give powers of attorney to agents authorizing the publication of joint rates with motor carriers, the forms set forth in this paragraph may be altered by substituting for the words "common carrier of property by motor vehicle," the words, "common carrier of property by water," or appropriate words of similar import.

(2) The form to authorize an individual to act as agent shall read as follows:

POWER OF ATTORNEY

FA1 No. _____
Cancels _____ No. _____

_____
(Name of carrier)

_____
(Street address or R.F.D. number)

_____
(City, state, etc. and ZIP Code)

_____
(Date)

Know all men by this instrument:

That, on the ____ day of _____, 19____, _____ (Name of carrier), a common carrier of property by motor vehicle does (do) hereby make and appoint _____ (Name of principal agent) attorney and agent to publish and file for such carrier freight tariffs, and supplements (or loose-leaf pages) thereto, as permitted or required of common carriers of property by motor vehicle under authority of the Interstate Commerce Act, and the regulations of the Interstate Commerce Commission issued pursuant thereto, and does (do) hereby ratify and confirm all that said attorney and agent may lawfully do by virtue of the authority herein granted and does (do) hereby assume full responsibility for the acts and failures to act of said attorney and agent.

And, further, that _____ (Name of carrier) does (do) hereby make and appoint _____ (Name of alternate agent) alternate attorney and agent to do and perform the same acts and exercise the same authority herein granted to _____ (Name of principal agent) in the event and only in the event of the death or disability of _____ (Name of principal agent)

_____
(Name of carrier)

By _____
(Signature of authorized person)

_____
(Title)

Attest (if a corporation):

_____, Secretary

[Corporate Seal]

Duplicate mailed to _____
(Agent)

_____
(Street address or R.F.D. number)

_____
(City, state, etc. and ZIP Code)

_____
(Date)

(3) The form to authorize a corporation to act as agent shall read as follows:

POWER OF ATTORNEY

FA2 No. _____
Cancels _____ No. _____

_____
(Name of carrier)

_____
(Street address or R.F.D. number)

_____
(City, state, etc. and ZIP Code)

_____, 19____
(Date)

Know all men by this instrument:

That, on the ____ day of _____, 19____, _____ (Name of carrier) a common carrier of property by motor vehicle does (do) hereby make and appoint _____ (Name of corporation) attorney and agent to publish and file for such carrier freight tariffs, and supplements (or loose-leaf pages) thereto, as permitted or required of common carriers of property by motor vehicle under authority of the Interstate Commerce Act, and the regulations of the Interstate Commerce Commission issued pursuant thereto, and does (do) hereby ratify and confirm all that said attorney and agent may lawfully do by virtue of the authority herein granted and does (do) hereby assume full responsibility for the acts and failures to act of said attorney and agent.

_____
(Name of carrier)

_____
(Signature of authorized person)

_____
(Title)

Attest (If a corporation):

_____, Secretary

[Corporate Seal]

Duplicate mailed to _____
(Agent)

_____
(Street address or R.F.D. number)

_____
(City, state, etc. and ZIP Code)

_____
(Date)

(4) Powers of attorney, if executed without modification, confer unlimited authority to publish local rates for the carrier issuing the power of attorney and to publish joint rates for such carrier and such other carriers as shall have issued the necessary authority. If it is desired to limit the authority granted to the agent, the form may be modified by adding at the end of the first paragraph the statement:

This authority is restricted to the filing of the publications or types of publications set forth below

and by clearly and explicitly stating immediately thereafter the extent of the authority granted. Any limitation must be a general one and be specifically expressed in the instrument and must not depend on actions, circumstances, or managerial decisions not embodied therein or determinable therefrom and must not depend on future instructions or approvals. Limitations, if any, must be expressed in the instrument in such a manner that not only is it clear the authority the agent will have but also the authority it will not have if certain authority is withheld. For example, the instrument may limit the authority of an agent to publication of particular tariffs, to publication of rates from points on the carrier's lines only, to publication of rates to points on the carrier's lines only, to publication of either local or joint rates, or to publication of either class or commodity rates. The instrument may withhold authority to publish any increase in rates or charges, either local or joint, on a specified commodity or commodities, or it may withhold authority to publish general increases in rates provided the term "general increase" is defined therein. The instrument may not contain limitations that are not general ones—for example, publication of specifically named rates, origins, destinations, rules, etc.

(5) If it is desired to give to an agent authority for the publication of a classification, a classification exceptions tariff, or a rules tariff only, the form may be modified in either of two ways. Omit the words "freight tariffs" and substitute therefor the word or words, "classification," "classification exceptions tariffs" or "rules tariffs," or modify so as to authorize the publication of any or all of such tariffs, including rate tariffs. If it is desired to limit the authority granted to publication of a particular tariff or tariffs, this may be done by giving a sufficiently accurate description of the title page of each tariff to identify it and by showing the ICC (or MF-ICC) number, if known. If it is intended that the authority granted shall include reissues of specifically named tariffs, that fact should be made clear by adding in the appropriate location "and successive issues thereof."

(c) *Forms of concurrences.* (1) The following forms shall be used in giving to carriers subject to these regulations concurrences in tariffs (including supplements or loose-leaf pages thereto) which are issued and filed by such carriers or their agents and in which the carriers giving concurrences are participants. The carrier to whom concurrence is given may act as origin, intermediate, or destination carrier in joint rates and routes. A concurrence does not confer upon a carrier authority to publish local rates for another carrier. If two or more carriers execute powers of attorney authorizing an agent to publish joint rates for them, it will not be necessary for those carriers to exchange concurrences with each other as to the joint tariffs issued by that agent under that authority.

(2) Form FC1 shall be used in giving concurrence in a particular tariff that is issued and filed by another carrier. The original of form FC1 shall be forwarded to the carrier issuing the tariff and shall be transmitted by such carrier to the Commission with the tariff or the amendment adding the carrier. This form when not restricted will serve as continuing evidence of participation in the tariff described in the concurrence and in all supplements (or loose-leaf pages) thereto and successive issues thereof. If reference to successive issues be stricken out, a new concurrence will be required for each successive issue of the tariff. Except as provided in this subparagraph, this form shall not be qualified in any way but must evidence concurrence in all rates, rules, or other provisions contained in the tariff publication named therein. The form shall read as follows:

CONCURRENCE

FC1 No._____
Cancels_____No._____

_____
(Name of carrier)

_____
(Street address or R.F.D. number)

_____
(City, state, etc. and ZIP Code)

_____, 19____

To the Interstate Commerce Commission, Bureau of Traffic, Washington, D.C. 20423.

This is to certify that_____
(Name of carrier giving concurrence)
assents to and concurs in the publication and filing of the freight tariff described below, filed by_____,
(Name of carrier to which concurrence is given)
together with supplements (or loose-leaf pages) thereto and successive issues thereof, and that such concurring carrier hereby makes itself a party thereto and bound thereby, insofar as such tariff applies from, to, via, or at points on its lines, until this authority either is revoked by formal and official notice of revocation filed with the Interstate Commerce Commission and sent to the carrier to which this concurrence is given or is canceled.

(Here give an exact description of the title page of the tariff, including the name of the issuing carrier, the ICC (or MF-ICC) number, dates on which issued and effective, and the name and title of officer shown as issuing the tariff.)

_____
(Name of carrier)
By_____
Signature of authorized person)

_____
(Title)

Attest (if a corporation):
_____, Secretary
[Corporate Seal]

(3) If general concurrence is given by a carrier in tariffs (including supplements or loose-leaf pages thereto) issued by another carrier or its agent, naming rates or other provisions from, to, via, or at points on its lines, form FC2 shall be used. Form FC2 may be executed as shown, when it will authorize publication of rates or other provisions for the concurring carrier from, to, via, or at points served by such carrier. If it is desired to limit the authority granted to exclude publication of rates in connection with which the concurring carrier would act as either origin, intermediate, or destination line, the form may be modified to that extent by use of appropriate language to effect the modification authorized. When authority is given an agent to publish rates for a carrier participating under authority of a concurrence to another carrier for which such agent acts, care must be exercised that the rates published for the concurring carrier do not exceed the scope of the authority given. The form shall read as follows:

CONCURRENCE

FC2 No._____
Cancels_____No._____

_____
(Name of carrier)

_____
(Street address or R.F.D. number)

_____
(City, state, etc. and ZIP Code)

_____, 19____
(Date)

To the Interstate Commerce Commission
Bureau of Traffic, Washington, D.C. 20423

This is to certify that_____
(Name of carrier giving concurrence)
assents to and concurs in the publication and filing of any freight tariff or supplement (or loose-leaf page) thereto, which

_____
(Name of carrier to which concurren is given)
or such carrier's agent may publish and file, and in which the said_____
(Name of concurring carrier)
is shown as a participating carrier, and that such concurring carrier hereby makes itself a party thereto and bound thereby insofar as such tariff applies from, to, via, or at points on its lines, until this authority either is revoked by formal and official notice of revocation filed with the Interstate Commerce Commission and sent to the carrier to which this concurrence is given or is canceled.

_____
(Name of carrier)
By_____
(Signature of authorized person)

_____
(Title)

Attest (if a corporation):
_____, Secretary
[Corporate Seal]

Duplicate mailed to_____
(Carrier to which concurrence is given)

_____
(Street address or R.F.D. number)

_____
(City, state, etc. and ZIP Code)

_____
(Date)

(d) *Exact name of carrier must be shown—what individual may sign instrument.* (1) In the blank spaces on each form for the name of the carrier, there shall be shown, if the carrier be an individual, the individual name followed by the trade name, if any. If the carrier be a partnership, the correct names of all partners must be given, followed by the trade name, if any. If the carrier be a corporation, the correct corporate name must be used. In all cases, the name of the carrier shall be identical with the name as it appears in its operating certificate issued by the Commission, or, in the event that such certificate shall not have been issued, the name of the carrier shall be identical with the name as it appears in the records of the Commission.

(2) The power of attorney or concurrence shall be signed by the owner, if the carrier is an individual and shall be signed by all of the partners individually, if a partnership. If the carrier is a corporation, the power of attorney shall be signed by the president or vice-president, attested by the secretary of the corporation, and the corporate seal shall be affixed. If the state in which incorporated does not require the corporation to have a seal, the affixing of a seal may be omitted.

(e) *Official or employee may not act as agent.* Unless specifically authorized by the Commission, an official or an employee of a corporation may not act as agent when such corporation acts as agent.

(f) *Corporation as agent.* A corporation, duly authorized and acting as an attorney and agent, shall issue tariffs in the name of the corporation as agent. At the bottom of the title page of each publication filed by the corporation as agent shall be shown the name and title of the official of the corporation who has been appointed by such corporation to issue tariffs and file them with the Commission. Before the first tariff publication may be filed showing such person as the issuing officer, such corporation shall forward to the Commission a certified minute of the meeting of the board of directors thereof showing the name and title of the official who has been appointed to handle all tariff matters with the Commission.

(g) *Specifications for forms.* Powers of attorney and concurrences shall be printed on paper of durable quality, approximately 8 by 10½ (but not in excess of 8½ by 11) inches in size. Each shall be given a form and serial number which shall run consecutively for each form of instrument. The form and serial numbers shall be shown on the upper right-hand corner and immediately thereunder shall be shown the form and number of the instrument, if any, which is canceled thereby. The term "freight tariff" as used in this section means not only rate tariffs but all other freight publications which in any way affect the value of the service or the measure of the charge. Each instrument shall show under the serial number of the date of issue. All instruments, except form FC1, shall show in the lower left-hand corner the name and address of the agent or carrier to which the duplicate is sent.

(h) *Number of copies.* All instruments must be prepared in triplicate. Except when there is specific instruction in individual paragraphs to send originals to an agent or carrier, the original of the instrument shall be filed with the Commission, the duplicate sent to the agent or carrier to which such authorization is directed, and the third copy retained by the issuing carrier.

(i) *Conflicting authority must be avoided.* Powers of attorney or concurrences may not contain authority to delegate to another the authority thereby conferred. Duplicating authority to two or more agents or carriers must be avoided if the use thereof would result in conflicting rates or other provisions.

(j) *Alternate agent.* When a power of attorney is issued to an individual to act as agent, such instrument shall name an alternate agent to act in the event of the death or disability of the principal agent. On or before the date of filing of the first tariff, supplement, or loose-leaf page by the alternate agent under the authority granted in the instrument, such alternate agent shall submit to the Commission a sworn statement setting forth the facts which justify such exercise of authority. (See paragraph (l) of this section for regulations governing take-over publications.) The term "disability" as used in the instrument means resignation, permanent transfer to other duties, or other permanent absence of the principal agent, and does not mean temporary absence of the principal caused by vacation, illness, or other similar causes. After an alternate agent has once exercised the authority granted by the instrument, the principal agent may not thereafter act under that instrument.

(k) *Transfer of authority from one agent to another agent—death or disability of agent.* (1) When an agent takes over another agent (including a change of name of a corporation acting as an agent), superseding the former agent as to all such agent's effective tariffs, the transfer shall be accomplished by each carrier executing a new power of attorney naming the new agent (and alternate when the new agent is an individual) thereafter to serve, and specifically canceling the previous power of attorney. (See paragraph (l) of this section for regulations governing take-over publications.)

(2) When a power of attorney has been issued to an individual and an alternate, and the death or disability of either the principal or alternate agent occurs, new powers of attorney canceling the previously effective powers of attorney and naming the agent (and alternate when the new agent is an individual) thereafter to serve shall be filed within 180 days from the date of death or disability. (See paragraph (l) of this section for regulations governing take-over publications.)

(3) The new powers of attorney filed pursuant to this paragraph shall bear no effective date. The originals thereof shall not be sent direct to the Commission, but shall be forwarded to the principal agent named therein. After all the necessary instruments shall have been secured, the principal agent shall file the originals with the Commission all at one time. Such powers of attorney will become effective upon the date they are received by the Commission, regardless of any other date which may have inadvertently been shown thereon.

(4) If, during the period the alternate agent is functioning in place of the former principal agent, new participating carriers are to be added to the tariffs the powers of attorney from such carriers must name the present alternate agent as principal agent together with a new alternate agent. When the permanent take over is made by a new agent (which may be the former alternate agent), such powers of attorney must be replaced by new ones meeting the requirements of this paragraph.

(5) If upon the death or disability of the principal agent it is found that the alternate agent named in the powers of attorney cannot or will not take over the tariffs, the carriers have a positive duty to seek a solution. If no take over by a new agent acting for the participants is arranged for within 90 days of the Commission being advised of the situation existing, the Commission will consider striking the tariffs from the files of the Commission. If the tariffs are stricken, the carriers will be free to publish their rates elsewhere.

(l) *Take-over publications.* (1) When a new agent is appointed for a reason set forth in paragraph (k) of this section, or when an alternate agent assumes the duties of the principal agent, the new agent, immediately upon receipt of necessary authority, or the alternate agent, upon death or disability of the principal, shall issue a supplement to each of the effective tariffs (bound or loose-leaf) issued by or which had been taken over by the agent superseded. The supplement shall bear on its title page no effective date, but shall contain a statement reading substantially as follows:

> On and after [show here, in the case of a new agent, the date on which authorities are filed with this Commission; or in the case of an alternate agent, the date on which the principal ceased to act] this publication shall be considered as the issue of [show here name of new agent or the alternate acting as such].

In the case of a new agent and a bound tariff, such supplement shall also contain a list of participating carriers, giving reference to the new authorities. In the case of a new agent and a loose-leaf tariff, the supplement shall not name the participating carriers, but instead one or more loose-leaf pages, canceling the previous page or pages, shall be issued containing the new list of participating carriers. Such a page shall identify the new authorities and refer to the take-over supplement, shall show the date of the take-over as the effective date, and may be filed without notice.

(2) However, if the agent whose tariffs are being taken over maintains a par-

ticipating carrier tariff, the take-over publications to the agent's other tariffs shall not list participants if the tariff that is being amended does not specifically list them. The take-over publication to the participating carrier tariff shall, however, provide a complete list of all participants therein and in tariffs governed thereby on the date of take-over.

(3) An agent has no authority to act for a carrier that has not issued a power of attorney in its favor. Therefore, only the names of participating carriers that have issued powers of attorney to the new agent may be shown in the take-over publication. Any updating, corrections, or deletions of the names of participating carriers must be made by the former agent (or alternate agent if authorized to act) and must become effective on lawful notice before the date of take-over.

(4) The take-over supplement must remain in effect for the life of the tariff, but the participating carrier list therein, if any, may be amended.

(5) An agent may not take over less than all of another agent's tariffs.

(6) When an agent that is superseded by a new agent or an alternate participates with another agent or agents in the issuance of a joint agency tariff, the issuing agent must arrange the issuance of a supplement announcing the change and amending the list of participating carriers to the extent necessary to correctly complement the change being effected in the tariffs issued by the superseded agent; and in the same manner.

(m) *Supplement (or loose-leaf pages) to be shown in series of former agent.* Supplements or loose-leaf pages, including ones publishing the take-over, filed by the new agent to tariffs issued by the former agent (or a predecessor thereof, if any (must show in connection with the ICC (or MF-ICC) numbers that they are in the series of the former agent (or predecessor).

(n) *New agent must start new series.* New tariffs issued by the new agent (not alternate agent) shall be in such agent's own ICC number series, and when canceling tariffs issued by the former agent shall indicate the series of the tariffs canceled. An alternate agent, after take over, shall continue to use the number series of the superseded agent and identify, in connection with the number, the series by name of such agent.

(o) *Cancellation of instruments.* A power of attorney may cancel another power of attorney (of the same or another form) if both the old and new are issued in favor of the same agent or if it is filed under circumstances set forth in paragraph (k) of this section. A concurrence may cancel another concurrence if both the old and new are issued in favor of the same carrier. In every case both the old and new instruments must be issued by the same carrier, except that the old may be one acquired from a bona-fide predecessor carrier. Under all other circumstances, powers of attorney and concurrences must be revoked as set forth in paragraph (p) of this section. If the instrument to be canceled contains more authority or is broader in scope than the new instrument, the new instrument must bear an effective date of at least 60 days after the date on which it is received by the Commission. Otherwise, no notice is required.

(p) *Revocation of instruments.* (1) A power of attorney or concurrence may be revoked upon not less than 60 days' notice to the Commission by filing a notice of revocation with the Commission, serving at the same time a copy thereof on the agent or carrier in whose favor such instrument was executed. Such notice shall not bear a separate serial number, but shall specify the form and number of the instrument to be revoked, name the agent (and alternate agent when form FA1 is being revoked) or carrier in whose favor the instrument was executed, and specify the date upon which revocation is to become effective. The effective date must not be less than 60 days subsequent to the date the notice is received by the Commission. The notice shall be executed on paper of good quality, approximately 8 by 10½ (but not in excess of 8½ by 11) inches in size.

(2) The revocation notice for a power of attorney shall read as follows:

REVOCATION NOTICE

_____
(Name of carrier)

_____
(Street address or R.F.D. number)

_____
(City, state, etc. and ZIP Code)

_____, 19__
(Date)

Know All Men By This Instrument:

Effective _____, 19__, power of attorney ____, No. ____, issued by _____
(Name of carrier)

in favor of _____
(Name of agent and of alternate, if any)

_____ is hereby canceled and revoked.

_____
(Name of carrier)

By _____
(Signature of authorized person)

_____
(Title)

Attest (if a corporation):

_____, Secretary

[Corporate Seal]

Duplicate mailed to _____
(Name of Agent)

_____
(Street address or R.F.D. number)

_____
(City, state, etc. and ZIP Code)

_____
(Date)

(3) The revocation notice for a concurrence shall read as follows:

REVOCATION NOTICE

_____
(Name of carrier)

_____
(Street address or R.F.D. number)

_____
(City, state, etc. and ZIP Code)

_____
(Date)

To the Interstate Commerce Commission, Bureau of Traffic, Washington, D.C. 20423.

Effective _____, 19____, concurrence form FC ___, No. ___, issued by _____
(Name of carrier)

in favor of _____
(Name of carrier to which issued)

is hereby canceled and revoked.

_____
(Name of carrier)

By _____
(Signature of authorized person)

_____
(Title)

Attest (if a corporation):

_____, Secretary

[Corporate Seal]

Duplicate mailed to _____
(Name of carrier to which issued)

_____
(Street address or R.F.D. number)

_____
(City, state, etc. and ZIP Code)

_____
(Date)

(4) When a power of attorney or concurrence is revoked, corresponding revision of the tariff or tariffs should be made effective upon statutory notice not later than the effective date stated in the notice of revocation. In the event of failure to so revise the applicable tariff or tariffs, the rates in such tariff or tariffs remain applicable until lawfully canceled.

(5) The provisions of paragraph (d) of this section will also apply to revocation notices.

(6) If the tariff or tariffs of a carrier are adopted, the new carrier has the duty to promptly either obtain new concurrences from the participants therein or to cancel the participation of such carriers before any changes are made effective in provisions affecting such carriers.

(7) A carrier holding a concurrence from another, or an agent holding a power of attorney from a carrier, that no longer wishes to retain or exercise such authority should notify the Commission in writing of this and state that the authority shall have no further force and effect. The files of the Commission shall be marked accordingly and the instrument considered as no longer effective. The notification shall be over the signature of the person authorized to issue the tariffs.

(8) A power of attorney or concurrence may not be revoked in part, nor may it be amended except by reissue.

§ 1310.28 Provisions which may be filed on less than 30 days' notice (Rule 28).

NOTE: See §§ 1310.14, 1310.22, 1310.24, 1310.25 and 1310.27 (rules 14, 22, 24, 25, and 27) for other provisions which may be filed on less than 30 days' notice.)

(a) *Certain provisions in connection with new temporary or new permanent operating authority.* (1) When operating authority is to be issued, the tariffs of the carrier or its agent may be amended on not less than five days' notice to add

the description of such operating authority (see §§ 1310.6(g) and 1310.19 (rules 6 and 19)), to add the name of the carrier to the list of participants, to provide routing provisions in connection with such authority, and to amend the list of points served. If the authority to be issued is temporary only pursuant to section 210a(a) of the Act, the tariff provisions must be made subject to an expiration date which is not later than the date such authority is indicated to expire. If the authority is to be permanent, the effective date of the tariff provisions may not be earlier than the earliest date the certificate would be issued (the Commission will supply this information if necessary upon request).

(2) A carrier may not in its own tariff, provide rates and service for its own account beyond the authority it has been granted. Commodity rates and commodity rate tables in a tariff should properly be specific as to points, territory and commodities from, to and on which they apply. Hence addition in a carrier's own issue of a description of new operating authority should not, in itself, without any other amendment, serve to automatically extend the application of existing commodity rates to new points or territory, and the less-than-statutory authority provided in subparagraph (1) of this paragraph is not usable to so extend. This does not apply to class rates in effect, or to tariffs of agents already providing effective rates and other provisions which would cover the points, territory and commodity.

(b) *New route for existing operating authority.* A new joint route may be added upon not less than five days' notice to a rate tariff, or to its governing routing guide, if the carriers parties to the new route are participants in the rate tariff and have for not less than 30 days prior to filing of the new route held out in tariffs to serve their respective segments of the new proposed joint route. This authority may not be used to cancel any existing route, nor add a carrier or route to a particular rate, rule, item, or other provision which is limited to apply for a specifically named carrier or carriers.

(c) *Restore carrier participation.* Carriers and agents may file supplements or loose-leaf pages to their tariffs on not less than five days' notice to restore the listing of carriers as participants following published cancellation, so as to continue participation without interruption. The relisting must be indicated to become effective not later than the date upon which the cancellation is indicated to become effective. This authority may be used only when the cancellation notice was filed on not less than 30 days' notice.

(d) *Amend participating carrier list in dangerous articles tariff.* The list of participating carriers may be amended on not less than one day's notice to provide additions thereto and corrections and other changes therein in a tariff containing only rules and regulations governing the acceptance and transportation of dangerous articles (hazardous materials).

(e) *Amend participating carrier list in classification.* The list of participating carriers in classifications may be amended on not less than one day's notice to provide additions thereto and corrections and other changes therein.

(f) *Extend expiration dates or postpone effective date of comeback provisions.* Publications may be filed on less than 30 days' notice to extend the expiration date of existing provisions, or to postpone the effective date of comeback provisions (provisions paired with and published to supersede those indicated to expire with the preceding day) when the expiration date of the existing provisions is extended. As much notice as possible must be given, but in no case less than five days. No change may be made in the extended or postponed provisions. An expiration date may not be extended when such date is required by the terms of an order of the Commission or when only a portion of the provisions subject thereto is to be continued.

(g) *Change or cancel expiration dates in connection with temporary authorities.* (1) When the expiration date of a temporary operating authority is extended for a definite or an indefinite period of time for all or a portion of the authority, the carrier or its agent may file on not less than one day's notice

(i) Supplements or loose-leaf pages canceling or changing the expiration date attached to the rates and other provisions covering the operating authority to correspond with the action taken on the operating authority, provided the publication hereunder is made effective prior to the expiration of such rates and provisions; or

(ii) Tariff publications to republish without change the rates and other provisions which have expired and which cover the operating authority being continued.

(2) A supplement may be filed to a loose-leaf tariff to cancel or change the expiration date where because of the volume of publication necessary and insufficient time following notification publication cannot be made on loose-leaf pages in conformity with the regulations in this part.

(3) A supplement issued to a bound tariff for this purpose and containing no other matter shall be considered exempt from the provisions of this part limiting the number and the volume of supplements. A loose-leaf tariff which if further amended would result in violation of § 1310.10(d)(9) (rule 10) as to permissible number of canceled pages may be nevertheless amended but only to the extent necessary to effect the publication otherwise authorized under this paragraph.

(4) A supplement to a tariff (bound or loose-leaf) may direct the cancellation or amendment of an expiration date without republication of the tariff provisions. In the case of a numbered provision, the amendment shall be shown in an "Amendment to" the item or other numbered provision. If it is an item containing expiration dates only, however, it must be republished.

(h) *Postponement of tariffs or tariff matter.* (1) A carrier or its agent may postpone the effective date of a tariff, or matter in a tariff (other than "comeback provisions"—see paragraph (f) of this section), of its own issue, effective on not less than eight days' notice, subject to the provisions of paragraphs (h) (2) through (14) of this section.

(2) The effective date of the postponing provision may not be later than that of the provisions the effectiveness of which is sought to be postponed.

(3) Postponement may be effected

(i) By republication of the provisions,

(ii) By "amendment to" a numbered provision, or

(iii) By a "postponement notice" if an unnumbered provision, an entire tariff, a supplement, or two or more loose-leaf pages.

(4) When by amendment, the provision it amends shall be identified by number, including letter suffix, if any, together with its present location, and the effective dates specified; for example:

Amendment the effective date is hereby postponed from to ---------- to ----------
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(5) When by postponement notice, and a rate or other provision only (not an entire tariff, supplement, or a group of more loose-leaf pages) is affected, the notice shall identify the provision, its present location, and specify the effective dates; for example:

The effective date of ____, on page ____ of ____, is hereby postponed from ---------- to ----------

(6) When by postponement notice, and an entire staff, supplement, or a group of two or more loose-leaf pages is affected, the notice shall be worded as follows:

Refer to the title page of tariff (or title page of supplement ____ to tariff) and change the effective date, which now reads ---------- to read ----------

or, in the case of loose-leaf pages:

Refer to ____ Revised Page ____ and ____ Revised Page ____ and change the effective dates thereon which now read ---------- to read ----------

(7) When the postponement of the effective date hereunder does not suffice to automatically continue the presently effective provision for the interim period, care must be taken to also postpone the cancellation and the postponement authority in this paragraph may be used to effect this result.

(8) Where the matter to be postponed is published on a single page of a loose-leaf tariff, postponement may only be effected by republication of the page. Republication of the matter to be held in effect and of the matter being postponed may be published together, with appropriate effective and expiration dates to effect continuity.

(9) Each amendment to a numbered provision for purposes of postponing shall be published in its proper place by numerical sequence when published with other tariff provisions in the same supplement, and when the numbered provision is next republished the amend-

ment shall be specifically canceled. In the interim, if and when the supplement (to a bound tariff) in which an amendment appears is canceled, such amendment must be carried forward as reissued matter in the regular manner.

(10) Each postponement-notice provision shall be published in the fore part of the publishing supplement and, unless specifically canceled in a later supplement in the case of a bound tariff, it must be carried forward as reissued matter in the regular manner. In bound tariffs, cancellation of the latest postponing notice provision affecting an unnumbered tariff provision may only be accomplished by the republication of the postponed provisions or as amended, and postponing provisions affecting an entire tariff or entire supplement must be carried forward as reissued provisions for the life of the tariff. In loose-leaf tariffs, the postponing supplement may be canceled by the check sheet or by a reissue of one of the affected pages.

(11) Only one postponement and one further postponement are authorized by this paragraph, and the total period of postponement may not extend beyond 90 days from the original effective date unless the proposed new or changed provision is to be canceled. In this event a further postponement for another 30 days may be published upon not less than eight days' notice provided such cancellation is published at the same time upon full statutory or other lawful notice. When effecting such cancellation in a bound tariff, the supplement which effects the postponement may also include the cancellation of the matter but in full accord with the regulations in this part. When loose-leaf pages, the postponing supplement may include the cancellation only if the circumstances are such that cancellation by supplement is authorized in the regulations in this part. Where an amendment or notice is used for further postponement, the wording of the amendment or notice must detail the fact of the prior postponement, including the original published effective date, and the last date to which it had been postponed. The new amendment or notice shall specifically cancel the prior amendment or notice, and where the prior amendment or notice is published in a special supplement containing no other matter the new supplement must cancel it.

(12) If any matter being postponed hereunder is the subject of a petition for suspension by another party, the publishing carrier or agent, as the case may be, must at once notify each petitioner by first class mail or by telegram of the fact of postponement and must by telegram advise this Commission's Suspension and Fourth Section Board of the postponement and therein confirm that the petitioner or petitioners have been so notified.

(13) Supplements issued to bound tariffs under the regulations in this paragraph and which contain no other matter shall be exempt from the limitations of this part pertaining to the number of effective supplements and the volume of supplemental matter permitted to a tariff.

(14) The authority of this paragraph may not be used to postpone the effective date of rates or other provisions comprising part or the whole of a general adjustment of rates and charges by the carrier or its agent published by means of a conversion table.

(i) *Tariffs covering emergency transportation operating authority.* (1) Subject to the provisions of this paragraph, a carrier (not an agent) may establish rates and other tariff provisions covering emergency movements authorized by this Commission under section 210a(a) of the Interstate Commerce Act, without further notice prior to acceptance of property for transportation other than (i) posting, where required, of an individual tariff (not a loose-leaf page) containing such rates and other provisions (such a tariff may refer to one or more agents' tariffs for governing provisions), or containing provisions other than rates and referring to one or more agents' tariffs for such rates and other provisions, and (ii) having three copies of the tariff with a letter of transmittal, filed with the Commission's Bureau of Operations' field office which has jurisdiction over the point at which the carrier is domiciled or such other field office as the Commission may designate in special circumstances.

(2) A supplement may be issued to a tariff filed under this paragraph only for the purpose of extending the expiration date of the tariff to the date with which the emergency temporary authority, or an extension thereof, expires. Such a supplement shall be subject to the posting and filing requirements provided for tariffs in subparagraph (1) of this paragraph.

(3) The publications must be issued in the name of the carrier and may contain only matter pertaining to the emergency temporary authority. The ICC number assigned to the publication shall show a "W" prefix in the following manner:

ICC W (here show number)

The first "W" series tariff issued shall be assigned the number one. Subsequent tariffs shall be numbered consecutively.

(4) Each tariff must show on the title page a specific expiration date which is not later than 45 days after the effective date of the tariff.

(5) Each tariff referred to by a "W" series tariff must be identified by its ICC (or MF-ICC) number. The carrier must certify in writing to the appropriate field office of this Commission that it is a participant in each such tariff.

(6) Should the provisions of a "W" series tariff not conform to the emergency temporary authority actually granted, another "W" series tariff may be filed hereunder to cancel the first "W" series tariff and bring the provisions into conformity with the grant.

(7) Except as otherwise provided in paragraph (i) (6) of this section, the provisions of this paragraph do not authorize the cancellation of any rate or other provision, and do not authorize the establishment of any rate or other provision that will conflict with or duplicate any other rate or other provision for account of the carrier.

§ 1310.29 Commodity rates determined by the use of rate base numbers (Rule 29).

(a) *May be filed.* Commodity rates may be published which depend for their application upon the use of rate base numbers published for determination of class rates in the same or other tariffs. A tariff naming such rates need not comply with § 1310.7(i) (rule 7). Column Commodity Rates shall be the term used in captions for and references to such rates.

(b) *Reference to other tariffs for rate base numbers.* (1) A publication published in the name of a carrier and containing such rates (either local or joint) may only refer to rate base numbers in tariffs of that carrier's own issue or, in the alternative, may refer to tariffs of one or more agents. If any agent's tariff is referred to, all carriers parties to such rates must be parties to the tariff referred to and the issuing carrier must at least be a party thereto for local application of the class rates therein.

(2) A publication published in the name of an agent and containing such rates may only refer to one or more tariffs of that agent's own issue, and carriers parties to the column commodity rates must be parties as well to each other tariff referred to.

(3) Reference to a tariff for such purposes permits use of any and all rate base numbers published therein necessary for application of the column commodity rates referring thereto, regardless of effect, if any, of scope of operating authority provisions of the carriers which otherwise would limit the application of the referred to tariff for such carriers.

(c) *Other requirements.* (1) The commodity or commodities must be clearly identified, and unexplained generic terms may not be used. The application of the rates, including the territorial application thereof, must be clear and explicit.

(2) Column commodity rates, of whatever kind, may not alternate with, supersede, or be superseded by any other kind of column commodity rates.

(3) Column commodity rates shall not be published or maintained which conflict with or duplicate the application of other commodity rates. To avoid this, tariffs naming column commodity rates may publish on the title page (if all rates are of this category) or in direct connection with the rates the following notation:

Column commodity rates shown herein may be used only when no commodity rates (other than column commodity rates) have been established to apply from and to the same points over the same route, except that column commodity rates will supersede and take precedence over distance or mileage commodity rates.

§ 1310.30 Substituted service (rail for motor) (Rule 30).

(a) *Tariffs may provide for substituted service.* Provisions for the substitution of rail carrier service for available motor carrier service may be published either

in the tariffs naming line-haul rates on shipments upon which the substituted service will be performed or in a governing substituted freight service directory to which specific reference must be made by ICC (or MF-ICC) number.

(b) *Required provisions.* The provisions shall provide as a minimum the following:

(1) The points between which the substitution will be performed;

(2) The name of the rail carrier which will perform the substitution; and

(3) That the shipper will have the option of directing that substituted service shall not be provided on any shipment.

(c) *Participation of rail carrier.* The rail carrier must be a party to the rate tariff in all cases and to the substituted freight service directory when one is used. The rail carrier's name and the form and number of the concurrence must in all cases be listed in the appropriate place. The rail carrier need not be listed as a participant in other governing tariffs. This paragraph does not apply where the motor carrier employs a rail service covered by rail ramp-to-ramp trailer or container on flat car service tariffs open for use by motor carriers, but for which substitution the rail carrier has not issued a concurrence or power of attorney.

(d) *Substituted freight service directory.* Only provisions for substituted service (not rates or charges) may be published in a substituted freight service directory, which must be indicated as applicable only where reference is made thereto in rate tariffs.

(e) *Different rates prohibited.* In no case may a rate be published to apply where substitution is performed and a different rate published to apply on the same shipment where substitution is not performed.

(f) *Routing provisions not required.* Routing provisions may not be published to apply over the lines of the motor carrier and the rail carrier in connection with the performance of substituted service.

§ 1310.31 Transmission of publications to subscribers (Rule 31).

(a)(1) Except as otherwise authorized in paragraphs (a)(2) and (4) of this section, copies of each new tariff, supplement, and loose-leaf page must be transmitted to subscribers thereto not later than the time the copies for official filing are transmitted to the Commission. The letter of transmittal accompanying the copies to the Commission must contain the following certification:

I hereby certify that I have on or before this day sent copies of the publication(s) listed hereon to all subscribers thereto by (here state the exact method or combination of methods of transmission used, such as messenger service, express service, U.S. Postal Service, etc. If the U.S. Postal Service, the exact class or combination of classes of mail used must be stated).

(Signature of person transmitting publication(s))

(Date)

(2) If a new tariff or supplement is filed which in its entirety is published under an authority from the Commission to publish and file on notice of less than 10 days, and if a new loose-leaf page is filed which contains a provision published under an authority from this Commission to publish and file on notice of less than 10 days, subparagraph (1) of this paragraph need not be complied with as to such publication if it cannot be or compliance would cause excessive delay, but such copies must be transmitted to subscribers thereto within 4 calendar days after the day the copies for official filing are transmitted to the Commission, and the letter of transmittal must contain the following certification:

I hereby certify that I will within 4 calendar days after today send copies of the publication(s) listed hereon to all subscribers thereto by (here show exact method or combination of methods of transmission to be used, such as messenger service, express service, U.S. Postal Service, etc. If the U.S. Postal Service, the exact class or combination of classes of mail to be used must be stated.

(Signature of person transmitting publication(s))

(Date)

Included in this exception are supplements issued for the purpose of announcing suspensions made by the Commission, publications announcing adoptions, and publications containing only rates or provisions covering emergency transportation authorized by this Commission pursuant to section 210a(a) of the Interstate Commerce Act.

(3) When copies of different publications are transmitted to the Commission at the same time, some of which have been transmitted to subscribers in compliance with paragraph (a)(1) of this section and some of which will be transmitted to subscribers in compliance with paragraph (a)(2) of this section, two letters of transmittal must accompany the copies to the Commission one complying with paragraph (a)(1) of this section and the other complying with paragraph (a)(2) of this section.

(4) If there are no subscribers to any publication listed on a letter of transmittal accompanying the copies for official filing to the Commission, the letter of transmittal must contain the following certification:

I hereby certify that there are no subscribers to the publication(s) listed hereon.

(Signature of person transmitting publication(s))

(Date)

If copies of different publications are transmitted to the Commission at the same time, some of which are subscribed to and some of which are not, only the provisions of paragraphs (a)(1) or (2) of this section; or both, as the case may be, need be complied with.

(5) Expedited service when transmitting copies of publications must be provided to any subscriber requesting it. The cost of this service may be passed on to the subscriber.

(6) Carriers and agents shall furnish a copy of any of their tariffs to any person upon reasonable request therefor, free or at a reasonable price, not to be greater than that charged subscribers.

(7) As used herein, the term "subscriber" means a party who voluntarily or upon reasonable request is furnished copies of a particular tariff or tariffs and amendments thereto (including reissues thereof) by the publishing carrier or agent. The term does not, however, pertain to requests for a copy or copies of a tariff without a request for future amendments thereto. A reasonable charge may be made for the subscription.

[FR Doc.73-15957 Filed 8-2-73;8:45 am]

DEPARTMENT OF THE TREASURY

U.S. Customs Service

[19 CFR Parts 4 and 6]

CONTAINERIZED OR PALLETIZED CARGO

Proposed Customs Regulations of Load and Count on Manifests

Notice is hereby given that under the authority of Revised Statute 251, as amended (19 U.S.C. 66), section 431, 46 Stat. 710, as amended (19 U.S.C. 1431), and section 624, 46 Stat. 759 (19 U.S.C. 1624), it is proposed to amend §§ 4.7a, 4.63, and 6.6 of the Customs Regulations to permit use of qualifying words relating to load or count information on manifests for containerized or palletized cargo. The nature of the subject cargo is such that, for the most part, only the shipper has knowledge of the inner packages of the shipment within the container. However, the master of a vessel must prepare a manifest describing his vessel's cargo. Since he may lack sufficient information to do so, it has been decided to amend the Customs Regulations to allow individuals preparing manifests for cargo carried aboard vessels or aircraft to use certain qualifying words on manifests to indicate that they are not preparing the manifests on the basis of personal knowledge as to the cargo, but rather on the basis of information received from the shipper.

Accordingly, it is proposed to amend § 4.7a of the Customs Regulations by adding a new paragraph (c) to read as follows:

§ 4.7a Inward foreign manifest; information required; alternative forms.

* * * * *

(c) United States Customs Inward Foreign Manifest. For shipments of con-

tainerized or palletized cargo, Customs officers shall accept United States Customs Inward Foreign Manifest, Customs Form 7527–A, or Inward Foreign Manifest, Customs Form 7527–B, which indicate that the manifest has been prepared on the basis of information furnished by the shipper, although the use of words of qualification in no way limits the liability of a master to submit accurate manifests or in any way qualifies the oath taken by the master as to the accuracy of his manifest.

(1) If the inward manifest covers only containerized or palletized cargo, the following statement may be placed on the manifest:

The information appearing on the manifest relating to the quantity and description of the cargo is in each instance based on the shipper's load and count. I have no knowledge or information which would lead me to believe or to suspect that the information furnished by the shipper is incomplete, inaccurate, or false in any way.

(2) If the manifest covers conventional cargo and containerized or palletized cargo, or both, the use of the abbreviation "SLC" for "shipper's load and count," or an appropriate abbreviation if similar words are used, is approved provided the abbreviation is placed next to each containerized or palletized shipment on the manifest and the following statement is placed on the manifest:

The information appearing on this manifest relating to the quantity and description of cargo preceded by the abbreviation "SLC" is in each instance based on the shipper's load and count. I have no information which would lead me to believe or to suspect that the information furnished by the shipper is incomplete, inaccurate, or false in any way.

The statements specified in paragraph (c)(1) and (2) of this section shall be placed on the last page of the inward manifest. Words similar to "the shipper's load and count" may be substituted for those words in the statements, although vague expressions such as "said to contain" or "accepted as containing" are not acceptable. The use of an asterisk or other character instead of appropriate abbreviations, such as "SLC," is not acceptable.

It is also proposed to amend section 4.63 by adding a new paragraph (f) to read as follows:

§ 4.63 Outward cargo declaration; shippers' export declarations.

* * * * *

(f) Customs officers shall accept an outward manifest covering containerized or palletized cargo which indicates by the use of appropriate words of qualification (see § 4.7a(c) of this part) that the manifest has been prepared on the basis of information furnished by the shipper.

It is also proposed to amend § 6.6 by adding a new paragraph (c) to read as follows:

§ 6.6 Documents: form.

* * * * *

(c) Customs officers shall accept an inward or outward air cargo manifest covering containerized or palletized cargo which indicates by the use of appropriate words of qualificaion (see § 4.7a(c) of this part) that the manifest has been prepared on the basis of information furnished by the shipper. However, the use of qualifying words in no way limits the liability to submit accurate manifests or in any way qualifies the declaration as to the accuracy of the manifest.

Data, views, or arguments with respect to the foregoing proposal may be addressed to the Commissioner of Customs, Attention: Regulations Division, Washington, D.C. 20229. To insure consideration of such communications, they must be received in the Bureau on or before September 4, 1973.

Written material or suggestions submitted will be available for public inspection in accordance with § 103.3(b) of the Customs Regulations (19 CFR 103.3(b)), at the Regulations Division, Bureau of Customs, Washington, D.C., during regular business hours.

[SEAL] VERNON D. ACREE,
Commission of Customs.

Approved: July 26, 1973.

EDWARD L. MORGAN,
Assistant Secretary of the Treasury.

[FR Doc.73–16067 Filed 8–2–73;8:45 am]

[19 CFR Part 24]

CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURE

Proposed Customs Regulations on Official Receipt of Payment of Duties at Time of Entry and Payment of a Customs Bill

Notice is hereby given that under the authority of Revised Statute 251, as amended (19 U.S.C. 66), and section 624 of the Tariff Act of 1930 (19 U.S.C. 1624), it is proposed to amend §§ 24.3(b) and (c) of the Customs Regulations (19 CFR 24.3(b), (c)), to provide that a special receipt will not normally be given by Customs for the payment of Customs duties made at the time of entry on a dutiable consumption entry or appraisement entry, or for the payment of a Customs bill. This is in conformity with standard commercial accounting practice. Furthermore, since most of the payments to Customs are made by check, a copy of the payer's entry or his Customs bill, together with his cancelled check, will serve as the official receipt of payment.

Since payment of Customs duties at time of entry, § 24.3(c), generally occurs before payment of a Customs bill, § 24.3 (b), the contents in the two paragraphs are reversed to present a more logical order.

Accordingly, it is proposed to amend paragraphs (b) and (c) of § 24.3 to read as follows:

§ 24.3 Bills and accounts; receipts.

* * * * *

(b) A receipt for the payment of Customs duties made at the time of entry on a dutiable consumption entry or an appraisement entry will not normally be provided a payer. If payment is made by check, a copy of the entry and the payer's cancelled check shall constitute evidence of such payment to Customs. Should the payer desire evidence of receipt, he shall submit with his entry either an additional copy of Customs Form 5101 or an additional copy of the entry. The additional copy shall then be marked paid by the appropriate Customs official and returned to the payer.

(c) A copy of a Customs bill validated as paid will not normally be provided a payer. If a bill is paid by check, the copy of the Customs bill identified as "Payer's Copy" and the payer's cancelled check shall constitute evidence of such payment to Customs. Should a payer desire evidence of receipt, both the "Bureau of Customs Copy" and "Payer's Copy" of the bill, and, in the case of payments by mail, a stamped, self-addressed envelope shall be submitted. The "Payer's Copy" of the bill shall then be marked paid by the appropriate Customs official and returned to the payer.

* * * * *

Consideration will be given to relevant data, views, or arguments pertaining to the proposed amendment which are submitted to the Commissioner of Customs, Attention: Regulations Division, Washington, D.C. 20229, and received on or before September 4, 1973.

Written material or suggestions submitted will be available for public inspection in accordance with § 103.3(b) of the Customs Regulations (19 CFR 103.3(b)), at the Regulations Division, Bureau of Customs, Washington, D.C., during regular business hours.

[SEAL] VERNON D. ACREE,
Commissioner of Customs.

Approved: July 25, 1973.

EDWARD L. MORGAN,
Assistant Secretary of the Treasury.

[FR Doc.73–16068 Filed 8–2–73;8:45 am]

DEPARTMENT OF THE INTERIOR

National Park Service

[36 CFR Part 7]

SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SERVICE

Andersonville National Historic Site, Ga.

Correction

FR Doc. 73–15445 appearing at page 20071 in the issue of Friday, July 27, 1973, was inadvertently published in the Rules and Regulations Section of this issue. The document should have been published in the Proposed Rules Section with the headings reading as set forth above.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 56]

SHELL EGGS

Proposed Grading Standards

Notice is hereby given that the U.S. Department of Agriculture is consider-

ing amendments to the Regulations Governing the Grading of Shell Eggs and U.S. Standards, Grades, and Weight Classes For Shell Eggs (7 CFR Part 56), under authority of the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621–1627).

Statement of Considerations. The shell egg standards for individual quality of eggs presently consider both the depth of the air cell and its movement as quality factors. When eggs are first laid, they do not have an air cell. However, as the egg cools, the contents contract, drawing air into the space between the outer and inner shell membranes to form an air cell. As the egg ages, there is a progressive loss of moisture and an increase in the size of the air cell. Thus, there is a correlation between air cell size and the age of the egg which is associated with quality. However, recent research indicates that there is no significant correlation between air cell movement and quality as determined by the Haugh Unit breakout test which is the most objective method of determining interior egg quality. Eggs with the same size air cells, whether fixed or moveable, do not differ significantly in quality when subjected to the breakout test. Accordingly, the Department proposes to delete all reference to air cell movement from the quality standards for individual eggs. Air cell size would remain a quality factor.

Some adjustments would be made in the consumer and procurement grade tolerances. Provision would be made for a small tolerance for Leakers and Loss eggs caused by meat or blood spots which cannot be detected in fresh, high-quality eggs by present grading techniques. The tolerance for Checks would be slightly increased (from 3 to 5 percent) in the Procurement grades and the standards would be reworded so that the terminology would be compatible between the Consumer and Procurement grades. The adjustments are minor, but will provide a more realistic basis for grading eggs, recognizing that tolerances must be in line with industry capabilities under the most efficient and advanced processing techniques.

A change is being proposed in the egg washing operations in plants using the USDA voluntary grading service. Official plants which utilize a water supply with an iron content in excess of 2 parts per million would be required to provide equipment which will reduce such supply to 2 parts per million or less. Eggs washed in water with excessive iron content are more susceptible to spoilage.

Recently, the Department established a grade standard for "Nest Run Eggs" (37 FR 22791) October 25, 1972. There has been some confusion as to the type of eggs that would qualify as "Nest Run." To clarify this matter, the proopsal includes a definition of "Nest Run Eggs." The nest run standard is designed to anticipate the grade yield of eggs which have not been washed, graded, or sized. Eggs which have been washed, graded, or sized are not eligible to be graded under this standard.

It is the Department's policy not to discriminate against anyone in the conduct of our shell egg services or the licensing of graders because of race, color, creed, sex, or national origin. So this may be clearly understood, the proposal includes a statement on nondiscrimination.

All persons who desire to submit written data, views, or comments in connection with this proposal shall file the same in duplicate with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than September 4, 1973.

All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposed amendments are as follows:

1. In § 56.1, immediately following the definition for "National supervisor," a new definition for "Nest run eggs" would be inserted to read:

"*Nest run eggs*" means eggs which are packed as they come from the production facilities without having been washed, sized and/or candled for quality, with the exception that some Checks, Dirties, or other obvious undergrades may have been removed at the time of gathering.

2. In § 56.3, the present text would be designated paragraph (a) and a new paragraph (b) would be added to read:

§ 56.3 Administration.

* * * * *

(b) The conduct of all services and the licensing of graders under these regulations shall be accomplished without discrimination as to race, color, creed, sex, or national origin.

3. In § 56.42, paragraph (b) (10) would be amended to read:

§ 56.42 Requirements for eggs packaged under Fresh Fancy quality grade mark or AA grade mark as shown in figures 4 and 5 of § 56.36.

* * * * *

(b) Minimum requirements at packaging plant.

* * * * *

(10) Graders shall examine samples of packaged product in accordance with the provisions of § 56.4 or as determined by the National supervisor. A tolerance of 15 percent is permitted in eggs that are of B quality with respect to shell. Within the 15 percent tolerance, 5 percent in any combination may be C quality due to shell, or meat or blood spots and Checks. In addition, 0.30 percent may be Leakers and Loss (due to meat or blood spots) in any combination. No Dirties or Loss other than as specified are permitted.

4. In § 56.43, paragraph (e) would be amended to read:

§ 56.43 Requirements for eggs packaged under the U.S. Grade mark as shown in figure 7 of § 56.36.

* * * * *

(e) A tolerance of 5 percent is permitted in any combination for C quality with respect to shell, meat or blood spots, and Checks. In addition, 0.30 percent may be Leakers and Loss (due to meat or blood spots) in any combination. No Dirties of Loss other than as specified are permitted.

5. In § 56.76, paragraph (e) (8) would be amended to read:

§ 56.76 Minimum facility and operating requirements for shell egg grading and packing plants.

* * * * *

(e) *Shell egg cleaning operations.* * * *

(8) Only potable water may be used to wash eggs and each official plant shall submit certification to the National Office stating that their water supply is potable. An analysis of the iron content of the water supply, stated in parts per million, is also required and when the iron content exceeds 2 parts per million, equipment shall be provided to correct the excess iron content.

* * * * *

6. In § 56.201, the second sentence would be amended to read:

"The air cell must not exceed ⅛ inch in depth, may show unlimited movement, and may be free or bubbly."

7. In § 56.202, the second sentence would be amended to read:

"The air cell shall not exceed $\frac{3}{16}$ inch in depth, may show unlimited movement, and may be free or bubbly."

8. In § 56.204, the fourth sentence would be amended to read:

"The air cell may be over ⅜ inch in depth, may show unlimited movement, and may be free or bubbly."

9. In § 56.209, paragraph (b) would be deleted and paragraphs (c) and (d) would be designated (b) and (c), respectively.

10. In § 56.216, paragraphs (b), (c), and (d) would be amended to read:

§ 56.216 Grades.

* * * * *

(b) *U.S. Grade AA.* (1) U.S. Consumer Grade AA (at origin) shall consist of eggs which are 85 percent AA quality. The maximum tolerance of 15 percent which may be below AA quality may consist of A or B quality in any combination, with not more than 5 percent C quality or Checks in any combination and not more than 0.30 percent Leakers or Loss (due to meat or blood spots) in any combination. No Dirties or Loss other than as specified are permitted. This grade is also applicable when the lot consists of eggs meeting the requirements set forth in § 56.42.

(2) U.S. Consumer Grade AA (destination) shall consist of eggs which are 80 percent AA quality. The maximum tolerance of 20 percent which may be below AA quality may consist of A or B in any combination with not more than 5 percent C quality or Checks in any combination and not more than 0.50 percent Leakers, Dirties, or Loss (due to meat or blood spots) in any combination, except that such Loss may not exceed 0.30 percent. Other types of Loss are not permitted. This grade is also applicable

when the lot consists of eggs meeting the requirements set forth in § 56.42.

(c) U.S. Grade A:

(1) U.S. Consumer Grade A (at origin) shall consist of eggs which are 85 percent A quality or better. Within the maximum tolerance of 15 percent which may be below A quality, not more than 5 percent may be C quality or Checks in any combination, and not more than 0.30 percent Leakers or Loss (due to meat or blood spots) in any combination. No Dirties or Loss other than as specified are permitted. This grade is also applicable when the lot consists of eggs meeting the requirements set forth in § 56.43.

(2) U.S. Consumer Grade A (destination) shall consist of eggs which are 80 percent A quality or better. Within the maximum tolerance of 20 percent which may be below A quality, not more than 5 percent may be C quality or Checks in any combination, and not more than 0.50 percent Leakers, Dirties, or Loss (due to meat or blood spots) in any combination, except that such Loss may not exceed 0.30 percent. Other types of Loss are not permitted. This grade is also applicable when the lot consists of eggs meeting the requirements set forth in § 56.43.

(d) U.S. Grade B:

(1) U.S. Consumer Grade B (at origin) shall consist of eggs which are 85 percent B quality or better. Within the maximum tolerance of 15 percent which may be below B quality, not more than 10 percent may be Checks and not more than 0.30 percent Leakers or Loss (due to meat or blood spots) in any combination. No Dirties or Loss other than as specified are permitted.

(2) U.S. Consumer Grade B (destination) shall consist of eggs which are 80 percent B quality or better. Within the maximum tolerance of 20 percent which may be below B quality, not more than 10 percent may be Checks and not more than 0.50 percent Leakers, Dirties, or Loss (due to meat or bood spots) in any combination, except that such Loss may not exceed 0.30 percent. Other types of Loss are not permitted.

* * * * *

11. In § 56.217, Table I would be amended by deleting the words "Not over 0.5" and "Leakers or Dirties" whenever they appear and adding footnotes [2] and [3] at the end of the table to read, respectively:

[2] For the U.S. Consumer grades (at origin), a tolerance of 0.30 percent Leakers or Loss (due to meat or blood spots) in any combination is permitted. No Dirties or other type Loss are permitted.

[3] For the U.S. Consumer grades (destination), a tolerance of 0.50 percent Leakers, Dirties, or Loss (due to meat or blood spots) in any combination is permitted, except that such Loss may not exceed 0.30 percent. Other types of Loss are not permitted.

12. In § 56.221, paragraphs (a) and (b) would be amended to read:

§ 56.221 Grades.

(a) U.S. Procurement Grade I:

(1) U.S. Procurement Grade I (at origin) shall consist of eggs which are 85 percent A quality or better. Within the maximum tolerance of 15 percent which may be below A quality, not more than 5 percent may be C quality or Checks in any combination and not more than 0.30 percent may be Dirties, Leakers, and Loss combined. Loss, other than meat or blood spots, shall not exceed 0.15 percent.

(2) U.S. Procurement Grade I (destination) shall consist of eggs which are 80 percent A quality or better. Within the maximum of 20 percent which may be below A quality, not more than 5 percent may be C quality or Checks, in any combination and not more than 0.50 percent may be Dirties, Leakers, and Loss combined. Loss, other than meat and blood spots shall not exceed 0.20 percent.

(b) U.S. Procurement Grade II:

(1) U.S. Procurement Grade II (at origin) shall consist of eggs which are 65 percent A quality or better. Within the maximum tolerance of 35 percent which may be below A quality, not more than 10 percent may be C quality or Checks in any combination, except that Checks may not exceed 5 percent and not more than 0.30 percent may be Dirties, Leakers, and Loss combined. Loss, other than meat and blood spots shall not exceed 0.15 percent.

(2) U.S. Procurement Grade II (destination) shall consist of eggs which are 60 percent A quality or better. Within the maximum tolerance of 40 percent which may be below A quality, not more than 10 percent may be C quality or Checks, in any combination, except that Checks may not exceed 5 percent and not more than 0.50 percent may be Dirties, Leakers, and Loss combined. Loss, other than meat and blood spots, shall not exceed 0.20 percent.

* * * * *

13. In § 56.222, Table I would be amended by deleting the words:

"Dirty," "Leaker," and "Loss" whenever they appear, deleting footnote 2 and adding new footnotes 2 and 3 to read, respectively:

[2] For U.S. Procurement Grades (at origin), a maximum of 5 percent Checks is permitted and not more than 0.30 percent may be Dirties, Leakers, and Loss combined. Loss other than meat and blood spots shall not exceed 0.15 percent.

[3] For U.S. Procurement Grades (destination), a maximum of 5 percent Checks is permitted and not more than 0.50 percent may be Dirties, Leakers, and Loss combined. Loss, other than meat and blood spots, shall not exceed 0.20 percent.

Done at Washington, D. C., this 30th day of July 1973.

JOHN C. BLUM,
Acting Administrator.

[FR Doc.73-16031 Filed 8-2-73;8:45 am]

[7 CFR Part 989]

RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Proposed Change in List of Varietal Types

Notice is hereby given of a proposal, pursuant to the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 989), hereinafter referred to collectively as the "order", regulating the handling of raisins produced from grapes grown in California, to change the list of varietal types of raisins set forth in § 989.10 of the order by deleting "Alicante Bouschet", "Cardinal", "Carignane", "Italia", "Malaga", and "Zinfandel" from the list. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The changed list of varietal types would be set forth as a new § 989.110 in the Subpart—Administrative Rules and Regulations (7 CFR 989.101-989.176, 38 FR 10074, 13012, 14959).

Section 989.10 defines "varietal type" to mean raisins generally recognized as possessing characteristics differing from other raisins in a degree sufficient to make necessary or desirable separate identification and classification. In addition to listing the varietal types, that section also provides that the Raisin Administrative Committee may from time to time, subject to the approval of the Secretary, change this list of varietal types.

Cardinal, Italia and Malaga grapes are primarily marketed fresh as table grapes and only limited quantities are made into raisins. The Committee has concluded that it is not necessary to have separate identifications and classifications for raisins produced from these varieties of grapes because the raisins possess characteristics which are similar to Muscat (natural (sun-dried) Muscat or Layer Muscat) or Valencia (bleached Muscat) raisins. "Natural (sun-dried) Muscat", "Layer Muscat" and "Valencia" raisins are listed as varietal types in § 989.10. Hence, the Committee unanimously recommended that the list of varietal types of raisins be changed to delete "Cardinal", "Italia", and "Malaga" from the list and that raisins produced from these varieties of grapes be considered to be the applicable Muscat or Valencia raisins for purposes of regulation under the order.

Alicante Bouschet, Carignane and Zinfandel grapes are wine variety grapes. There have been only insignificant quantities of these grapes dried to raisins since they were included in the order as varietal types of raisins (in 1960). It is not likely that production of raisins from these grape varieties will be in quantities expected to be of any commercial significance. Therefore it is also proposed that these three varietal types be deleted from the list of varietal types of raisins in § 989.10.

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are received by the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than August 15, 1973. All written submissions made pursuant to this notice should be in quadruplicate and will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal is to add a new § 989.110 to read as follows:

§ 989.110 Changed list of varietal types.

Pursuant to § 989.10, the list of varietal types of raisins contained in that section is changed to read: Natural (sun-dried) Thompson Seedless, natural (sun-dried) Muscat, natural (sun-dried) or artificially dehydrated Sultana, natural (sun-dried) or artificially dehydrated Zante Currant, Layer Muscat, Golden Seedless, Sulfur Bleached, Soda Dipped, Valencia and Monukka.

Dated: July 31, 1973.

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

[FR Doc.73-16082 Filed 8-2-73;8:45 am]

[7 CFR Part 993]

Modified Definition of Non-French Prunes

Notice is hereby given of a proposal to modify the definition of "non-French prunes" set forth in § 993.6 by adding "Moyer" to that definition. The definition, as so modified, would be set forth as a new § 993.109 in Subpart—Administrative Rules and Regulations (7 CFR 993.101-993.174).

The proposal was unanimously recommended by the Prune Administrative Committee pursuant to the marketing agreement, as amended, and Order No. 993, as amended (7 CFR Part 993), regulating the handling of dried prunes produced in California. The amended marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

Section 993.6 defines the term non-French prunes to mean prunes produced from varieties of plums listed in that definition. Section 993.6 also provides that this definition may be modified by the Committee with the approval of the Secretary.

Section 993.7 of the order defines "French prunes" to mean: (a) Prunes produced from plums of the following varieties of plums: French (Prune d'Agen, Petite Prune d'Agen), Coates (Cox, Double X, Saratoga); and (b) any other prunes which possess taste, flesh texture, and other characteristics similar to those of the prunes named in that section. Thus, any prunes which do not possess characteristics similar to French prunes would be considered non-French prunes.

Because prunes made from Moyer variety of plums do not possess characteristics similar to French prunes, the Committee recommended that "Moyer" be included in the definition of non-French prunes.

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are received by the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than August 15, 1973. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal is to amend the Subpart—Administrative Rules and Regulations (7 CFR 993.101-993.174) by the addition of a new § 993.109 reading as follows:

§ 993.109 Modified definition of non-French prunes.

The definition of non-French prunes set forth in § 993.6 is modified to read as follows:

"Non-French Prunes" means prunes commonly known as Imperial, Sugar, Robe de Sargent, Burton, Standard, Jefferson, Fellenberg, Italian, President, Giant, Hungarian (Gross), and Moyer, produced from such varieties of plums. This definition may be modified by the Committee with the approval of the Secretary.

Dated: July 31, 1973.

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

[FR Doc.73-16083 Filed 8-2-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket 73-19; Notice 1]

[49 CFR Part 581]

BUMPER STANDARD

Notice of Proposed Rulemaking

The purpose of this notice is to propose a bumper standard that will reduce the damage sustained by passenger cars in low speed crashes. The proposed standard issues under Title I of the Motor Vehicle Information and Cost Savings Act, Public Law 92-513, 15 U.S.C. 1901-1991, and represents the first exercise of the authority created by the Act to regulate aspects of bumper performance in addition to the safety aspects.

The proposed standard would require passenger cars manufactured after September 1, 1974, to meet a set of damage criteria after impacting a fixed barrier in accordance with a test procedure originally developed for Motor Vehicle Safety Standard No. 215 (49 CFR 571.215). It would further require passenger cars manufactured after September 1, 1975, to meet the same damage criteria after a series of impacts by the test pendulum used for Standard No. 215. The agency's expectation is that upon the date the pendulum tests go into effect, Standard No. 215 will have been wholly included within the new standard and can be removed from the list of safety standards.

The standards-writing authority created by the Cost Savings Act is patterned upon that of the National Traffic and Motor Vehicle Safety Act, P.L. 89-563, under which the safety standards are issued. The safety standard format that has been developed over the years appears equally suitable to property loss reduction standards. Standard No. 215, which will be fully in effect for most passenger cars after September 1, 1973, contains test procedures expressly designed to evaluate the basic strength and protective characteristics of bumpers. Barrier test procedures, in particular, have been widely used and are mentioned in the text of the Cost Savings Act as among those procedures expected to be used in the standard (section 2(6)). The agency has therefore tentatively decided to establish this bumper standard in a manner parallel to Standard No. 215.

As evidenced by the passage of the Cost Savings Act, the safety authority under which the protective criteria of Standard No. 215 were established was not considered sufficient to remedy the problem of low-speed collision damage. Standard No. 215's criteria protect the safety of the vehicle's operating systems, such as its lights, brakes, cooling system, and power train, but do not prevent damage to components that do not affect the vehicle's safety. A dent in the sheet metal of the fenders or in the bumpers, or a broken grille, would not constitute a failure of Standard No. 215. Such damage is far from immaterial to the car owner, however, who must face the choice of repair, which is likely to be expensive, or nonrepair, which diminishes the resale value of the car. After reviewing extensive testimony on the prevalence of costly damage in low speed accidents, the Congress concluded that it was necessary to regulate the economic effects of such accidents and not just their safety effects. To this end, the Act directs the Secretary of Transportation to promulgate bumper standards and provides in section 102(b)(1) that any such standard shall seek to obtain the maximum feasible reduction of costs to the public and to the consumer, taking into account:

(A) The cost of implementing the standard and the benefits attainable as the result of implementation of the standard;

(B) The effect of implementation of the standard on the cost of insurance and prospective legal fees and costs;

(C) Savings in terms of consumer time and inconvenience; and

(D) Considerations of health and safety, including emission standards.

The rulemaking process under the Act thus involves the balancing of many factors to determine what level of performance is economically most beneficial to the consumer. The goal is not simply to require the most protective bumpers that can be produced. It may be that such bumpers would be so expensive to produce or replace that their use would involve a net economic loss to the consumer. In arriving at a tentative set of damage criteria, the agency has attempted to strike a balance between cost and protective capabilities. It is NHTSA's hope that, in the comments to the proposed standard and in the public meeting announced below, further information will be provided concerning the damage criteria.

In approaching the choice of damage criteria, the agency has attempted to

classify the types of damages that are of economic consequence to the consumer. One broad class of damage to operating systems is already included within Standard No. 215. The vehicle's lights, its hood, trunk and doors, and its fuel, cooling, exhaust, propulsion, suspension, steering, and braking systems are protected from damage under Standard No. 215's criteria. The agency's experience to date has been that these criteria provide an adequate measure of control and it is therefore proposing to incorporate them into the new standard without significant change.

The other broad class of damage consists of structural and surface anomalies that are produced when a part of the vehicle is stressed beyond its capacity to return to its original condition. Some types of damage within this class, such as internal deformation in the bumper itself, may not affect the appearance of the vehicle and are not likely to be regarded as "damage" by the consumer. The proposed criteria are therefore directed primarily toward those types of impact-related change in the vehicle that are likely to be visible and to detract from the appearance and market value of the vehicle.

Three criteria are proposed in addition to the criteria carried over from Standard No. 215. The first deals with the damage typified by the ornament that falls off in an accident, by the chrome trim strip that springs loose from the fender, and by the bumper bolt that shears off. This type of damage would be regulated by requiring the vehicle to experience no breakage or release of fasteners or joints as a result of the test impacts. The second deals with damage to covering materials, such as paint and polymeric coatings, that are bonded to the underlying surface. Chipping, flaking, and peeling of such bonded materials would be regulated by requiring the vehicle to experience no separation of bonded coverings as a result of impact. The third deals with geometric distortions in the vehicle's exterior surface—in the sheet metal, in the grille and other trim, and in the bumpers themselves, including displacement of the bumpers due to shortening of the bumper struts or mounting brackets. The proposed criteria would regulate such damage by prohibiting the occurrence of surface displacements or separations.

As proposed, the damage criteria apply to the face of the bumpers as well as to other portions of the vehicle's exterior surface. The pendulum test tends to impose highly concentrated forces on the surfaces contacted by the pendulum's impact ridge, so that the bumper faces would be particularly susceptible to dents and other surface displacements. The NHTSA requests that any comments regarding the applicability of the criteria to the bumper faces discuss: (a) The relative costs of achieving this level of bumper protection compared with lesser levels of protection, (b) the manner in which damage criteria applicable to the bumper system alone could be specified, (c) the historical cost of repairing bumper face damage, and (d) the cost to the consumer of unrepaired bumper face damage.

An additional criterion carried over from Standard No. 215 is the provision that the vehicle must not touch the pendulum during impact except on the pendulum's impact ridge. This criterion has been the basic means employed by Standard No. 215 to control the height and shape of the bumper for the purpose of reducing the tendency of cars to underride or override each other in collisions. This criterion has been the source of continuing controversy, but as yet the agency has not determined that it can be modified without sacrificing its basic goals. If changes are decided upon within the context of Standard No. 215, they will be reflected in the new standard.

The proposed standard would not have the broadest application permitted by the Act, in that it would not apply to multipurpose passenger vehicles. The agency has not concluded that there is good cause to exempt such vehicles indefinitely from the bumper standard, but it is not proposing to regulate them at this time. In view of the increasing popularity of this type, particularly as recreational vehicles, comments are invited as to the benefits to be gained from extending the standard to them.

Other considerations in the Act that are not directly incorporated in the proposed standard concern the bumper's ability to accommodate a trailer hitch and to accept a tow truck's towing device without damage. Each of these aspects of performance depend to some extent on the types of hitches and towing devices in current use. Comments are expressly requested on the characteristics of towing devices now in use and on the present and potential difficulties that may arise when they are attached to motor vehicles. Comments are also requested as to the considerations of bumper design that affect the attachment of trailer hitches. If rulemaking appears advisable upon review of such comments, it is likely that the effective date of the resulting rule would coincide with the effective date of the other bumper performance tests.

The effective dates proposed for the new standard follow the corresponding dates for the barrier and pendulum tests of Standard No. 215 by two years, with the exception of the corner impact tests, which would be effective September 1, 1975, under either standard. With respect to the barrier impact tests, most manufacturers have taken steps to meet the California and Maryland no-damage bumper tests in the 1974 models sold in those states. Introduction of similar improvements across the country by the start of the 1975 model year would appear practicable. The date for the pendulum tests may be the subject of more discussion than the barrier date, but at this point the agency considers September 1, 1975, to be reasonable.

In consideration of the foregoing, NHTSA is proposing a new bumper standard, to be designated as Part 581 of Title 49, Code of Federal Regulations. The proposed standard is set forth below.

In addition to soliciting written comments on the proposed standard, NHTSA is directed by section 102(e)(1) of the Act to give interested persons an opportunity for oral presentation of data, views, or arguments. Under the circumstances, the agency finds that a public meeting can provide an extremely useful means of discussing any controversial aspects of the rulemaking, and has therefore decided to hold a public meeting on the proposal on September 13, 1973. The administrative details of the meeting will be published shortly in a notice in the FEDERAL REGISTER.

In order to develop a comprehensive evaluation of the costs and benefits associated with the proposed bumper standard, the NHTSA requests the greatest practicable detail in the statements at the public meeting and in the docket comments. Of particular relevance is historical data on low speed (0–20 mph) crash experience during model years 1971 to 1973, as set forth below. A detailed list of questions relating to manufacturing costs is being prepared and is expected to be issued during the comment period.

(1) Frequency distribution of crashes according to impact speed

(2) Frequency distribution of crashes according to direction of impact

(3) Frequency distribution of crashes according to damage repair cost

(4) Type of damage and cost of repair following Standard No. 215 tests

(5) Equivalence between crash damage and repair costs obtained from controlled test and actual experience

(6) Rate of replacement or repair of bumpers by model year relative to each of the following: dents, damage to protective or decorative coating, deformation, and displacement of bumper

(7) Type of damage and cost of repair as a function of crash speed in actual crashes

(8) Changes in collision and property damage insurance rates ascribable to or expected from bumper standard requirements

(9) Reductions in the losses for which consumers are not compensated by insurance

(10) Effects that a reduction in the number of damage producing collisions will have upon public services and institutional activities such as police traffic services, court and legal processes, and traffic record systems

(11) Impacts on consumer factors related to convenience and time delays

(12) Effects on health and safety including emission standards, pedestrian injury severity, and struck vehicle occupant injury and property damage severity.

Interested persons are invited to submit comments on the proposal. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5221, 400 Seventh Street, SW., Washington, D.C. 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered by the Administration. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The Administration will continue to file relevant material, as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

(Section 102, Pub. L. 92-513, 86 Stat. 947, 15 U.S.C. 1912; delegation of authority at 38 FR 12147).

Comment closing date: September 14, 1973.

Proposed effective date: September 1, 1974.

Issued on July 30, 1973.

JAMES E. WILSON,
Associate Administrator,
Traffic Safety Programs.

PART 581—BUMPER STANDARD

S1. *Scope.* This standard establishes requirements for the impact resistance of vehicles in low speed front and rear collisions.

S2. *Purpose.* The purpose of this standard is to reduce physical damage to the front and rear ends of a passenger motor vehicle from low speed collisions.

S3. *Application.* This standard applies to passenger motor vehicles other than multipurpose passenger vehicles.

S4. *Definitions.* All terms defined in the Motor Vehicle Information and Cost Savings Act, P.L. 92-513, 15 U.S.C. 1901-1991, are used as defined therein.

S5. *Requirements.*

S5.1 *Vehicles manufactured on or after September 1, 1974.* Each vehicle manufactured on or after September 1, 1974, shall meet the damage criteria of S5.3.1 through S5.3.8 when it impacts a fixed collision barrier that is perpendicular to the line of travel of the vehicle, while traveling longitudinally forward at 5 m.p.h. and while traveling longitudinally rearward at 5 m.p.h., under the conditions of S6.1 and S6.3.

S5.2 *Vehicles manufactured on or after September 1, 1975.* Each vehicle manufactured on or after September 1, 1975, shall meet the damage criteria of S5.3.1 through S5.3.9 when impacted by a pendulum-type test device in accordance with the procedures of S7.1 and S7.2 followed by impacts into a fixed collision barrier that is perpendicular to the line of travel of the vehicle, while traveling longitudinally forward at 5 m.p.h. and while traveling longitudinally rearward at 5 m.p.h., under the conditions of S6.

S5.3 *Damage criteria.*

S5.3.1 Each lamp or reflective device, except license plate lamps, shall be free of cracks and shall comply with the applicable visibility requirements of S4.3.1.1 of Standard No. 108 (§ 571.108). The aim of each headlamp shall be adjustable to within the beam aim inspection limits specified in Table 2 of SAE Recommended Practice J559b, July 1970, measured with a mechanical aimer conforming to the requirements of SAE Standard J602a, July 1970.

S5.3.2 The vehicle's hood, trunk, and doors shall operate in the normal manner.

S5.3.3 The vehicle's fuel and cooling systems shall have no leaks or constricted fluid passages and all sealing devices and caps shall operate in the normal manner.

S5.3.4 The vehicle's exhaust system shall have no leaks or constrictions and shall operate in the normal manner.

S5.3.5 The vehicle's propulsion, suspension, steering, and braking systems shall remain in adjustment and shall operate in the normal manner.

S5.3.6 The vehicle's exterior surfaces shall have no separations of paint, polymeric coatings, or other covering materials from the surface to which they are bonded.

S5.3.7 There shall be no breakage or release of fasteners or joints.

S5.3.8 The vehicle's exterior surfaces shall have no deviations from their original contours and no separations of surface material.

S5.3.9 The vehicle shall not touch the test device except on the impact ridge shown in Figures 1 and 2.

S6. *Conditions.* The vehicle shall meet the requirements of S5. under the following conditions.

S6.1 *General.*

S6.1.1 The vehicle is at unloaded vehicle weight.

S6.1.2 The front wheels are parallel to the vehicle's longitudinal centerline.

S6.1.3 Tires are inflated to the vehicle manufacturer's recommended pressure for the specified loading condition.

S6.1.4 Brakes are disengaged and the transmission is in neutral.

S6.1.5 Trailer hitches are removed from the vehicle.

S6.2 *Pendulum test conditions.* The following conditions apply to the pendulum test procedures of S7.1 and S7.2.

S6.2.1 The test device consists of a block with one side contoured, as specified in Figure 1 and Figurt 2 with the impact ridge made of A1S1 4130 steel hardened to 34 Rockwell "C".

S6.2.2 With plane A vertical, the impact line shown in Figures 1 and 2 is horizontal at the same height as the test device's center of percussion.

S6.2.3 The effective impacting mass of the test device is equal to the mass of the tested vehicle.

S6.2.4 When impacted by the test device, the vehicle is at rest on a level rigid concrete surface.

S6.3 *Barrier Test Condition.* At the onset of a barrier impact, the vehicle's engine is operating at idling speed in accordance with the manufacturer's specification. Vehicle systems that are not necessary to the movement of the vehicle are not operating during impact.

S7. *Test Procedures.*

S7.1 *Longitudinal impact test procedures.* Impact the vehicle's front surface and its rear surface three times each with the impact line at the height of 20 inches, and three times each with the impact line at any height between 20 inches and 16 inches, in accordance with the following procedures.

S7.1.1 For impacts at a height of 20 inches, place the test device shown in Figure 1 so that plane A is vertical and the impact line is horizontal at the specified height.

S7.1.2 For impacts at a height between 20 inches and 16 inches, place the test device shown in Figure 2 so that plane A is vertical and the impact line is horizontal at a height within the range.

S7.1.3 For each impact, position the test device so that the impact line is at least 2 inches apart in vertical direction from its position in any prior impact, unless the midpoint of the impact line with respect to the vehicle is to be more than 12 inches apart laterally from its position in any prior impact.

S7.1.4 For each impact, align the vehicle so that it touches but does not move the test device, with the vehicle's longitudinal centerline perpendicular to the plane that includes plane A of the test device and with the test device inboard of the vehicle corner test positions specified in S7.2.

S7.1.5 Move the test device away from the vehicle, then release it so that plane A remains vertical from release until the onset of rebound, and the arc described by any point on the impact line is constant, with a radius of not less than 11 feet, and lies in a plane parallel to the vertical plane through the vehicle's longitudinal centerline.

S7.1.6 Impact the vehicle at 5 mph.

S7.1.7 Perform the impacts at intervals of not less than 30 minutes.

S7.2 *Corner impact test procedure.* Impact a front corner and a rear corner of the vehicle once each with the impact line at a height of 20 inches and impact the other front corner and the other rear corner once each with the impact line at any height between 20 inches and 16 inches in accordance with the following procedure.

S7.2.1 For an impact at a height of 20 inches, place the test device shown in Figure 1 so that plane A is vertical and the impact line is horizontal at the specified height.

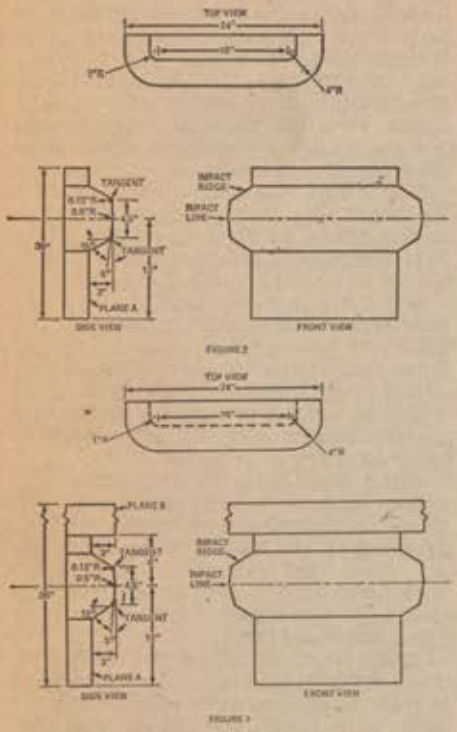
S7.2.2 For an impact at a height between 20 inches and 16 inches, place the test device shown in Figure 2 so that plane A is vertical and the impact line is horizontal at a height within the range.

S7.2.3 Align the vehicle so that a vehicle corner touches, but does not move, the lateral center of the test device with plane A of the test device forming an angle of 60 degrees with a vertical longitudinal plane.

S7.2.4 Move the test device away from the vehicle, then release it so that plane A remains vertical from release until the onset of rebound, and the arc described by any point on the impact line is constant, with a radius of not less than 11 feet, and lies in a vertical plane

at an angle of 30° to the vertical plane through the vehicle's longitudinal centerline.

S7.2.5 Impact each corner at 3 mph.



[FR Doc.73-16041 Filed 7-31-73;3:25 pm]

CONSUMER PRODUCT SAFETY COMMISSION

[16 CFR Part 1100]

NONCOMPLYING OR DEFECTIVE CONSUMER PRODUCT

Commission Information

The Consumer Product Safety Commission proposes to establish a regulation providing guidelines for compliance with section 15(b) of the Consumer Product Safety Act (Public Law 92-573, 86 Stat. 1221; 15 U.S.C. 2064(b)). Section 15(b) of the act deals with the responsibility of manufacturers, distributors, and retailers for informing the Commission of consumer products that fail to comply with an applicable consumer product safety rule or contain a defect which could create a substantial product hazard. Section 15(a) of the act defines "substantial product hazard."

The proposed regulation is also intended to apply to notification of a defect which could create a substantial product hazard in products subject to regulation under authority of the acts transferred to the Commission by section 30 of the Consumer Product Safety Act (15 U.S.C. 2079); namely, the Federal Hazardous Substances Act, the Poison Prevention Packaging Act of 1970, the Flammable Fabrics Act, and the Refrigerator Safety Act.

Section 15(a) and (b) of the act reads as follows:

SEC. 15. (a) For purposes of this section, the term "substantial product hazard" means—

(1) a failure to comply with an applicable consumer product safety rule which creates a substantial risk of injury to the public, or

(2) a product defect which (because of the pattern of defect, the number of defective products distributed in commerce, the severity of the risk, or otherwise) creates a substantial risk of injury to the public.

(b) Every manufacturer of a consumer product distributed in commerce, and every distributor and retailer of such product, who obtains information which reasonably supports the conclusion that such product—

(1) fails to comply with an applicable consumer product safety rule; or

(2) contains a defect which could create a substantial product hazard described in subsection (a)(2),

shall immediately inform the Commission of such failure to comply or of such defect, unless such manufacturer, distributor, or retailer has actual knowledge that the Commission has been adequately informed of such defect or failure to comply.

Notification under this proposed regulation of a failure to comply or of a possible product defect and data accompanying such notification will be made available to the public in accordance with the provisions of 5 U.S.C. 552 and section 6 of the Consumer Product Safety Act (15 U.S.C. 2055).

The Consumer Product Safety Commission's regulations will be codified in Title 16, Chapter II, of the Code of Federal Regulations. The regulation proposed herein will be a section in Part 1100 thereof.

Therefore, pursuant to provisions of the Consumer Product Safety Act (secs. 15 (a), (b) 27 (b), (e), 30, 86 Stat. 1221, 1228, 1231; 15 U.S.C. 2064 (a), (b), 2076 (b), (e), 2079), the Commission proposes to add the following section to 16 CFR Part 1100:

PART 1100—DEFINITIONS, INTERPRETATIONS, AND ADMINISTRATIVE PROCEDURES

§ 1100.25 Noncomplying or defective consumer products; informing the Commission pursuant to section 15(b) of the act.

(a) The definitions of terms set forth in section 3 of the Consumer Product Safety Act (15 U.S.C. 2052) shall apply to such terms as used in this section.

(b)(1) Pursuant to section 15(b) of the act (15 U.S.C. 2064(b)), every manufacturer of a consumer product distributed in commerce and every distributor and retailer of such product shall immediately inform the Director of the Bureau of Compliance, Consumer Product Safety Commission, Washington, D.C. 20207, upon discovery of a consumer product which fails to comply with an applicable consumer product safety rule or upon discovery of a product containing a defect which creates or could create a substantial risk of injury to the public, unless such manufacturer, distributor, or retailer has actual knowledge that the Commission has been adequately informed of such defect or failure to comply.

(2) The initial notification of the Commission shall:

(i) Identify the product;

(ii) Give the name and address of the manufacturer, or if the manufacturer is unknown, the name and address of every distributor and/or retailer of such product known to the manufacturer, distributor, or retailer making the notification.

(iii) Specify the nature and extent of the defect or the failure to comply with an applicable consumer product safety rule;

(iv) Give the name and address of the person informing the Commission; and

(v) Furnish (to the extent such information is available) the data specified in paragraph (c) of this section.

(3) The initial notification of the Commission may be by any means but should be received by the Commission within 24 hours after discovery of such a defect or failure to comply with an applicable consumer product safety rule. If the initial notification is by means other than a written communication, it shall be confirmed in writing within 48 hours of the discovery of the defect or failure to comply and shall include the data (as available) specified in paragraph (c) of this section.

(c) Complete notification of the Commission shall be made in writing and shall include, but not be limited to, the following information:

(1) Name and address of the person informing the Commission.

(2) Identification of the product and the name and address of its manufacturer.

(3) Nature of the potential product hazard.

(4) Date the potential product hazard was discovered.

(5) How the potential product hazard was discovered (consumer complaint, quality control testing, etc.).

(6) Nature of potential injury associated with the potential product hazard.

(7) Whether injuries have occurred associated with the hazard or potential product hazard.

(8) Number of products which present a hazard or potential hazard and number of units of each such product involved.

(9) Number of units of each product in the hands of consumers.

(10) Specific dates when faulty units were manufactured and distributed.

(11) An accounting of when and where such products (and the number of units of each product) were distributed.

(12) Model numbers and serial numbers affected.

(13) Location on product where model number and serial number appear.

(14) List of names and addresses of every distributor, retailer, and purchaser, if known.

(15) What corrective action has been, is being, or will be taken by the manufacturer and how long it has or will take.

(16) What advice about the product has been, is being, or will be given to purchasers and how such advice was or will be given.

(17) Whether public notice of the defect or failure to comply has been or

will be given (if already given, furnish copy to the Commission).

(18) Whether notice has been or will be mailed to each person who is a manufacturer, distributor, or retailer of such product and what effort has been or will be made to notify consumers directly where such consumers are known.

(19) What tests are conducted in factories to avoid the defect and/or to comply with an applicable consumer product safety rule.

(20) What engineering changes will be made to correct the defect and/or to comply with an applicable consumer product safety rule and the timetable for accomplishing the changes.

(21) What new quality controls will be initiated to avoid the defect and/or to comply with an applicable consumer product safety rule and the timetable for changes to be placed into effect.

(22) What, if any, data submitted is entitled to protection as proprietary data under the provisions of 5 U.S.C. 552 and of section 6 of the Consumer Product Safety Act (15 U.S.C. 2055). Unavailability of any portion of this information shall not delay submission of available data.

(d) Complete notification of the Commission by a manufacturer shall be deemed to have been given whenever the information outlined in paragraph (c) of this section and any additional information requested by the Commission during the course of its investigation have been furnished.

(e) Complete notification of the Commission by a distributor or retailer shall be deemed to have been given whenever the information specified in paragraph (c) of this section (as is available to the distributor or retailer) and any additional information requested by the Commission during the course of its investigation have been furnished.

(f) A final written report by a responsible official of the manufacturer shall be submitted to the Director of the Bureau of Compliance, Consumer Product Safety Commission, Washington, D.C. 20207, when all of the information specified in paragraph (d) of this section has been furnished to the Commission and the reported potential product hazard has been corrected.

Interested persons are invited to submit on or before September 4, 1973, written comments regarding this proposal. Comments and any accompanying material or data should be submitted, preferably in sextuplicate, addressed to the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207. Received comments may be seen in the Office of the Secretary, seventh floor, Air Rights Building, 7315 Wisconsin Avenue, Bethesda, Md., during working hours Monday through Friday.

Dated July 30, 1973.

GEORGE A. SMITH,
Acting Secretary, Consumer Product Safety Commission.

[FR Doc.73-15988 Filed 8-2-73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 230]

[Release No. 33-5410]

ISSUERS OF REGISTRATION STATEMENTS

Proposed Summary Requirement

The Commission is releasing for public comment a proposed new Rule 458 [17 CFR 230.458] to be adopted under section 19(a) of the Securities Act of 1933. The proposed rule would require any company filing a registration statement with the Securities and Exchange Commission other than on Form S-8 [17 CFR 239.16b] and S-12 [17 CFR 239.19] to provide in a letter but not as part of the registration statement a one-paragraph summary for the SEC News Digest as notice of the registration filing. The text of the proposed rule is as follows:

§ 230.458 Brief summary of registration statement.

(a) A letter, addressed to the Commission's Office of Public Information and containing the information described below, shall be delivered to the Commission at the same time that a registration statement on any form other than Form S-8 [17 CFR 239.16b] or S-12 [17 CFR 239.19] is filed with the Commission. Such letter shall contain a summary of the offering to which the registration statement relates, which summary shall include only the following items of information, where applicable, in the following order:

(1) The name and address of the issuer of the security;

(2) The full title of the security or securities and the amount being offered;

(3) The price of the security, or if the price is not known, the proposed maximum offering price as estimated for purposes of computing the registration fee;

(4) The name and address of the managing underwriter(s);

(5) In the case of a rights offering, the class of securities the holders of which will be entitled to subscribe, the subscription ratio, the actual or proposed record date, and the approximate subscription price;

(6) In the case of an exchange or tender offer, a brief description of the proposed exchange conforming to Section 230.135(a)(4) of this Chapter;

(7) A statement of the amount of the offering, if any, to be made by selling security holders;

(8) A brief indication of the primary business of the issuer.

(b) A letter, furnished in compliance with this section, shall be deemed not to be "filed" with the Commission and not to be a part of the registration statement. For purposes of Section 5 of the Act only, information furnished pursuant to this section and published in the News Digest of the Commission, shall be deemed not to constitute an offer when so published.

(c) Instruction: The information should be presented in a form similar to the examples which follow, as appropriate:

(1) *General.* ABC, INC., 3700 50th Avenue, Bladensburg, Md. 20710—$1,500,000 of convertible subordinated debentures and 150,000 shares of common stock, to be offered for sale in units, each consisting of a $250 debenture and 25 shares, and at $500 per unit through underwriters headed by Blank & Co., Inc., 1720 F St., NW., Washington, D.C. 20006. The company is a commercial printer, engaged in web offset lithography and book binding.

(2) *Secondary offering.* MNO COMPANY, 50 Detroit Avenue, Lakewood, Ohio 44107—72,000 shares of common stock, which may be offered for sale (or pledged) from time to time by certain shareholders at prices current at the time of sale ($38.25 per share maximum). MNO is an automotive parts manufacturer.

(3) *Exchange offer.* PQR, INC., 500 Second Ave., Cedar Rapids, Iowa 52401—168,000 shares of common stock. It is proposed to offer these shares in exchange for the outstanding common shares of Blank National Bank, Waterloo, Iowa at the rate of seven shares for each bank share. Also included in this statement are 160,000 shares of common stock, which may be issued in connection with future acquisitions of other businesses or properties. PQR is a bank holding company which controls four banks.

(4) *Rights offer.* VWX, INC., 1 Florida Ave., Tampa, Fla. 33602—409,249 shares of common stock. It is proposed to offer these shares for subscription by common stockholders of record June 15, at the rate of one share for each five shares held, and at $25 per share. Black & Co., Inc., 10 Chase Manhattan Plaza, New York, is principal underwriter. The company is a bank holding company with four banking subsidiaries.

(5) *Miscellaneous.* YZ ENTERPRISES, INC., 660 Wilshire Blvd., Los Angeles, Calif. 90057—732,812 shares of common stock. Of these shares, 276,719 were issued in connection with acquisitions made by the company; 15,000 are issuable upon exercise of options granted to Gray & Co.; 51,122 are reserved for issuance upon conversion of 5% convertible second mortgage bonds, due 1981; 119,700 were issued in private placements in 1969 and 270,271 are reserved for issuance upon conversion of outstanding 7% convertible subordinated guaranteed bonds, due 1990 of YZ Internationl N.V., wholly-owned subsidiary of the company. The company operates 14 general hospitals.

(Sec. 19(a), 48 Stat. 85, Sec. 209, 48 Stat. 908, 15 U.S.C. 77s.)

All interested persons are invited to submit their views on the proposed rule, in writing, to Ronald F. Hunt, Secretary, Securities and Exchange Commission, Washington, D.C. 20549, to be received on or before August 22, 1973. All such communications will be available for

public inspection and should refer to File No. S7-487.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

JULY 24, 1973.

[FR Doc.73-16019 Filed 8-2-73;8:45 am]

[Release No. 34-10297]

INDEPENDENT PUBLIC ACCOUNTANTS

Permission To Perform Preliminary Audit Procedures

The Securities and Exchange Commission announced today a proposal to amend Rule 17a-5 [17 CFR 240.17a-5] and Form X-17A-5 to permit independent public accountants to perform audit procedures prior to the audit or balance sheet date of the broker or dealer. This proposal arises out of the submission by the New York Stock Exchange of a proposal to eliminate the surprise audit requirement for its members and discussions with the NYSE and the Committee on Stockbrokerage Auditing of the AICPA.

To date all the major exchanges with the exception of the NYSE and the American Stock Exchange have made the surprise audit requirement optional for their members. Over the past several years questions have been raised regarding the value of the surprise audit as a regulatory requirement when balanced against the desirability of annual calendar or fiscal year end financial statements, which a surprise audit would normally preclude. Additionally, it has been asserted that the size of many broker-dealers, the practice of commencing a securities count a few days prior to the audit date and the existence of sophisticated electronic data processing systems have as practical matter, in many instances, eliminated the element of surprise. Finally, a number of broker-dealers, who because they are public companies, are required to file reports annually on Form 10K under the Securities Exchange Act of 1934 as well as Form X-17A-5 with the Commission and must undergo two audits annually. It is against this background that the Commission has determined to propose certain amendments to Rule 17a-5 under the Securities Exchange Act of 1934 and to the Audit Requirements of Form X-17A-5 which will alleviate the need for duplicate costs and reporting and which we believe will lead to more effective audits and more uniform reporting of financial data by brokers and dealers.

In announcing these proposed amendments the Commission has clarified in this release the responsibilities of accountants with respect to the reporting of material inadequacies.

SUMMARY OF THE PROPOSED CHANGES

The proposed amendment to Rule 17a-5 would require the independent public accountant to notify the Regional Office of the Commission for the region in which the broker-dealer has its primary place of business any time that preliminary audit work which requires the filing of Part III of Form X-17A-5 is commenced and that forty-five (45) days thereafter the member, broker or dealer shall file a Report of Preliminary Examination with the appropriate regional office as required by paragraph (a)(2) of Rule 17a-5.

The proposal further would amend the audit requirements of Form X-17A-5 to permit the independent public accountant at his option to perform preliminary audit procedures with respect to his audit engagement. The amendment would not preclude the independent public accountant from performing such procedures on a surprise basis where in his judgment it is appropriate or otherwise limit the accountant in the scope of his preliminary procedures. The amendment would require the independent public accountant if he performed any of the audit procedures prescribed in Items 2, 3, 4, or 6(c)–(g), excluding Item 6(e)(v) of the Audit Requirements, to perform all such procedures as of the same date. Those procedures which would be required to be performed as of the same date would include the securities count and comparison of that count with the underlying books and records; verification of those items in transfer or transit; balancing of all positions in securities, spot and future commodities; and, confirming in writing customer accounts, accounts with broker-dealers or others and details of fails, securities borrowed or loaned; and, bank loans. The scope of the audit procedures would not be changed from present requirements. The proposal also requires that if the independent public accountant chooses to perform preliminary to the audit date the procedures set forth above, those procedures shall be performed not more than 100 days prior to the audit date.

Form X-17A-5 would be amended to require the member, broker or dealer to file 45 days after the date of the preliminary work Part III of Form X-17A-5 with a report signed by the independent public accountant which (1) describes the scope of the examination, (2) states that the statistical information required to be reported is fairly presented, and (3) comments upon any material inadequacies found to exist in the accounting system, the internal accounting control and procedures for safeguarding securities and indicates any corrective action taken or proposed which comments shall be based upon the scope of his preliminary work.

Part III requires the respondent member, broker or dealer to report securities differences both with and without related money differences, commodity differences, unreconciled items reflecting differences between money balances on requests for confirmations, including customers' statements and the appropriate general ledger control account and money differences reported in response to confirmation requests. In addition, the member, broker or dealer would be required to report aged fails, transfers and stock dividend data.

MATERIAL INADEQUACIES

The Audit Requirements of Form X-17A-5 as well as the proposed amendments to the Form provide that the independent public accountant shall, based upon his audit, comment upon any material inadequacies found to exist in: (a) The accounting system, (b) the internal accounting control, and (c) the procedures for safeguarding securities.

The Commission has received inquiries as to what constitutes a material inadequacy reportable under the above audit requirements. The determination of what constitutes a material inadequacy of necessity involves the application of judgment to specific factual circumstances and therefore the term is not subject to any all-encompassing or self-limiting definition. In an effort to provide some guidance to both the securities industry and the independent public accountants who serve that industry, the Commission has set forth below some tentative views in this regard. Comments are invited on the statements in the following paragraphs.

A material inadequacy which should be reported includes any material weakness which has substantially contributed to or, if appropriate corrective action is not taken, could reasonably be expected to substantially contribute to (1) severe operational problems, (2) material losses or misstatement of the broker's or dealer's financial statements, or (3) violations of the Commission's recordkeeping and financial responsibility rules.

In this regard, it is the Commission's view that both the public interest and the broker-dealer community are not properly served if weaknesses are considered material only after such inadequacies have resulted in substantial financial loss. Accordingly, it is incumbent upon the independent public accountant to report those weaknesses which the exercise of prudent judgment indicates could reasonably be expected to result in a substantially adverse impact if appropriate corrective action is not promptly taken. Further, it is the independent public accountant's responsibility to satisfy himself that the action taken or proposed is appropriate under the circumstances and if not, to reflect that opinion in his report. At a minimum, a severe operational problem is one that inhibits a broker or dealer from promptly completing securities transactions or promptly discharging his responsibilities to customers, other brokers or dealers or creditors. The Commission believes that it will normally be a rare occurrence when a severe operational problem does not have the very real potential to ultimately manifest itself in the form of either material losses, misstatements of the broker's or dealer's financial statements or violations of the Commission's recordkeeping or financial responsibility rules.

The Commission's view that material inadequacies reportable under Form X-17A-5 include those weaknesses related

to operational problems and violations of the Commission's recordkeeping and financial responsibility rules takes cognizance of the independence public account ant's technical expertise and his integral functions within the regulatory framework of the securities industry. Accordingly, the Commission is of the belief that weaknesses in the practices or procedures used by a broker or dealer in complying with the recordkeeping and financial responsibility rules, shall be reported by the independent public accountant, irrespective of the financial position of the broker or dealer.

STATUTORY BASIS

The Commission proposes to adopt these amendments under the Securities Exchange Act of 1934, particularly sections 15(c)(3), 17(a), 10(b) and 23(a) thereof.

The text of the proposed amendments to Rule 17a-5 and Form X-17A-5 thereunder shall be as follows:

Paragraph (a)(2) shall be amended by adding a new subdivision (iv) at the end thereof and shall read as follows:

§ 240.17a-5 Reports to be made by certain exchange members, brokers, and dealers.

(a) Filing reports: (1) This rule shall apply to every member of a national securities exchange who transacts a business in securities directly with or for other than members of a national securities exchange, every broker or dealer registered pursuant to section 15 of the Act.

(2) Every member, broker or dealer subject to this rule shall file reports of financial condition containing the information required by Form X-17A-5, as follows: (i) A report shall be filed as of a date within each calendar year, except that (A) the first such report of a member, broker or dealer (other than one succeeding to and continuing the business of another member, broker or dealer) shall be as of a date not less than 1 nor more than 5 months after the date on which such member, broker or dealer becomes subject to this rule (in the case of a registered broker or dealer shall be the date the registration becomes effective) and (B) a member, broker or dealer succeeding to and continuing the business of another member, broker or dealer need not file a report as of a date in the calendar year in which the succession occurs if the predecessor member, broker or dealer has filed a Form X-17A-5 report in compliance with this rule as of a date in such calendar year; (ii) such reports shall be filed not more than sixty (60) days after the date of the report of financial condition; (iii) reports for any 2 consecutive years shall not be as of dates within 4 months of each other; and, (iv) the independent public accountant shall on the date on which a preliminary audit examination commences, if the audit procedures performed are required to be reported in Part III of Form X-17A-5, notify in writing the Regional Office of the Commission for the region in which the member, broker or dealer has its principal place of business that such preliminary audit examination has commenced and shall file as required by paragraph (a)(2), of this section not later than 45 days thereafter, Part III of Form X-17A-5, Report on Preliminary Audit Examination.

The Audit Requirements of Form X-17A-5 shall be amended by inserting a new paragraph after the first full paragraph of those requirements as follows. The audit shall be made in accordance with generally accepted auditing standards and shall include a review of the accounting system, the internal accounting control and procedures for safeguarding securities including appropriate tests thereof for the period since the prior examination date. It shall include all procedures necessary under the circumstances to substantiate the assets and liabilities and securities and commodities positions as of the date of the response to the financial questionnaire and to permit the expression of an opinion by the independent public accountant as to the financial condition of the respondent at that date. Based upon such audit, the accountant shall comment upon any material inadequacies found to exist in the accounting system, the internal accounting control and procedures for safe guarding securities, and shall indicate any corrective action taken or proposed. These comments may be submitted in a supplementary certificate and filed pursuant to Rule 17a-5(b)(3).

The independent public accountant may perform audit procedures at any time which he may deem appropriate; however, if the procedures prescribed in Items 2, 3, 4 and 6 (c) through (g), excluding Item 6(e)(v), are performed at a date other than the audit date, then such aforementioned procedures shall be performed as of the same preliminary audit date which shall not be more than 100 days prior to the audit date.

Form X-17A-5 shall be amended by adding after Part II a new Part III which shall be entitled Report on Preliminary Audit Examination and shall read as follows:

PART III

REPORT ON PRELIMINARY AUDIT EXAMINATION

(a) The accountant shall submit a report which (1) describes the scope of the examination, (2) states that the statistical information in the Report of Preliminary Audit Examination fairly presents the result of the physical examination and comparison of securities and confirmation of accounts and balances with customers, brokers and others, and (3) based upon the scope of his preliminary examination, comments upon any material inadequacies found to exist in the accounting system, the internal accounting control and procedures for safeguardin gsecurities and indicates any corrective action taken or proposed.

(b) The following questions shall be answered by the respondent:

1. Securities (Note 2)	No. of Items	(Note 1) Market Value Long	(Note 1) Market Value Short	(Note 1) Money Balance Debit	(Note 1) Money Balance Credit

(a) Securities differences without differences in related money balances:
(i) Long
(ii) Short

(b) Securities differences:
(i) Long and related money
(ii) Short and related money

2. Commodities (Note 3)	No. of Items	(Note 1) Market Value Long	(Note 1) Market Value Short	(Note 1) Debit Credit Debit	(Note 1) Debit Credit Credit

(a) Number and amount of unresolved reconciling money items:
(i) Debit
(ii) Credit
(b) Number and market value of unresolved future contract differences after comparison and balancing with proprietary and customers' positions:
(i) Long
(ii) Short

3. Money Balances	No. of Items	(Note 1) Market Value Long	(Note 1) Market Value Short	(Note 1) Money Balances Debit	(Note 1) Money Balances Credit

(a) Unreconciled items reflecting difference between money balances on requests for confirmations, including customers' statements, and the appropriate general ledger control accounts:

(i) Debit.

(ii) Credit.

(b) Number and amount of money differences reported in response to confirmation requests:

(i) Debit

(ii) Credit

4. Aged Fails as of the date of the fail confirmations:

(a) Number of items, ledger debit balances and long security valuations of fails to deliver:

(i) 40 to 49 days old

(ii) 50 to 59 days old

(iii) 60 days or more

(b) Number of items, ledger credit balances and short security valuation of fails to receive over 30 days old.

(c) Number of items and market value of transfer positions over 40 days old which had not been confirmed in writing within such 40 day period by the transfer agent.

(d) Number of items and market value of stock dividends and similar distributions receivable outstanding more than 30 days after payable date.

Notes:

(1) The terms long and short as used in reporting securities and commodity differences shall reflect the differences on the securities or commodities records of the respondent. The terms debit and credit as used in reporting money differences shall reflect potential losses to the respondent or liability of the respondent to unknown parties, respectively.

(2) The amounts reported under securities, commodities and money balances shall be those items which have not been satisfactorily resolved as of the date of this report and with respect to security differences shall include, but not necessarily be limited to, the following:

(a) Securities count differences;

(b) Differences between the positions reflected in the requests for confirmation, including customers' accounts, and the securities record.

(c) Differences reported in response to requests for confirmation, except that immaterial differences reported in responses to confirmation of customers' accounts may be excluded;

(d) Differences between securities positions as reflected in the trading and investment accounts of the respondent and the securities record.

(e) Any securities positions which were reflected on the securities record at the preliminary examination date which were not susceptible to either count or confirmation (but shall not include dividend payable);

(3) Differences reported under commodities shall include commodities cleared on an exchange and commodities cleared through another member, broker or dealer.

Comments on the above proposal are invited and should be submitted to Ronald F. Hunt, Secretary, Securities and Exchange Commission, 500 North Capitol Street, N.W., Washington, D.C. 20549. All comments should bear the file No. S7-489 and be received no later than September 4, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

JULY 25, 1973.

[FR Doc.73-16021 Filed 8-2-73;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[24 CFR Part 135]

[Docket No. R-73-100]

EMPLOYMENT OPPORTUNITIES FOR BUSINESSES AND LOWER INCOME PERSONS IN CONNECTION WITH ASSISTED PROJECTS

Notice of Proposed Rulemaking

The purpose of this amended proposed rulemaking is to provide further opportunity for comment upon procedures to be established by the Secretary of Housing and Urban Development for carrying out his responsibilities to provide employment opportunities for businesses and lower income persons in connection with assisted projects, under section 3 of the Housing and Urban Development Act of 1968, 12 U.S.C. 1701u. Notice of a proposed amendment to Title 24 of the Code of Federal Regulations to include a new Part 76 entitled "Employment Opportunities for Businesses and Lower Income Persons Within the Project Locale" was published in the FEDERAL REGISTER on June 18, 1971 (36 FR 11744). A large number of comments has been received from interested parties and careful consideration was given to each. This amended proposed rulemaking embodies several major changes identified below and a number of minor changes identifiable by careful comparison of the June 18, 1971 proposal and the proposal published below.

The major changes are:

1. The part number has been changed to 135 to reflect the recodification of Title 24.

2. The definitions of eligible businesses have been modified for greater specificity.

3. Section 135.5(m) has been amended to exempt certain small contracts, subcontracts and projects.

4. Section 135.15(a)(3) now explains which officials make the determination that goals cannot be met within a section 3 covered project area.

5. Since the Project Area Map of § 135.15(b) is no longer deemed necessary, all references to it have been deleted.

6. Section 135.45 has been amended to clarify that the number of trainees or apprentices for an occupation shall in no event be less than the minima established by the Secretary of Labor.

7. Section 135.70 now contains a good faith effort provision paralleling that of Subpart C, as well as a clarification of the responsibilities for notifying concerns listed on the Department's registry of businesses which meet the definitions of § 135.5 (b) and (c).

8. Section 135.125 now contains a provision expressly revoking and superseding previous Departmental regulations, procedures, and circulars purporting to implement Section 3.

9. A new § 135.135 has been added pertaining to sanctions and penalties.

Because of these changes the Department deems it necessary to republish this regulation for further comment. Interested persons are invited to participate in the making of the proposed rule by submitting written data, views or statements with regard to the proposed regulation. Communications should be filed in triplicate, using the above docket number and title, with the Rules Docket Clerk, Office of General Counsel, Room 10256, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410. All relevant material received on or before September 5, 1973 will be considered by the Secretary before taking action on the proposal. Copies of comments submitted will be available during business hours, both before and after the specified closing date, at the above address, for examination by interested persons.

The proposed Part 135 reads as follows:

PART 135—EMPLOYMENT OPPORTUNITIES FOR BUSINESSES AND LOWER INCOME PERSONS IN CONNECTION WITH ASSISTED PROJECTS

Subpart A—General

Sec.
135.1 Purpose and scope of part.
135.5 Definitions.
135.10 Delegation to Assistant Secretary for Equal Opportunity.
135.15 Determination of the area of a section 3 covered project.
135.20 Assurance of compliance with regulations.
135.25 Bidding and negotiation requirements.
135.30 Other applicant and recipient obligations.
135.35 Effectuation of applicant obligations in direct and indirect relationships.

Subpart B—Utilization of Lower Income Area Residents as Trainees

135.40 General.
135.45 Establishing number of trainees.
135.50 Good faith effort.

Subpart C—Utilization of Lower Income Area Residents as Employees

135.55 General.
135.60 Good faith effort.

Subpart D—Utilization of Business Located in or Owned in Substantial Part by Persons Residing in the Area

135.65 General.
135.70 Development of an affirmative action plan.

Subpart E—Participation in Approved Programs

135.75 Participation as evidence of compliance with section 3 requirements.

Subpart F—Grievance and Compliance Review

135.80 Who may file grievance.
135.85 Content of grievance filings.
135.90 Form of grievance filings.
135.95 Place of filing.
135.100 Time of filing.

Sec.
135.105 Processing of grievance filings.
135.110 Hearings.
135.115 Compliance reviews and procedures.

Subpart G—Miscellaneous

135.120 Reporting and recordkeeping.
135.125 Implementing procedures and instructions.
135.130 Labor standards.
135.135 Sanctions.
135.140 Effective date.

AUTHORITY: Section 3 of the Housing and Urban Development Act of 1968, 12 U.S.C. 1701u, and sec. 7(d), Department of HUD Act, 42 U.S.C. 3535(d).

Subpart A—General

§ 135.1 Purpose and scope of part.

(a) The regulations set forth in this part contain the procedures established by the Secretary of Housing and Urban Development for carrying out his responsibilities under section 3 of the Housing and Urban Development Act of 1968, 12 U.S.C. 1701u. That section requires that: In the administration by the Secretary of Housing and Urban Development of programs providing direct financial assistance in aid of housing, urban planning, development, redevelopment, or renewal, public or community facilities, and new community development, the Secretary shall—

(1) Require, in consultation with the Secretary of Labor, that to the greatest extent feasible opportunities for training and employment arising in connection with the planning and carrying out of any project assisted under any such program be given to lower income persons residing in the area of such project; and

(2) Require, in consultation with the Administrator of the Small Business Administration, that to the greatest extent feasible contracts for work to be performed in connection with any such project be awarded to business concerns, including but not limited to individuals or firms doing business in the field of planning, consulting, design, architecture, building construction, rehabilitation, maintenance, or repair, which are located in or owned in substantial part by persons residing in the area of such project.

(b) In the development of these regulations the Secretary has consulted with the Secretary of Labor and the Administrator of the Small Business Administration and mutual agreement has been reached with respect to the coordination of employment and training efforts and contracts awards under these regulations by the Department of Housing and Urban Development, the Department of Labor, and the Small Business Administration.

(c) The regulations as set forth in this part, particularly subparts C and D of this part, shall serve to define "to the greatest extent feasible" as that term is applied in section 3 of the Housing and Urban Development Act of 1968.

(d) The Secretary will issue such further regulations in connection with his responsibilities under section 3 of the Housing and Urban Development Act of 1968, as he finds appropriate and may, as needed, amplify any regulations issued pursuant to section 3, through guidelines, handbooks, circulars, or other means.

§ 135.5 Definitions.

As used in this part—

(a) "Applicant" means any entity seeking assistance for a section 3 covered project including, but not limited to mortgagors, developers, local public bodies, nonprofit or limited dividend sponsors, builders, or property managers.

(b) "Business concerns located within the section 3 covered project area" means those individuals or firms located within the relevant section 3 covered project area as determined pursuant to § 135.15, listed on the Department's registry of eligible business concerns, and which qualify as small under the small business size standards of the Small Business Administration.

(c) "Business concerns owned in substantial part by persons residing in the section 3 covered project area" means those business concerns which are 51 percent or more owned by persons residing within the relevant section 3 covered project as determined pursuant to § 135.15, owned by persons considered by the Small Business Administration to be socially or economically disadvantaged, listed on the Department's registry of eligible business concerns, and which qualify as small under the small business size standards of the Small Business Administration.

(d) "Contracting party" means any entity which contracts with a contractor for the performance of work in connection with a section 3 covered project.

(e) "Contractor" means any entity which performs work in connection with a section 3 covered project.

(f) "Department" means the Department of Housing and Urban Development.

(g) "Lower income resident of the area" means any individual who resides within the area of a section 3 covered project and whose family income does not exceed 90 percent of the median income in the Standard Metropolitan Statistical Area (or the county if not within an SMSA) in which the section 3 covered project is located.

(h) "Political jurisdiction" means a politically organized community with a governing body having general governmental powers.

(i) "Recipient" means any entity who received assistance for a section 3 covered project including, but not limited to, mortgagors, developers, local public bodies, nonprofit or limited dividend sponsors, builders or property managers.

(j) "Secretary" means the Secretary of Housing and Urban Development.

(k) "Section 3" means section 3 of the Housing and Urban Development Act of 1968, 12 U.S.C. 1701u.

(l) "Section 3 clause" means the contract provisions set forth in § 135.20(b).

(m) "Section 3 covered project" means any nonexempt project assisted by any program administered by the Secretary in which loans, grants, subsidies, or other financial assistance are provided in aid of housing, urban planning, development, redevelopment, or renewal, public or community facilities, and new community development (except where the financial assistance available under such program is solely in the form of insurance or guaranty). Projects, contracts, and subcontracts, connected with programs administered by the Secretary under section 235 and 236 of the National Housing Act, as well as any Public Housing program and which do not exceed $500,000 in estimated cost are exempted from the requirements of this part, as is any subcontract of $50,000 or under on such projects or contracts in excess of $500,000.

(n) "Subcontractor" means any entity (other than a person who is an employee of the contractor) which has agreed or arranged with a contractor to undertake a portion of the contractor's obligation or the performance of work in connection with a section 3 covered project.

§ 135.10 Delegation to Assistant Secretary for Equal Opportunity.

Except as otherwise provided in this part, the functions of the Secretary referred to herein are delegated to the Assistant Secretary for Equal Opportunity.

§ 135.15 Determination of the area of a section 3 covered project.

(a) The area of a section 3 covered project shall be determined as follows:

(1) The boundaries of a section 3 covered project located:

(i) Within a geographic area designated as an urban renewal area pursuant to the provisions of title I of the Housing Act of 1949, 42 U.S.C. 1450; or

(ii) Within a geographic area designated as Model Cities areas or Metropolitan Development Plan areas pursuant to the provisions of title I of the Demonstration Cities and Metropolitan Development Act of 1966, 42 U.S.C. 3301, or

(iii) Within a geographic area designated as an Indian reservation (to include all territory within reservation boundaries including fee patented roads, waters, bridges and lands used for agency purposes), shall be coextensive with the boundaries of that geographic area.

(2) The boundaries of a section 3 covered project not located within a geographic area designated pursuant to title I of the Housing Act of 1949, or title I of the Demonstration Cities and Metropolitan Development Act of 1966 shall be coextensive with the boundaries of the smallest political jurisdiction in which the project is located.

(3) To the extent that goals (established pursuant to Subparts B, C, and D of this part) cannot be met within a section 3 covered project area as determined pursuant to subparagraph (1) of this paragraph, the boundaries of the smallest political jurisdiction in which the section 3 covered project is located shall be designatel as the relevant section 3 covered project area. The determination to apply this subparagraph shall be made by the Assistant Secretary for Equal Opportunity or by the same official

designated by the Assistant Secretary for Equal Opportunity to determine the section 3 covered project area pursuant to subparagraph (1) of this paragraph.

(b) The Department's Regional Administrator, Area Office Director, or FHA Insuring Office Director, as appropriate, shall determine the boundaries of each section 3 covered project.

§ 135.20 Assurance of compliance with regulations.

(a) Every contract or agreement for a grant, loan, subsidy, or other direct financial assistance in aid of housing, urban planning, development, redevelopment, or renewal, public or community facilities, and new community development, entered into by the Department of Housing and Urban Development with respect to a section 3 covered project shall contain provisions requiring the applicant or recipient to carry out the provisions of section 3, the regulations set forth in this part, and any applicable rules and orders of the Department issued thereunder prior to approval of its application for assistance for a section 3 covered project.

(b) Every applicant, recipient, contracting party, contractor, and subcontractor shall incorporate, or cause to be incorporated, in all contracts for work in connection with a section 3 covered project, the following clause (referred to as a section 3 clause):

A. The work to be performed under this contract is on a project assisted under a program providing direct Federal financial assistance from the Department of Housing and Urban Development and is subject to the requirements of section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u. Section 3 requires that to the greatest extent feasible opportunities for training and employment be given lower income residents of the project area and contracts for work in connection with the project be awarded to busines concerns which are located in, or owned in substantial part by persons residing in the area of the project.

B. The parties to this contract will comply with the provisions of said section 3 and the regulations issued pursuant thereto by the Secretary of Housing and Urban Development set forth in 24 CFR ____, and all applicable rules and orders of the Department issued thereunder prior to the execution of this contract. The parties to this contract certify and agree that they are under no contractual or other disability which would prevent them from complying with these requirements.

C. The contractor will send to each labor organization or representative of workers with which he has a collective bargaining agreement or other contract or understanding, if any, a notice advising the said labor organization or workers' representative of his commitments under this section 3 clause and shall post copies of the notice in conspicuous places available to employees and applicants for employment or training.

D. The contractor will include this section 3 clause in every subcontract for work in connection with the project and will, at the direction of the applicant for or recipient of Federal financial assistance, take appropriate action pursuant to the subcontract upon a finding that the subcontractor is in violation of regulations issued by the Secretary of Housing and Urban Development, 24 CFR ____. The contractor will not subcontract with any subcontractor where it has notice or knowledge that the latter has been found in violation of regulations under 24 CFR ____ and will not let any subcontract unless the subcontractor has first provided it with a preliminary statement of ability to comply with the requirements of these regulations.

E. Compliance with the provisions of section 3, the regulations set forth in 24 CFR ____, and all applicable rules and orders of the Department issued thereunder prior to the execution of the contract, shall be a condition of the Federal financial assistance provided to the project, binding upon the applicant or recipient for such assistance, its successors, and assigns. Failure to fulfill these requirements shall subject the applicant or recipient, its contractors and subcontractors, its successors, and assigns to those sanctions specified by the grant or loan agreement or contract through which Federal assistance is provided, and to such sanctions as are specified by 24 CFR ____, 135.

§ 135.25 Bidding and negotiation requirements.

(a) Every applicant and recipient shall require prospective contractors for work in connection with section 3 covered projects to provide, prior to the signing of the contract, a preliminary statement of work force needs (skilled, semiskilled, unskilled labor and trainees by category) where known; where not known, such information shall be supplied prior to the signing of any contract between contractors and their subcontractors.

(b) When a bidding procedure is used to let the contract, the invitation or solicitation for bids shall advise prospective contractors of the requirements of these regulations. When the contract is let pursuant to negotiation or methods other than formal bidding procedures, prospective contractors shall be advised by the contracting party of the requirements of these regulations as part of the contract specifications.

§ 135.30 Other applicant and recipient obligations.

Every applicant and recipient shall assist and actively cooperate with the Secretary in obtaining the compliance of their contractors and subcontractors with the requirements of these regulations, including cooperation and assistance in distributing and collecting forms and information, and in notifying contracting parties and contractors of violations of these regulations, and shall refrain from entering into any contract with any contractor after notification by the Department that the contractor has been found in violation of these regulations pursuant to § 135.110(j).

§ 135.35 Effectuation of applicant obligations in direct and indirect relationships.

(a) Where the applicant for assistance under a section 3 covered project and the recipient of such assistance are not one and the same, the recipient shall be regarded as the successor in interest of the applicant and shall have the same obligations as the applicant with respect to compliance with these regulations. These obligations shall be incorporated, specifically or by reference in the loan or grant agreement or other contract or agreement through which the assistance is provided to the recipient.

(b) Where the applicant or recipient itself will perform all or part of the work in connection with a section 3 covered project within the meaning of these regulations, with either permanent or temporary staff by force account, it will provide the Department with all forms and assurances required of a contractor or subcontractor by these regulations prior to the execution of any loan or grant agreement or other contract or agreement through which assistance is provided.

(c) Where the applicant, recipient or contractor sells, leases, transfers or otherwise conveys land upon which work in connection with a section 3 covered project within the meaning of these regulations is to be performed (for example, under the Urban Renewal or Neighborhood Development program), it shall include in each contract or subcontract for work on such land a clause requiring the purchaser, lessee, or redeveloper to assume the same obligations as a contractor for work under section 3 of these regulations (including the incorporation of the Assurance of Compliance language specified in § 135.20).

(d) Each such purchaser, lessee, or redeveloper shall be relieved of such obligations upon satisfactory completion of all work to be performed under the terms of the redevelopment contract.

Subpart B—Utilization of Lower Income Area Residents as Trainees

§ 135.40 General.

Each applicant, recipient, contractor or subcontractor undertaking work in connection with a section 3 covered project shall fulfill his obligation to utilize lower income project area residents as trainees to the greatest extent feasible by:

(a) Utilizing the maximum number of persons in the various training categories in all phases of the work to be performed under the section 3 covered project; and

(b) Filling all vacant training positions with lower income project area residents except for those training positions which remain unfilled after a good faith effort has been made to fill them with eligible lower income project area residents.

§ 135.45 Establishing number of trainees.

(a) For the building construction occupations, the number of trainees or apprentices for each occupation shall be that number which can reasonably be utilized in each occupation on each phase of a section 3 covered project and in no event shall that number be less than the number of trainees or apprentices determined pursuant to regulations issued by the Secretary of Labor for each building construction occupation.

(b) For nonconstruction occupations or for any building construction occupations for which ratios are not determined pursuant to regulations of the Secretary of Labor, the number of trainees for

each occupation shall be that number which can reasonably be utilized in each occupation on each phase of a section 3 covered project. The applicant, recipient, contractor, or subcontractor shall initially determine the maximum number of trainees for each occupation and submit that determination along with its justification to the Department.

§ 135.50 Good faith effort.

(a) Each applicant, recipient, contractor, or subcontractor seeking to establish that a good faith effort as required by § 135.40 has been made to fill all training positions with lower income area residents shall, as a minimum, set forth evidence acceptable to the Secretary that it has:

(1) Ascertained from the Department's Regional Administrator, Area Office Director, or FHA Insuring Office Director having jurisdiction over the section 3 covered project, the boundaries of the section 3 covered project area; and

(2) Attempted to recruit from the appropriate areas the necessary number of lower income residents through: Local advertising media, signs placed at the proposed site for the project, and community organizations and public or private institutions operating within or serving the project area such as Service Employment and Redevelopment (SER), Opportunities Industrialization Center (OIC), Urban League, Concentrated Employment Program, or the U.S. Employment Service.

(3) Maintain a list of all lower income area residents who have applied either on their own or on referral from any source, and employ such persons, if otherwise eligible and if a trainee vacancy exists. If the contractor has no vacancies, the applicant, if otherwise eligible, shall be listed for the first available vacancy.

(b) Any applicant, recipient, contractor, or subcontractor which fills vacant § 135.45 apprentice or trainee positions in its organization immediately prior to undertaking work pursuant to a section 3 covered project shall set forth evidence acceptable to the Secretary that its actions were not an attempt to circumvent these regulations.

Subpart C—Utilization of Lower Income Area Residents as Employees

§ 135.55 General.

Each applicant, recipient, contractor or subcontractor undertaking work in connection with a section 3 covered project shall fulfill his obligation to utilize lower income project area residents as employees to the greatest extent feasible by:

(a) Identifying the number of positions in the various occupational categories including skilled, semiskilled, and unskilled labor, needed to perform each phase of the section 3 covered project;

(b) Identifying, of the positions identified in paragraph (a) of this section, the number of positions in the various occupational categories which are currently occupied by regular, permanent employees;

(c) Identifying, of the positions identified in paragraph (a) of this section, the number of positions in the various occupational categories which are not currently occupied by regular, permanent employees;

(d) Establishing, of the positions identified in paragraph (c) of this section, a goal which is consistent with the purpose of this subpart within each occupational category of the number of positions to be filled by lower income residents of the section 3 covered project area; and

(e) Making a good faith effort to fill all of the positions identified in paragraph (d) of this section with lower income project area residents.

§ 135.60 Good faith effort.

(a) Each applicant, recipient, contractor, or subcontractor seeking to establish that a good faith effort as required by paragraph (e) of § 135.55 has been made to fill all employment positions identified in paragraph (d) of § 135.55 with lower income project area residents shall, as a minimum, set forth evidence acceptable to the Secretary that it has:

(1) Ascertained from the Department's Regional Administrator, Area Office Director, or FHA Insuring Office Director having jurisdiction over the section 3 covered project the boundaries of the section 3 covered project area; and

(2) Attempted to recruit from the appropriate areas the necessary number of lower income residents through: Local advertising media, signs placed at the proposed site for the project, and community organizations and public or private institutions operating within or serving the project area such as Project Area Committees (PAC) in urban renewal areas, Model Cities citizen advisory boards, Service Employment and Redevelopment (SER), Opportunities Industrialization Center (OIC), Urban League, Concentrated Employment Program, or the U.S. Employment Service.

(b) Any applicant, recipient, contractor, or subcontractor which fills vacant § 135.55(d) employment positions in its organization immediately prior to undertaking work pursuant to a section 3 covered contract shall set forth evidence acceptable to the Secretary that its actions were not an attempt to circumvent these regulations.

(c) When lower income resident workers apply, either on their own initiative or on referral from any source, the recipient, contractor, or subcontractor shall determine the qualifications of such persons and shall employ such persons if their qualifications are satisfactory and the contractor has openings. If the recipient, contractor, or subcontractor is unable to employ the workers, such persons shall be listed for the first available opening.

Subpart D—Utilization of Business Located in or Owned in Substantial Part by Persons Residing in the Area

§ 135.65 General.

Each applicant, recipient, contractor, or subcontractor undertaking work on a section 3 covered project shall assure that to the greatest extent feasible, contracts for work to be performed in connection with the project are awarded to business concerns located within the section 3 covered project area or business concerns owned in substantial part by persons residing in the section 3 covered area. The Department, in consultation with the Small Business Administration will establish for the section 3 covered project area a registry of business concerns which meet the definition contained in § 135.5(b) and (c) of these regulations. Each applicant, recipient, contractor, or subcontractor undertaking work in connection with a section 3 covered project shall fulfill his obligations to utilize business concerns located within or owned in substantial part by persons residing in the section 3 covered project area by developing and implementing an affirmative action plan.

§ 135.70 Development of an affirmative action plan.

In developing an affirmative action plan, each applicant, recipient, contractor, and subcontractor preparing to undertake work pursuant to a section 3 covered contract shall:

(a) Set forth the approximate number and dollar value of all contracts proposed to be awarded to all businesses within each category (type or profession) over the duration of the section 3 covered project in question.

(b) Analyze the information set forth in paragraph (a) of this section and the availability of eligible business concerns within the project area doing business in professions or occupations identified as needed in paragraph (a), of this section, and set forth a goal or target number and estimated dollar amount of contracts to be awarded to the eligible businesses and entrepreneurs within each category over the duration of the section 3 covered project.

(c) Outline the anticipated program to be used to achieve the goals for each business and/or professional category identified. This program should include but not be limited to the following actions:

(1) Insertion in the bid documents, if any, of the affirmative action plan of the applicant, recipient, contractor, or subcontractor letting the contract; and

(2) Identification within the bid document, if any, of the applicable section 3 project area.

(d) Indicate the anticipated process and steps which have been taken and/or will be taken to secure the cooperation of contractors, subcontractors, and unions in meeting the goals and carrying out the affirmative action plan developed pursuant to this subpart.

(e) Take steps to insure that the appropriate business concerns included in the Department's registry for the section 3 covered project area are notified of pending contractual opportunities either personally or through locally utilized media. All applicants, recipients, contractors and subcontractors which so notify concerns included in the Department's registry of available contracts and

of opportunities to submit bids shall satisfy all requirements of this Part for notification of business concerns located within the section 3 covered project area and business concerns owned in substantial part by persons residing in the section 3 covered project area.

(f) Take steps to insure that contracts which are typically let on a negotiated rather than a bid basis in areas other than section 3 covered project areas, are also let on a negotiated basis, whenever feasible, when let in a section 3 covered project area.

(g) Where competitive bids are solicited, require the bidders to submit their utilization goals, and their affirmative action plans for accomplishing their goals, and in evaluating each bid, to determine its responsiveness, carefully evaluate the bidder's submission to determine whether the affirmative action plan proposed will accomplish the stated goals.

(h) Where advantageous, seek the assistance of local officials of the Department in preparing and implementing the affirmative action plan.

(i) In implementing its affirmative action plan, each applicant, recipient, contractor, or subcontractor shall make a good faith effort to achieve its goal or target number and estimated dollar amount of contracts to be awarded to the eligible businesses and entrepreneurs within each category over the duration of the section 3 covered project. Each applicant, recipient, contractor, or subcontractor seeking to establish that a good faith effort has been made to implement its affirmative action plan, as required by this paragraph, shall as a minimum, set forth evidence acceptable to the Secretary that it has implemented the steps required by paragraphs (c), (d), (e), (f), (g), and (h) of this section and has ascertained from the Department's Regional Administrator, Area Office Director, or FHA Office Director having jurisdiction over the section 3 covered project, the boundaries of the section 3 covered project area, if available, and attempted to recruit from the appropriate areas the necessary eligible business concerns through: Local advertising media, signs placed at the proposed site for the project; and community organizations and public or private institutions operating within or serving the project area such as Project Area Committees (PAC) in urban renewal areas, Model Cities citizen advisory boards, Service Employment and Redevelopment (SER), Opportunities Industrialization Center (OIC), Urban League, Concentrated Employment Program, or the U.S. Employment Service, as well as the Chamber of Commerce and any equivalent organizations in the section 3 covered project area.

Subpart E—Participation in Approved Programs

§ 135.75 Participation as evidence of compliance with section 3 requirements.

Any applicant, recipient, contractor, or subcontractor may fulfill his obligations under Subparts B, C, and D of this part, respectively, to utilize lower income project area residents as trainees or employees on section 3 covered projects, and to award contracts to business concerns located in, or owned in substantial part by residents of, section 3 covered project areas by presenting evidence satisfatory to the Secretary that he is a cooperating participant in a federally assisted or other public program approved by the Department of Housing and Urban Development which provides training, employment, and/or business opportunities to lower income persons and business concerns which meet the definition in § 135.5 (b) and (c). The Secretary shall, from time to time, make public a list of those training, employment, and/or business opportunity programs approved by the Department.

Subpart F—Grievance and Compliance Review

§ 135.80 Who may file grievance.

Any lower income resident of the project area, for himself or as a representative of persons similarly situated, seeking employment or training opportunities with an applicant, recipient, contractor, or subcontractor, or any business concern located in, or owned in substantial part by persons residing within a project area seeking contract opportunities from any applicant recipient, contractor, or subcontractor, for itself or as a representative of persons or firms similarly situated, may personally or by an authorized representative file a grievance alleging noncompliance with section 3, these regulations, or obligations undertaken pursuant thereto.

§ 135.85 Content of grievance filings.

(a) The grievance should include: (1) The name and address of the grievant, (2) the name and address of the grievant's business, if applicable, (3) the name and address of the applicant, recipient, contractor, or subcontractor (in this subpart called "respondent"), (4) a description of the acts or omissions giving rise to the grievance, and (5) the corrective action sought.

(b) Where a grievance contains incomplete information, the Secretary shall seek promptly the needed information from the grievant. In the event such information is not furnished to the Secretary within sixty (60) days of the date of such request, the grievance may be closed.

§ 135.90 Form of grievance filings.

Each grievance shall be in writing and signed.

§ 135.95 Place of filing.

A grievance may be filed by mailing it to the Assistant Secretary for Equal Opportunity, Department of Housing and Urban Development, Washington, D.C. 20410, or by presenting it at any Regional Office, Area Office, or FHA Insuring Office of the Department. Any employee of the Department receiving a grievance shall forward the same directly to the Assistant Secretary for Equal Opportunity.

§ 135.100 Time of filing.

A grievance must be filed not later than ninety (90) days from the date of the action (or omission) upon which the grievance is based, unless the time for filing is extended by the Secretary upon good cause shown.

§ 135.105 Processing of grievance filings.

(a) Upon receipt of a grievance a copy thereof shall be furnished the respondent by certified mail or through personal service.

(b) The Secretary shall conduct an investigation of each grievance filed, and shall give notice in writing to the grievant and the respondent as to whether he intends to resolve it.

(c) Notwithstanding paragraphs (a) and (b) of this section, where the allegations of a grievance on their face, or as amplified by the statements of the grievant, disclose that the grievance is not timely filed or otherwise fails to state a valid claim for relief under these regulations or any other authority within the jurisdiction of the Department, the Secretary may dismiss the grievance without further action. To the extent that Executive Order 11246 relating to Equal Opportunity in Employment applies to the subject matter of the grievance, the procedures required by applicable regulations implementing that order shall be followed.

(d) If the Secretary decides not to resolve a grievance, or to dismiss it under paragraph (c) of this section, he shall advise the grievant of the disposition of his grievance. Respondent shall also be notified in any case where he has been served with a copy of the grievance.

(e) Any party adversely affected by a determination under paragraph (b) or (c) of this section may, within 5 days of receipt of a notice of determination, request that the Secretary reconsider his action. Such requst for reconsideration will be granted only on the basis of additional material evidence not previously available to the party requesting reconsideration or for other good cause shown.

(f) If the Secretary decides to resolve a grievance, he shall endeavor to eliminate or correct the matters complained of in the grievance by informal methods of conference, conciliation, and persuasion.

(g) In conciliating a grievance, the Secretary shall attempt to achieve a just resolution of the grievance including (1) specific relief for the grievant, (2) affirmative actions by the respondent to relieve the effects of past violation and preclude the occurence of future violation, and (3) appropriate reporting requirements. Notice of a proposed disposition of a grievance and of the terms of a proposed settlement, if any, shall be given to the parties, or their representatives, by the Secretary, in writing. If satisfactory, the proposed settlement shall be signed by the grievant and the respondent or their representatives and approved by the Secretary. The Secretary may, from time to time, review compliance with the terms of any settlement

agreement and may, upon a finding of noncompliance, reopen the grievance or take such enforcement action as is provided for under the settlement agreement or as may otherwise be appropriate.

(h) Should a respondent fail or refuse to confer with the Secretary or fail or refuse to make a good faith effort to resolve the grievance, or should the Secretary find for any other reason that voluntary agreement is not likely to result, the Secretary may terminate his efforts to conciliate the dispute. In the latter event the parties shall be notified promptly, in writing, that such efforts have been unsuccessful.

(i) If the Department is unable to obtain voluntary compliance, the Secretary shall advise the grievant and the parties in writing of his proposed resolution of the grievance. Such resolution shall become final and binding on the parties, unless within 15 days after the receipt of notification, either party files with the Secretary a written request for a hearing on the matter.

§ 135.110 Hearings.

(a) Whenever a hearing is requested, reasonable notice shall be given by registered or certified mail, return receipt requested, to the parties. This notice shall advise the parties of the action proposed to be taken, the specific provision under which the proposed action is to be taken, and the matters of fact or law asserted as the basis for this action. In addition, it shall either (1) fix a date not less than 20 days after the date of such notice within which the parties may request of the Secretary that the matter be scheduled for hearing or (2) advise the parties that the matter in question has been set down for hearing at a stated time and place. The time and place so fixed shall be subject to change for cause. The requesting party may waive a hearing and in lieu thereof submit written information and argument for the record. The failure of the requesting party to appear at a hearing for which a date has been set shall be deemed to be a waiver of the right to a hearing and consent to the making of a decision on the basis of such information as is available.

(b) Hearings shall be held in or near the section 3 covered project area in question, or at such other location as will serve the convenience of parties and witnesses, at a time fixed by the Secretary. Hearings shall be held before the Secretary or, at his discretion, before a hearing examiner designated in accordance with 5 U.S.C. 3105 and 3344.

(c) In all proceedings under this section, the respondent and grievant, if any, shall have the right to be represented by counsel.

(d) The hearing, decision, and any administrative review thereof shall be conducted in conformity with 5 U.S.C. 554–557, and in accordance with such rules of procedure issued by HUD as are proper relating to the conduct of the hearing, the issuance of notice except that provided in paragraph (a) of this section, the taking of testimony, exhibits, arguments, and briefs, requests for findings, and other related matters. HUD, the respondent, and the grievant, if any, shall be entitled to introduce all relevant evidence on the issues as stated in the notice of hearing or as determined by the officer conducting the hearing at the outset of or during the hearing.

(e) Technical rules of evidence shall not apply to hearings conducted pursuant to this paragraph but rules or principles designed to assure production of the most credible evidence available and to subject testimony to test by cross-examination shall be applied where deemed reasonably necessary by the officer conducting the hearing. The hearing officer may exclude irrelevant, immaterial, or unduly repetitious evidence. All documents and other evidence offered or taken for the record shall be open to examination by the Department of Housing and Urban Development, the respondent, and the grievant, if any, and opportunity shall be given to refute facts and arguments advanced on either side of the issues. A transcript shall be made of the oral evidence except to the extent the substance thereof is stipulated for the record. All decisions shall be based upon the hearing record and written findings shall be made.

(f) If the hearing is held by a hearing examiner, he shall either render an initial decision, if so authorized, or certify the entire record, including his recommended findings and proposed decision to the Secretary for a final decision. A copy of such initial decision or certification shall be mailed to the respondent and the grievant, or their representative, by certified or registered mail, return, receipt requested. Where the initial decision is made by the hearing examiner, the respondent or grievant may within 30 days of the mailing of such notice of initial decision file with the Secretary exceptions to the initial decision, with reasons therefor. In the absence of exception, the Secretary may on his own motion, within 45 days after the initial decision, serve on the respondent and grievant, a notice that he will review the decision. Upon the filing of such exceptions or of such notice of review, the Secretary shall review the initial decision and issue his own decision thereon including the reasons therefor. If no exception is taken or notice of review issued, the initial decision shall constitute the final decision of the Secretary.

(g) Whenever a record is certified to the Secretary for decision or he reviews the decision of a hearing examiner pursuant to paragraph (f) of this section, or whenever the Secretary conducts the hearing, the respondent and grievant shall be given reasonable opportunity to file briefs or other written statements of their contentions, and a copy of the final decision of the Secretary shall be given in writing to the respondent, and to the grievant by certified or registered mail, return receipt requested.

(h) Whenever a hearing is waived pursuant to paragraph (a) of this section, a decision shall be made by the Secretary on the record and a copy of such decision shall be given in writing to the respondent, and to the grievant, by certified or registered mail, return receipt requested.

(i) Each decision of a hearing examiner or the Secretary shall set forth his ruling on each finding, conclusion, or exception presented, and shall identify the requirement or requirements of section 3 of the Housing and Urban Development Act of 1968 or the regulations which the respondent has not complied with.

(j) The final decision may contain such terms, conditions, and other provisions as are consistent with, and will effectuate the purposes of section 3 and these regulations. The decision may also include provisions designed to implement, maintain, and enforce sanctions set forth in § 135.135 until the respondent corrects its noncompliance and satisfies the Secretary that it will fully comply with section 3 and these regulations.

(k) The General Counsel shall represent the Department and shall receive copies of all notices, decisions and other documents which are forwarded to the parties.

(l) The applicant or recipient, if not a party, shall be invited to participate in the hearing and shall receive copies of all notices, decisions, and other documents which are forwarded to the parties.

§ 135.115 Compliance reviews and procedures.

In order to determine whether the responsibilities imposed upon him by section 3 and these regulations are being properly carried out, the Secretary shall periodically conduct section 3 compliance reviews of selected applicants, recipients, contractors, and subcontractors. A compliance review shall consist of a comprehensive analysis and evaluation of each aspect of the aforementioned section 3 policies, and conditions resulting therefrom. Where deficiencies are found to exist, reasonable efforts shall be made to secure compliance through the conciliation process set forth in § 135.105(g) Compliance reviews may be conducted prior to award of contracts in any case where the Secretary has reasonable grounds based on a substantial grievance, the Department's own investigation, or other substantial evidence, to believe that the applicant, recipient, contractor, or subcontractor or will be unable or unwilling to comply with section 3 and the provisions of this part.

Subpart G—Miscellaneous

§ 135.120 Reporting and recordkeeping.

In order to insure that the Secretary is kept informed of the progress being made by the applicant, recipient, contractor, and subcontractor in meeting their obligations under these regulations, each applicant, recipient, contractor, and subcontractor is required to:

(a) Maintain such records and accounts and furnish such information and reports as are required by the Secretary under these regulations or pursuant thereto and permit the Secretary access to books, records and premises for purposes of investigation in connection with

a grievance or to ascertain compliance with these regulations or the rules and orders of the Department issued thereunder.

(b) Advise the Secretary within 15 days of the award of any contract under a section 3 covered project of the steps which have been and will be taken to comply with the requirements of Subparts B, C, and D of this part.

§ 135.125 Implementing procedures and instructions.

Assistant Secretaries of the Department administering programs subject to this regulation may issue such procedures and instructions as are necessary to implement the provisions of section 3 and this part. A copy of such procedures and instructions shall be forwarded to the Secretary for approval prior to issuance. All regulations, procedures, and circulars previously issued by the Department designed or purporting to implement the provisions to section 3, are revoked and superseded by this part. Handbook MC 3160.1 entitled Model Cities Resident Employment and Training Requirements, is superseded to the extent that Handbook MC 3160.1 applies to occupations related to housing and urban development including the fields of construction, design, architecture, mortgage banking, rehabilitation, maintenance, repair and housing management.

§ 135.130 Labor standards.

All labor standards applicable by statute, regulations, or other administrative issuance shall apply to section 3 covered projects.

§ 135.135 Sanctions and penalties.

Failure or refusal to comply and give satisfactory assurances of future compliance with the requirements of this part shall be proper basis for applying sanctions. Such sanctions as are specified by the grant or loan agreement or contract through which Federal assistance is provided, as well as such sanctions as are specified by the rules, regulations, or applicable policy of the Department of Housing and Urban Development governing the program under which Federal assistance to the project is provided, shall be applied in accordance with the relevant regulations. Any or all of the following actions may be taken, as appropriate: cancellation, termination, or suspension in whole or in part of the contract or agreement; a determination of ineligibility or debarment from any further assistance or contracts under the program with respect to which the failure or refusal occurred until satisfactory assurance of future compliance has been received, and referral to the Department of Justice for appropriate legal proceedings.

§ 135.140 Effective date.

This part shall become effective for all applications for assistance under section 3 covered projects which are made after such date within the meaning of the program in question. However, nothing in this part shall affect requirements already imposed on applicants, recipients and contractors, and subcontractors pursuant to section 3.

Dated: July 31, 1973.

JAMES T. LYNN,
Secretary of Housing and Urban Development.

[FR Doc.73-16142 Filed 8-2-73;8:45 am]

Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

STUDY GROUP 7 OF THE U.S. NATIONAL COMMITTEE FOR THE INTERNATIONAL RADIO CONSULTATIVE COMMITTEE (CCIR)

Notice of Meeting

The Department of State announces that Study Group 7 of the U.S. National Committee for the International Radio Consultative Committee (CCIR) will meet on August 14, 1973, at the U.S. Naval Observatory, 34th Street and Massachusetts Avenue, NW., Washington, D.C. The meeting will begin at 9:30 a.m. in Room 300 of Building 52.

Study Group 7 deals with time-signal services. The agenda for the meeting will include the following matters:

a. Review of draft documents currently being developed as proposed U.S. contributions to the international meeting of Study Group 7 in 1974.

b. Consideration of possible U.S. positions on issues related to the international meeting of Study Group 7 in 1974.

Members of the general public will be admitted up to the limits of the capacity of the meeting room. Members of the general public who plan to attend the meeting are requested to so inform Mr. Hugh Fosque, Chairman of U.S. Study Group 7, prior to August 14, 1973; Mr. Fosque can be contacted at NASA Headquarters, telephone number (202) 755–2434.

Dated: July 27, 1973.

GORDON L. HUFFCUTT,
Chairman,
U.S. National Committee.

[FR Doc.73-16007 Filed 8-2-73;8:45 am]

DEPARTMENT OF THE INTERIOR

National Park Service

NATIONAL CAPITAL PARKS—WEST

Notice of Intention To Issue a Concession Permit

Pursuant to the provisions of section 5 of the Act of October 9, 1965, (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that on September 4, 1972, the Department of the Interior, through the Superintendent, National Capital Parks—West, proposes to issue a concession permit to Capitol Cycles Corporation, authorizing it to provide concession facilities and services for the public on the Mall of National Capital Parks for a period of 5 years from January 1, 1974, through December 31, 1978.

The foregoing concessioner has performed its obligation under a prior permit to the satisfaction of the National Park Service and, therefore, pursuant to the Act cited above, is entitled to be given preference in the renewal of the permit and in the negotiation of a new permit. However, under the Act cited above, the National Park Service is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted on or before September 4, 1973.

Interested parties should contact the Superintendent, National Capital Parks—West, 1100 Ohio Drive, S.W., Washington, D.C. 20242, for information as to the requirements of the proposed permit.

Date July 6, 1973.

LUTHER C. BURNETT,
Superintendent,
National Capital Parks, West.

[FR Doc.73-16042 Filed 8-2-73;8:45 am]

Office of Hearings and Appeals

[Docket No. M 73-74]

GAY COAL COMPANY, INC.

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), Gay Coal Company, Incorporated, has filed a petition to modify the application of 30 CFR 77.1605(k) to its No. 5 and Grays Gap No. 2 Mines, located at Anderson County, Tennessee.

30 CFR 77.1605(k) reads as follows:

(k) Berms or guards shall be provided on the outer bank of elevated roadways.

In support of its petition, petitioner states that the principal portion of the haul road from the mine opening to the main highway is maintained by the county and is an extra wide asphalt paved road. The remaining portion of the haul road is confined almost entirely to the top of the mountain and is substantially less hazardous than the steep winding portion of the county road which does not have berms or guardrails.

As an alternative method petitioner would like to maintain the road in its present condition. Petitioner states that the haul road is extra wide and loaded trucks are compelled by the traffic system to keep to the inside or ditch side of the road.

Petitioner contends that the installation of berms on the side of the road would interfere with drainage, particularly melting snow since the operator-maintained roads are at an elevation of 2,300 feet and higher. Petitioner further avers that application of the mandatory safety standard will result in a diminution of safety to the miners at the affected mines and that it has an excellent safety record concerning hauling operations due to its present system of road maintenance.

Persons interested in this petition may request a hearing on the petition or furnish comments by September 4, 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 18, 1973.

[FR Doc.73-16016 Filed 8-2-73;8:45 am]

[Docket No. M 73-77]

H & B MINING, INC.

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), H & B Mining, Incorporated, has filed a petition to modify the application of 30 CFR 77.1605(k) to its H & B Strip Mine located at Anderson County, Tennessee.

30 CFR 77.1605(k) reads as follows:

(k) Berms or guards shall be provided on the outer bank of elevated roadways.

In support of its petition, petitioner states that the principal portion of the haul road from the mine opening to the main highway is maintained by the county and is an extra wide asphalt paved road. The remaining portion of the haul road is confined almost entirely to the top of the mountain and is substantially less hazardous than the steep winding portion of the county road which does not have berms or guardrails.

As an alternative method petitioner would like to maintain the road in its present condition. Petitioner states that the haul road is extra wide and loaded trucks are compelled by the traffic system to keep to the inside or ditch side of the road.

Petitioner contends that the installation of berms on the side of the road

would interfere with drainage, particularly melting snow since the operator-maintained roads are at an elevation of 2,300 feet and higher. Petitioner further avers that application of the mandatory safety standard will result in a diminution of safety to the miners at the affected mines and that it has an excellent safety record concerning hauling operations due to its present system of road maintenance.

Persons interested in this petition may request a hearing on the petition or furnish comments by September 4, 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 18, 1973.

[FR Doc.73-16014 Filed 8-2-73;8:45 am]

[Docket No. M 73-79]

LUEKINGS' 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), Luekings' Coal Company, Incorporated, has filed a petition to modify the application of 30 CFR 77.1605 (k) to its No. 1 Strip Mine located at Harriman, Tennessee.

30 CFR 77.1605(k) reads as follows:

(k) Berms or guards shall be provided on the outer bank of elevated roadways.

In support of its petition, petitioner states that the principal portion of the haul road from the mine opening to the main highway is maintained by the county and is an extra wide asphalt paved road. The remaining portion of the haul road is confined almost entirely to the top of the mountain and is substantially less hazardous than the steep winding portion of the county road which does not have berms or guardrails.

As an alternative method petitioner would like to maintain the road in its present condition. Petitioner states that the haul road is extra wide and loaded trucks are compelled by the traffic system to keep to the inside or ditch side of the road.

Petitioner contends that the installation of berms on the side of the road would interfere with drainage, particularly melting snow since the operator-maintained roads are at an elevation of 2,300 feet and higher. Petitioner further avers that application of the mandatory safety standard will result in a diminution of safety to the miners at the affected mines and that it has an excellent safety record concerning hauling operations due to its present system of road maintenance.

Persons interested in this petition may request a hearing on the petition or furnish comments by September 4, 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 18, 1973.

[FR Doc.73-16011 Filed 8-2-73;8:45 am]

[Docket No. M 73-76]

MOUNTCO, INC.

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), Mountco Incorporated, has filed a petition to modify the application of 30 CFR 77.1605(k) to its Mine No. 1 located at Anderson County, Tennessee.

30 CFR 77.1605(k) reads as follows:

(k) Berms or guards shall be provided on the outer bank of elevated roadways.

In support of its petition, petitioner states that the principal portion of the haul road from the mine opening to the main highway is maintained by the county and is an extra wide asphalt paved road. The remaining portion of the haul road is confined almost entirely to the top of the mountain and is substantially less hazardous than the steep winding portion of the county road which does not have berms or guardrails.

As an alternative method petitioner would like to maintain the road in its present condition. Petitioner states that the haul road is extra wide and loaded trucks are compelled by the traffic system to keep to the inside or ditch side of the road.

Petitioner contends that the installation of berms on the side of the road would interfere with drainage, particularly melting snow since the operator-maintained roads are at an elevation of 2,300 feet and higher. Petitioner further avers that application of the mandatory safety standard will result in a diminution of safety to the miners at the affected mines and that it has an excellent safety record concerning hauling operations due to its present system of road maintenance.

Persons interested in this petition may request a hearing on the petition or furnish comments by September 4, 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 18, 1973.

[FR Doc. 73-16017 Filed 8-2-73;8:45 am]

[Docket No. M 73-38]

OLIVER SPRINGS MINING COMPANY, INC.

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), Oliver Springs Mining Company, Incorporated, has filed a petition to modify the application of 30 CFR 77.1605(k) to its Nos. 3, 5 and 6 Mines located at Anderson County, Tennessee.

30 CFR 77.1605(k) reads as follows:

(k) Berms or guards shall be provided on the outer bank of elevated roadways.

In support of its petition, petitioner states that the principal portion of the haul road from the mine opening to the main highway is maintained by the county and is an extra wide asphalt paved road. The remaining portion of the haul road is confined almost entirely to the top of the mountain and is substantially less hazardous than the steep winding portion of the county road which does not have berms or guardrails.

As an alternative method petitioner would like to maintain the road in its present condition. Petitioner states that the haul road is extra wide and loaded trucks are compelled by the traffic system to keep to the inside or ditch side of the road.

Petitioner contends that the installation of berms on the side of the road would interfere with drainage, particularly melting snow since the operator-maintained roads are at an elevation of 2,300 feet and higher. Petitioner further avers that application of the mandatory safety standard will result in a diminution of safety to the miners at the affected mines and that it has an excellent safety record concerning hauling operations due to its present system of road maintenance.

Persons interested in this petition may request a hearing on the petition or furnish comments within 30 days from the date of publication of this notice in the FEDERAL REGISTER. 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 18, 1973.

[FR Doc.73-16013 Filed 8-2-73;8:45 am]

[Docket No. M 73-78]

VOLUNTEER MINING 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), Volunteer Mining Corporation has filed a petition to modify the application of 30 CFR 77.1605(k) to its Volunteer No. 1 Mine, United States Bureau of Mines I.D. No. 40002550 located at Anderson County, Tennessee.

30 CFR 77.1605(k) reads as follows:

(k) Berms or guards shall be provided on the outer bank of elevated roadways.

In support of its petition, petitioner states that the principal portion of the haul road from the mine opening to the main highway is maintained by the county and is an extra wide asphalt paved road. The remaining portion of the haul road is confined almost entirely to the top of the mountain and is substantially less hazardous than the steep winding portion of the county road which does not have berms or guardrails.

As an alternative method petitioner would like to maintain the road in its present condition. Petitioner states that the haul road is extra wide and loaded trucks are compelled by the traffic system to keep to the inside or ditch side of the road.

Petitioner contends that the installation of berms on the side of the road would interfere with drainage, particularly melting snow since the operator-maintained roads are at an elevation of 2,300 feet and higher. Petitioner further avers that application of the mandatory safety standard will result in a diminution of safety to the miners at the affected mines and that it has an excellent safety record concerning hauling operations due to its present system of road maintenance.

Persons interested in this petition may request a hearing on the petition or furnish comments by September 4, 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 18, 1973.

[FR Doc.73-16012 Filed 8-2-73;8:45 am]

[Docket No. M 73-75]

WALNUT MT., INC.

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), Walnut Mt., Incorporated, has filed a petition to modify the application of 30 CFR 77.1605(k) to its Walnut Mt. No. 1 Strip Mine located at Anderson County, Tennessee.

30 CFR 77.1605(k) reads as follows:

(k) Berms or guards shall be provided on the outer bank of elevated roadways.

In support of its petition, petitioner states that the principal portion of the haul road from the mine opening to the main highway is maintained by the county and is an extra wide asphalt paved road. The remaining portion of the haul road is confined almost entirely to the top of the mountain and is substantially less hazardous than the steep winding portion of the county road which does not have berms or guardrails.

As an alternative method petitioner would like to maintain the road in its present condition. Petitioner states that the haul road is extra wide and loaded trucks are compelled by the traffic system to keep to the inside or ditch side of the road.

Petitioner contends that the installation of berms on the side of the road would interfere with drainage, particularly melting snow since the operator-maintained roads are at an elevation of 2,300 feet and higher. Petitioner further avers that application of the mandatory safety standard will result in a diminution of safety to the miners at the affected mines and that it has an excellent safety record concerning hauling operations due to its present system of road maintenance.

Persons interested in this petition may request a hearing on the petition or furnish comments within 30 days from the date of publication of this notice in the FEDERAL REGISTER. 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 18, 1973.

[FR Doc.73-16015 Filed 8-2-73;8:45 am]

Office of Oil and Gas

EMERGENCY ADVISORY COMMITTEE FOR NATURAL GAS

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the following meeting:

Emergency Advisory Committee for Natural Gas, August 10, 1973, 9 a.m. in the Secretary's Conference Room (5160), Department of the Interior, Washington, D.C. The agenda will include reports on an assessment of the natural gas and propane supply situation for the coming 1973-1974 winter season.

This meeting is open to the public.

Dated: August 1, 1973.

DUKE R. LIGON,
Director.

[FR Doc.73-16128 Filed 8-2-73;8:45 am]

Office of the Secretary

[INT DES 73-49]

PROPOSED CONTINENTAL DIVIDE/KIT CARSON NATIONAL SCENIC TRAILS

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement for the proposed authorization and designation of the Continental Divide and the Kit Carson National Scenic Trails as components of the national trails system and invites written comment September 17, 1973. Comments should be addressed to Regional Director, Mid-Continent Region, Bureau of Outdoor Recreation, Denver Federal Center, Building 41, P.O. Box 25387, Denver, Colorado 80225.

The environmental statement considers establishment of two continuous foot and horseback trails—the Continental Divide Trail extending approximately 3,100 miles generally along the Continental Divide from the Mexican border through the States of New Mexico, Colorado, Wyoming, Idaho and Montana to the Canadian border, and the Kit Carson Trail extending approximately 370 miles along the Sangre de Cristo, Sandia, and Manzano Mountains in north-central New Mexico from Cabresto Lake to a point near Abo State Monument.

Copies are available for inspection at the following locations:

Office of Communications, Office of the Secretary, Department of the Interior, Washington, D.C. 20240

Office of Information, Bureau of Outdoor Recreation, Room 4024, Department of the Interior, Washington, D.C. 20240. Telephone: (202) 343-5726

State Clearinghouses at the following addresses:

Department of Local Affairs, 1550 Lincoln Street, Room 208, Denver, Colorado 80203

Department of Planning and Economic Development, Capitol Station, Helena, Montana 59601

State Planning Coordinator, Office of the Governor, Capitol Building, Cheyenne, Wyoming 82001

Division of State Planning, State Capitol, Boise, Idaho 83702

State Planning Office, State Capitol, Santa Fe, New Mexico 87501

Regional Clearinghouse, North-Central New Mexico, Economic Development District, P.O. Box 4248, Santa Fe, New Mexico 87501

Regional Offices of the Bureau of Outdoor Recreation located at the following addresses:

Mid-Continent Regional Office, 603 Miller Court, Lakewood, Colorado 80215

Northwest Regional Office, 1000 2nd Avenue, Seattle, Washington 98104

South Central Regional Office, 5301 Central Avenue, N.E., Albuquerque, New Mexico 87108

Copies may be obtained by writing the National Technical Information Service, Department of Commerce, Springfield, Virginia 22151. Please refer to the statement number above.

Dated: July 27, 1973.

NATHANIEL P. REED,
Assistant Secretary of the Interior.

[FR Doc.73-16079 Filed 8-2-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

CERTAIN STOCKYARDS AND LIVESTOCK MARKETS

Notice of Approval and of Withdrawal of Approval

This notice lists certain additional livestock markets to the list of those heretofore approved under the regulations in 9 CFR Part 76. It has been determined that the inspection and handling of swine at such livestock markets are adequate to effectuate the purposes of the regulations. Certain livestock markets have been removed from the list of those heretofore approved under said regulations, because it has been determined that such livestock markets no longer qualify for approval under the regulations.

Pursuant to § 76.18 of the regulations in Part 76, as amended, Title 9, Code of Federal Regulations, containing restriction on the movement of swine because of hog cholera, under the Act of May 29, 1884, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134f), notice is hereby given that the following livestock markets are approved under said regulations as indicated below:

Livestock Markets Approved Under § 7618(b), Title 9, Code of Federal Regulations, To Handle Interstate Shipments of Any Class of Swine

ALABAMA	
Cullman Feeder Pig Association	Cullman
ARKANSAS	
Arkansas National Stockyards	Little Rock
Beebe Auction, Inc.	Beebe
Shantz Livestock Commission Company	North Little Rock
GEORGIA	
Tri County Feeder Pig Sale	Broxton
IDAHO	
Spencer Livestock Commission Company	Lewiston
Treasure Valley Livestock Auction	Caldwell
INDIANA	
Boone County Sale Barn	Lebanon
Evansville Stockyard Company	Evansville
Johnson County Sale Pavillion	Franklin
Knightstown Sale Barn	Knightstown
La Fountain Livestock Sale	La Fountain
Bill Manns	Rensselaer
Morton Sale Barn	Morton
Producers Marketing Association	Boonville
Producers Marketing Association	Columbia City
Producers Marketing Association	Seymour
IOWA	
Anthon Pig Company	Anthon
Mapleton Livestock Sales Company	Mapleton
Schleswig Transfer, Inc.	Schleswig
KENTUCKY	
Bourban Stockyards Company, Inc.	Louisville
MARYLAND	
Baltimore Livestock Exchange, Inc.	West Friendship
MASSACHUSETTS	
Farmers Live Animal Market Exchange, Inc.	Littleton
MINNESOTA	
Faribuilt Livestock Sale	Faribuilt
MISSISSIPPI	
Clarksdale Livestock Sale Company	Clarksdale
East Mississippi Farmer's Livestock Co.	Philadelphia
West Point Stockyards, Inc.	West Point
MISSOURI	
C & S Livestock Market	Rich Hill
Golden Valley Auction	Clinton
Kansas City Stockyards	Kansas City
The Lamar Cattle Auction	Lamar
McDonald County Livestock Market	Jane
Roberts Livestock Auction	Bolivar
St. Joseph Livestock Auction Center	South St. Joseph
NEBRASKA	
Union Stockyards Company	Omaha
NORTH CAROLINA	
Albemarle Cooperative Association, Inc.	Edenton
Union County Livestock Auction, Inc.	Monroe
NORTH DAKOTA	
Union Stockyards Company of Fargo	West Fargo
OHIO	
Cincinnati Union Stockyard Company	Cincinnati
Producers Livestock Association	Hillsboro
The Union Stockyards Company	Hillsboro
OKLAHOMA	
Ft. Smith Stockyard Company, Inc.	West Fort Smith
Oklahoma National Stockyards	Oklahoma City
SOUTH DAKOTA	
Sioux Falls Stock Yards Company	Sioux Falls
TEXAS	
Fort Worth Stockyards	Forth Worth
WISCONSIN	
Timm Orr Livestock Market	Waupaca
Wisconsin Feeder Pig Cooperative Livestock Market	Almena

The following livestock markets are *deleted* from the list specifically approved to handle interstate shipments of all classes of swine.

ARKANSAS	
Glover Livestock Commission Company	Pine Bluff
J & G Auction Company	Beebe
Magnolia Livestock Auction	Magnolia
Montgomery Livestock Auction	Searcy
Shantz & Rodman	North Little Rock
FLORIDA	
Bonifay State Livestock Market	Bonifay
GEORGIA	
Wayne County Stockyard	Jessup
ILLINOIS	
Oak Valley Feeder Pig Sales	Kampsville

INDIANA	
Loren Cates	Williamsburg
Indianapolis Stockyard Corporation	Indianapolis
Marvin Luellen	Mooreland
Smith Feeder Pig Market	Peru
Wabash Valley Order Buyers	Pierceton
Waitt Feeder Pig	Sheridan
IOWA	
C & R Feeder Pig Market	Albert City
Ray Fritz Stockyards	Washington
Mapleton Livestock Sales	Mapleton
West Grove Stockyards	Mapleton
Weichman Pig Company, Inc	Des Moines
KENTUCKY	
Albany Stockyards	Albany
Greenville Livestock Market	Greenville
Hart County Livestock Market	Munfordville
MINNESOTA	
Dillavou Feeder Pig Market	Rose Creek
MISSOURI	
St. James Auction	St. James
NEBRASKA	
Norfolk Livestock Market	Norfolk
Ogallala Livestock Commission Company	Ogallala
Western Plains Livestock Market	Sidney
NEW MEXICO	
Portales Livestock Commission Company	Portales
NORTH DAKOTA	
Home Base Auction Market	Bowman
OHIO	
Interstate Farmers Livestock	Oxford
OKLAHOMA	
Joe Benefield Market	Jay
Grove Sale Company	Grove
TENNESSEE	
Garrett Feeder Pigs	College Grove
Gibson County Livestock Exchange	Trenton
Goff Feeder Pig Association	Quebeck
Maury County Feeder Pig Sale	Columbia
Mullins & Martin Feeder Pig Barn	Byrdstown
Northwest Tennessee Feeder Pig Assn	Dyersburg
J. V. Odem Pig Barn	St. Joseph
S & R Feeder Pig Company	Spencer
Sudberry Feeder Pig Sales	Chapel Hill
Sweetwater Valley Feeder Pig Association	Sweetwater
Thompson Brothers Feeder Pig Barn	Sparta
J. S. Winstom Pig Barn	Shelbyville
WISCONSIN	
Equity Co-Op Livestock Sales Association	Ripon
Dan Orr Livestock Market	Waupaca

Livestock Markets Approved Under § 76.18(b), Title 9, Code of Federal Regulations, To Handle Interstate Shipments of Slaughter Swine Only.

ARKANSAS	
Glover Livestock Commission Company	Pine Bluff
Magnolia Livestock Auction	Magnolia
Montgomery Livestock Auction	Searcy
GEORGIA	
Wayne County Stockyard	Jesup
ILLINOIS	
Heinold Hog Market, Inc	Atkinson
St. Louis National Stockyards Co	National Stockyards
State Line Reload—NFO	Roscoe
INDIANA	
Attica Stockyards	Attica
Glen Carr	Parker
Jack Childs	Muncie
Evansville Union Stockyards Co., Inc	Evansville
Heinold Hog Market	Chalmers
Heinold Market	Milroy
Heinold Market	North Manchester
Indianapolis Stockyards Corp	Indianapolis
Pavy Stockyards	Pavy
IOWA	
Weichman Pig Company, Inc	Des Moines
KENTUCKY	
Albany Stockyards	Albany
Greenville Livestock Market	Greenville
Hart County Livestock Market	Munfordville
MARYLAND	
Baltimore Livestock Exchange, Inc	West Friendship
MINNESOTA	
Breckenridge Livestock	Breckenridge
MISSISSIPPI	
Prentiss Stockyards	Prentiss
S & A Livestock Inc	Tupelo
Stockyard Beef Sale, Inc	Tupelo
MISSOURI	
Edina Stockyards—NFO Buying Station	Edina
Kirksville Community Sale, Inc	Kirksville
NFO Collection Point	Bethany
Nichols Stockyards	Bethany
St. Joseph Livestock Auction Center	South St. Joseph
Sedgewickville NFO Collection Point	Sedgewickville
Thompson Livestock Company	Glasgow
NEBRASKA	
York Packing Co., Inc	York

NEW YORK	
Buffalo Stockyards Company, Inc.	Buffalo
NORTH CAROLINA	
Reaves Livestock Inc. Rowland	Rowland
OHIO	
Cisco Stockyard, Inc.	St. Marys
Fitz Ranch Livestock	Greenville
Interstate Farmers Livestock Company	Oxford
Producer's Livestock Association	London
OKLAHOMA	
Ag Markets, Inc.	Woodward
Green County Feeder Pig Market	Jay
VIRGINIA	
Narrows Livestock Auction Market	Narrows
Richmond Union Stockyards Company	Richmond
Southampton Peanut Company Buying Station	Branchville
WISCONSIN	
Milwaukee Stockyards	Milwaukee
NFO Collection Point	Independence
WYOMING	
Pierce Packing Company Buying Station	Powell

The following livestock markets are deleted from the list specifically approved to handle interstate shipments of slaughter swine only:

ILLINOIS	
Jamison Livestock Market	Tuscola
INDIANA	
Evansville Stockyard Company	Evansville
KANSAS	
McKinley-Winter Livestock Sale	Dodge City
Palmer Feed Lot	Independence
MINNESOTA	
Johnson Livestock	Windom
MISSISSIPPI	
Clarksdale Livestock Sales Company	Clarksdale
East Mississippi Farmers Livestock Co.	Philadelphia
Mississippi Farmer's Livestock Co.	Philadelphia
Stockyards, Inc.	Tupelo
West Point Stockyards, Inc.	West Point
MISSOURI	
NFO Collection Point	Lockwood
NORTH DAKOTA	
Wahpeton Livestock Company	Hankison
OHIO	
Paul D. Krill Market	Edgerton
OKLAHOMA	
The Mauer-Neuer Hog Buying Station	Alva
Oklahoma National Stockyards	Oklahoma City
TENNESSEE	
John Buford Buying Station	Celina
VIRGINIA	
Narrows Livestock Market	Narrows
WEST VIRGINIA	
Alderson Livestock Market	Alderson
New River Livestock Market	Beckley
Pocohontas Producers Co-op Association	Marlinton
WISCONSIN	
Mondovi NFO Collection Point	Mondovi

Effective Date: August 3, 1973.

This action imposes certain restrictions necessary to prevent the spread of hog cholera and relieves certain restrictions presently imposed. It should become effective promptly in order to accomplish its purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this action are impracticable and contrary to the public interest, and good cause is found for making this notice effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C. July 30, 1973.

E. E. SAULMON,
Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.73-16032 Filed 8-2-73;8:45 am]

Forest Service

ENVIRONMENTAL STATEMENTS

Publication of Guidelines on Forest Service Manual

Notice is hereby given of publication of Title 8400 an Environmental Statements in the newly established series 8000 (ENVIRONMENTAL PLANNING, PROTECTION, AND MANAGEMENT) of the Forest Service Manual. This title replaces Forest Service Emergency Directive No. 1, FSM 1940, which was published in the FEDERAL REGISTER on December 11, 1971. Comments will be welcomed on a continuing basis and revisions will be made as necessary.

Additional chapters and titles in 8000 are being developed and will be issued in the future.

PHILIP L. THORNTON,
Deputy Chief, Forest Service.

JULY 25, 1973.

TITLE 8400—ENVIRONMENTAL STATEMENTS

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8401—Authority. The Forest Service is authorized and directed by the National Environmental Policy Act (NEPA) of 1969 (P.L. 91–190) to use all practical means and measures in a manner calculated to foster and promote the general welfare, create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social and economic and other requirements for present and future generations of Americans. The purposes of the act are to: (1) declare a national policy which will encourage productive and enjoyable harmony between man and his environment; (2) promote efforts which will prevent or eliminate damage to the environment and biosphere; (3) stimulate health and welfare of man; and (4) enrich the understanding of the ecological systems and natural resources important to the nation.

Section 102(2)(C) of the act requires environmental statements on proposed major Federal actions affecting the environment. The objective of this section is to build into a decision-making process an appropriate and careful consideration of the environmental aspects of proposed action and to assist agencies in implementing not only the letter, but the spirit of the act.

Additional authority, direction, and instructions are contained in:

1. Executive Order No. 11514.

2. Council on Environmental Quality (CEQ) Revised Guidelines for Statements on the Proposed Federal Action Affecting the Environment as published in the Federal Register, Vol. 36, No. 79, April 23, 1971, Part II.

3. Secretary's Memorandum No. 1695 and supplements.

4. Section 309 Clean Air Act Amendments of 1970.

8402—Purpose of Environmental Statements. The objective of an environmental statement is to provide a means for giving environmental quality careful and appropriate consideration in the planning and decision-making process. The environmental statement must be of sufficient detail to allow a responsible official to make an accurate decision regarding the environmental impacts to be expected from program implementation. This means environment quality must be objectively weighed with economic development and social well-being goals over both the short and the long run. The environmental statement process also provides a formalized procedure for informing and taking account of comments from other agencies, individuals, and groups having expertise or interest in the subject area under consideration.

The environmental statement should indicate what other interests and considerations of Federal policy might be found to justify those effects. The statement should also indicate the extent to which these stated countervailing benefits could be realized by following reasonable alternatives to the proposed action that would avoid some or all of the adverse environmental effects. In addition to other economic information available, benefit-cost information or other specific economic analysis should be included with the environmental statement. A sincere effort should be made to discover and discuss all major points of view in the draft environmental statement itself.

Also, it is a requirement that all environmental statements be submitted to the CEQ. While the council does not formally approve or disapprove the statements, they are an arm of the Executive Office of the President. As such, their comments on statements they choose to review must be fully recognized and considered as the voice of this office. The major purpose of Public Law 91–190 is to assure the Executive and the Congress that environmental quality is fully considered in all Federal activities affecting the environment.

8403—Policy. Forest Service policy is that the responsible official will not make a decision on a proposed action until the environmental impacts are assessed in detail. If the action requires an environmental statement, the entire process required by the NEPA must be completed prior to approval. Furthermore, the act requires that an environmental statement "accompany the proposal through the existing agency review processes." As early as possible and in all cases prior to agency decision concerning major action or recommendation or a favorable report on legislation that significantly affects the environment, the Forest Service will consult with other appropriate Federal, state, and local agencies and with the public. Alternative actions that will reduce adverse impacts or enhance positive effects will be thoroughly explored. Long- and short-range implications to man, to his physical and social surroundings, and to nature will be evaluated.

The analysis supporting an environmental statement should utilize a systematic, interdisciplinary approach integrating the natural and social sciences and the environmental design arts in planning and in decisionmaking. The analysis is described in detail in FSM 2130.

All existing policies will be periodically reviewed. If, at any time, a policy is found to be inconsistent with NEPA, the policy will be revised.

In order to more fully complement the act it is recommended that cooperative agreements with state agencies be amended to include the following clause:

> To comply with Public Law 91–190, the National Environmental Policy Act of 1969, the state and the Forest Service agree to direct their program activities covered by this agreement toward managing and enhancing the environment for the widest range of beneficial uses without its degradation or risk to health or safety or other undesirable consequences. The state further agrees to assist the Forest Service in the preparation of environmental statements as required by Section 102(2)(C) of Public Law 91–190 for all major actions taken under this agreement which might significantly affect the quality of the human environment or be controversial.

8404—Responsibility. Responsibility for preparing Forest Service environmental statements follows the delegations of authority specified in FSM 1230. The Regions, Areas, and Stations have designated environmental coordinators to help meet the requirements of the NEPA. Responsibility for the proposed action determines responsibility for the environmental statement. The procedure specified herein for forwarding statements to the CEQ does not alter these basic delegations of authority.

1. Responsible Official. Chief, Regional Foresters, Area Directors, Station Directors, Forest Supervisors, and District Rangers are responsible for determining the need for, and preparation of, environmental statements on specific Forest Service actions. Cooperators, such as states can be required to prepare analysis for statements, but the deciding Forest Service official is responsible for the environmental statement. The Washington Office will handle actions relating to legislation, appropriations, and proposed national programs.

2. Lead Agency. The "Lead Agency" is defined as the Federal agency having primary authority for committing the Federal Government to a course of action. The Forest Service will prepare an environmental statement when it is the lead agency. The WO can assist in resolving questions of lead agency designation by working through the USDA Coordinator of Environmental Quality Activities to get assistance from the CEQ. Where determination of lead agency cannot be resolved, then each agency claiming a lead role may have to require a statement adequate for its decision-making process. Where the authority of agencies is more-or-less equal and the

consequences are major for each agency, statements may be jointly prepared.

The CEQ states that relevant factors in determining the proper agency to assume a lead role include:

a. Relative expertise with respect to the project's environmental effects.

b. Magnitude of respect involvement for evaluation of the entire project.

c. Time sequence in which the agencies become involved in the project. Especially critical is the preparation of the environmental statement before any of the participating agencies have taken major or irreversible action with respect to the project.

These factors and considerations indicate that where National Forest System lands are involved, the Forest Service should exert a strong role in the environmental statement process.

8411—ACTIONS REQUIRING ENVIRONMENTAL STATEMENTS. The NEPA requires that environmental statements be prepared and submitted with every recommendation or report on proposals for legislation and for other major Federal actions significantly affecting the quality of the environment. Such "significant effect" may include actions which may have both beneficial and detrimental effects even if, the agency believes that the effect will be more beneficial than detrimental.

Environmental statements are required for proposed actions having major environmental impacts or which are highly controversial.

"Major" actions and "significant" environmental effects are difficult to define precisely and uniformly because of the great variation in social, political, and ecological conditions. The official responsible for taking action must use good judgment in determining when formal environmental statements are appropriate and useful in the decisionmaking and public involvement processes. The following categories of criteria should be considered by officials in determining whether or not a statement is appropriate. In applying this criteria, all lands affected must be considered, including National Forest lands, other Federal lands, state lands, and private lands.

1. Degree of ecosystem disturbance; both onsite and offsite effects should be recognized. Offsite could involve effects on private land, such as triggering land development.

2. Irreversible effects on basic resources; short-term versus long-term commitments.

3. Cumulative effects of many small actions.

4. Chain reactions or secondary effects of interrelated activities.

5. National versus regional and local importance.

6. Uniqueness or rareness of resource.

7. Scope of anticipated public involvement and controversy anticipated.

The size of scope of an administrative action is a factor which may be considered in determining whether this action is a "major" action. Usually, it will be appropriate to aggregate a number of comparable smaller actions, and consider them together in a single program environmental statement.

8411.1—Legislation. Although the act is not specific, CEQ guidelines and Office of Management and Budget (OMB) instructions indicate that environmental statements are only needed for favorable reports relating to legislation. Section (2)(C) of the act applies to both (1) agency recommendation on their own proposals for legislation and (2) agency reports on legislation initiated elsewhere. In the latter case, only the agency which has primary responsibility for the subject involved will prepare an environmental statement.

8411.2—Service-Wide Policy, Regulations, and Procedures. An environmental statement will be prepared for new regulations, policies, and procedures which have major environmental effects.

8411.3—Plans, Programs, and Major Projects. Environmental statements will be prepared on major proposed plans, programs, and major projects directly undertaken by the Forest Service, or supported in whole or in part through land use permits, leases, contracts, grants, cooperative agreements, subsidies, technical assistance, or granting of rights.

In most cases, any activity that will significantly affect the following will require an environmental statement:

1. Formally classified areas, such as Wilderness Areas, Primitive Areas, Wild and Scenic Rivers, National Recreation Areas, Natural Areas, Scenic Areas, Historical Areas, Archeological Areas, Geological Areas, and National Trails. Also areas being considered or with significant potential for classification.

2. Large roadless areas and critical smaller roadless areas.

3. Adjacent National Parks and monuments, wildlife refuges, or similar State and locally designated areas.

4. Scenic attractions.

5. Municipal watersheds.

6. Shorelines.

7. Free-flowing streams.

8. Rare and endangered species—plants or animals.

9. Key wildlife or fish areas.

10. Wetlands and estuaries.

11. Air and water quality. (This should include not only quality in terms of legal standards, but aspects for which standards may not be set.)

8411.31—Environmental Statements on Pesticide Use. Environmental statements are normally required on programs or major projects involving use of pesticides. The use of pesticides should be considered from their effect on production needs, economic changes, and other associated environmental consequences.

8411.32—Environmental Statements on Land Use Plans, Developments, and Activities. A definitive list of activities requiring environmental statements cannot be specified because of the complexity of Forest Service programs. The list below is not all-inclusive, nor will all plans and actions within the activities require statements. The responsible official must consider the criteria in FSM 8411 of this chapter and use reasonable judgment. In many cases, program statements will be appropriate, assessing the environmental effects of a number of individual actions in a given geographical area.

The need for environmental statements should be considered for the activities given below:

1. Multiple Use Plans of Area, Unit, or Forest.

2. Timber Management Plan or Timber Sale Action Plans.

3. Other Resource Management Plans.

4. Rural area development feasibility studies and proposals.

5. Mining permits and certain prospecting permits. This applies to minerals owned by the United States. May also apply to certain aspects of removal of reserved minerals (that is operating plans of mineral operator).

a. Surface mining except for minor sand, gravel, and stone excavation, and minor mineral activities (mica, feldspar, etc.)

b. Deep mining.

c. Development of major oil and gas fields with appurtenant facilities.

6. Major public service developments (for example, winter sport sites, resorts, and marinas).

7. Programs involving the use of fertilizers and other chemicals.

8. Water resources development projects.

9. Channel change projects.

10. Continuing National Cooperative programs.

11. Cooperative state program plans.

12. Large-scale, on-the-ground research activities, such as drastic treatment of sizeable areas and major change in research programs.

13. Vegetative-type conversion involving substantial acreage.

14. Transportation construction programs.

15. Major highways and bridges if not included under item 14.

16. Prescribed burning program if not included under item 2.

17. Site preparation programs, such as roller chopping, rock raking, shearing, and cabling.

18. Rights-of-way permits for major transmission lines.

19. Major sewage treatment facilities.

20. Major acquisition or exchange.

21. Followup actions associated with natural disasters.

22. Issuance of certain grazing permits.

23. Off-road vehicle use plans.

8411.4—Application of Requirements to Existing Projects and Programs. To the maximum extent practicable, the environmental statement requirements should be applied to additional major actions having a significant effect on the environment even though they arise from projects or programs initiated prior to enactment of the act on January 1, 1970. When it is not practicable to reassess the basic course of action, it is still important that additional incremental

major actions be shaped so as to minimize adverse environmental consequences. It is also important that account be taken of environmental consequences not fully evaluated at the outset of the project or program. The rationale leading to the original decision should be documented.

8412—ENVIRONMENTAL STATEMENT PREPARATION. An environmental statement is prepared in two stages. A draft environmental statement is the first formal statement for filing with the CEQ and for review and comment by other agencies and the public. A final environmental statement reflects the results of the draft review process and it is also filed with the CEQ.

The preparation of a draft environmental statement should follow an analysis of alternatives from a multiple-objective viewpoint. Preliminary consultation with other Federal, State, and local agencies and public involvement should start early in the analysis process. Public involvement will be through a variety of means, such as individual contacts, meetings, workshops, and advisory committees. The draft statement specifically focuses on the environmental aspects of the alternatives. This should be a useful document for review and comment by other agencies and the public. The statement should clearly describe the analysis process so reviewers may comment specifically. The comments received must then be considered and evaluated for preparation of the final environmental statement.

8412.1—Basis for Environmental Statements. Planning and analysis procedures will provide basic information for environmental statements. New planning and analysis procedures are under development. In the meantime, current procedures for analysis and coordination discussed in various sections of the Manual will provide some of the data necessary for environmental statements.

An environmental analysis and its documenting report is required as a basis for determining the need for an environmental statement. However, there are cases where the need for an environmental statement is apparent prior to the environmental analysis. When the environmental analysis does not indicate a significant environmental impact or controversy, the responsible official may decide that an environmental statement is not required. In these situations, the responsible official will make a written negative declaration setting forth his determination that there will be no significant impact upon the quality of the environment or controversy if the proposed action is undertaken.

When the responsible official decides an environmental statement will be prepared, an appropriate notice of this fact will be made. A list of statements under preparation will be maintained at appropriate Regions, Stations, Areas, and composite lists at the Washington Office. The composite list will be published twice annually (January and July) in the Federal Register.

Environmental statements will be documents complete enough to stand on their own. Analysis reports may be incorporated as supporting material to the environmental statement. Draft statements should indicate the underlying studies, reports, and other information obtained and considered by the agency in preparing the statement. The statement should describe how such documents may be obtained or examined. In some situations, analysis reports may be written in the same format as the environmental statement and used as the draft statement.

The complete environmental statement package will contain the following:

1. Letter of transmittal to CEQ (attached to each copy of environmental statement).
2. National Technical Information Service (NTIS), Department of Commerce, Summary Sheet (attached to each copy of environmental statement) and one completed Accession Notice, form NTIS 79.
3. Environmental Statement Summary Sheet (attached to each copy of environmental statement, plus two extra copies for distribution to OMB).
4. Environmental Statement (30 copies).
5. Federal Register Notice.

8412.2—Letter of Transmittal. Use the following sample for transmittal memo:

Subject: USDA (Draft/Final) Environmental Statement on (title of statement)

To: Honorable Russell E. Train, Chairman, Council on Environmental Quality

Through: T.C. Byerly, Coordinator of Environmental Quality Activities, USDA

Enclosed are ten copies of the (Draft/Final) environmental statement on (title) issued by U.S. Forest Service (title and name of official), (specifiy) Region. One copy is for submittal to NTIS.

The responsible official is Regional Forester Jay Craven, Eastern Region.

(Do not complete signature block)

Enclosures

Leave the signature block blank. The transmittal memorandums should clearly identify the responsible Forest Service official. A minimum of 30 copies of either draft or final statement and appended material shall be submitted to the Chief.

8412.3—National Technical Information Service (NTIS). As a public service, the NTIS will reproduce and offer for sale copies of all environmental statements. Costs will vary according to size of the environmental statement. The statements are also available in microfiche. Submit with each environmental statement a special NTIS cover sheet and Accession Notice, form NTIS 79, to facilitate their handling. The NTIS cover sheet page should follow the format as illustrated by the following sample. The report number will be assigned by Programs and Legislation Office and the date filed with CEQ inserted.

One copy of form NTIS–79 should be completed in accordance with sample and submitted along with environmental statement package. This will be returned to the Washington Office by NTIS after accession number is assigned.

SAMPLE

NTIS COVER SHEET

U.S. Department of Agriculture

FOREST SERVICE

I Report number
—USDA-FS-DES[1] (Adm) or (Leg) ([2])

II Title
—USDA Draft Environmental Statement on Herbicide Control of Sagebrush in Montana

III Responsible official
—Regional Forester Steve Yurich

IV Date filed with CEQ
—([2])

V Prepared by
—U.S. Department of Agriculture
Forest Service—Northern Region
Federal Building
Missoula, Montana 59801

8412.4—Contents of an Environmental Statement. Forest Service environmental statements shall generally follow the outline below and will include information pertinent to each of the subject headings listed. The headings can be supplemented or re-arranged if a clearer presentation results. However, the Act requires that each of the main points be covered.

USDA FOREST SERVICE ENVIRONMENTAL STATEMENT

(Statement Title)

Prepared in accordance with Section 102(2)(C) of Public Law 91–190

SUMMARY SHEET

I—Draft ( ) Final ( )

II—Name of USDA Agency.

III—Administrative ( ) Legislative ( ).

IV—Brief description of action—indicating what states and counties are particularly affected.

V—Summary of environmental impact and adverse environmental effects.

VI—List of alternatives considered.

VII—(For DRAFT statements) List all Federal, state, and local agencies from which comments have been requested.

(For FINAL statements) List all Federal, state, and local agencies and other sources from which written comments have been received.

VIII—Date draft statement and final statement made available to CEQ and the public.

If it is a "Draft" environmental statement-leave blank; WO will insert date when it goes to CEQ.

If it is a final environmental statement and the draft has already been filed with CEQ, insert that data and leave date for "Final" blank.

[1] Use DES for draft—FES for final environmental statement.

[2] Assigned by Programs & Legislation Office—leave blank.

USDA FOREST SERVICE ENVIRONMENTAL STATEMENT

(Statement Title)

Prepared in accordance with Section 102(2)(C) of Public Law 91-190

Type of Statement: (draft or final)
Date of Transmission to CEQ: (leave blank)
Type of Action: (administrative or legislative)
Responsible Official: (name, title, and address)

CONTENTS

I—Description.
II—Environmental impacts.
III—Favorable environmental effects.
IV—Adverse environmental effects which cannot be avoided.
V—Alternatives to the proposed action.
VI—Relationship between short-term uses of man's environment and the maintenance of long-term productivity.
VII—Irreversible and irretrievable commitment of resources.
VIII—Consultation with others.

The following comments are intended to further clarify the intent of the headings in the above environmental statement outline.

I—Description. The proposed action or alternative should be clearly described by including enough information and technical data to give readers a clear understanding of the nature of the proposed action. Where relevant, maps, photographs, and other materials may be used, but publication costs and difficulty should be considered. Give the relevant background information on the project including its purpose, the origin of the proposal, the social, economic, or environmental objectives, and the demand or relative urgency of need. If appropriate, describe the present environment, location, size, landownership, and status, physiography, ecosystems, climate, and other special features.

II—Environmental Impacts. Discuss both primary and secondary effects.

A. Identify, analyze, and discuss the full range of social, physical, and biological factors which change as a result of direct or indirect effects of the proposal. Both primary and secondary consequences should be considered in the analysis. For example, the implications, if any, of the action on population distribution or concentration should be objectively estimated and an assessment made of the probable effects of such changes in population patterns upon the resource bases, including land use, and public services of the area in question. Include, also, economic impacts on employment, unemployment, and other economic factors.

The distinction between primary and secondary impacts is important for insuring consideration of all alternatives. One way to describe the distinction is that project imputs generally cause primary impacts and project outputs generally cause secondary impacts. Primary impacts are generally easier to analyze and measure, while secondary impacts may require analyses by a number of agencies because they generally are not within any single agency area of responsibility or expertise. Secondary impacts may, in fact, be more important or more damaging than primary impacts.

The material in this section should be as objective as possible leaving the value judgments of good or bad for the succeeding sections.

B. Discuss any planned measures to minimize adverse environmental impacts of the proposal.

III—Favorable Environmental Effects. Discuss the beneficial aspects of the environmental changes or disturbances by placing some relative value on the impacts described in II above. The basis for such value judgments should be as explicit as possible. Discuss the effects not only with reference to the project areas but in relation to any applicable region or ecosystem. Clearly identify the target groups involved and assess the relative differences in values to each group. Favorable environmental effects may be described as any probable beneficial effects that result from the proposed action, such as (1) improved air and water quality, (2) improved land use patterns, (3) improved life systems, (4) improved social and economic conditions, and (5) other beneficial environmental effects as set out in Section 101(b) of the Act.

IV—Adverse Environmental Effects Which Cannot Be Avoided. Identify and discuss the nature and extent of probable adverse effects and explain why they cannot be avoided. Such adverse effects may include water, air, sound, or visual pollution; undesirable land use patterns; damage to life systems; threats to health; or other urban congestion consequences adverse to the environmental goals set out in Section 101(b) of the act.

V—Alternatives to the Proposed Action. The intent of this section is to assure that the responsible officer has studied the alternatives based upon a rigorous exploration and objective evaluation of alternative actions that might avoid some or all of the adverse environmental effects. The alternatives should be described, and the analysis presented, including costs and impacts on the environment. The viable alternatives should not be foreclosed prematurely in the agency review and decision process. Creativity is required in recognizing and developing alternatives. The range of alternatives to be considered may involve other alternate means to reach the objectives of the proposed action including alternatives as to location, design, scale, sequence, timing, and combinations. All reasonable alternatives and their environmental impacts should be discussed, including those not within the authority of the agency. Examples of categories of alternatives that must be considered in connection with specific actions are as follows:

A. The alternative of taking no action.

B. Alternatives requiring actions of a significantly different nature which would provide similar benefits with different environmental impacts.

C. Alternatives related to different designs or details of the proposed action which would present different environmental impacts.

In each case, the analysis of alternatives should be sufficiently detailed and rigorous to permit independent and comparative evaluation of the benefits, costs, and environmental risks of the proposed action and each alternative.

VI—Relationship between Local Short-term Uses of Man's Environment and the Maintenance and Enhancement of Long-term Productivity. This in essence requires the agency to assess the action for cumulative and long-term effects from the perspective that each generation is trustee of the environment for succeeding generations.

VII—Irreversible and Irretrievable Commitment of Resources. This requires the agency to identify the extent to which the action curtails the range of beneficial uses of the environment.

VIII—Consultation With Appropriate Federal Agencies and Review by State and Local Agencies Developing and Enforcing Environmental Standards. This section is optional but desirable for draft statements; it is required for final statements. In the draft environmental statement, list the agencies, groups, and individuals consulted in the preliminary consultation phases and summarize the comments received. Also, list the agencies and groups to whom the draft environmental statement will be sent.

In the final environmental statement, this section will include a discussion of reviews and comments on the draft environmental statement. Particular attention should be given to making meaningful reference to opposing views. Comments received from Federal, state, and local agencies, leading national organizations, and substantive comments from individuals which influence decisionmaking must be attached.

A list and summary of meetings and hearings held should be attached to the final statement.

8412.5—Federal Register Notice. Announcement of public availability of draft and final environmental statements will be published in the FEDERAL REGISTER. Units preparing environmental statements are requested to prepare FEDERAL REGISTER notices in final form announcing the availability to the public of the environmental statement. The FEDERAL REGISTER notice will be prepared and submitted along with the environmental statement to Programs and Legislation, Washington Office.

Instruction for preparing Federal Register document are in the Federal Register Handbook on Document Drafting, January 1966, issued by the Office of the Federal Register, GSA (FSM 1023). These instructions have been condensed below:

1. Format. Use plain bond paper, allowing 1½ inch left margin, and 1 inch right, top, and bottom margin; double

space. For the signature element, type Deputy Chief, Forest Service, underscored, 5 lines below the last line of the notice, as shown in the sample. Type a line for the date. On the bottom left of the yellow copies, type the originator identifications: "USDA, Forest Service, Region, Division, author, typist's initials, and date."

2. *Number of Copies.* Original and two white tissue copies for submission to Federal Register Office, one yellow for Washington Office file, one yellow for the originating field unit.

3. *Submission.* Send original, two white tissues, and two yellow tissues (assembled in that order) to the Washington Office, Programs and Legislation. After signature by the Deputy Chief, and dated, yellow file copy will be returned to the field unit. The original and two white copies will be transmitted to the Federal Register Office for publication. Usually the notice is in print approximately 5 days after signature.

Sample Federal Register Notice

DEPARTMENT OF AGRICULTURE
Forest Service
COOPERATIVE 1972 GYPSY MOTH
SUPPRESSION AND REGULATORY PROGRAM
Notice of Availability of Draft (or Final)
Environmental Statement

(triple space)

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a (draft or final) environmental statement for (name of proposed action and Forest Service report number. See section 8412.3, NTIS for report number instructions).

The environmental statement concerns a proposed (brief description of proposed action).

This (draft or final) environmental statement was filed with CEQ on (leave blank).

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg., Room 3230
12th St. & Independence Ave., S.W.
Washington, D.C. 20250

(list other locations)

A limited number of single copies are available upon request to (resoponsible official, name, and address).

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151. Please refer to the name and number of the environmental statement above when ordering.

Copies of the environmental statement have been sent to various Federal, state, and local agencies as outlined in the CEQ guidelines.

(THE FOLLOWING TWO PARAGRAPHS WILL BE USED FOR DRAFT STATEMENTS BUT WILL BE OMITTED FOR FINAL ENVIRONMENTAL STATEMENTS)

Comments are invited from the public, and from state and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to (responsible official name, and address). Comments must be received by (indicate specific date or number of days after filing with CEQ) in order to be considered in the preparation of the final environmental statement.

(Dateline leave blank) Deputy Chief, Forest Service

8413—CONSULTATION AND REVIEW PROCESS FOR FOREST SERVICE ENVIRONMENTAL STATEMENTS. The consultation and review process normally will involve 7 steps as follows:

1. Individual agency and public inputs and preliminary consultation leading to a development of a draft environmental statement.
2. Development of a draft statement.
3. Filing draft statement with CEQ.
4. Review of the draft statement by appropriate agencies and the public.
5. Preparation of final statement.
6. Filing final statement with CEQ.
7. Decision on proposed action.

The following flow chart shows the review points through which environmental statements must pass before a final decision is made. The chart also shows the minimum time required for review. However, responsible officials are encouraged to allow more time for review whenever possible.

8413.1—Preliminary Consultation and Advice. For Forest Service proposals, consultation with other appropriate agencies and the public should be obtained at the earliest possible time. Generally, this should be during the analysis phase and before the draft environmental statement is prepared. The approach can be varied to best fit the situation. This preliminary consultation should be documented, but early proposals and analyses should not be titled draft environmental statements.

8413.2—Draft Environmental Statement. The official review period for other agencies and the public begins when the draft environmental statement is transmitted to CEQ. Documents titled, "Draft Environmental Statement" should not be sent to other agencies and the public prior to transmission to CEQ.

After a draft environmental statement is issued, additional information may occasionally become available which could significantly influence the comments on the statement. In such cases, a supplement to the draft may be issued and given the same circulation as the draft environmental statement, with an appropriate extension in the time allowed for the submission of comments.

8413.21—Forest Service Processing. All draft environmental statements will be processed through the line officers, environmental quality coordinators, and Deputy Chiefs for transmission through the Department environmental coordinator to CEQ. The Deputy Chief for Programs and Legislation will handle the Washington Office processing and coordination. He will:

1. Forward required copies of the draft environmental statement through the Department's environmental quality coordinator, to CEQ.
2. Notify the responsible official that he may send the draft statement to appropriate agencies and groups for comment.
3. Send two copies of the summary sheet to OMB.

8413.22—Reviews Outside the Forest Service. After notification that the draft environmental statement has been officially transmitted to CEQ, the responsible official should distribute copies to, and solicit comments from, appropriate Federal, state, and local agencies and the public. State and local agencies should be contacted directly and through clearing houses as described in OMB Circular No. A-95 and FSM 1565.

Guidelines for determination of appropriate Federal agencies are found in section 8422. Regions, Stations, and Area supplements should identify Regional, state, and local agencies with jurisdiction, expertise, or interest in the proposed action and should establish review procedures with these agencies.

Draft environmental statements must also be submitted to the Environmental Protection Agency (EPA) for review and comment by the Administrator in accordance with Section 309 of the Clean Air Act, as amended. This review must be made whenever a Federal action is related to air or water quality, noise abatement and control, pesticide regulation, solid waste disposal, radiation criteria and standards, or other provisions of the authority of the EPA is involved, but all statements should be submitted

for their review and comment unless they specifically ask that the statement not be sent to them. For Regional actions, statements may be sent to the appropriate Regional Administrator for EPA.

The draft environmental statement can be the basis for news releases, discussion, public meetings, or hearings. The public must be informed about actions having an impact on the environment, and public comments and suggestions will be encouraged.

8413.3—Final Environmental Statement. A final environmental statement is prepared by the "Lead Agency" after careful consideration of comments received from other Federal, state, and local agencies and the public on a Forest Service draft statement. The statement should set forth major contentions and opinions even if the responsible agency finds no merit in them whatsoever. The rejection of comments or problems raised in the review process should be explained. Oral consultation with other agencies should also be documented, and copies of all substantive written comments must be attached to the final statement.

Copies of final environmental statements should be sent to those agencies, organizations, and individuals who submitted substantive comments. If appropriate, copies may also be sent to other agencies, groups, or individuals.

The final environmental statement is processed in the same manner as the draft statement.

For environmental statements concerning recommendations or reports on legislative proposals, the final text and comments should be available to the Congress and to the public. When scheduling of congressional hearing does not allow adequate time for completing the final text, a draft environmental statement may be furnished to the Congress and to the public pending transmittal of the final text and comments.

8413.4—Time Periods for Review Process. As soon as possible after being notified that the draft environmental statement has been filed with CEQ, the responsible official must make available and distribute copies of the statement for review and comment to other Federal, state, and local agencies with expertise and regulating authority in environmental matters. A time limit for comment of not less than 30 days must be permitted, except that a period of 45 days shall be allowed the EPA. Longer periods may be specified or extensions may be granted by the responsible official. The draft statement is available to the public and sufficient copies must be produced to meet anticipated demand. Copies of the Statement will be available to the public at the Washington Office, the office of the responsible official, and Forest, Region, Area, Station offices, and other locations as appropriate. If hearings are scheduled for a proposed administrative action requiring an environmental statement, the draft environmental statement should be made available to the public at least 15 days prior to the time of the relevant hearings.

No decision or administrative action should be taken sooner than 90 days after a draft environmental statement has been filed with the CEQ and circulated for comment. Neither should decisions be made or administrative action be taken sooner than 30 days after the final environmental statement is filed with CEQ and made available to the public. This 30 day period and the 90 day period may run concurrently to the extent that they overlap.

In rare cases, emergency circumstances, overriding considerations of expense to the Government or impaired program effectiveness, may make it necessary to take an action with significant environmental impact without observing the time provisions. Before taking such proposed action, the Forest Service will consult with CEQ. These consultations will be handled by the Washington Office. Written explanation and justification for the action is required by CEQ.

8413.5—Execution, Monitoring, and Evaluating. The decision reached following completion of the environmental statement process should be publicly announced through appropriate means. Programs and Legislation (P&L), WO, should be informed as to the decision reached on the proposed action.

Major Federal programs and projects which may significantly affect the environment must be carefully monitored during the life of the action to ensure that environmental safeguards are executed according to plan.

In some cases, it may be desirable to describe the planned monitoring program in the environmental statement.

As a part of general and functional inspections (FSM 1440) at all organizational levels, inspectors will review the results of plans to protect and enhance the environment. Such a review would compare actual results with planned results and would provide feedback to planners and decisionmakers.

CHAPTER 8420—REVIEW OF OTHER AGENCIES ENVIRONMENTAL STATEMENTS

CONTENTS

8421 Review Responsibility
8422 Review Coordination
8423 Distribution of Comments

8420—FOREST SERVICE REVIEW AND COMMENT ON OTHER AGENCY STATEMENTS. The Forest Service will review and comment on proposals for legislation or other major actions initiated by other agencies as requested and/or determined appropriate to do so because of jurisdiction by law or special expertise with respect to the environmental impact involved.

In those cases where another agency's proposal will involve National Forest System land, the Forest Service is obligated to participate in the review of the proposed Federal action because of jurisdiction by law, and by special expertise. Such proposals, unless fully recognized early in the planning stages could result in major Forest Service replanning of the total area involved. The proposed action will require analysis of environmental effects and the effects on social and economic values.

The Forest Service will respond to other agency statements where it has special expertise or legal jurisdiction even though no National Forest System lands are involved.

In some instances, the review time alloted by the "lead agency" may be insufficient because of the absence of key personnel or other unforeseen circumstances. In such cases, a letter should be written to the responsible official requesting additional time for review. When appropriate, WO Programs and Legislation should be advised of a request by copy of the letter.

When commenting on draft environmental statements from other agencies, the Forest Service will in their letter of transmittal to the requesting agency clearly identify the project by name and number if both are available.

8421—Review Responsibility

1. Legislative or Other Major Policy, Regulations, and National Actions. Unless otherwise assigned by the Chief, review and comment on legislative or other major policy regulations, or national program proposals will be made in the Washington Office.

2. Other Major Federal Actions. The responsible official in whose decisionmaking subject area or jurisdiction the proposal is located will review and prepare comments. To simplify procedures and instructions to other agencies, Regional Foresters will receive all other agency statements. However, where appropriate, statements should also be directed to the Northern Area Director. The Regional Forester and Area Director in the case of the Eastern Region will arrange coordination and forward the statement to other Forest Service officials, as appropriate.

3. Cooperative Interagency USDA Programs. Where the Forest Service has functional assignments from the Secretary of Agriculture in water and related land resource development programs, it provides input to the environmental statement.

a. Small Watersheds, Flood Prevention Programs, and Type IV River Basin Studies. The SCS, with inputs from the Forest Service at the field level, prepares a working paper of an environmental statement to accompany the draft work plan. It is forwarded to the Washington Office of the Forest Service and SCS. These working papers are labeled "Preliminary Draft" by the SCS. Views and recommendations of other Federal or state agencies that have jurisdiction by law or special expertise may also be included.

These working papers are handled in the same way as comments on the draft work plan. Incorporating comments received from the Washington Offices, the

SCS at field level, with FS inputs, revises the work plan and prepares and processes a draft environmental statement. Copies of this draft statement will also be furnished by the Washington Office of the SCS to the Chief's Office (FS) for review and further comment as required. Copies will also be furnished to the Regional Foresters and Directors concerned.

For the cooperative watershed program, the responsible Federal official under the National Environmental Policy Act (NEPA) is the Administrator, SCS, for plans, revisions, or supplements requiring approval by congressional committee; or the State Conservationist for plan which can be approved administratively. For plans which were approved prior to January 1, 1970, the State Conservationist will prepare the environmental statement if one is deemed necessary.

b. River Basin Planning. Environmental statements will be prepared for Framework Studies or Assessments and Regional or River Basin Plans. Environmental statements will also be prepared for Type I and Type II Studies which have not been transmitted by the Water Resources Council (WRC) to tht President.

If the WRC coordinating committee makes the study, the WRC council chairman is designated as the Federal official responsible for preparation and review of the environmental statement. If the River Basin Commission makes the study, the commission chairman is designated as the Federal official responsible for preparation and review of the environmental statement. However, working papers for environmental statements will be prepared during the conduct of such studies by the interagency and coordinating committees. These papers will accompany the proposed study reports under established review procedures.

The Chairman of the WRC or the River Basin Commission shall transmit the draft environmental statement to CEQ at the time a proposed study report is referred to interested Federal, state, and local agencies. A copy of this draft will accompany the study report furnished by the Washington Office of the SCS to the Chief's Office (FS) for review and comment.

Based on comments received from interested agencies, the Council or Commission Chairman revises the draft statement. The final environmental statement, accompanied by all comments received on the draft, is transmitted to CEQ at the time WRC transmits recommendations to the President.

8122—Review Coordination. Agencies requesting review and comment on environmental statements are expected to coordinate review directly with the Forest Service. At the field level, contacts for consultation and environmental statement review are expected to be directly between the responsible official and the lead agency.

Exhibits 1 and 2 show the Federal agencies with jurisdiction by law or special expertise to comment on various types of environmental impacts. However, a more specific and detailed identification of expertise available in other agencies is needed and will be developed by the Washington Office. In particular, expertise in the Social Sciences available to the Forest Service must be identified and arrangements for it use developed.

Regions, Stations, and Areas should also systematically identify expertise available to them in development and review of environmental statements.

AIR

Air Quality and Air Pollution Control

Department of Agriculture—
Forest Service (effects on vegetation).
Department of Health, Education, and Welfare (Health aspects).
Environmental Protection Agency—
Air Pollution Control Office.
Department of the Interior—
Bureau of Mines (fossil and gaseous fuel combustion).
Bureau of Sport Fisheries and Wildlife (wildlife).
Department of Transportation—
Assistant Secretary for Systems Development and Technology (auto emissions).
Coast Guard (vessel emissions).
Federal Aviation Administration (aircraft emissions).

Weather Modification

Department of Commerce—
National Oceanic and Atmospheric Administration.
Department of Defense—
Department of the Air Force.
Department of the Interior—
Bureau of Reclamation.

ENERGY

Environmental Aspects of Electric Energy Generation and Transmission

Atomic Energy Commission (nuclear power).
Environmental Protection Agency—
Water Quality Office.
Air Pollution Control Office.
Department of Agriculture—
Rural Electrification Administration (rural areas).
Department of Defense—
Army Corps of Engineers (hydro-facilities).
Federal Power Commision (hydro-facilities and transmission lines).
Department of Housing and Urban Development (urban areas).
Department of the Interior—(facilities on Government lands).

Natural Gas Energy Development, Transmission and Generation

Federal Power Commission (natural gas production, transmission and supply).
Department of the Interior—
Geological Survey.
Bureau of Mines.

HAZARDOUS SUBSTANCES

Toxic Materials

Department of Commerce—
National Oceanic and Atmospheric Administration.
Department of Health, Education, and Welfare (Health aspects).
Environmental Protection Agency.
Department of Agriculture—
Agricultural Research Service.
Consumer and Marketing Service.
Department of Defense.
Department of the Interior—
Bureau of Sport Fisheries and Wildlife.

Pesticides

Department of Agriculture—
Agricultural Research Service (biological controls, food and fiber production).
Consumer and Marketing Service.
Forest Service.
Department of Commerce—
National Marine Fisheries Service.
National Oceanic and Atmospheric Administration.
Environmental Protection Agency—
Office of Pesticides.
Department of the Interior—
Bureau of Sport Fisheries and Wildlife (effects on fish and wildlife).
Bureau of Land Management.
Department of Health, Education, and Welfare (Health aspects).

Herbicides

Department of Agriculture—
Agricultural Research Service.
Forest Service.
Environmental Protection Agency—
Office of Pesticides.
Department of Health, Education, and Welfare (Health aspects).
Department of the Interior—
Bureau of Sport Fisheries and Wildlife.
Bureau of Land Management.
Bureau of Reclamation.

Transportation and Handling of Hazardous Materials

Department of Commerce—
Maritime Administration.
National Marine Fisheries Service.
National Oceanic and Atmospheric Administration (impact on marine life).
Department of Defense—
Armed Services Explosive Safety Board.
Army Corps of Engineers (navigable waterways).
Department of Health, Education, and Welfare—
Office of the Surgeon General (Health aspects).
Department of Transportation—
Federal Highway Administration Bureau of Motor Carrier Safety.
Coast Guard.
Federal Railroad Administration.
Federal Aviation Administration.
Assistant Secretary for Systems Development and Technology.
Office of Hazardous Materials.
Office of Pipeline Safety.
Environmental Protection Agency (hazardous substances).
Atomic Energy Commission (radioactive substances).

LAND USE AND MANAGEMENT

Coastal Areas: Wetlands, Estuaries, Waterfowl Refuges, and Beaches

Department of Agriculture—
Forest Service.
Department of Commerce—
National Marine Fisheries Service (impact on marine life).
National Oceanic and Atmospheric Administration (impact on marine life).
Department of Transportation—
Coast Guard (bridges, navigation).
Department of Defense—
Army Corps of Engineers (beaches, dredge and fill permits, Refuse Act permits).
Department of the Interior—
Bureau of Sport Fisheries and Wildlife.
National Park Service.
U.S. Geological Survey (coastal geology).
Bureau of Outdoor Recreation (beaches).
Department of Agriculture—
Soil Conservation Service (soil stability, hydrology).
Environmental Protection Agency—
Water Quality Office.

Historic and Archeological Sites

Department of the Interior—
National Park Service.
Advisory Council on Historic Preservation.
Department of Housing and Urban Development (urban areas).

Flood Plains and Watersheds

Department of Agriculture—
Agricultural Stabilization and Research Service.
Soil Conservation Service.
Forest Service.
Department of the Interior—
Bureau of Outdoor Recreation.
Bureau of Reclamation.
Bureau of Sport Fisheries and Wildlife.
Bureau of Land Measurement.
U.S. Geological Survey.
Department of Housing and Urban Development (urban areas).
Department of Defense—
Army Corps of Engineers.

Mineral Land Reclamation

Appalachian Regional Commission.
Department of Agriculture—
Forest Service.
Department of the Interior—
Bureau of Mines.
Bureau of Outdoor Recreation.
Bureau of Sport Fisheries and Wildlife.
Bureau of Land Management.
U.S. Geological Survey.
Tennessee Valley Authority.

Parks, Forests, and Outdoor Recreation

Department of Agriculture—
Forest Service.
Soil Conservation Service.
Department of the Interior—
Bureau of Land Management.
National Park Service.
Bureau of Outdoor Recreation.
Bureau of Sport Fisheries and Wildlife.
Department of Defense—
Army Corps of Engineers.
Department of Housing and Urban Development (urban areas).

Soil and Plant Life, Sedimentation, Erosion and Hydrologic Conditions

Department of Agriculture—
Soil Conservation Service.
Agricultural Research Service.
Forest Service.
Department of Defense—
Army Corps of Engineers (dredging, aquatic plants).
Department of Commerce—
National Oceanic and Atmospheric Administration.
Department of the Interior—
Bureau of Land Management.
Bureau of Sport Fisheries and Wildlife.
Geological Survey.
Bureau of Reclamation.

NOISE

Noise Control and Abatement

Department of Health, Education, and Welfare (Health aspects).
Department of Commerce—
National Bureau of Standards.
Department of Transportation—
Assistant Secretary for Systems Development and Technology.
Federal Aviation Administration (Office of Noise Abatement).
Environmental Protection Agency (Office of Noise).
Department of Housing and Urban Development (urban land use aspects, building materials standards).

PHYSIOLOGICAL HEALTH AND HUMAN WELL BEING

Chemical Contamination of Food Products

Department of Agriculture—
Consumer and Marketing Service.
Department of Health, Education, and Welfare (Health aspects).
Environmental Protection Agency—
Office of Pesticides (economic poisons).

Food Additives and Food Sanitation

Department of Health, Education, and Welfare (Health aspects).
Environmental Protection Agency—
Office of Pesticides (economic poisons, e.g., pesticide residues).
Department of Agriculture—
Consumer Marketing Service (meat and poultry products).

Microbiological Contamination

Department of Health, Education, and Welfare (Health aspects).

Radiation and Radiological Health

Department of Commerce—
National Bureau of Standards.
Atomic Energy Commission.
Environmental Protection Agency—
Office of Radiation.
Department of the Interior—
Bureau of Mines (uranium mines).

Sanitation and Waste Systems

Department of Health, Education, and Welfare—(Health aspects).
Department of Defense—
Army Corps of Engineers.
Environmental Protection Agency—
Solid Waste Office.
Water Quality Office.
Department of Transportation—
U.S. Coast Guard (ship sanitation).
Department of the Interior—
Bureau of Mines (mineral waste and recycling, mine acid wastes, urban solid wastes).
Bureau of Land Management (solid wastes on public lands).
Office of Saline Water (demineralization of liquid wastes).

Shellfish Sanitation

Department of Commerce—
National Marine Fisheries Service.
National Oceanic and Atmospheric Administration.
Department of Health, Education, and Welfare (Health aspects).
Environmental Protection Agency—
Office of Water Quality.

TRANSPORTATION

Air Quality

Environmental Protection Agency—
Air Pollution Control Office.
Department of Transportation—
Federal Aviation Administration.
Department of the Interior—
Bureau of Outdoor Recreation.
Bureau of Sport Fisheries and Wildlife.
Department of Commerce—
National Oceanic and Atmospheric Administration (meteorological conditions).

Water Quality

Environmental Protection Agency—
Office of Water Quality.
Department of the Interior—
Bureau of Sport Fisheries and Wildlife.
Department of Commerce—
National Oceanic and Atmospheric Administration (impact on marine life and ocean monitoring).
Department of Defense—
Army Corps of Engineers.
Department of Transportation—
Coast Guard.

URBAN

Congestion in Urban Areas, Housing and Building Displacement

Department of Transportation—
Federal Highway Administration.
Federal Highway Administration.
Office of Economic Opportunity.
Department of Housing and Urban Development.
Department of the Interior—
Bureau of Outdoor Recreation.

Environmental Effects With Special Impact in Low-Income Neighborhoods

Department of the Interior—
National Park Service.
Office of Economic Opportunity.
Department of Housing and Urban Development (urban areas).
Department of Commerce (economic development areas).
Economic Development Administration.
Department of Transportation—
Urban Mass Transportation Administration.

Rodent Control

Department of Health, Education, and Welfare (Health aspects).
Department of Housing and Urban Development (urban areas).

Urban Planning

Department of Transportation—
Federal Highway Administration.
Department of Housing and Urban Development.
Environmental Protection Agency.
Department of the Interior—
Geological Survey.
Bureau of Outdoor Recreation.
Department of Commerce—
Economic Development Administration.

WATER

Water Quality and Water Pollution Control

Department of Agriculture—
Soil Conservation Service.
Forest Service.
Department of the Interior—
Bureau of Reclamation.
Bureau of Land Management.
Bureau of Sports Fisheries and Wildlife.
Bureau of Outdoor Recreation.
Geological Survey.
Office of Saline Water.
Environmental Protection Agency—
Water Quality Office.
Department of Health, Education, and Welfare (Health aspects).
Department of Defense—
Army Corps of Engineers.
Department of the Navy (ship pollution control).
Department of Transportation—
Coast Guard (oil spills, ship sanitation).
Department of Commerce—
National Oceanic and Atmospheric Administration.

Marine Pollution

Department of Commerce—
National Oceanic and Atmospheric Administration.
Department of Transportation—
Coast Guard.
Department of Defense—
Army Corps of Engineers.
Office of Oceanographer of the Navy.

River and Canal Regulation and Stream Channelization

Department of Agriculture—
Soil Conservation Service.
Department of Defense—
Army Corps of Engineers.
Department of the Interior—
Bureau of Reclamation.
Geological Survey.
Bureau of Sport Fisheries and Wildlife.
Department of Transportation—
Coast Guard.

WILDLIFE

Environmental Protection Agency.
Department of Agriculture—
Forest Service.
Soil Conservation Service.
Department of the Interior—
Bureau of Sport Fisheries and Wildlife.
Bureau of Land Management.
Bureau of Outdoor Recreation.

FEDERAL AGENCY OFFICES FOR RECEIVING AND COORDINATING COMMENTS UPON ENVIRONMENTAL IMPACT STATEMENTS

ADVISORY COUNCIL ON HISTORIC PRESERVATION

Robert Garvey, Executive Director, Suite 618, 801 19th Street NW., Washington, DC 20006, 343–8607.

DEPARTMENT OF AGRICULTURE

Dr. T. C. Byerly, Office of the Secretary, Washington, D.C., 20250, 388–7803.

APPALACHIAN REGIONAL COMMISSION

Orville H. Lerch, Alternate Federal Co-Chairman, 1666 Connecticut Avenue NW., Washington, DC 20235, 967–4103.

DEPARTMENT OF THE ARMY (CORPS OF ENGINEERS)

Col. J. B. Newman, Executive Director of Civil Works, Office of the Chief of Engineers, Washington, D.C. 20314, 693–7168.

ATOMIC ENERGY COMMISSION

For nonregulatory matters: Joseph J. DiNunno, Director, Office of Environmental Affairs, Washington, D.C. 20545, 973–5391.
For regulatory matters: Christopher L. Henderson, Assistant Director for Regulation, Washington, D.C. 20545, 973–7531.

DEPARTMENT OF COMMERCE

Dr. Sydney R. Galler, Deputy Assistant Secretary for Environmental Affairs, Washington, D.C. 20230, 967–4335.

DEPARTMENT OF DEFENSE

Dr. Louis M. Rousselot, Assistant Secretary for Defense (Health and Environment), Room 3E172, The Pentagon, Washington, DC 20301, 697–2111.

DELAWARE RIVER BASIN COMMISSION

W. Brinton Whitall, Secretary, Post Office Box 360, Trenton, NJ 08603, 609–883–9500.

ENVIRONMENTAL PROTECTION AGENCY

Charles Fabrikant, Director of Impact Statements Office, 1626 K Street NW., Washington, DC 20460, 632–7719.

FEDERAL POWER COMMISSION

Frederick H. Warren, Commission's Advisor on Environmental Quality, 441 G Street NW., Washington, DC 20426, 386–6084.

GENERAL SERVICES ADMINISTRATION

Rod Kreger, Deputy Administrator, General Services Administration–AD, Washington, D.C. 20405, 343–6077.
Alternate contact: Aaron Woloshin, Director, Office of Environmental Affairs, General Services Administration–ADF, 343–4161.

DEPARTMENT OF HEALTH, EDUCATION AND WELFARE

Roger O. Egeberg, Assistant Secretary for Health and Science Affairs, HEW North Building, Washington, D.C. 20202, 963–4254.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT [1]

Charles Orlebeke, Deputy Under Secretary, 451 Seventh Street SW., Washington, DC 20410, 755–6960.
Alternate contact: George Wright, Office of the Deputy Under Secretary, 755–8192.
James J. Barry, Regional Administrator I, Attention: Environmental Clearance Officer, Room 405, John F. Kennedy Federal Building, Boston, MA 02203, 617–223–4066.
S. William Green, Regional Administrator II, Attention: Environmental Clearance Officer, 26 Federal Plaza, New York, NY 10007, 212–264–8068.
Warren P. Phelan, Regional Administrator III, Attention: Environmental Clearance Officer, Curtis Building, Sixth and Walnut Street, Philadelphia, PA 19106, 215–597–2560.
Edward H. Baxter, Regional Administrator IV, Attention: Environmental Clearance Officer, Peachtree-Seventh Building, Atlanta, GA 30323, 404–526–5585.
George Vavoulis, Regional Administrator V, Attention: Environmental Clearance Officer, 360 North Michigan Avenue, Chicago, IL 60601, 312–353–5680.

DEPARTMENT OF THE INTERIOR

Jack O. Horton, Deputy Assistant Secretary for Programs, Washington, D.C. 20240, 343–6181.

NATIONAL CAPITAL PLANNING COMMISSION

Charles H. Conrad, Executive Director, Washington, D.C. 20576, 382–1163.

OFFICE OF ECONOMIC OPPORTUNITY

Frank Carlucci, Director, 1200 19th Street, NW., Washington, DC 20506, 254–6000.

SUSQUEHANNA RIVER BASIN COMMISSION

Alan J. Summerville, Water Resources Coordinator, Department of Environmental Resources, 105 South Office Building, Harrisburg, PA. 17120, 717–787–2315.

TENNESSEE VALLEY AUTHORITY

Dr. Francis Gartrell, Director of Environmental Research and Development, 720 Edney Building, Chattanooga, TN 37401, 615–755–2002.

DEPARTMENT OF TRANSPORTATION

Herbert F. DeSimone, Assistant Secretary for Environment and Urban Systems, Washington, D.C. 20590, 426–4563.

DEPARTMENT OF TREASURY

Richard E. Slitor, Assistant Director, Office of Tax Analysis, Washington, D.C. 20220, 964–2797.

DEPARTMENT OF STATE

Christian Herter, Jr., Special Assistant to the Secretary for Environmental Affairs, Washington, D.C. 20520, 632–7964.

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[1] Contact the Deputy Under Secretary with regard to environmental impacts of legislation, policy statements, program regulations and procedures, and precedent-making project decisions. For all other HUD consultation, contact the HUD Regional Administrator in whose jurisdiction the project lies, as follows:

Richard L. Morgan, Regional Administrator VI, Attention: Environmental Clearance Officer, Federal Office Building, 819 Taylor Street, Fort Worth, TX 76102, 817–334–2867.
Harry T. Morley, Jr., Regional Administrator VII, Attention: Environmental Clearance Officer, 911 Walnut Street, Kansas City, MO 64106, 816–374–2661.
Robert C. Rosenheim, Regional Administrator VIII, Attention: Environmental Clearance Officer, Samsonite Building, 1051 South Broadway, Denver, CO 80209, 303–837–4061.
Robert H. Baida, Regional Administrator IX, Attention: Environmental Clearance Officer, 450 Golden Gate Avenue, Post Office Box 36003, San Francisco, CA 94102, 415–556–4752.
Oscar P. Pederson, Regional Administrator X, Attention: Environmental Clearance Officer, Room 226, Arcade Plaza Building, Seattle, WA 98101, 206–583–5415.

EXHIBIT 2

FEDERAL AGENCY OFFICES FOR RECEIVING AND COORDINATING COMMENTS ON ENVIRONMENTAL IMPACT STATEMENTS

ADVISORY COUNCIL ON HISTORIC PRESERVATION
Robert Garvey, Executive Director,
Suite 618
801 19th Street N.W.
Washington, D.C. 20006, 343–8607

DEPARTMENT OF AGRICULTURE
Dr. T. C. Byerly, Office of the Secretary
Washington, D.C. 447–7803

APPALACHIAN REGIONAL COMMISSION
Orville H. Lerch, Alternate Federal
Co-Chairman
1666 Connecticut Avenue, N.W.
Washington, D.C. 20235, 967–4103

DEPARTMENT OF THE ARMY (CORPS OF ENGINEERS)
Col. William L. Barnes, Executive Director
of Civil Works, Office of the Chief of
Engineers
Washington, D.C. 20314, 693–7168

ATOMIC ENERGY COMMISSION
For nonregulatory matters: Robert J. Catlin,
Director, Division of Environmental Affairs,
Washington, D.C. 20545, 973–5391

For regulatory matters: A. Giambusso,
Deputy Director for Reactor Projects,
Directorate of Licensing
Washington, D.C. 20545, 973–7373

DEPARTMENT OF COMMERCE
Dr. Sydney R. Galler, Assistant Secretary for
Environmental Affairs
Washington, D.C. 20230, 967–4335

DEPARTMENT OF DEFENSE
Dr. Richard S. Wilbur, Assistant Secretary for
Defense (Health & Environment)
Room 3E172, The Pentagon
Washington, D.C. 20301, 697–2111

DELAWARE RIVER BASIN COMMISSION
Robert L. Mann, Head, Environmental Unit,
Box 360
Trenton, N.J. 08603, 609–883–9500

ENVIRONMENTAL PROTECTION AGENCY
Sheldon Meyers, Director
Office of Federal Activities
401 M Street S.W.
Washington, D.C. 20460, 755–0920

FEDERAL POWER COMMISSION
Richard F. Hill, Advisor on
Environmental Quality
441 G Street, N.W.
Washington, D.C. 20426, 386–6084

GENERAL SERVICES ADMINISTRATION
Rod Kreger, Deputy Administrator, GSA-AD
Washington, D.C. 20405, 343-6077
Alternate contact: Aaron Woloshin, Director
Office of Environmental Affairs, GSA-ADF
343-4161

DEPT. OF HEALTH, EDUCATION, AND WELFARE
Dr. Merlin K. Duval, Assistant Secretary
for Health & Scientific Affairs
HEW North Bldg.
Washington, D.C. 20202, 963-4254

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
Environmental statements for proposed legislation, policy issuances and guidance documents, program regulations and procuredures, and other policy issues should be sent to:

Samuel C. Jackson
Assistant Secretary for Community Planning & Management
Department of Housing and Urban Development
ATTN: Richard H. Broun, Environmental Clearance Officer
Washington, D.C. 20410, 755-6193

Environmental statements for project actions should be sent to the HUD Regional Administrator in whose region the project is to be located. A list of the regional administrators and the HUD Regional Offices follows:

Region I
James J. Barry
Regional Administrator
Rm 800 John F. Kennedy
Federal Building
Boston, Massachusetts 02203
Tel. (617) 223-4066

Attn: Environmental Clearance Officer

Region II
S. William Green
Regional Administrator
26 Federal Plaza
New York, New York 10007
Tel. (212) 264-8068

Attn: Environmental Clearance Officer

Region III
Theodore R. Robb
Regional Administrator
Curtis Building
6th and Walnut Streets
Philadelphia, Pennsylvania 19106
Tel. (215) 597-2560

Attn: Environmental Clearance Officer

Region IV
Edward H. Baxter
Regional Administrator
Peachtree-Seventh Building
50 Seventh Street, N.E.
Atlanta, Georgia 30323
Tel. (404) 526-5585

Attn: Environmental Clearance Officer

Region V
George Vavoulis
Regional Administrator
300 South Wacker Drive
Chicago, Illinois 60606
Tel. (312) 353-5680

Attn: Environmental Clearance Officer

Region VI
Richard L. Morgan
Regional Administrator
Federal Building
819 Taylor Street
Forth Worth, Texas 76102
Tel. (817) 334-2867

Attn: Environmental Clearance Officer

Region VII
Elmer E. Smith
Regional Administrator
Rm 300 Federal Office Building
911 Walnut Street
Kansas City, Missouri 64106
Tel. (816) 374-2661

Attn: Environmental Clearance Officer

Region VIII
Robert C. Rosenheim
Regional Administrator
Federal Building
1961 Stout Street
Denver, Colorado 80202
Tel. (303) 837-4881

Attn: Environmental Clearance Officer

Region IX
Robert H. Baida
Regional Administrator
450 Golden Gate Avenue
Post Office Box 36003
San Francisco, California 94102
Tel. (415) 556-4752

Attn: Environmental Clearance Officer

Region X
Oscar P. Peterson
Regional Administrator
Arcade Plaza Building
1312 Second Avenue
Seattle, Washington 98101
Tel. (206) 442-5415

Attn: Environmental Clearance Officer

DEPARTMENT OF THE INTERIOR
John W. Larson, Assistant Secretary
Program Policy, ATTN: Office of Environmental Project Review
18th & C Sts. N.W.
Washington, D.C. 20240, 343-6181

NATIONAL CAPITAL PLANNING COMMISSION
Charles H. Conrad, Executive Director
1325 G Street N.W.
Washington, D.C. 20576, 382-1163

OFFICE OF ECONOMIC OPPORTUNITY
Arthur J. Reid, Director
Intergovernmental Relations Division
Office of Program Review
1200 19th St. N.W.
Washington, D.C. 20506, 254-5880

SUSQUEHANA RIVER BASIN COMMISSION
Norman Kapko, Dept. of Environmental Resources
P.O. Box 1467
Harrisburg, Pa., 17120, 717-787-2315

TENNESSEE VALLEY AUTHORITY
Dr. Francis Gartrell, Director of Environmental Research & Development
720 Edney Bldg.,
Chattanooga, Tenn., 37401, 615-755-2002

DEPARTMENT OF TRANSPORTATION
John E. Hirten, Assistant Secretary for Environment & Urban Systems
7th & D Streets, S.W.
Washington, D.C. 20590, 426-4563

DEPARTMENT OF THE TREASURY
Richard E. Slitor, Assistant Director
Office of Tax Analysis
15th & Pennsylvania Avenue
Washington, D.C. 20220, 964-2797

DEPARTMENT OF STATE
Christian Herter, Jr., Special Assistant to the Secretary for Environmental Affairs
Washington, D.C. 20520, 632-7964

8423—Distribution of Comments. Two copies of the comments are furnished the agency that made the request. In addition, 11 copies are sent to the Deputy Chief (P&L) in the Washington Office. Ten of these copies are furnished CEQ.

Refer public requests for copies of the comments to the office which prepared the environmental statement.

[FR Doc.73-15814 Filed 8-2-73;8:45 am]

Soil Conservation Service

BURNT CREEK RC&D MEASURE FOR FLOOD PREVENTION, BURLEIGH COUNTY, NORTH DAKOTA

Availability of Final Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Soil Conservation Service, Department of Agriculture has prepared a final environmental statement for the Burnt Creek RC&D Measure Plan, Burleigh County, North Dakota, USDA-SCS-ES-RD-(ADM)-73-20-(F).

The environmental statement concerns a plan for reducing floodwater damage in the lower Burnt Creek Watershed. About 0.7 mile of floodway with dikes and about 2.0 miles of dikes alone will be constructed. The project plan further provides that five acres of woody habitat will be dedicated to wildlife for the life of the project and streambanks along the present Burnt Creek channel will be protected from clearing.

The final environmental statement was transmitted to CEQ on July 23, 1973.

Copies are available for inspection during regular working hours at the following locations:

USDA, Soil Conservation Service, Washington Office, South Agriculture Building, Room 5105A, 12th Street and Independence Avenue S.W., Washington, D.C. 20250.

USDA, Soil Conservation Service, Federal Building, Rosser Avenue and Third Street, Post Office Box 1458, Bismarck, North Dakota 58501.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151. Please order by name and number of statement. The estimated cost is $4.25.

Copies of the environmental statement have been sent to various federal, state, and local agencies as outlined in the Council on Environmental Quality Guidelines.

Dated: July 27, 1973.

EARL E. FENTON,
Acting Deputy Administrator for Field Services, Soil Conservation Service.

(Catalog of Federal Domestic Assistance Program No. 10.901 and 10.904, National Archives Reference Services.)

[FR Doc.73-16018 Filed 8-2-73;8:45 am]

DEPARTMENT OF COMMERCE

Maritime Administration

[Docket No. S-375]

OPERATING-DIFFERENTIAL SUBSIDY FOR CARRIAGE OF BULK CARGO PRINCIPALLY BETWEEN THE U.S. AND U.S.S.R.

Notice of Multiple Applications

Notice is hereby given that the corporations listed in Appendix A have filed applications for extension of operating-differential subsidy contracts to carry bulk cargoes to expire on December 31, 1973 (unless extended only for subsidized voyages in progress on that date). The bulk cargo carrying vessels proposed to be subsidized and a description of each of such vessels are also presented in Appendix A.

Said applications may be inspected in the Office of the Secretary, Maritime Subsidy Board, Maritime Administration, U.S. Department of Commerce, Washington, D.C., during regular working hours.

These vessels are to engage in the carriage of export bulk, raw and processed agricultural commodities in the foreign commerce of the United States (U.S.) from ports in the United States to ports in the Union of Soviet Socialist Republics (U.S.S.R.), or other permissible ports of discharge. Liquid and dry bulk cargoes may be carried from U.S.S.R. and other foreign ports inbound to U.S. ports during voyages subsidized for carriage of export bulk, raw and processed agricultural commodities to the U.S.S.R.

Full details concerning the U.S.-U.S.S.R. export bulk, raw and processed agricultural commodities subsidy program, including terms, conditions, and restrictions upon both the subsidized operators and vessels, appear in the regulations published in the FEDERAL REGISTER on October 21, 1972 (37 FR 22747).

For purposes of section 605(c), Merchant Marine Act, 1936, as amended (Act), it should be assumed that each vesssel named will engage in the trades described on a full-time basis through December 31, 1973 (with extension to termination of approved subsidized voyages in progress on that date). Each voyage must be approved for subsidy before commencement of the voyage. The Maritime Subsidy Board (Board) will act on each request for a subsidized voyage as an administrative matter under the terms of the individual operating-differential subsidy contract for which there is no requirement for further notices under section 605(c) of the Act.

The Board has previously found during fiscal year 1973, that section 605(c) was no bar to the grant of operating-differential subsidy to each of the applicants listed in Appendix A.

Any person having an interest in the granting of one or any of such applications and who would contest a finding of the Board that the service now provided by vessels of U.S. registry for the carriage of cargoes as previously specified is inadequate, must, on or before August 8, 1973, notify the Board's Secretary, in writing, of his interest and of his position, and file a petition for leave to intervene in accordance with the Board's rules of practice and procedure (46 CFR Part 201). Each such statement of interest and petition to intervene shall state whether a hearing is requested under section 605(c) of the Act and with as much specificity as possible the facts that the intervenor would undertake to prove at such hearing. Further, each such statement shall identify the applicant or applicants against which the intervention is lodged.

In the event requests for hearing and petitions regarding the relevant section 605(c) issues are received from parties with standing to be heard, a hearing has been tentatively scheduled commencing at 10 a.m., August 9, 1973, and continuing on succeeding business days if required, in Room 4896, Department of Commerce Building, 14th and E Streets, NW, Washington, D.C. 20235. The purpose of the hearing will be to receive evidence relevant to (1) whether the application(s) hereinabove described is one with respect to vessels to be operated in an essential service, served by citizens of the United States which would be in addition to the existing service, or services, and if so, whether the service already provided by vessels of U.S. registry is inadequate and (2) whether in the accomplishment of the purposes and policy of the Act additional vessels should be operated thereon. Evidence concerning each application will be heard in the order in which applicants are listed in Appendix A.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficent interest to warrant a hearing, the Board will take such action as may be deemed appropriate.

Dated: August 1, 1973.

By order of the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,
Secretary.

APPENDIX A

Name of Applicant	Vessel Names	Type of Ship
Sea Tankers, Inc.	Overseas Evelyn	Tanker
	Overseas Rose	"
Albany River Transport, Inc.	SS Albany	General Carrier
James River Transport, Inc.	SS James	General Carrier
Mohawk Shipping Co., Inc.	SS Mohawk	General Carrier
Rio Grande Transport, Inc.	SS Yellowstone	Bulk Carrier
Meadowbrook Transport, Inc.	SS Missouri	Bulk Carrier
Ogden Sea Transport, Inc.	SS Columbia	Bulk Carrier
	ST Ogden Yukon	Tanker
Odgen Merrimac Transport, Inc.	SS Merrimac	Bulk Carrier
Platte Transport, Inc.	SS Platte	Bulk Carrier
Empire Transport, Inc.	SS Potomac	Bulk Carrier
Ogden Sacramento Transport, Inc.	SS Sacramento	Bulk Carrier
Connecticut Transport, Inc.	ST Connecticut	Tanker
Wabash Transport, Inc.	ST Ogden Wabash	Tanker
Willamette Transport, Inc.	ST Ogden Willamette	Tanker

[FR Doc.73-16150 Filed 8-2-73;8:45 am]

National Bureau of Standards

PAINTS, VARNISHES AND RELATED PRODUCTS

Withdrawal of Voluntary Product Standard

In accordance with § 10.12 of the Department's "Procedures for the Development of Voluntary Product Standards" (15 CFR Part 10, as revised; 35 FR 8349 dated May 28, 1970), notice is hereby given of the withdrawal of Simplified Practice Recommendation R 144-60, "Paints, Varnishes, and Related Products." This action is taken in furtherance of the Department's announced intention, as set forth in the public notice appearing in the Federal Register of January 15, 1973 (38 FR 1524), to withdraw this standard.

The effective date for the withdrawal of this standard will be October 2, 1973. This withdrawal action terminates the authority to refer to this standard as a voluntary standard developed under the Department of Commerce Procedures.

Date: July 30, 1973.

RICHARD W. ROBERTS,
Director.

[FR Doc.73-16034 Filed 8-2-73;8:45 am]

DIAZOTYPE AND BLUEPRINT PAPER

Withdrawal of Voluntary Product Standard

In accordance with § 10.12 of the Department's "Procedures for the Development of Voluntary Product Standards" (15 CFR Part 10, as revised; 35 FR 8349 dated May 28, 1970), notice is hereby given of the withdrawal of Simplified Practice Recommendation SPR 260-57, "Diazotype and Blueprint Paper."

This action is taken in furtherance of the Department's announced intention, as set forth in the public notice appearing in the Federal Register of May 18, 1973 (38 FR 13044), to withdraw this standard.

The effective date for the withdrawal of this standard will be Oct. 2, 1973. This withdrawal action terminates the authority to refer to this standard as a voluntary standard developed under the Department of Commerce Procedures.

Date: July 30, 1973.

RICHARD W. ROBERTS,
Director.

[FR Doc.73-16035 Filed 8-2-73;8:45 am]

VOLUNTARY PRODUCT STANDARDS

Notice of Withdrawal

In accordance with § 10.12 of the Department's "Procedures for the Development of Voluntary Product Standards" (15 CFR Part 10, as revised; 35 F.R. 8349 dated May 28, 1970), notice is hereby given of the withdrawal of the seven standards identified below:

CS 231A-60, "Aircraft Hangar Doors Manually-Operated Horizontal Sliding Type (Steel Frame)"

CS 231B-61, "Aircraft Hangar Doors of the Individually Power-Operated Horizontal Sliding Type (Steel Frame)"

CS 231C–63, "Aircraft Hangar Doors of the Partial Group Power-Operated Horizontal Sliding Type (Steel Frame)"
CS 231D–63, "Aircraft Hangar Doors of the Full Group Power-Operated Horizontal Sliding Type (Steel Frame)"
CS 231E–63, "Aircraft Hangar Doors of the Power-Operated Unbraced-Canopy Type (Steel Frame)"
SPR 258–56, "One-Pound Eastern Flat Margarine Carton"
SPR 261–58, "One-Pound Elgin-Style Butter Carton Sizes"

This action is taken in furtherance of the Department's announced intention, as set forth in the public notice appearing in the FEDERAL REGISTER of March 3, 1972 (37 FR 4459), to withdraw these seven standards.

The effective date for the withdrawal of these standards will be October 2, 1973. This withdrawal action terminates the authority to refer to these standards as voluntary standards developed under the Department of Commerce Procedures.

Date: July 30, 1973.

RICHARD W. ROBERTS,
Director.

[FR Doc.73–16036 Filed 8–2–73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

STATEMENT OF ORGANIZATION AND FUNCTIONS

Office of Administration and Management

1R90 *Mission.* The Office of Administration and Management will provide administrative and management services to OS/HD offices. It will develop and recommend to the Assistant Secretary, policy, systems procedures, plans, organizational changes and management improvement strategies and assist with the implementation of approved strategies throughout HD. Will serve as the focal point for ASHD budget activities including consolidating, analyzing and presenting budget estimates; develop budget policies and procedures; and serves as liaison with the Assistant Secretary, Comptroller on matters related to budget, audit and accounting. Will be responsible for financial activities including the review of expenditure plans submitted by program offices and develops expenditure reports and special analysis as requested by the Assistant Secretary and program directors.

Will develop, coordinate and implement grant policy and procedures consistent with DHEW and OMB requirements. Will be responsible for grants administration including the development of procedures and requirements for processing grant applications prior to approval. Serves as liaison with OS Contract Office on matters related to procurement policies, procedures and requirements. Provides technical assistance and support to program offices in implementing, interpreting OSHD contract review procedures and requirements. Will be responsible for management analysis including management and organizational statistics, manpower utilization, methods and cost analysis, management systems and standards. Will provide leadership in the development of a unified data management system for ASHD program offices. Will serve as a focal point for special studies initiated by the Assistant Secretary, Department, OMB, and Congress. Will provide administrative support services including procurement, space management, travel requests and reimbursements claims and other general administrative duties. Will serve as the primary liaison with the OS Personnel Office.

1R90.1 *Organization.* The Office of Administration and Management consists of the following organizational elements which report to the Director: 1. Budget and Financial Management Division, 2. Grants and Contract Management Division, and 3. Administrative and Management Services Division.

1R91 *Functions.* A. *Office of the Director.* The Director of the Administration and Management unit is responsible for coordinating all of the elements of the Office of Administration and Management. The Director reports directly to the Assistant Secretary for Human Development. The Division Directors of the various organizational elements of Administration and Management report directly to him. He is responsible for all grants, budget, finance, and administrative management services for all of the offices in the Office of Human Development.

B. *Budget and Financial Management Division.* The Budget and Financial Management Division will be responsible for the consolidation, preparation, and presentation of ASHD's budget estimates. Will provide staff assistance and technical support to program offices in formulating budget estimates. Will analyze and make recommendations on budget requirements to the Assistant Secretary and program directors. Will develop, implement, and maintain a system for financial management and expenditure controls within OSHD. Serves as liaison with the OSC on matters related to budget planning and accounting. Will coordinate OSP planning with HD Planning and Analysis Staff. Prepares financial analysis and special reports at the request of the Secretary and program offices. Serves as the primary liaison with the Regional Comptroller on matters relating to HD budget.

C. *Grants and Contract Management Division.* The Grants and Contract Management Division will serve as the focal point for planning, implementing and interpreting HD's, DHEW's, and OMB's grants and contract regulations, policies and procedures. Will provide staff support and assistance to HD program offices in grant and contract review activities. Will provide assistance with grant processing for all headquarters grant awards and serve as primary liaison with OS Contract Office, DHEW Audit Agency and the Office of Grants Administration Policy on matters related to grants and contract activities.

D. *Administrative and Management Services Division.* The Administrative and Management Services Division will be responsible for planning and directing the administrative and management support activities of HD headquarters offices. Will provide technical and staff assistance in management analysis, manpower utilization and information systems development. Will serve as the focal point for DHEW and OMB initiated studies. Will be responsible for personnel liaison services, space management and planning, travel services, supplies and equipment, purchase and procurement activities and other general administrative duties. Will serve as primary liaison with OS Personnel operations and OS Office of Administrative Services.

Dated: July 27, 1973.

ROBERT H. MARIK,
Assistant Secretary for Administration and Management.

[FR Doc.73–16027 Filed 8–2–73;8:45 am]

STERILIZATION GUIDELINES

Departmental Policy

Notice is hereby given that the Secretary has approved and issued the attached Guidelines for Sterilization Procedures Under HEW Supported Programs. The policies stated in the Guidelines will be implemented through regulations to be issued, after notice of proposed rule making, by the affected agencies within the Department.

Interested persons are invited to submit written comments, suggestions or objections regarding the attached Guidelines to the Assistant Secretary for Health, Attention: Deputy Assistant Secretary for Population Affairs, Room 4069, 330 Independence Avenue, SW., Washington, D.C. 20201. Comments received in response to this notice will be considered in the preparation of proposed regulations and final regulations to be hereafter issued implementing the policies stated herein. All relevant material received before the issuance of such proposed regulations will be considered.

Dated: July 23, 1973.

CHARLES C. EDWARDS,
Assistant Secretary for Health.

Dated: July 23, 1973.

To: Assistant Secretary for Health Commissioner, SSA; Administrator, SRS.
From: Frank Carlucci, for The Secretary.
Subject: Regulations for Sterilization Procedures under the HEW Supported Programs.

I have approved the attached General Guidelines Limiting Federal Financial Assistance for Sterilization of Minors and Other Legally Incompetent Individuals for all programs administered by this Department. Accordingly, you should prepare appropriate proposed regulations to implement these guidelines in each program that you administer which involves possible Federal financial assistance for sterilization of minors or other

legally incompetent individuals. Your proposed regulations should be submitted to me for my review and approval by August 20, 1973. The Assistant Secretary for Health is assigned the coordination of this task.

Pending the effective date of the final regulation in any program to which the Guidelines apply, Federal financial participation should be withheld from any sterilization procedure performed on an individual who is under the age of 21 or who is himself legally incapable of consenting to the sterilization.

GENERAL GUIDELINES LIMITING FEDERAL FINANCIAL ASSISTANCE FOR STERILIZATION OF MINORS AND OTHER LEGALLY INCOMPETENT INDIVIDUALS

1. These guidelines are applicable to programs or projects supported in whole or in part by Federal financial assistance administered by the Department of Health, Education, and Welfare.

2. No HEW Agency shall provide Federal financial assistance to any program or project for the performance of a sterilization on any individual who is under the age of twenty-one or who is legally incapable of consenting to the sterilization for himself or herself unless a Review Committee (as described in paragraph 4 of these guidelines) has reviewed and approved the sterilization.

3. In addition to the procedure described in paragraph 2, if the individual involved is legally incapable of consenting, the proposed sterilization approved by the Review Committee shall not be performed until it has been determined by a court of competent jurisdiction to be in the best interest of the patient.

4. The Review Committee referred to in paragraph 2 shall be composed of not less than five members selected by responsible authorities of the program or project. The members shall be so selected that the Committee will be competent to deal with the medical, legal, social, and ethical issues involved in sterilization. No member may be an officer, employee or other representative of the program or project under which the procedure is proposed, nor may he or she be otherwise involved in the proposed procedure. Both sexes shall be represented on the Committee, and at least one member shall be a representative of the interests of the population served by the program or project.

5. The duties of the Review Committee shall be:

a. to review appropriate medical, social, and psychological information concerning the patient, including the age of the patient, alternative family planning methods, and the adequacy of consent;

b. to interview concerned individuals as well as others who in its judgment will contribute pertinent information;

c. to determine the sufficiency of any consent and whether the proposed sterilization procedure is in the best interest of the patient; and

d. to maintain records of its determinations, the reasons therefor, and supporting documentation. Such records shall be transmitted to and maintained by the program or project as part of the permanent record of the patient. The records shall be available for examination by the Secretary or his delegate to determine compliance with these guidelines.

6. Whenever the Committee determines that a sterilization on an individual described in paragraph 3 is appropriate, the program or project shall arrange to obtain the required court determination.

7. The program or project shall report to the Secretary or his delegate, at least annually, the number and nature of the sterilizations subject to the procedures set forth in paragraphs 2 and 3, the number of Committee disapprovals of such sterilizations, the number and nature of conditional Committee approvals, and such other relevant information regarding such procedures as the Secretary may request.

8. These guidelines are by way of limitation and are not intended to require any recipient to provide or arrange for the provision of sterilization.

[FR Doc.73-16051 Filed 8-2-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 73-159N]

TEMPORARY PONTOON BRIDGE OVER COLORADO RIVER NEAR CIBOLA, ARIZONA

Approval of Location and Plans and Operation Regulations

The First Marine Division, U.S. Marine Corps, Camp Pendleton, California, has applied for a permit to construct a temporary pontoon bridge across the Colorado River near Cibola, Arizona, immediately downstream of a site known as Taylors Ferry at mile 304.2.

The purpose of this project is to train armed forces personnel in the rapid construction and removal of a military floating bridge. The exercises will involve repetitions of construction and removal of the bridge on a weekly basis. Construction and removal operations will be conducted from 6 August 1973 through 19 September 1973. These operations will commence each Monday or Tuesday, and be completed by Friday of each week. The bridge will completely obstruct the waterway for no more than 36 hours during the period Tuesday through Thursday of each week. The bridge can be opened for the passage of emergency vessels upon notice of not less than 30 minutes.

These bridge construction training exercises are essential to the military readiness of the Seventh Engineering Battalion and the First Bridge Company of the U.S. Marine Corps to conduct their mission in support of the national defense. This time period selected has been determined to be the most suitable time for the conduct of the exercises. The personnel of the military units involved will camp and base their operations upon adjacent land under the supervision and control of the Bureau of Land Management, Department of the Interior. The selected site has been utilized for similar exercises in 1967, 1968, and 1969. Both the Bureau of Land Management and the Marine Corps prepared environmental impact analyses which generally indicate that the proposed exercises and bridge construction project will not have any significant or long-range impact on the environment.

The proposed bridge project is a military function exempted from the public participation provisions of the Administrative Procedure Act (5 U.S.C. 551-559). Notice and opportunity for public participation thereon have therefore been omitted.

Pursuant to the provisions of the General Bridge Act of 1946 (33 U.S.C. 525) the location and plans of the proposed pontoon bridge are hereby approved (Permit No. 77-73) subject to the following conditions:

1. No deviation from the approved plans may be made either before or after each recurring construction of the structure unless modification of said plans has been previously submitted to and received approval of the Commandant. However, the location of the structure, positioning of the kedge anchors, suspension cable and other component parts may vary within the immediate vicinity without further approval.

2. All work shall be so conducted that the free navigation of the waterway is not unreasonably interfered with as determined by the operation regulations herein following and the present navigable depths are not impaired. The waterway shall be promptly cleared of all obstructions upon completion of the exercise on or before 20 September 1973.

3. Issuance of this approval of location and plans does not relieve the Marine Corps of the obligation or responsibility for compliance with the provision of any other law or regulation as may be under the jurisdiction of the Bureau of Land Management or any other federal, state or local authority having cognizance of any aspect of the location, maintenance or operation of the bridge and its approaches.

4. Excepting for a 36 hour period which may occur any time from Tuesday through Thursday each week, a clear channel through the bridge shall be maintained with a minimum horizontal clearance normal to the channel of 30 feet.

5. Navigation lights as prescribed or approved by the Commander, Eleventh Coast Guard District, shall be installed and maintained in accordance with 33 CFR 68.

Pursuant to the provisions of 33 U.S.C. 499, Regulations for Drawbridges, * * *, the pontoon bridge shall be operated as follows:

1. From 6 August 1973 through 19 September 1973, Monday through Friday, the bridge shall open within 30 minutes for the passage of emergency vessels and provide a clear channel of a minimum horizontal clearance normal to the channel of 30 feet.

2. The bridge may be closed to the passage of navigation for 36 hours any time during the period Tuesday through Thursday each week.

3. The bridge shall be removed from the waterway on Saturday and Sunday each week except that pontoon sections may be moored along the banks of the waterway so as to not unreasonably protrude into the channel.

4. The Marine Corps shall publish notices weekly in local newspapers and post notices in marinas located in the general vicinity of the pontoon bridge stating the general manner of its operations. The notices shall contain sufficient information to be meaningful to vessel operators.

(Sec. 5, 28 Stat. 362, as amended, Sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 165J (g)(2); 49 CFR 1.46(c)(5).)

Effective Date: July 31, 1973.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.73-16050 Filed 8-2-73;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket Nos. 40-438, 50-439]

TENNESSEE VALLEY AUTHORITY

Notice of Receipt of Application for Construction Permits and Facility Licenses and Availability of Applicant's Draft Environmental Statement

The Tennessee Valley Authority (the applicant), pursuant to Section 103 of the Atomic Energy Act of 1954, as amended, has filed an application, which was docketed June 21, 1973, for authorization to construct and operate two generating units utilizing pressurized water nuclear reactors. The application was tendered on May 14, 1973. Following a preliminary review for completeness, it was accepted on June 14, 1973 for docketing.

The proposed nuclear facility, designated by the applicant as the Bellefonte Nuclear Plant, Units 1 and 2, is located at the Bellefonte site in Jackson County, Alabama, approximately six miles northeast of Scottsboro, Alabama. Each unit is designed for initial operation at a core power level of 3413 megawatts (thermal), and a gross electrical output of 1329 megawatts.

A Notice of Hearing with opportunity for public participation is being published separately.

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Office of Antitrust and Indemnity, Directorate of Licensing, on or before September 4, 1973. The request should be filed in connection with Docket Nos. 50-438-A and 50-439-A.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545, and at the Scottsboro Public Library, 1002 South Broad Street, Scottsboro, AL 35768.

The applicant has also filed, pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in Appendix D to 10 CFR Part 50, a Draft Environmental Statement (in lieu of an environmental report) since TVA like other Federal agencies is subject to the requirements of Section 102 of the National Environmental Policy Act of 1969. The Statement (report) has been made available for public inspection at the aforementioned locations. The Statement, which discusses environmental considerations related to the proposed construction of the Bellefonte Nuclear Plant, Units 1 and 2, is also being made available at the Alabama Development Office, State Office Building, Montgomery, Alabama 36104 and Top of Alabama Regional Council of Governments, P.O. Box 308, City Hall 6th Floor, Huntsville, Alabama 35801.

After TVA's Statement has been analyzed by the Commission's Director of Regulation or his designee, an AEC Draft Environmental Statement will be prepared in accordance with the Commission's procedures in Appendix D to 10 CFR Part 50. Upon preparation of the AEC Statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of its availability requesting comments from interested persons. The summary notice will also state that comments of Federal agencies and State and local officials on the AEC Statement will be made available when received.

Dated at Bethesda, Maryland, this 23rd day of July 1973.

For the Atomic Energy Commission.

A. SCHWENCER,
Chief, Pressurized Water Reactors, Branch No. 4, Directorate of Licensing.

[FR Doc.73-15782 Filed 8-2-73;8:45 am]

[Docket Nos. 50-438 and 50-439]

TENNESSEE VALLEY AUTHORITY

Notice of Hearing on Application for Construction Permits

In the matter of Tennessee Valley Authority, Bellefonte Nuclear Plant, Units 1 and 2.

Pursuant to the Atomic Energy Act of 1954, as amended (the Act), and the regulations in Title 10, Code of Federal Regulations, Part 50, "Licensing of Production and Utilization Facilities," and Part 2, "Rules of Practice," notice is hereby given that a hearing will be held, at a time and place to be set in the future by an Atomic Safety and Licensing Board (Board), to consider the application filed under the Act by the Tennessee Valley Authority (the applicant), for construction permits for two pressurized water nuclear reactors designated as the Bellefonte Nuclear Plant, Units 1 and 2 (the facilities), each of which is designed for initial operation at approximately 3,413 thermal megawatts with a gross electrical output of approximately 1,329 megawatts. The proposed facilities are to be located at the Bellefonte site in Jackson County, Alabama, approximately six miles northeast of Scottsboro, Alabama. The hearing will be held in the vicinity of the site of the proposed facilities.

The Board will be designated by the Atomic Energy Commission (Commission) or the Chairman of the Atomic Safety and Licensing Board Panel. Notice as to its membership will be published in the FEDERAL REGISTER.

Upon completion by the Commission's regulatory staff of a favorable safety evaluation of the application and an environmental review and upon receipt of a report by the Advisory Committee on Reactor Safeguards, the Director of Regulation will consider making affirmative findings on Items 1-3, a negative finding on Item 4, and an affirmative finding on Item 5 specified below as a basis for the issuance of construction permits to the applicant:

ISSUES PURSUANT TO THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

1. Whether in accordance with the provisions of 10 CFR § 50.35(a):

(a) The applicant has described the proposed design of the facilities including, but not limited to, the principal architectural and engineering criteria for the design, and has identified the major features or components incorporated therein for the protection of the health and safety of the public;

(b) Such further technical or design information as may be required to complete the safety analysis and which can reasonably be left for later consideration, will be supplied in the final safety analysis report;

(c) Safety features or components, if any, which require research and development have been described by the applicant and the applicant has identified, and there will be conducted a research and development program reasonably designed to resolve any safety questions associated with such features or components; and

(d) On the basis of the foregoing, there is reasonable assurance that (i) such safety questions will be satisfactorily resolved at or before the latest date stated in the application for completion of construction of the proposed facilities, and (ii) taking into consideration the site criteria contained in 10 CFR Part 100, the proposed facilities can be constructed and operated at the proposed location without undue risk to the health and safety of the public.

2. Whether the applicant is technically qualified to design and construct the proposed facilities;

3. Whether the applicant is financially qualified to design and construct the proposed facilities; and

4. Whether the issuance of permits for construction of the facilities will be inimical to the common defense and security or to the health and safety of the public.

ISSUE PURSUANT TO NATIONAL ENVIRONMENTAL POLICY ACT OF 1969 (NEPA)

5. Whether, in accordance with the requirements of Appendix D of 10 CFR Part 50, the construction permits should be issued as proposed.

In the event that this proceeding is not a contested proceeding, as defined by 10 CFR § 2.4(n), the Board will determine (1) without conducting a de novo evaluation of the application, whether the application and the record of the proceeding contain sufficient information, and the review of the application by the Commission's regulatory staff has been

adequate, to support the findings proposed to be made by the Director of Regulation on Items 1–4 above, and to support, insofar as the Commission's licensing requirements under the Act are concerned, the issuance of the construction permits proposed by the Director of Regulation; and (2) determine whether the review conducted by the Commission pursuant to NEPA has been adequate. In the event that this proceeding is not contested, the Board will convene a prehearing conference of the parties at a time and place to be set by the Board. It will also set the schedule for the evidentiary hearing. Notice of the prehearing conference and the hearing will be published in the FEDERAL REGISTER.

In the event that this proceeding becomes a contested proceeding, the Board will consider and initially decide, as issues in this proceeding, Items 1–5 above as a basis for determining whether the construction permits should be issued to the applicant.

The Board will convene a special prehearing conference of the parties to the proceeding and persons who have filed petitions for leave to intervene, or their counsel, to be held at such time as may be appropriate, at a place to be set by the Board for the purpose of dealing with the matters specified in 10 CFR § 2.751a. Notice of the special prehearing conference will be published in the FEDERAL REGISTER.

The Board will convene a prehearing conference of the parties, or their counsel, to be held subsequent to any special prehearing conference, after discovery has been completed, or within such other time as may be appropriate, at a time and place to be set by the Board for the purpose of dealing with the matters specified in 10 CFR § 2.752.

With respect to the Commission's responsibilities under NEPA, and regardless of whether the proceeding is contested or uncontested, the Board will, in accordance with section A.11 of Appendix D of 10 CFR Part 50, (1) determine whether the requirements of section 102 (2) (C) and (D) of NEPA and Appendix D of 10 CFR Part 50 have been complied with in this proceeding; (2) independently consider the final balance among conflicting factors contained in the record of the proceeding with a view to determining the appropriate action to be taken; and (3) determine whether the construction permits should be issued, denied, or appropriately conditioned to protect environmental values.

For further details, see the application for construction permits dated June 19, 1973, and amendments thereto, and TVA's Draft Environmental Statement, which was submitted in lieu of an environmental report, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., between the hours of 8:30 a.m. and 5:00 p.m. on weekdays. Copies of those documents will also be made available at the Scottsboro Public Library, 1002 South Broad Street, Scottsboro, Alabama for inspection by members of the public. As they become available, a copy of the safety evaluation by the Commission's Directorate of Licensing, the Commission's draft and final detailed statements on environmental considerations, the report of the Advisory Committee on Reactor Safeguards (ACRS), the proposed construction permits, other relevant documents, and the transcripts of the prehearing conferences and of the hearing will also be available at the above locations. Copies of the Directorate of Licensing's safety evaluation and the Commission's final detailed statement on environmental considerations, the proposed construction permits, and the ACRS report may be obtained, when available, by request to the Deputy Director for Reactor Projects, Directorate of Licensing, United States Atomic Energy Commission, Washington, D.C. 20545.

Any person who does not wish to, or is not qualified to become a party to this proceeding may request permission to make a limited appearance pursuant to the provisions of 10 CFR § 2.715. A person making a limited appearance may only make an oral or written statement on the record, and may not participate in the proceeding in any other way. Limited appearances will be permitted at the time of the hearing in the discretion of the Board, within such limits and on such conditions as may be fixed by the Board. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission, United States Atomic Energy Commission, Washington, D.C. 20545, not later than September 4, 1973.

A person permitted to make a limited appearance does not become a party, but may state his position and raise questions which he would like to have answered to the extent that the questions are within the scope of the hearing as specified in the issues set out above.

Any person whose interest may be affected by the proceeding, who does not wish to make a limited appearance and who wishes to participate as a party in the proceeding must file a written petition under oath or affirmation for leave to intervene in accordance with the provisions of 10 CFR § 2.714.

A petition for leave to intervene shall set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and any other contentions of the petitioner including the facts and reasons why he should be permitted to intervene, with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. Any such petition shall be accompanied by a supporting affidavit identifying the specific aspect or aspects of the subject matter of the proceeding as to which the petitioner wishes to intervene and setting forth with particularity both the facts pertaining to his interest and the basis for his contentions with regard to each aspect on which he desires to intervene. A petition that sets forth contentions relating only to matters outside the jurisdiction of the Commission will be denied.

A petition for leave to intervene must be filed with the Office of the Secretary of the Commission, United States Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff, or may be delivered to the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., not later than September 4, 1973.

A petition for leave to intervene which is not timely will not be granted unless the Board determines that the petitioner has made a substantial showing of good cause for failure to file on time and after the Board has considered those factors specified in 10 CFR § 2.714(a)(1)–(4) and § 2.714(d).

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have all the rights of the applicant to participate fully in the conduct of the hearing, such as the examination and cross-examination of witnesses, with respect to their contentions related to the matters at issue in the proceeding.

An answer to this notice, pursuant to the provisions of 10 CFR § 2.705, must be filed by the applicant not later than August 23, 1973.

Papers required to be filed in this proceeding may be filed by mail or telegram addressed to the Secretary of the Commission, United States Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. A copy of the petition or request for limited appearance should also be sent to the Chief Hearing Counsel, Office of the General Counsel, U.S. Atomic Energy Commission, Washington, D.C. 20545 and to Robert H. Marquis, Esquire, 629 New Sprankle Building, Knoxville, Tennessee 37919, attorney for the applicant.

Pending further order of the Board, parties are required to file, pursuant to the provisions of 10 CFR § 2.708, an original and twenty (20) conformed copies of each such paper with the Commission.

With respect to this proceeding, pursuant to 10 CFR § 2.785, an Atomic Safety and Licensing Appeal Board will exercise the authority and the review function which would otherwise be exercised and performed by the Commission. Notice as to the membership of the Appeal Board will be published in the FEDERAL REGISTER.

UNITED STATES ATOMIC ENERGY COMMISSION,
GORDON M. GRANT,
Acting Secretary of the Commission.

Dated at Germantown, Maryland, July 30, 1973.

[FR Doc.73-16048 Filed 8-2-73;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 25517]

AERONAUTS INTERNATIONAL TRAVEL CLUB, ET AL.

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled matter is assigned to be held on September 18, 1973, at 10 a.m. (local time) in Room 503, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., before Administrative Law Judge Henry M. Whitehouse.

Dated at Washington, D.C., July 30, 1973.

[SEAL] RALPH L. WISER,
Chief Administrative Law Judge.

[FR Doc.73-16078 Filed 8-2-73;8:45 am]

CIVIL SERVICE COMMISSION

FEDERAL EMPLOYEES PAY COUNCIL

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 Federal Employees Pay Council will meet at 2 p.m. on Friday, August 3, 1973, to continue discussions on the fiscal year 1974 comparability adjustment for the statutory pay systems of the Federal Government.

In accordance with the provisions of section 10(d) of the Federal Advisory Committee Act, it has been determined by the Director of the Office of Management and Budget and the Chairman of the Civil Service Commission, who serve jointly as the President's Agent for the purposes of the Federal pay comparability process, that this meeting of the Federal Employees Pay Council will not be open to the public.

For the President's Agent.

FRANK S. MELLOR,
Advisory Committee Management Officer for the President's Agent.

[FR Doc.73-15992 Filed 8-2-73;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN NICARAGUA

Entry or Withdrawal From Warehouse for Consumption

On September 5, 1972, the United States Government, in furtherance of the objectives of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, concluded a comprehensive bilateral cotton textile agreement with the Government of Nicaragua concerning exports of cotton textiles and cotton textile products from Nicaragua to the United States over a five-year period beginning August 1, 1972. Among the provisions of the agreement are those establishing an aggregate limit for the 64 categories and within the aggregate limit specific limits on Categories 9/10, 15/16, 22/23, and 26/27 (other than duck) for the agreement year beginning August 1, 1973.

There is published below a letter of July 27, 1973 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, directing that the amounts of cotton textiles and cotton textile products in Categories 9/10, 15/16, 22/23, and 26/27 (other than duck) produced or manufactured in Nicaragua which may be entered or withdrawn from warehouse for consumption in the United States for the twelve-month period beginning August 1, 1973, be limited to the designated levels. The letter published below and the actions pursuant thereto are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

Commissioner of Customs
Department of the Treasury
Washington, D.C. 20229

Dear Mr. Commissioner: Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the Bilateral Cotton Textile Agreement of September 5, 1972, between the Governments of the United States and Nicaragua, and in accordance with Executive Order 11651 of March 3, 1972, you are directed to prohibit, effective as soon as possible, and for the twelve-month period beginning August 1, 1973 and extending through July 31, 1974, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 9/10, 15/16, 22/23, and 26/27 (other than duck), produced or manufactured in Nicaragua, in excess of the following twelve-month levels of restraint:

Category	*Twelve-Month Levels of Restraint*
9/10	1,050,000 square yards
15/16	1,050,000 square yards
22/23	1,050,000 square yards
26/27 (other than duck)[1]	2,100,000 square yards

In carrying out this directive, entries of cotton textiles and cotton textile products in Categories 9/10, 15/16, 22/23, and 26/27 (other than duck), produced or manufactured in Nicaragua and which have been exported prior to August 1, 1973, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the period August 1, 1972 through July 31, 1973. In the event that the levels of restraint established for the twelve-month period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter.

The levels of restraint set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of September 5, 1972 between the Governments of the United States and Nicaragua which provide, in part, that within the aggregate limit, the limitations on Categories 9/10, 15/16, 22/23, and 26/27 (other than duck) may be exceeded by not more than five (5) percent; for the limited carryover of shortfalls in certain categories to the next agreement year; and for administrative arrangements. Any appropriate adjustments pursuant to the provisions of the bilateral agreement referred to above will be made to you by further letter.

A detailed description of the categories in terms of TSUSA numbers was published in the FEDERAL REGISTER on April 29, 1972 (37 FR 8802), as amended on February 14, 1973 (38 FR 4436).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Nicaragua and with respect to imports of cotton textiles and cotton textile products from Nicaragua have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

[FR Doc.73-16136 Filed 8-2-73;8:45 am]

[1] In Categories 26/27 all T.S.U.S.A. Nos. except:

320.—01 through 04, 06, 08
321.—01 through 04, 06, 08
322.—01 through 04, 06, 08
326.—01 through 04, 06, 08
327.—01 through 04, 06, 08
328.—01 through 04, 06, 08

CONSUMER PRODUCT SAFETY COMMISSION

PRODUCT SAFETY ADVISORY COUNCIL

Submission of Applications for Membership

The Consumer Product Safety Commission was established by the Consumer Product Safety Act (Public Law 92-573, 86 Stat. 1207-33; 15 U.S.C. 2051-81). The Commission is charged with protecting the public against unreasonable risks of injury associated with consumer products; assisting consumers in evaluating the comparative safety of consumer products; developing uniform safety standards for consumer products; and promoting research and investigation into the causes and prevention of product-related deaths, illnesses, and injuries.

To assist the Commission in these tasks, section 28 of the act (86 Stat. 1230; 15 U.S.C. 2077) provides that the Commission shall establish a Product Safety Advisory Council. Section 28(a) prescribes that the Council shall be constituted as follows:

(1) Five members shall be selected from governmental agencies including Federal, State, and local governments;

(2) Five members shall be selected from consumer product industries including at least one representative of small business; and

(3) Five members shall be selected from among consumer organizations, community organizations, and recognized consumer leaders.

The Council shall meet not less than four times a year to advise the Consumer Product Safety Commission. The Council may also propose consumer product safety rules for the Commission's consideration.

The purpose of this notice is to insure that the Commission is aware of the best possible candidates to serve on the Council. Accordingly, anyone in one of the above-described categories of membership who is interested in serving on the Council may inform the Commission of his or her desire to serve by forwarding an application in the following format. Persons wishing to nominate another individual to serve on the Council should also use this format and should include a statement that the person nominated has agreed to serve on the Council if asked.

APPLICATION FORMAT

1. Name.
2. Address.
3. Birthdate.
4. Description of present employment.
5. Description of any extracurricular activities related to product safety.
6. Discussion of how you learned of the Product Safety Advisory Council.
7. Interest questions:
   a. Why are you interested in serving on the Council?
   b. What contribution can you make to the Council?
   c. What would be your availability to attend meetings and provide written comments to material provided by the Consumer Product Safety Commission? Frequency?
8. Representation questions:
   a. Will you represent an organization or group?
   b. Name and size of the group.
   c. How were you selected to represent the group?
   d. Previous experience in representing the group.
   e. How will you determine the group's position on issues relating to product safety?
   f. How will those positions be related to the Consumer Product Safety Commission?
   g. How will the Consumer Product Safety Commission's policies be related to the group?
9. Experience and expertise questions (answer questions applying to the group to be represented):
   a. Government:
   (i) Are you involved in product safety activities at Federal, State, or local levels? If so, give a brief description.
   (ii) Have you had experience with Federal regulatory activities? If so, describe.
   (iii) Have you worked in any capacity with citizens groups? If so, explain.
   b. Industry:
   (i) What industry do you represent?
   (ii) Describe your position.
   (iii) If your present or past experience is related to product safety, voluntary standard setting, testing, or corporate public relations, give a description.
   c. Consumer:
   (i) What consumer or community group do you represent?
   (ii) Are a majority of the people you represent above or below the level of $5,000 in annual family income, based on a family of four persons?

Applications should be submitted on or before September 17, 1973, addressed to the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207.

Dated: July 30, 1973.

GEORGE A. SMITH,
Acting Secretary, Consumer Product Safety Commission.

[FR Doc.73-15989 Filed 8-2-73;8:45 am]

STANDARD FOR THE FLAMMABILITY OF MATTRESSES

Notice of Approval of Alternate Sampling Plan for Mattress Pads

The Secretary of Commerce, in the FEDERAL REGISTER of June 7, 1972 (37 FR 11362), published the Flammability Standard for Mattresses (DOC FF 4–72) pursuant to provisions of the Flammable Fabrics Act.

Effective May 14, 1973, section 30(b) of the Consumer Product Safety Act (Public Law 92–573, 86 Stat. 1231; 15 U.S.C. 2079(b)) transferred all functions under the Flammable Fabrics Act to the Consumer Product Safety Commission.

Subsequently, the Consumer Product Safety Commission amended and reissued the standard (as the Standard for the Flammability of Mattresses (FF 4–72)) in the FEDERAL REGISTER of June 8, 1973 (38 FR 15095), effective June 7, 1973. As a result of a judicially imposed temporary stay, the standard as amended became effective June 22, 1973.

The standard contains a sampling plan for the selection and testing of mattresses and mattress pads. A provision (.4(b)(1)) of the standard allows alternate sampling plans to be used provided they are approved by the Consumer Product Safety Commission. Such plans must provide at least the equivalent level of fire safety to the consumer as that provided by the standard's sampling plan.

The alternate sampling plan for mattress pads set forth below was submitted for approval in accordance with .4(b)(1) of the standard. It has been reviewed and determined to offer an equivalent level of fire safety to the consumer and to meet all technical requirements of the standard. It has operating characteristics such that the probability of unit acceptance at any percentage defective does not exceed the corresponding probability of unit acceptance of the basic sampling plan in the region of the operating characteristic curve that lies between 5 and 95 percent acceptance probability. The Commission hereby approves the plan.

Use of this alternate sampling plan, which may be cited as Alternate Sampling Plan No. 2 to FF 4–72, is restricted to mattress pads. The plan, however, is not restricted to the party submitting it but may be used by any mattress pad manufacturer.

Records of the use of this plan shall be maintained by the manufacturer in accordance with regulations established by the Consumer Product Safety Commission (see proposed 16 CFR 302.20 in the FEDERAL REGISTER of June 11, 1973 (38 FR 15373)).

All provisions of the Standard for the Flammability of Mattresses (FF 4–72, as amended) are applicable under this alternate sampling plan except as specified below.

Dated: July 30, 1973.

GEORGE A. SMITH,
Acting Secretary, Consumer Product Safety Commission.

ALTERNATE SAMPLING PLAN NUMBER 2 TO FF 4–72 MATTRESS PADS

The following substitutes for .4(b) *Specimen and sampling* of FF 4–72:

.4 Test procedure.

* * * * *

(b) *Specimen and sampling.*—(1) *General.*—(i) The test criterion of .3(b) of FF 4–72 shall be used in conjunction with this Alternate Sampling Plan No. 2 (ASP No. 2). The use of this ASP No. 2 is restricted to mattress pads, but it may be used by any mattress pad manufacturer. ASP No. 2 may be used in conjunction with ASP No. 4 to FF 4–72 if desired (ASP No. 4 was published in the FEDERAL REGISTER of June 19, 1973; 38 FR 15990). When ASP No. 4 is so used, the provisions of this ASP No. 2 shall apply with respect to production testing of mattress pads. Use of this ASP No. 2 in conjunction with any other sampling plan is permitted only if the latter (A) is an approved sampling plan and (B) contains explicit provisions for such use.

(ii) It is permissible to employ differing sampling plans with respect to differing mattress pad types and/or production units; however, any sampling plan employed with respect to a specific production unit shall be so employed in its entirety.

(iii) For purposes of this ASP No. 2, "initial production quantity" means a quantity of mattress pads equalling or exceeding one-sixtieth of the quantity anticipated to be contained in the production unit to be accepted upon successful completion of the sampling requirements. Not withstanding the provisions of .1(j) of FF 4–72 and those of .4(b)(2)(i) *Basic sampling plan* of this ASP No. 2, mattress pads contained in an initial production quantity shall be deemed to be included in the production unit represented by that initial production quantity if (A) the initial production quantity is manufactured during the 30-day period preceding the nominal date of initiation of the production unit, (B) final assembly of mattress pads in the initial production quantity is accomplished on the machine or machines used in final assembly of mattress pads

in the production unit, and (C) no mattress pads of the type contained in the production unit are produced on said machines during the period between manufacture of the initial production quantity and the nominal date of initiation of the production unit. Alternatively, mattress pads contained in an initial production quantity shall be deemed to be included in the production unit represented by that initial production quantity if the initial production quantity is manufactured during the 30-day period preceding the nominal date of initiation of the production unit and the manufacturer stipulates that all mattress pads of prototypes represented in the production unit and manufactured between the initial production quantity and the nominal date of initiation of the production unit shall be deemed to be rejected if the production unit is rejected. Each prototype to be included in the production unit shall be represented in the initial production quantity.

(2) *Mattress pad sampling.*—The basic mattress pad sampling plan is made up of two parts: Prototype qualification (.4(b)(2)(i)(A)) and production testing (.4(b)(2)(i)(B)). In addition, a batch sampling plan (.4(b)(2)(ii)) is given that may be used for small production quantities, when shipping requirements prohibit the use of the basic plan or for other reasons at the discretion of the manufacturer.

(i) *Basic sampling plan.*—A production unit in the basic sampling plan shall consist of not more than 250 mattress pads of a mattress pad type in normal sampling (.4(b)(2)(i)(B)(*1*)) nor more than 500 mattress pads of a mattress pad type in reduced sampling (.4(b)(2)(i)(B)(*2*)) or the quantity produced in 1½ consecutive calendar months, whichever is smaller in either case. This production unit size may be increased to the quantity produced in 1½ consecutive calendar months or less: *Provided*, That it is either documented that each of the materials contributing to the cigarette ignition characteristics of all mattress pads in the production unit and the preceding or the following production unit came from a single manufacturing lot of such material, or 50 consecutive production units (at least 20,000 mattress pads) have all been accepted in production testing as set forth in .4(b)(2)(i)(B).

(A) *Prototype qualification.*—(*1*) For prototype qualification, the term "manufacturer" shall mean (*i*) with respect to a company having one manufacturing facility, that company; (*ii*) with respect to a company having two or more manufacturing facilities, either that company or one or more of its manufacturing facilities as it elects; or (*iii*) with respect to a company that is part of a group of companies that have elected to share in a prototype design, either that group of companies or a portion of that group or (*i*) or (*ii*) above, as that company elects.

(*2*) Each "manufacturer" shall select enough of each mattress pad prototype from preproduction or current production to provide six surfaces for test (three mattress pads if both sides can be tested or six mattress pads if only one side can be tested). Test each of the six surfaces according to .4(d) *Testing* of FF 4–72. If all the cigarette test locations on all six surfaces satisfy the test criterion of .3(b) of FF 4–72, accept the mattress pad prototype. If one or more of the cigarette test locations on the six surfaces fail the test criterion of .3(b), reject the mattress pad prototype.

(*3*) If it has been elected to include more than one company and/or more than one manufacturing facility in the term "manufacturer" for purposes of prototype qualification, each such company and each such manufacturing facility shall select enough additional prototype mattress pads from its own preproduction or current production to provide two surfaces for test. Test each of the two surfaces according to .4(d) of FF 4–72. If all the cigarette test locations on both surfaces satisfy the test criterion of .3(b) of FF 4–72, accept the mattress pad prototype for that company or manufacturing facility. If one or more of the cigarette test locations on the two surfaces fail the test criterion of .3(b), reject the mattress pad prototype for that company or manufacturing facility.

(*4*) Mattress pad prototype qualification may be repeated after the manufacturer has taken action to improve the resistance of the mattress pad prototype to ignition by cigarettes through mattress pad design, production, or materials selection. When mattress pad prototype qualification is repeated as a result of prototype rejection by the "manufacturer," such qualification shall be conducted as if it were an original qualification. When the mattress pad prototype qualification is repeated as a result of prototype rejection under the provisions of the preceding (*3*) or as a result of production unit rejection, such qualification shall be performed as if the producer of the failing mattress pad were a company having one manufacturing facility.

(*5*) Each mattress pad prototype must be accepted in prototype qualification prior to shipping any mattress pads to customers and prior to producing significant quantities of mattress pads. If the "manufacturer" is one manufacturing facility, the first production unit manufactured immediately after successful prototype qualification or the production unit from which the mattress pads were selected for the successful prototype qualification (not to exceed 500 mattress pads in either case) may be accepted and shipped to customers without further testing if all mattress pads in the production unit are the same as the prototype except for size.

(B) *Production testing.*—For production testing, the term "manufacturer" shall mean each manufacturing facility. Random selection for production testing shall be accomplished by use of random number tables or equivalent means as determined by the Consumer Product Safety Commission. If it is desired to use only mattress pads of a specified size (for example, twin) for testing, the drawing may be repeated until sufficient mattress pads of that size have been selected. A production unit, except for the first production unit following successful prototype qualification as specified in .4(b)(2)(i)(A), is either accepted or rejected according to the following plan:

(*1*) *Normal sampling.*—(*i*) From the initial production quantity, randomly select enough mattress pads to provide eight surfaces for test (four mattress pads if both sides can be tested or eight mattress pads if only one side can be tested). Test each of the eight surfaces according to .4(d) of FF 4–72. If all the cigarette test locations on all surfaces meet the test criterion of .3(b) of FF 4–72, accept the production unit. If two or more individual cigarette test locations fail the test criterion of .3(b), reject the production unit. If only one individual cigarette test location fails the test criterion of .3(b), select enough additional mattress pads from the initial production quantity to provide 16 additional surfaces for test. Test each of the 16 additional surfaces according to .4(d). If all the cigarette test locations on the 16 additional surfaces meet the test criterion of .3(b), accept the production unit. If one or more of the individual cigarette test locations on the 16 additional surfaces fail the test criterion of .3(b), reject the production unit.

(*ii*) Production unit rejection shall include all mattress pads in the particular production unit under test. Such rejection also results in the loss of prototype qualification (.4(b)(2)(i)(A)) for all prototypes included in the production unit under test.

(*2*) *Reduced sampling.*—(*i*) The level of sampling required for mattress pad production acceptance may be reduced provided that the preceding 15 consecutive production units of mattress pads (at least 500 mattress pads) have all been accepted using the normal sampling plan of this ASP No. 2 (.4(b)(2)(i)(B)(*1*)) or that of FF 4–72. The production quantity for reduced sampling under this ASP No. 2 shall consist of one production unit as defined in .4(b)(2)(i).

(*ii*) From the initial production quantity, randomly select enough mattress pads to provide eight surfaces for test. Test each of the eight surfaces according to .4(d) of FF 4–72. If all the cigarette test locations on all surfaces meet the test criterion of .3(b) of FF 4–72, accept the production unit. If two or more individual cigarette test locations fail the test criterion of .3(b), reject the production unit. If only one individual cigarette test location fails the test criterion of .3(b), accept the production unit.

(*iii*) Production unit rejection shall include all mattress pads in the particular production unit under test. Such rejection also results in the loss of prototype qualification (.4(b)(2)(i)(A)) for all prototypes included in the production unit under test. Testing after requalification shall be according to the normal sampling plan (.4(b)(2)(i)(B)(*1*)).

(ii) *Batch sampling plan.*—For the batch sampling plan, the term "manufacturer" shall mean each manufacturing facility. A production unit in the batch sampling plan shall consist of not more than 250 mattress pads or the quantity produced in one period of 30 consecutive calendar days, whichever is smaller.

(A) *Batch unit qualification and acceptance.*—(*1*) Select enough mattress pads from the initial production of the production unit to provide four surfaces for test (two mattress pads if both sides can be tested or four mattress pads if only one side can be tested). Test each of the four surfaces according to .4(d) of FF 4–72. If all the cigarette test locations on the four surfaces meet the test criterion of .3(b) of FF 4–72, accept the production unit. If one or more of the cigarette test locations on the four surfaces fail the test criterion of .3(b), reject the production unit.

(2) After rejection, production unit qualification and acceptance under this batch sampling plan may be repeated after the resistance of the mattress pad to ignition by cigarettes is improved by the manufacturer taking corrective action in mattress pad design, production, or materials selection.

(3) Acceptance of any production unit under this batch sampling plan shall not have any effect on prototype qualification (.4(b)(2)(i)(A)) or production unit acceptance of any other production unit.

(3) *Disposition of rejected units.*—Rejected production units shall not be retested, offered for sale, sold, or promoted for use as mattress pads as defined in .1(a) of FF 4–72 except after reworking to improve the resistance to ignition by cigarettes and subsequent retesting in accordance with procedures set forth in the basic sampling plan (.4(b)(2)(i)).

(4) *Records.*—Records of all production unit sizes, test results, and the disposition of rejected production units shall be maintained by the manufacturer, in accordance with regulations established by the Consumer Product Safety Commission (see proposed 16 CFR 302.20 in the FEDERAL REGISTER of June 11, 1973; 38 FR 15373).

(5) *Preparation of mattress pad samples.*—The mattress pad surface shall be divided laterally into two sections (see figure 1 of FF 4–72); one section for the bare mattress pad tests and the other for the two-sheet tests.

(6) *Sheet selection.*—The sheets shall be white, 100-percent combed cotton percale, not treated with a chemical finish which imparts a characteristic such as permanent press or flame resistance, and shall have 170–200 threads per square inch and a fabric weight of 115 ± 14 grams per square meter (3.4 ± 0.4 ounces per square yard), or shall be of another type approved by the Consumer Product Safety Commission. Size of sheet shall be appropriate for the mattress pad being tested.

(7) *Sheet preparation.*—The sheet shall be laundered once before use (in an automatic home washer using the hot water setting and longest normal cycle with the manufacturer's recommended quantity of a commercial detergent) and dried in an automatic home tumble dryer. The sheet shall be cut across the width into two equal parts after washing.

(8) *Cigarettes.*—Unopened packages of cigarettes shall be selected for each series of tests.

(9) *Compliance marketing sampling plans.*—(i) Sampling plans for use in market testing of items covered by the standard (FF 4–72) may be issued by the Consumer Product Safety Commission. Such plans shall define noncompliance of a production unit to exist only when it is shown, with a high level of statistical confidence, that those production units represented by tested items which fail such plans will in fact fail the standard (FF 4–72).

(ii) Production units found to be noncomplying under these provisions shall be deemed not to conform to the Standard (FF 4–72).

(iii) The Consumer Product Safety Commission will publish such plans in the FEDERAL REGISTER for public comment prior to their promulgation.

(10) *Postponement of production testing.*—Temporary suspension of production testing may be granted on a case-by-case basis by the Consumer Product Safety Commission in those instances where an individual manufacturer proves, under rules prescribed by the Commission, that he cannot acquire access to either in-house or independent testing facilities for production testing. In the event of such a suspension, the manufacturer would still be obligated to produce a mattress pad that meets all other requirements of the standard (FF 4–72).

[FR Doc.73-15990 Filed 8-2-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[DOCKET NO. 19657; FCC 73R-273]

COSMOPOLITAN BROADCASTING CORP.

Memorandum Opinion and Order Modifying Issues

In re application of Cosmopolitan Broadcasting Corporation, Newark, New Jersey, for renewal of main, auxiliary & SCA license for WHBI(FM).

1. The Commission designated the application of Cosmopolitan Broadcasting Corporation (Cosmopolitan) for hearing by Order and Notice of Apparent Liability, FCC 72–1137, released December 19, 1972, on numerous issues, including inquiries into alleged violations of Commission rules 1.615 and 73.282. Presently before the Review Board is a petition to enlarge issues, filed April 2, 1973, by the Commission's Broadcast Bureau requesting addition of Rule 1.514 and misrepresentation issues and inclusion of additional matters under the existing rule 73.282 (logging rule) issue.[1]

2. The Bureau concedes that its petition to enlarge issues is late filed; however, the Bureau argues that good cause exists for accepting its pleading. Furthermore, the Bureau asserts that the substance of the requested issues raises serious public interest questions, citing *The Edgefield-Saluda Radio Company*, 5 FCC 2d 148, 8 RR 2d 611 (1966). Petitioner explains that the matters relied on to support the instant petition only came to its attention recently while it was preparing requests for admissions of facts and responses to interrogatories; also, because of other work commitments, counsel was unable to devote substantial time to this case until recently. Moreover, the Bureau asserts that the questions raised herein, *i.e.*, misrepresentations to the Commission and numerous logging violations, are of a disqualifying nature and so substantial as to require consideration under the Board's holding in *Edgefield-Saluda*.

3. In support of its requests for rule 1.514 and misrepresentation issues, the Bureau relies upon essentially the same set of facts. The Bureau explains that the Commission specified a rule 1.615 issue[2] against Cosmopolitan, in part, because of its apparent failure to advise the Commission that one William A Masi was given a five percent stock interest in the applicant corporation in a management contract dated June 27, 1962. Although the contract was executed in 1962, and Masi actually acquired the stock on December 22, 1964, the first ownership report (FCC Form 323) advising the Commission of Masi's stock ownership was dated February 25, 1966, the Bureau continues. In preparing requests for admissions of fact, petitioner recites, it checked approximately 14 applications including modifications, renewals, assignments, and amendments filed by Cosmopolitan from the time it filed for a construction permit in 1959 until it filed for renewal in 1966, and in none of these applications did Cosmopolitan divulge the existence of the 1962 management contract or the 1964 transfer of the stock to Masi. In fact, the Bureau alleges, Cosmopolitan affirmatively represented in at least five of these applications that there were no contracts affecting ownership and no ownership changes, and that, in one of them, an application filed April 3, 1964 for assignment of a 50 percent stock interest to Donald Lewis, Cosmopolitan's principal stockholder, the applicant affirmatively represented that Lewis would be the sole stockholder.[3]

[1] Also before the Review Board are following related pleadings: (a) opposition, filed April 16, 1973, by Cosmopolitan; (b) erratum to (a), filed April 17, 1973, by Cosmopolitan; and (c) Broadcast Bureau's reply, filed April 26, 1973.

[2] Designated issue (1) seeks: "To determine whether applicant failed timely to file ownership reports to the Commission in violation of § 1.615 of the Commission's Rules."

[3] The Bureau asks the Board to take official notice of these five applications.

These circumstances, the Bureau argues, raise a substantial question as to whether Cosmopolitan misrepresented facts concerning Masi's interest in applications filed with the Commission and whether Cosmopolitan's failure to report the Masi interest in ownership reports also constituted misrepresentation of facts. Furthermore, in light of Cosmopolitan's failure to disclose this interest in the applications indicated above, the Bureau argues that issue (1) should be expanded to encompass rule 1.514 violations. In support of its request to expand issue (e),[4] the Bureau alleges that Cosmopolitan has violated other subsections of rule 73.282 in addition to its failure to properly identify the political affiliation of certain candidates which prompted the Commission to designate the issue. The Bureau contends that Cosmopolitan: (1) failed to log at least seventeen political announcements in violation of § 73.282 (a)(4)(ii); (2) failed to identify the persons who paid for some thirty political announcements in violation of rule 73.282(a)(2); (3) failed to identify by program type as required by rule 73.282 (a)(ii) nine political announcements; and (4) failed to properly make corrections in program logs in accordance with rule 73.282(d)(1).[5]

4. In opposition, Cosmopolitan asserts that the Bureau's petition was filed more than three months late, and that the Bureau has shown no good cause for its untimeliness. Cosmopolitan maintains that the requested rule 1.514 and misrepresentation issues center around its alleged failure to report Masi's minority interest in ownership reports. Since the the Commission has already designated a rule 1.615 issue because of Cosmopolitan's alleged failure to report this same interest in ownership reports. Since the Bureau's instant request for an issue is obviously connected with the designated issue and the facts relied upon by the Bureau could have been determined without detailed study, Cosmopolitan maintains that the Bureau's excuse that its counsel was too busy to devote a substantial amount of time to this case until recently is specious. With respect to rule 73.282, the Commission has already designated an issue, Cosmopolitan points out, to explore alleged logging violations in connection with political announcements carried on Station WHBI during the 1968 and 1970 general election campaigns. The Bureau's request for additional issues, Cosmopolitan submits, involves logging rule violations allegedly committed during the same 1970 campaign and improper log changes made during the same period; there is no excuse, therefore, why the Bureau could not have ascertained the facts it relies upon to support the instant request prior to the expiration of time for filing a timely petition to enlarge, Cosmopolitan maintains. Furthermore, the Bureau's interpretation of *Edgefield-Saluda*, Cosmopolitan argues, would allow consideration of any untimely pleadings whenever facts are recited which indicate that the Commission's rules may have been violated. *Edgefield-Saluda*, according to Cosmopolitan's interpretation, only applies when the alleged violations are so serious in nature as to require the disqualification of the applicant if they are proved. Cosmopolitan argues that it had no intention of concealing Masi's interest, as is evidenced by the fact that it amended its Ownership Report (FCC Form 323) dated February 25, 1966, to reflect his interest, and that absent allegations of intent, such violations cannot be disqualifying. Furthermore, Cosmopolitan argues, the effect of logging violations on its qualifications to be a Commission licensee is already encompassed within the scope of the rule 73.282 issue designated by the Commission.

5. The Review Board is of the view that the Bureau has not shown good cause for the untimely filing of its petition to enlarge. The applications and program logs relied upon by the Bureau to support its allegations were available prior to the designation of this proceeding for hearing and no showing has been made that with due diligence the facts relied upon to support the instant requests could not have been discovered earlier, particularly since they relate primarily to subject matters already in issue. See *RKO General, Inc. (WNAC-TV)*, FCC 73R-249, released July 6, 1973. Moreover, with respect to the requested rule 1.514 and misrepresentation issues, we do not believe the Bureau's allegations meet the test set forth in the *Edgefield-Saluda* case. As the applicant indicates, the Bureau has not alleged any motivation on Cosmopolitan's part to conceal Masi's stock interest and we do not agree that, standing alone, failure to report the creation or transfer of a 5 percent stock interest in the applicant corporation raises substantial public interest questions in the circumstances of this case. In other words, the alleged omissions are not sufficient to overcome the inherent procedural infirmities, absent a showing that the 5 percent transfer resulted in a transfer of control of the station.[6] *Gross Broadcasting Company (KJOG-TV)*, FCC 73-684, released July 6, 1973; *A. V. Bamford*, FCC 73R-259, released July 16, 1973; *Vogel-Ellington Corporation*, FCC 73R-258, released July 17, 1973. In reaching our conclusion, we have also considered the facts that there are already numerous issues inquiring into Cosmopolitan's character qualifications, and that Cosmopolitan's apparent failure to report Masi's interest in ownership reports is already the subject of a rule 1.615 issue in this proceeding. We, accordingly, believe that the addition of two more issues inquiring into the same subject matter would serve no useful purpose. Finally, with specific reference to the Bureau's contentions regarding misrepresentation, we note that, if the 1962 management contract did not effectuate a transfer of control to Masi, the contract would not have to be reported under Section II of Form 301. *Sumiton Broadcasting Co., Inc., supra*. Accordingly, these requested issues will be denied.

6. However, we do believe that a serious question is raised with respect to the alleged logging rule violations. In this regard, the Bureau has satisfied the test set forth in *Edgefield-Saluda:* the allegations raise serious public interest questions, and are supported by substantial documentation and are not rebutted. Moreover, on the merits, the numerous additional violations alleged are, contrary to Cosmopolitan's assertion, not encompassed within the designated rule 73.282 issue. The Commission places great importance on the maintenance of accurate program logs. Failure to accurately maintain logs has led to forfeiture, short term renewals and denial of renewal licenses. See *KOKA Broadcasting Co., Inc.*, FCC 71-232, 21 RR 2d 981 (1971); and *Continental Broadcasting, Inc.*, 15 FCC 2d 120, 14 RR 2d 813 (1968), reconsideration denied 17 FCC 2d 485, 16 RR 2d 30 (1969), affirmed 142 U.S. App. D.C. 20, 439 F. 2d 580, 20 RR 2d 2126, cert. denied 402 U.S. 904 (1971). In light of the foregoing, we will modify the existing false logging issue to encompass the matters raised herein.

7. *Accordingly, it is ordered*, That the petition to enlarge issues, filed April 2, 1973, by the Broadcast Bureau, is granted to the extent indicated herein and IS DENIED in all other respects, and

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[4] Issue (e) seeks: "To determine whether the applicant failed to make entries in the program logs of WHBI properly identifying the political affiliation of certain candidates for public office in violation of § 73.282 of the Commission's rules."

[5] Petitioner explains that it only had time to review Cosmopolitan's program logs for the period of October 1, 1970 through November 3, 1970. The Bureau notes, however, that the Bill of Particulars cites the Station's program logs for other periods, as well, in support of the designated issues.

[6] We note that the Bureau, in paragraph 5 and note 1 of its petition, refers to the facts that the 1963 management contract provides, by its own terms that the 5 percent transfer of stock to Masi would require prior Commission approval and that such approval was never sought. However, the Bureau does not elaborate on the potentially significant questions of whether the creation of a 5 percent stock interest in Masi resulted at that time in a transfer of negative control of the applicant corporation from either of the two equal 50 percent owners or whether Masi's interest combined with the management contract resulted in his acquisition of "swing" control of the corporation. We have in the past expressed concern with an applicant's obligation pursuant to Section II of Form 301 to report contracts or understandings relating to control of the station. *Cf. Sumiton Broadcasting Co., Inc.*, 15 FCC 2d 400, 14 RR 2d 1000 (1968). However, the Bureau has not requested the addition of an unauthorized transfer of control issue, and, absent additional facts, the allegations now before the Board are insufficient to raise a substantial question warranting evidentiary inquiry into this matter.

8. *It is further ordered*, That issue (e) specified in the designation order is modified to read as follows:

(e) To determine whether the applicant failed to make entries in the program logs of WHBI properly identifying the political affiliations of certain candidates for public office, failed to log the broadcast of political announcements, failed to identify in the station's program logs the person(s) who paid for political announcements, failed to make program log entries identifying programs by type, and failed to properly explain and sign corrections to program logs in violation of § 73.282 of the Commission's rules.

Adopted: July 24, 1973.

Released: July 27, 1973.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] VINCENT J. MULLINS,
Acting Secretary.

[FR Doc.73-16038 Filed 8-2-73;8:45 am]

[Docket No. 19788; FCC 73-751]

RADIO MILTON, INC.

Order Designating Application for Hearing on Stated Issues and Notice of Apparent Liability

In re application of Radio Milton, Inc., Milton, Florida for renewal of license of Station WSRA.

1. Now before the Commission are the captioned application and its inquiry into the operation of Station WSRA.

2. Information before the Commission raises serious questions as to whether the applicant possesses the qualifications to be or to remain a licensee of the captioned station. In view of these questions, the Commission is unable to find that a grant of the renewal application would serve the public interest, convenience and necessity, and must, therefore, designate the application for hearing.

3. Accordingly, *It Is Ordered*, That the application Is Designated For Hearing pursuant to section 309(e) of the Communications Act of 1934, as amended, at a time and place specified in a subsequent Order, upon the following issues:

(a) To determine whether the licensee made misrepresentations to the Commission or was lacking in candor with respect to its capitalization, the dates upon which certain stock transactions occurred in regard to the licensee's holding company (West Florida Broadcasting Co., Inc.), the figures provided as to income and expenses by the licensee's holding company in connection with the application (BALH-1349) to assign the license of Station WONF(FM) (now WBOP-FM), the circumstances and explanations surrounding the claim that Station WONF (FM) was not creating interference to Station WXBM-FM;

(b) To determine whether the licensee employed discriminatory employment practices in violation of § 73.125 of the Commission's rules;

(c) To determine whether the licensee falsified its operating logs in violation of §§ 73.111(a) and 73.113(a)(3) of the Commission's rules;

(d) To determine whether the licensee violated §§ 1.613(c), 1.615(a) and 1.615(c) by failing to seasonably file information, or changes in information, required to be filed by those sections;

(e) To determine whether the license for the station or any rights thereunder were transferred, assigned, or disposed of without a finding by the Commission that the public interest, convenience and necessity would be served thereby, in violation of section 310(b) of the Communications Act of 1934, as amended;

(f) To determine whether the licensee, at all times, has exercised control or supervision of the operation of Station WSRA in a manner consistent with the responsibilities of a licensee;

(g) To determine, in light of the evidence adduced under the preceding issues, whether the licensee possesses the requisite qualifications to be or to remain a licensee of the Commission, and whether a grant of the application would serve the public interest, convenience and necessity.

4. *It Is Further Ordered*, That if it is determined that the hearing record does not warrant an order denying the captioned application, it shall also be determined whether the applicant has repeatedly or willfully violated section 310(b) of the Communications Act and §§ 1.615(a)(3), 1.615(c), and 73.125 of the Commission's rules[1] and, if so, whether an Order of Forfeiture pursuant to Section 503(b) of the Communications Act in the amount of $10,000 or some lesser amount should be issued for violations that occurred within one year of the issuance of the Bill of Particulars.

5. *It is Further Ordered*, That this document constitutes a Notice of Apparent Liability for forfeiture for violations of those sections of the Act of the Commission's Rules set out in the preceding paragraph. The Commission has determined that, in every case designated for hearing involving revocation or denial of renewal of license for alleged violations which also come within the purview of section 503(b) of the Act, it shall, as a matter of course, include this forfeiture notice so as to maintain the fullest possible flexibility of action. Since the procedure is thus a routine or standard one, we *stress* that inclusion of this Notice is not to be taken as in any way indicating what the initial or final disposition of the case should be; that judgment is, of course to be made on the facts of each case.

6. *It Is Further Ordered*, That the Chief of the Broadcast Bureau is directed to serve upon the applicant, within thirty (30) days of the release of this Order, a Bill of Particulars with respect to issues (a) through (f), inclusive.

7. *It Is Further Ordered*, That the Broadcast Bureau proceed with the initial presentation of the evidence with respect to issues (a) through (f), inclusive and the applicant then proceed with its evidence and have the burden of establishing that it possesses the requisite qualifications to be and to remain a licensee of the Commission and that a grant of the application would serve the public interest, convenience and necessity.

8. *It Is Further Ordered*, That to avail itself of the opportunity to be heard, the applicant, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

9. *It Is Further Ordered*, That the applicant, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and Section 1.594 of the Commission's rules, shall give notice of the hearing within the time and in the manner prescribed in such rule and shall advise the Commission thereof as required by § 1.594(g) of the rules.

10. *It Is Further Ordered*, That the Secretary of the Commission send a copy of this Order by Certified Mail—Return Receipt Requested to Radio Milton, Inc.

Adopted: July 11, 1973.

Released: July 26, 1973.

FEDERAL COMMUNICATIONS COMMISSION,[3]
[SEAL] VINCENT J. MULLINS,
Acting Secretary.

[FR Doc.73-16039 Filed 8-2-73;8:45 am]

FEDERAL MARITIME COMMISSION

BOARD OF COMMISSIONERS OF THE PORT OF NEW ORLEANS AND NEW ORLEANS COLD STORAGE & WAREHOUSE, CO., LTD

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street, NW., Room 1015, or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before August 23, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

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[2] Board member Berkemeyer dissenting statement in which Board member Pincock joins, filed as part of original document.

[1] See Bill of Particulars for specific dates and details of each violation.

[3] Chairman Burch absent.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Cyrus C. Guidry
Port Counsel
Board of Commissioners of the Port of New Orleans
P.O. Box 60046
New Orleans, Louisiana 70160

Agreement No. T-1792-2, between the Board of Commissioners of the Port of New Orleans (Port) and the New Orleans Cold Storage & Warehouse Co., Ltd. (Company), modifies the basic agreement which provides for the Lease of the Nashville Avenue Wharf at New Orleans, Louisiana for handling and storing refrigerated cargo. The purpose of the modification is to delete from the leased premises 1.53 acres of unimproved land. The land rental under the original lease will be diminished in proportion to the area deleted. The Company will have the right, upon 120 days' advance written notice, to again lease this same area.

By order of the Federal Maritime Commission.

Dated: July 27, 1973.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-15970 Filed 8-2-73;8:45 am]

HANSA LINE ET AL.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street, NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before August 13, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Hansa Line
Fassio Line
Fabre Line
Mediterranean Marine Lines, Inc.
Sea-Land Service, Inc.

Notice of Agreement Filed by:

Richard W. Kurrus, Esq.
Kurrus and Jacobi
2000 K Street, N.W.
Washington, D.C. 20006

Agreement No. 9972-2 is an application by the above signatories to the Mediterranean Discussion Agreement for a six month extension of the period of approval from its present expiration date of September 29, 1973 to March 29, 1974.

By Order of the Federal Maritime Commission.

Dated: July 27, 1973.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-15968 Filed 8-2-73;8:45 am]

HELLENIC MEDITERRANEAN LINES & FRENCH LINE INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street, NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573 on or before August 23, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed for Approval by:

Mr. A. Vervueren, Secretary
French Line, Inc.
555 Fifth Avenue
New York, New York 10017

Agreement No. 10009 between Hellenic Mediterranean Lines and French Line, Incorporated provides for the appointment by Hellenic Mediterranean Lines of French Line, Incorporated as its exclusive agent to conduct throughout the Western Hemisphere the business of the sale of passenger transportation on the vessels of Hellenic Mediterranean Lines on cruises out of Western Hemisphere ports and in its Mediterranean services. Western Hemisphere is defined in the Agreement as meaning North, Central and South America, the Island of Bermuda, the Caribbean Area, the Bahamas, and the State of Hawaii. Among other things, the Agreement sets out the duties of French Line, Incorporated including consultation with Hellenic Mediterranean Lines concerning voyage and cruise itineraries of the Aquarius and the scheduling of her voyages and cruises. While providing for earlier termination, the term of the Agreement is until October, 1973 for the Mediterranean services of the vessels Aquarius, Appolonia and various car ferries services, and until March 1974 for cruises from ports in the Western Hemisphere.

By Order of the Federal Maritime Commission.

Dated: July 26, 1973.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-15969 Filed 8-2-73;8:45 am]

PARTNERSHIP SEA CRUISES

Notice of Issuance of Casualty Certificate

Security for the protection of the public; financial responsibility to meet liability incurred for death or injury to passengers or other persons on voyages.

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility to Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages pursuant to the provisions of Section 2, Public Law 89-777 (80 Stat. 1356, 1357) and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540):

PARTNERSHIP SEA CRUISES
KJOPMANNSGT. 52
7000 TRONDHEIM, NORWAY

Dated: July 27, 1973.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-15971 Filed 8-2-73;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. CI60-828, etc.]

CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

Notice of Applications, Abandonment of Service and Petitions To Amend [1]

JULY 23, 1973.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before August 17, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

Docket No. and Date Filed	Applicant	Purchaser and Location	Price Per Mcf	Pressure Base
CI60-828 ..... C 7-9-73	Exxon Corporation ..... P.O. Box 2180 Houston, Texas 77001	Natural Gas Pipeline Company of America. Camrick Field, Beaver County, Oklahoma	[1] 25.300	14.65
CI67-1792 ..... D 7-11-73	The California Company, a Division of Chevron Oil Company. 1111 Tulane Avenue New Orleans, Louisiana 70112	Transcontinental Gas Pipe Line Corporation. Block 107 Field, Ship Shoal Area, Gulf of Mexico	uneconomic	
CI68-1145 ..... C 7-13-73	Continental Oil Company ..... P.O. Box 2197 Houston, Texas 77001	El Paso Natural Gas Company ..... Blanco Field, San Juan County, New Mexico	[2] [4] 22.0 ..... [2] [4] 28.0	15.025
CI69-842 ..... B 7-3-73 [3]	Amerada Hess Corporation ..... P.O. Box 2040 Tulsa, Oklahoma 74102	United Gas Pipe Line Company ..... Atchafalaya Bay Area, St. Mary and Terrebonne Parishes, Louisiana	depleted	
CI71-665 ..... D 7-9-73	King Resources Company ..... 100 Security Life Building Denver, Colorado 80202	Northern Natural Gas Company ..... Gomez (Ellenburger) Field, Pecos County, Texas	(5)	
CI71-718 ..... C 7-12-73	Perry R. Bass (Operator), *et al.* ..... 12th Floor Fort Worth National Bank Building Fort Worth, Texas 76102	Northern Natural Gas Company ..... Block 16 Field, Ward County, Texas	[4] 22.0	14.65

Filing code: A—Initial Service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Total Succession.
F—Partial Succession.

See footnotes at end of table.

Docket No. and Date Filed	Applicant	Purchaser and Location	Price Per Mcf	Pressure Base
CI73-907 ..... (G-13416) F 5-29-73	Post & Brown Well Service, Inc. (succ. to Skelly Oil Company) Box 31 Stafford, Kansas 67578	Northern Natural Gas Company ..... McKinney Field, Meade County, Kansas	17.0	14.65
CI73-909 ..... (CI64-157) F 5-29-73	Post & Brown Well Service, Inc. (succ. to Skelly Oil Company)	Kansas-Nebraska Natural Gas Co., Inc. Bradshaw Field, Hamilton County, Kansas	[1] 18.5	14.65
CI73-910 ..... (CI61-1584) F 5-31-73	Nathan D. McRae and Nathan R. McRae (succ. to Sun Oil Company) P. O. Box 709 Hebbronville, Texas 78361	Tennessee Gas Pipeline Company, a Division of Tenneco Inc. Pedernales Field, Starr County, Texas	19.0	14.7
CI73-941 (G-5392) B 6-18-73	Weva Oil Corporation ..... 608 Main Street Hingham, Massachusetts 02043	Consolidated Gas Supply Corporation Acreage in Wirt County, West Virginia	uneconomic	
CI73-942 (CI67-1664) B 6-18-73	Weva Oil Corporation	Consolidated Gas Supply Corporation Lee District, Calhoun County, West Virginia	uneconomic	
CI73-943 (CI68-942) B 6-18-73	Weva Oil Corporation	Consolidated Gas Supply Corporation Acreage in Wirt County, West Virginia	uneconomic	
CI74-10 (CI-72-162) B 7-5-73	Edwin L. Cox ..... 3800 First National Bank Building Dallas, Texas 75202	Cities Service Gas Company ..... Sterling Area, Comanche County, Oklahoma	depleted	
CI74-11 (G-7204) F 7-2-73	Vernon E. Faulconer, Operator (succ. to American Petrofina Company of Texas, *et al.*) P. O. Box 1251 Kilgore, Texas 75662	United Gas Pipe Line Company ..... Bethany Field, Panola County, Texas	[1] 25.0	14.7
CI74-21 (G-11681) F 6-28-73	W. L. Estis (succ. to H. L. Hawkins, *et al.*) P. O. Drawer 160 New Iberia, Louisiana 70560	Texas Gas Transmission Corporation South Bell City Field, Calcasieu Parish, Louisiana	18.750	15.025
CI74-22 A 7-13-73	Exxon Corporation ..... P. O. Box 2180 Houston, Texas 77001	Columbia Gas Transmission Corporation Eugene Island Block 314 Field offshore Louisiana	[4] [7] 20.0	15.025
CI74-23 (G-3081) B 7-13-73	Cities Service Oil Company ..... P. O. Box 300 Tulsa, Oklahoma 74102	Arkansas Louisiana Gas Company ... Rodessa Field Area, Marion County, Texas	depleted	
CI 74-25 ..... A 7-13-73	Suburban Propane Gas Corporation. P. O. Box 206 Whippany, New Jersey 07981	Northern Natural Gas Company ..... Mayer Ranch Area, Sutton County, Texas	[4] [8] 35.0 ..... [4] [8] 31.0	14.65
CI74-26 ..... A 7-13-73	Forest Oil Corporation ..... 1600 Security Life Building Denver, Colorado 80202	Transcontinental Gas Pipe Line Corporation Block 99 Field, Eugene Island Area, offshore Louisiana	[1] 35.0	15.025
CI74-27 ..... (G-17746) B 7-11-73	Placid Oil Company ..... 2600 First National Bank Building Dallas, Texas 75202	Southern Natural Gas Company ..... Cranfield Field, Adams and Franklin Counties, Mississippi	depleted	

Docket No. and Date Filed	Applicant	Purchaser and Location	Price Per Mcf	Pressure Base
CI74-28..... A 7-12-73	Amoco Production Company, P. O. Box 591 Tulsa, Oklahoma 74102	Mountain Fuel Supply Company..... Middle Baxter Area, Sweetwater County, Wyoming	[9] 22.80.....	15.025

[1] Subject to downward Btu adjustment.
[2] Rate for gas delivered from wells completed prior to June 1, 1970.
[3] Rate for gas delivered from wells completed on or after June 1, 1970.
[4] Subject to upward and downward Btu adjustment.
[5] This is an amendment to a pending application.
[6] The acreage is being abandoned to permit it to be included in a drilling unit for an additional well to be drilled in the Gomez Field. This acreage is nonproductive at this time.
[7] Applicant agrees to accept a certificate conditioned in accordance with Opinion No. 598.
[8] Rate for sales from all acreage except 320 acre tract expressly described in May 4, 1973, amendment.
[9] Rate for sales from 320 acre tract described in May 4, 1973, amendment.
[10] Applicant is willing to accept a certificate at an initial rate of 23.75 cents per Mcf, subject to upward and downward Btu adjustment; however, the contract price is 40.0 cents per Mcf.

[FR Doc.73-15740 Filed 8-2-73;8:45 am]

[Docket Nos. RP72-118 and RP73-14]

MICHIGAN WISCONSIN PIPE LINE CO.

Order Approving Rate Settlement

JULY 24, 1973.

On May 10, 1973, the Presiding Administrative Law Judge certified to the Commission for approval a proposed revised settlement agreement together with the record relating thereto. If approved, the revised settlement agreement would resolve all issues in the above-entitled proceedings. The proposed settlement rates would result in a reduction of approximately $8.3 million in Michigan Wisconsin's presently effective rates.

The proceeding in Docket No. RP72-118 involves a general rate increase application filed by Michigan Wisconsin on April 28, 1972, requesting an increase in rates for jurisdictional natural gas sales and services of $29.9 million annually, based on sales for the 12-month period ending January 31, 1972, as adjusted. By Commission order issued May 31, 1972, the proposed increased rates were suspended for the maximum statutory period of 5 months, following which the increased rates became effective subject to refund on November 1, 1972.

A proposed settlement in Docket No. RP72-118 was originally certified to the Commission by the Presiding Administrative Law Judge on December 7, 1972. On April 10, 1973, the Commission remanded the settlement to the Presiding Judge for failure of the settlement to incorporate a cost classification in accordance with the unmodified Atlantic Seaboard formula. The Commission also directed that certain coal option payments totalling $575,000 be eliminated from the cost of service. Upon remand, additional discussions were held among the parties to the proceeding and agreement was reached on a revised settlement proposal fully consistent with the Commission's directives. This revised settlement agreement was received in the record by the Presiding Administrative Law Judge on May 8, 1973, together with the comments of interested parties with respect thereto. The revised settlement was certified to the Commission by the Presiding Judge on May 10, 1973. Notice of the certification was issued on June 12, 1973. No additional comments have been received pursuant to the notice.

The proceeding in Docket No. RP73-14 involves a filing made by Michigan Wisconsin on March 16, 1973, for authorization to track increases totalling approximately $4 million in the cost of purchased gas and to recover approximately $518,000 representing the rate effect of advance payments made by Michigan Wisconsin to gas producers. The above increases, which are requested to be made effective on May 1, 1973, relate to costs incurred by Michigan Wisconsin subsequent to the general rate filing in Docket No. RP72-118. All parties agreed during the remanded settlement discussions that the above costs and related increase in rates should be incorporated in the proposed settlement in Docket No. RP72-118, thereby obviating the need for separate action in Docket No. RP73-14. On April 19, 1973, Michigan Wisconsin filed a motion for deferral of action on the tracking increases in Docket No. RP73-14 pending submission and Commission disposition of the present revised settlement agreement. The principal provisions of the revised settlement proposal may be summarized as follows:

(1) Articles I and III provide that Michigan Wisconsin will refund to its customers the difference between the rates presently in effect and the rates reflecting the settlement cost of service, and to be refundable on the basis of Michigan Wisconsin's historical revenue pattern, upon which the presently effective rates are designed. The rates upon which refunds are to be based are set forth in Appendix B of the proposed revised stipulation and agreement. There are two sets of rates. The rates applicable to the period November 1, 1972, through April 30, 1973, exclude the tracking increases related to purchased gas cost and advance payments filed in Docket No. RP73-14. The rates applicable to the period from May 1, 1973, until the redesigned settlement rates take effect on the first day of the second month following approval of the settlement include the subject RP73-14 tracking increases. The prospective settlement rates are set forth in Appendix C of the revised stipulation and agreement.

(2) Article II provides for inclusion of the costs and related rate effect of the tracking increases in Docket No. RP73-14 in both the Appendix B and Appendix C rates, as discussed above.

(3) Articles, IV, V, VI, and VII provide for changes in Michigan Wisconsin's rates to reflect changes in advance payments (Articles IV and V), safety program expenditures (Articles IV and VI), and federal income taxes (Article VII). Changes related to advance payments and safety program expenditures shall be made only if they amount to a mill or more per Mcf and may be made only (1) when Michigan Wisconsin makes a filing pursuant to its tariff PGA clause or (2) if no rate adjustment has been filed for a six-month period. The adjustments to rates for both advance payments and safety expenditures shall be applied solely to the commodity component of Michigan Wisconsin's rates.

(4) Article VIII provides that Michigan Wisconsin will modify its tariff provision relating to annual overrun penalties to allow a distributor to take 1/365th of its annual entitlement as annual overrun, without penalty, with the provision that the distributor's annual entitlement for the succeeding year shall be reduced by a volume equal to such overrun.

(5) Article IX provides that since Michigan Wisconsin's application to amend the certificate issued in Docket No. CP72-175 to provide increased contract demand service was approved, Michigan Wisconsin will credit its unrecovered purchased gas amount with $105,427. This accounting recognizes the increased revenues realized by Michigan Wisconsin as a result of the approved certificate amendent.

(6) Articles X and XI provide that the settlement agreement will terminate on the date the settlement rates are superseded by rates made effective pursuant to Sections 4 or 5 of the Natural Gas Act. Michigan Wisconsin is obligated not to file increased rates which will become effective prior to November 1, 1973, except for authorized tracking increases.

The settlement rates are based on a jurisdictional cost of service of $443,305,201, as shown in Appendix A of the settlement agreement. This cost of service is $575,000 less than the cost of service included in the earlier remanded settlement agreement, resulting from elimination of the previously discussed coal option payments. The settlement cost of service includes a return on net investment rate base of 8.75 percent yielding a return on equity of 11.46 percent. The settlement cost of service, capitalization, and return components are set forth in Appendix A hereto. The settlement rates as set forth in Appendix C of the agreement reflect the classification of costs and resulting development of rates strictly in accordance with the unmodified Atlantic Seaboard formula. We find the cost of service, classification of costs, design of rates, and rate of return, all as incorporated in the proposed settlement, to be reasonable and in the public interest, and they are therefore approved.

Those parties who have commented on the proposed settlement either support or do not oppose it. No party opposes

the settlement. Based on our review of the settlement agreement, the entire record relating thereto, and the comments of the parties, we find that the settlement agreement represents a reasonable resolution of the issues in these proceedings in the public interest and that accordingly it should be approved and adopted.

The Commission finds.

The settlement of this proceeding on the basis of the revised stipulation and agreement certified herein by the Presiding Judge on May 10, 1973, is reasonable and proper and in the public interest in carrying out the provisions of the Natural Gas Act, and should be approved as hereinafter ordered.

The Commission orders.

(A) The revised Stipulation and Agreement certified by the Presiding Judge on May 10, 1973, is incorporated by reference and made a part hereof, and is approved and adopted.

(B) Within 30 days from the date of this order, Michigan Wisconsin shall file with the Commission revised tariff sheets in conformity with the terms of the revised Stipulation and Agreement as herein approved.

(C) This order is without prejudice to any findings or orders which have been made or which may hereafter be made by the Commission, and is without prejudice to any claims or contentions which may be made by the Commission, its staff, Michigan Wisconsin, or by any other party or person affected by this order in any proceedings now pending or hereafter instituted by or against Michigan Wisconsin or any other person or party.

(D) Nothing contained in this order shall relieve Michigan Wisconsin 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.

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

By the Commission.[1]

[SEAL] KENNETH F. PLUMB, *Secretary.*

[1] Commissioner Brooke concurring in the rate design aspects incorporated herein reflects only his approval of what the participating parties agreed to as constituting an essential ingredient of the total settlement package.

APPENDIX A

SETTLEMENT COST OF SERVICE

Operating expenses	$279,603,918
Depreciation	40,728,778
Taxes	
Federal income	35,708,306
State income	2,901,301
Other	14,484,639
Return @ 8.75%	71,923,149
Other operating revenues	(1,469,980)
	$443,880,201
Less: Coal option payments	575,000
Total	$443,305,201

CAPITALIZATION

	Amount (000's omitted)	Percent	Cost/Equity Allowance	Weighted Cost
Debt	$449,035	60.85	7.20	4.38%
Deferred income taxes	7,659	1.04		
Equity	281,184	38.11	11.46	4.37
	$737,878	100.00		8.75%

[FR Doc.73-15736 Filed 8-2-73;8:45 am]

[Docket Nos. RP71-16, RP71-56, RP72-3, RP72-52]

MIDWESTERN GAS TRANSMISSION CO.

Order Accepting Settlement Agreement and Reserving Issue for Hearing

JULY 24, 1973.

On September 30, 1970, Midwestern Gas Transmission Company (Midwestern) filed with the Commission proposed changes in its FPC Gas Tariff, reflecting a proposed increase in rates on both its Northern and Southern Systems. The proposed effective date was November 15, 1970. By order issued November 13, 1970, we accepted one set of alternate revised sheets for filing and suspended their effectiveness for five months or until April 15, 1971. Midwestern stated that the proposed rates would result in increased annual revenues of $2,605,509 from the Northern System and $19,187,113 for the Southern System, of which $15,052,559 reflected increased purchased gas costs from its Southern System supplier, Tennessee Gas Pipeline Company. These figures were based on a test year ending May 31, 1970, as adjusted.

On December 1, 1970, Midwestern filed revised tariff sheets to its FPC Gas Tariff to track an increase in the cost of gas from its Northern System supplier, Trans-Canada Pipe Lines Limited (Trans-Canada). By order issued December 22, 1970, we accepted this tracking increase for filing, with an effective date of January 1, 1971, subject to refund. On March 16, 1971, Midwestern filed a stipulation and agreement with respect to its Northern System together with tariff sheets which provided for a $1.3 million settlement increase which reflected only the above mentioned increase in purchased gas costs from Trans-Canada.

Between January 10, 1971 and November 14, 1971, various tracking increases relating to the Southern System were allowed to go into effect in Dockets Nos. RP71-16, RP71-56, RP72-3, and RP72-52.

On September 17, 1971, Midwestern filed a proposed settlement agreement as to its Southern System which reduced the proposed increase in Docket No. RP71-16 to $12.55 million. Midwestern requested that tariff sheets filed on November 8, 1971 reflecting this agreement become effective the first day of the calendar month following the date on which the Commission's order approving the agreement was to become final and unappealable.

By separate orders of January 10, 1973, the Commission remanded the proposed agreements (for the Northern and Southern systems respectively) to the Presiding Administrative Law Judge so that a record could be established from which the Commission could determine whether the proposed rates under the agreements are just and reasonable. The Presiding Administrative Law Judge was directed to then certify the complete record to the Commission for its decision.

Pursuant to the January 10 orders, the Presiding Administrative Law Judge issued an order on January 19, calling for a conference to convene on February 9 and at that time dates for reception of evidence were fixed. These were later extended from time to time to accommodate a series of settlement conferences.

On May 24, 1973, a conference was convened before the Presiding Administrative Law Judge and there was then reported and placed in the record a new and revised Settlement Agreement (Agreement) covering both Northern and Southern Systems. This Agreement with supporting data and other materials was certified to the Commission on May 30, 1973, by the Judge. The Agreement states that it supersedes the earlier settlement agreements filed in this proceeding, and further states that it reflects an agreement supported by Midwestern, the Commission's Staff and other parties resulting from conferences in March and April, 1973.

The key provisions of the proposed settlement agreement are as follows:

(1) Rates will be reduced below those now in effect subject to refund by approximately $1.26 million for the Northern System and $6.67 million for the Southern System based on the test year ended February 28, 1971. Refunds will be on an "as billed" basis for the period beginning April 15, 1971, to the effective date of Midwestern's revised tariff sheets.

(2) Tariff sheets, which we will designate Third Revised Volume No. 1 of Midwestern's FPC Gas Tariff, are proposed to be filed within ten days after the issuance of the Commission's order approving the agreement, and are proposed to become effective on the first day of the calendar month following the date upon which the Commission's order making the Agreement effective becomes final and nonappealable.

(3) A provision for flow through of certain gas supplier refunds and interest from Tennessee to Southern System customers is included.

(4) An increase in book depreciation and amortization rates, from 3.50 percent to 4.53 percent on the Northern System, and from 3.50 percent to 4.08 percent on the Southern System, is provided. The Agreement, however, reserves for hearing and decision the issue of whether the depreciation and amortization rates are just and reasonable and provides for refund of any amounts not found to be just and reasonable.

(5) Midwestern's tariff will include a purchased gas adjustment (PGA) clause for both the Southern System and the Northern System. Waiver of § 154.38(d)(4)(iv) of the Commission's regulations is required so that the PGA for the Southern System can provide for rate changes to reflect those of its pipeline supplier semi-annually, with appropriate deferred accounting of unrenewed gas units, rather than on the effective date of such pipeline supplier rate changes.

The placing of the agreement on the record for certification of the Commission was noticed on June 1, 1973, with comments, and protests due on or before June 12, 1973. Comments in support of the Agreement were filed by Montana-Dakota Utilities Company, Peoples Gas Light and Coke Company, Peoples Natural Gas Division of Northern Natural Gas Company, North Central Public Service Company, Northern Indiana Public Service Company, Central Illinois Light Company, Great Plains Natural Gas Company, Michigan Wisconsin Pipe Line Company, and Northern States Power Company.

The Commission Staff filed comments on June 12, 1973, indicating that they had no objection to the Agreement.

Our review of the proposed Agreement, including the settlement cost of service [1] and the capitalization and rate of return,[2] indicates that the proposed Agreement provides a reasonable and appropriate resolution of the issues herein and that the public interest will be served by our approval of the settlement. We note that, although nowhere mentioned in the Agreement, the proposed prospective rate design meets the minimal rate design requirements of settlement agreements as expressed in our order of April 10, 1973, in Michigan Wisconsin Pipe Line Company, Docket No. RP72-118. As to the requested waiver, we find that in light of the problems concerning PGA adjustments which might arise among many of Midwestern's Southern System customers who have several pipeline suppliers, such waiver should be granted. We shall therefore accept the proposed Agreement, grant the requested waiver, and set the reserved issue concerning increased book depreciation and amortization rates for hearing.

The Commission finds,

(1) Approval, as hereafter ordered, of the settlement in these proceedings on the basis of the Agreement certified May 30, 1973, is just and reasonable in the public interest in carrying out the provisions of the Natural Gas Act and should be made effective.

(2) The requested waiver of § 154.38(d)(4)(iv) of the Commission's regulations should be granted.

(3) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in Midwestern's Gas Tariff, as proposed to be amended in this docket, on the issues of the proposed changes in book depreciation and amortization rates.

The Commission orders.

(A) Midwestern's proposed Settlement Agreement is accepted and the tariff sheets included therein shall become effective as hereinafter provided while that part of the settlement rates related to increased book depreciation and amortization rates shall become effective, upon Midwestern's filing new tariff sheets, subject to refund pending the outcome of a hearing to be hereinafter ordered.

(B) Midwestern shall file within ten days of the issuance of this order new tariff sheets reflecting the terms of the Agreement, to become effective on the first day of the calendar month following the date upon which this order becomes final and nonappealable.

(C) The requested waiver of the Commission's regulations is granted to permit Midwestern to file for PGA rate increases on a semi-annual basis only.

(D) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 5 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held, commencing with a prehearing conference on October 9, 1973, at 10:00 a.m., e.d.t. in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, concerning the lawfulness of the rates, charges, classifications, and services contained in Midwestern's FPC Gas Tariff, as proposed to be amended herein as relating to the proposed increases in book depreciation and amortization rates.

(E) At the prehearing conference on October 9, 1973, Midwestern's prepared testimony shall be admitted to the record as its complete case-in-chief subject to appropriate motions, if any, by parties to the proceeding. All parties will be expected to come to this conference prepared to effectuate the provisions of §§ 1.18 and 2.59 of the Commission's rules of practice.

(F) On or before September 24, 1973, the Commission Staff shall serve its prepared testimony and exhibits. The prepared testimony and exhibits of all intervenors shall be served on or before October 16, 1973. Any rebuttal evidence by Midwestern shall be served on or before October 29, 1973. The public hearing herein ordered shall convene on October 25, 1973, at 10:00 a.m., e.d.t.

(G) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (see Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in the Commission's rules of practice and procedure.

(H) The Intervenors previously granted intervention in these dockets shall be permitted intervention in this proceeding which shall be a continuation of Docket No. RP71-16.

(I) The proceedings in Docket Nos. RP71-56, RP72-3 and RP72-52 are hereby terminated.

(J) Nothing contained in this order shall relieve the applicant of any responsibility imposed by the Economic Stabilization Act of 1970, (Public Law 91-379, 84 Stat. 799, as amended by Public Law 92-15, 85 Stat. 38), or by any Executive Order or rules and regulations promulgated pursuant to such act.

(K) The Secretary of the Commission shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.[3]

[SEAL] KENNETH F. PLUMB, *Secretary.*

[1] Appendix A.
[2] Appendix B.

[3] Commissioner Brooke concurring in the rate design aspects incorporated herein reflects only his approval of what the participating parties ageed to as constituting an essential ingredient of the total settlement package.

APPENDIX A

DOCKET NOS. RP71-16, RP71-56, RP72-3, AND RP72-52 MIDWESTERN GAS TRANSMISSION COMPANY COST OF SERVICE—NORTHERN SYSTEM TEST PERIOD

Particulars	Per docket No. RP71-16 Filing	Settlement Adjustments	Settlement
OPERATING EXPENSES:			
Other gas supply expenses	$33,167,225	$(52,868)	$33,114,357
Transmission expenses	2,762,885	(47,483)	2,715,402
Administrative and general expenses	983,658	(59,044)	924,614
Total operating expenses	$36,913,768	$(159,395)	$36,754,373
DEPRECIATION	2,318,906	547,096	2,866,002
TAXES			
Federal income	2,585,581	(499,003)	2,086,578
State income	176,751	(93,288)	83,463
Other	1,810,712	(150,692)	1,660,020
RETURN	4,875,658	(906,627)	3,969,031
OTHER OPERATING REVENUES	(20,342)		(20,342)
TOTAL COST OF SERVICE	$48,661,034	$(1,261,909)	$47,399,125
TOTAL REVENUES			$47,391,389
REVENUE-Excess, (Deficiency)			$(7,736)

MIDWESTERN GAS TRANSMISSION COMPANY COST OF SERVICE—SOUTHERN SYSTEM TEST PERIOD

Particulars	Per Docket No. RP71-16 Filing	Settlement Adjustments	Increased Cost of Gas RP71-56, RP72-3	Settlement
OPERATING EXPENSES:				
Other gas supply expenses	$72,052,518	$(4,360,297)	$3,885,243	$71,576,764
Underground storage expenses	571,344	(13,817)	2,668	560,195
Transmission expenses	3,772,300	(65,563)	32,893	3,739,630
Administrative and general expenses	1,026,897	(66,753)		960,144
Total operating expenses	$77,423,059	$(4,507,130)	$3,920,804	$76,836,733
DEPRECIATION AND AMORTIZATION	2,664,330	(132,688)		2,531,642
TAXES				
Federal income	3,417,544	(1,065,626)		2,351,918
State income	237,191	(143,114)		94,077
Other	651,472	(72,247)		579,225
RETURN	4,742,579	(755,179)		3,987,400
OTHER OPERATING REVENUES	(25,836)			(25,836)
TOTAL COST OF SERVICE	$89,116,339	$(6,675,984)	$3920,804	$86,358,159
TOTAL REVENUES				$86,379,023
REVENUE—Excess, (Deficiency)				$23,864

APPENDIX B

MIDWESTERN GAS TRANSMISSION COMPANY
DOCKET NOS. RP17-16, RP71-56, RP72-3 AND RP72-52

CAPITALIZATION

May 30, 1970

Class of Capital	Amount of Capital	Percent of Capital	Cost of Capital	Weighted Factor
Long-Term Debt	$52,200,000	54.07%	6.66%	3.60%
Perferred Stock	8,400,000	8.70	5.59	0.49
Common Equity	35,936,790	37.23	11.17	4.16
	$96,536,790	100.00%		8.25%

[FR Doc.73-15735 Filed 8-2-73;8:45 am]

[Docket Nos. RI74-9, *et al.*]

PHILLIPS PETROLEUM CO. ET AL.

Order Providing for Hearing On and Suspension of Proposed Changes in Rates, and Allowing Rate Changes to Become Effective Subject to Refund [1]

JULY 25, 1973.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearing regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly Sections 4 and 15, the Regulations pertaining thereto [18 CFR, 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 Section 154.102 of the Regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

DOCKETS NOS. RI74-9, ET AL.

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	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI74-9	Phillips Petroleum Co.	485	7	El Paso Natural Gas Company (Lusk Plant, Lea Co., New Mexico) (Permian Basin)	$3,788	6-25-73		12-26-73	[1] 27.0	[1] 27.2	RI73-259
		502	1	El Paso Natural Gas Company (Fullerton Plant, Andrews Co, Texas) (Permian Basin)	2,628	6-25-73		12-26-73	[1] 27.0	[1] 31.0	
		504	1	El Paso Natural Gas Company (Ector Plant, Ector Co, Texas) (Permian Basin)	(2)	6-25-73		12-26-73	[1] 27.0	[1] 31.0	
		506	1	El Paso Natural Gas Company (Turnstill Plant, Reeves Co, Texas) (Permian Basin)	8,400	6-25-73		12-26-73	[1] 27.0	[1] 31.0	
RI74-10	Getty Oil Company	160	4	Natural Gas Pipeline Company of America (Crittendon Fld, Loving & Winkler Cos, Texas) (Permian Basin)	40,152	6-25-73		9-19-73	17.5656	18.5694	RI71-125
RI74-11	Champlin Petroleum Company	130	3	El Paso Natural Gas Company (Jones Ranch Unit, Eddy Co, New Mexico) (Permian Basin)	168	6-25-73		1-7-74	30.0	30.35	RI73-166
RI74-12	Hondo Oil & Gas Company	5	5	Transwestern Pipeline Company (Bell Lake Fld, Lea Co., New Mexico) (Permian Basin)	470	6-28-73		2-1-74	21.1015	24.036	RI71-506
RI74-13	Atlantic Richfield Company	609	4	Natural Gas Pipeline Company of America (Crittendon Fld, Winkler and Loving Cos, Texas) (Permian Basin)	37,139	6-28-73		9-2-73	17.5656	18.5694	RI69-457
RI73-117	Sun Oil Company	151	12	El Paso Natural Gas Company (Brown-Bassett Fld, Terrell Co, Texas) (Permian Basin)	(2,258)	6-25-73		Accepted [3]	16.5333	16.2913	RI73-117
RI74-14	Texaco Inc.	323	[4] 5	Northern Natural Gas Company (Caprito (Eilenberger) Fld, Winkler Co., Texas) (Permian Basin).		6-25-73	7-26-73	Accepted [7]	17.0492		RI69-706
			[5] 6			6-25-73	7-26-73	Accepted [7]	17.0492		RI69-706
			[6] 7			6-25-73		12-26-73	17.0492	30.0	RI69-706

* Unless otherwise stated, the pressure base is 14.65 psia.
[1] Subject to Btu adjustment.
[2] No current sales.
[3] Rate reduction due to processing charge adjustment.
[4] Deletes nonproductive formations below the base of the Delaware Formation.
[5] Contract covering production from below the base of the Delaware Formation that was deleted by Supp. No. 5.
[6] Applicable only to production covered by Supp. No. 6.
[7] Accepted to be effective as of the date shown in the "Effective Date" column.
[8] Accepted subject to refund in Docket No. RI73-117 as of 1-1-73.

The proposed increases of Getty Oil Company and Atlantic Richfield Company do not exceed the rate limit for a one day suspension, and they are, therefore, suspended for one day from the 60 day notice period or the contractual effective date, whichever is later.

The rate reduction of Sun Oil Company is accepted subject to the existing suspension proceeding.

The remaining proposed increases exceed the rate limt for a one day suspension and are suspended for five months from the expiration of the 30 day statutory notice period or the contractual effective date, whichever is later.

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, Chapter I, Part 2, Section 2.56).

Nothing contained in this order shall relieve the respondents of any responsibility imposed by the Economic Stabilization Act of 1970, (Pub. L. 91-379, 84 Stat. 799, as amended by Pub. L. 92-15, 85 Stat. 38), or by any Executive Order or rules and regulations promulgated pursuant to such Act.

[FR Doc.73-15898 Filed 8-2-73;8:45 am]

[Docket No. E-7769]

DELMARVA POWER AND LIGHT CO.

Extension of Time

JULY 26, 1973.

On July 13, 1973, Interveners, through Counsel for the Cities, Cooperatives and St. Michael's Utility Commission, filed a motion for an extension of time within which to file testimony as fixed by order issued March 2, 1973. The motion states that no party had any objection to the request.

Upon consideration, notice is hereby given that the date is extended to and including August 20, 1973, within which interveners shall submit their evidence.

MARY B. KIDD,
Acting Secretary.

[FR Doc.73-16053 Filed 8-2-73;8:45 am]

[Docket No. CI73-592]

HERMAN GEO. KAISER

Order Granting Interventions and Fixing Date for Hearing

JULY 25, 1973.

The above-named Applicant has filed an application pursuant to Section 7(c) of the Natural Gas Act,[1] and pursuant to § 2.75 [2] of the Commission's general policy statements, the new Optional Procedure for Certificating New Producer Sales of Natural Gas set forth in Order No. 455,[3] (hereinafter Section 2.75) for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce.

On March 21, 1973, Herman Geo. Kaiser (Kaiser) filed an application in Docket No. CI73-592 for certification of a sale of natural gas to Panhandle Eastern Pipe Line Company (Panhandle) from the Okley "A" No. 1 well, Chaney Dell Field, Major County, Oklahoma (Hugoton-Anadarko Area).

Kaiser's contract with Panhandle, dated June 1, 1972, has a term of twenty (20) years, and provides for an initial rate of 32.0 cents per Mcf at 14.65 psia with 0.25 cent per Mcf escalations every year starting on September 1, 1977. The price is subject to upward and downward Btu adjustments, and the contract further provides for reimbursement to the seller of 75.0 percent of any new or additional taxes.

Kaiser asserts that the contract with Panhandle contains no indefinite pricing clause other than the Btu price adjustment clause and the clause to reflect changes in state production taxes. However, Section 8.3 of the tendered contract contains an FPC Area Rate Clause which is prohibited in contracts submitted for certification under § 2.75 (18 C.F.R. 2.75). Since Kaiser has not waived any rights under this clause or submitted a filing stating that the clause will not be operative if a certificate is issued under § 2.75, we shall require such a filing before a certificate is issued.

Kaiser states that the Okley "A" No. 1 well was commenced after April 6, 1972,

[1] 15 U.S.C. § 717, *et seq.* (1970).
[2] 18 C.F.R. § 2.75.
[3] *Statement Of Policy Relating To Optional Procedure For Certificating New Producer Sales of Natural Gas*, Docket No. R-441, ____ F.P.C. ____ (issued August 3, 1972), appeal pending *sub. nom. John E. Moss, et al.* v. *F.P.C.*, No. 72-1837 (D.C. Cir.).

and that certification is sought only for production from this well.

Deliveries were commenced under Kaiser's small producer certificate on August 7, 1972. (See Docket No. CS71–179) and are continuing under that authorization. Kaiser seeks certification for the sale, retroactive to the date of initial delivery, because of the uncertain status of the small producer exemption. *Texaco Inc., et al.* v. *F.P.C.*, — U.S. App. D.C. —, 474 F.2d — (1972).

Notice of Kaiser's application was issued on March 21, 1973, and the notice was published in the FEDERAL REGISTER on March 28, 1973. (38 Fed. Reg. 8093). Timely petitions or petitions to intervene were due on or before April 13, 1973. Timely petitions to intervene were filed by the following parties:

Associated Gas Distributors
American Public Gas Association
Panhandle Eastern Pipe Line Company.

Having reviewed the petitions to intervene, we find that all of the above-mentioned petitioners have sufficient interest in this proceeding to warrant intervention.

A formal hearing has been requested, and we find a hearing is desirable to determine, on the record, whether the present and future public convenience and necessity will be served by certificating this sale, and whether the proposed rate is just and reasonable, taking into consideration all factors bearing on maintenance of an adequate and reliable supply of gas, delivered at the lowest reasonable cost.[4]

This hearing is not the proper forum for the relitigation of the propriety of the § 2.75 procedures; that matter is now before the Court of Appeals. See n. 3, *supra*. This hearing will be addressed solely to the issues of public convenience and necessity, and the justness and reasonableness of the particular sales and rates herein proposed.

Those parties and intervenors desiring to submit cost and non-cost data should structure their evidence to reflect the tests under § 2.75 for determining the justness and reasonableness of the rate sought,[5] bearing in mind that with respect to proceedings under § 2.75 of our Regulations, we have heretofore stated:

We will, absent a showing of special circumstances, accept as conclusive the cost findings embodied in our area rate decisions, as such may be supplemented from time to time by appropriate Commission order. (Order 455, paragraph 63, page 21.)

We do not, therefore, open this hearing to the presentation of cost data, other than that incorporated from the Belco, *et al. proceedings* as hereinafter ordered, unless, in the judgment of the Presiding Administrative Law Judge, a showing of special circumstances is made.

We also direct the attention of the parties to our recent statement in Opinion No. 639, Area Rates for the Appalachian and Illinois Basin Areas, Docket No. R–371, opinion issued December 13, 1972, wherein we stated:

We have been admonished not to rely on cost alone, but also to consider producer rate levels in the context of "non-cost" factors of supply and demand, capital formation, and probable industry response to any given level of rates. *Austral Oil, et al.* v. *F.P.C.*, 428 F. 2d 407 (CA5, 1970). Applications under § 2.75 will be so considered * * *.

No intervenor has questioned Panhandle's need for the additional supplies of natural gas that will be available to it as a result of this purchase. However, we are unable to determine Panhandle's actual need for additional natural gas supplies since it has failed to submit the certification required by § 2.75h (18 C.F.R. 2.75h). Accordingly, we will require Panhandle to present evidence concerning its natural gas supply situation and whether a comparable supply of natural gas is available to Panhandle at any rate lower than the rate sought in this application.

We have just rendered a decision in the first proceedings under § 2.75 in which a full evidentiary record was made.[6] We think it appropriate in these circumstances to incorporate by reference the record developed in that proceeding into these consolidated proceedings insofar as it may be relevant pursuant to the majority or minority views in Opinion No. 659.

The Commission finds:

(1) It is necessary and in the public interest that the above-docketed proceeding be set for hearing.

(2) It is desirable and in the public interest to allow the above-named petitioners to intervene in this proceeding in order that they may establish the facts and the law from which the nature and validity of their alleged rights and interests may be determined and show what further action may be appropriate under the circumstances in the administration of the Natural Gas Act.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly Sections 4, 5, 7, 15, and 16 thereof, The Commission's Rules of Practice and Procedure, and the Regulations under the Natural Gas Act (18 C.F.R., Chapter I) a public hearing shall be held concerning the issues presented by the application herein commencing September 18, 1973, at 10:00 a.m. (EDT) in a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426.

(B) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding pursuant to the Commission's Rules of Practice and Procedure.

(C) Applicant and all intervenors supporting the applications shall file their direct testimony and evidence on or before August 24, 1973. All testimony and evidence shall be served upon the Presiding Administrative Law Judge, the Commission Staff, and all other parties to these proceedings.

(D) The Commission Staff and all intervenors opposing the application shall file their direct testimony and evidence on or before September 17, 1973. All testimony and evidence shall be served upon the Presiding Administrative Law Judge, and all other parties to these proceedings.

(E) All rebuttal testimony and evidence shall be served on or before September 18, 1973. All parties submitting rebuttal testimony and evidence shall serve such testimony and evidence upon the Presiding Administrative Law Judge, the Commission Staff, and all other parties to these proceedings.

(F) The record in the *Belco* case, Docket Nos. CI73–293, *et al.*, is incorporated by reference into the subject consolidated proceedings insofar as it may be relevant pursuant to the majority or minority views in Opinion No. 659.

(G) The above-named petitioners are permitted to intervene in this proceeding subject to the rules and regulations of the Commission; *Provided, however,* that the participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in said petitions for leave to intervene; and *Provided, further,* that the admission of such interests shall not be construed as recognition by the Commission that they or any of them might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(H) The Administrative Law Judge's decision shall be rendered on or before October 31, 1973.

(I) All parties shall submit briefs on exceptions to the Commission on or before November 12, 1973.

By the Commission.[1]

[SEAL] KENNETH F. PLUMB, *Secretary.*

[Docket No. E–8319]

INTERSTATE POWER CO.

Notice of Application

JULY 27, 1973.

Take notice that on July 16, 1973, Interstate Power Company (Applicant) filed an application with this Commission seeking authorization to enter into a Secured Guaranty Agreement with the Trustee of Pollution Control Revenue

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[4] *Opinion And Order Issuing Certificate Of Public Convenience And Necessity And Determining Just And Reasonable Rates*, Opinion No. 659, *Belco Petroleum Corporation, Agent, et al.*, Docket Nos. CI73–293, *et al.*, — P.F.C. —, — (issued May 30, 1973, slip op. at para. 21, p. 5).

[5] Opinion 659 gave consideration to such factors as (1) cost, (2) return, (3) alternate supply costs, (4) contract rates for intra- and interstate sales, (5) commodity value, Opinion No. 659, *supra*.

[6] Opinion No. 659, *supra*.

[1] Chairman Nassikas concurring in part, filed a separate statement, filed as part of the original document.

Bonds to be issued by the City of Dubuque, Iowa, in the amount of $4,850,000, which bonds, taking into account market conditions, will be sold by the City as soon as possible after obtaining approval of this Guaranty.

Applicant is incorporated under the laws of the State of Delaware, with its principal business office in Dubuque, Iowa, and is engaged principally in the electric utility business in northern and northeastern Iowa, in southern Minnesota and a few small communities in Illinois.

The bonds of the City will be sold to finance the acquisition from the Applicant of a leasehold interest in and the construction of pollution abatement equipment at Applicant's Steam Electric Generating Power Station in Dubuque, Iowa, installation of which is expected to be completed in 1974. Said equipment will be subleased by the City to the Applicant and payments under said sublease will be sufficient to pay principal, premium if any, and interest due on said bonds. The bonds will not be issued by the Applicant. The rate of interest will be negotiated at a private sale of the bonds between the City and the underwriters.

The authorization sought is for Applicant to issue an independent Secured Guaranty to the Trustee and holders of the bonds of payment of principal, premium if any, and interest on said bonds. No payments will be required under the Secured Guaranty if all payments are made pursuant to the sublease.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 13, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-16055 Filed 8-2-73;8:45 am]

[Docket No. RP73-103]

McCULLOCH INTERSTATE GAS CORP.

Extension of Time

JULY 26, 1973.

On July 24, 1973, Staff Counsel filed a motion to extend the procedural dates fixed by order dated May 31, 1973, in the above-designated matter. A notice of extension of time was issued on June 20, 1973, for McCulloch Interstate Gas Corporation to file monthly detail supporting Schedules A through M and Statement P. The motion states that there is no opposition to the motion.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of evidence by Staff, October 5, 1973.
Prehearing Conference, October 16, 1973 (10:00 a.m., EDT).
Service of evidence by Interveners, October 26, 1973.
Service of Company Rebuttal, November 5, 1973.
Hearing, November 13, 1973 (10:00 a.m., EST).

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-16056 Filed 8-2-73;8:45 am]

NATIONAL POWER SURVEY TECHNICAL ADVISORY COMMITTEE

Notice of Meeting and Agenda

Agenda for a meeting of the Task Force—Administrative of the Technical Advisory Committee on Fuels, to be held at the Federal Power Commission Offices, 825 North Capitol St., NE., Washington, D.C. 20426 Aug. 7, 1973, 9:30 a.m., e.d.s.t., Room 5200

1. Meeting called to order.
2. Objective and purposes of meeting.
A. Approval of minutes of meeting June 26, 1973.
B. Review of draft reports submitted by task forces.
C. Outline draft report of TAC on Fuels.
D. Other business.
E. Date for next full committee meeting.
F. Date for next Task Force—Administrative meeting.
3. Adjournment.

NOTE: This will be a meeting of the Task Force—Administrative for the purpose of preparing draft report of TAC on Fuels. It is anticipated the meeting will require the better part of the day. Committee members who desire to contribute to the preparation of the report are invited to attend.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee—which statements, if in written form, may be filed before or after the meeting, or, if oral, at the time and in the manner permitted by the committee.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-16065 Filed 8-2-73;8:45 am]

NATIONAL POWER SURVEY TECHNICAL ADVISORY COMMITTEE

Notice of Meeting and Agenda

Agenda for a ninth meeting of the Technical Advisory Committee on Research and Development, to be held at the Federal Power Commission Offices, 825 North Capitol Street, NE, Washington, D.C., 8:30 a.m., September 12, 13, and 14, 1973, Room 5200.

1. Meeting called to order by FPC Coordinating Representative.
2. Objectives and Purposes of Meeting.

September 12

A. Approval of minutes of June 14 meeting.
B. Report of Task Force on Environmental Research (8:30 a.m.–12:30 p.m.)
C. Report of Task Force on Energy Systems Research (1:00 p.m.–5:00 p.m.)

September 13

D. Report of Task Force on Energy Conversion Research (8:30 a.m.–12:30 p.m.)
E. Report of Task Force on Energy Distribution Research (1:00 p.m.–5:00 p.m.)

September 14

F. Report of Task Force on Energy Sources Research (8:30 a.m.–12:30 p.m.)
G. Meeting among TAC Chairman and Five Task Force Chairmen (1:00 p.m.–5:00 p.m.)
H. Other business.
I. Dates of future meetings.
3. Adjournment.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee—which statements, if in written form, may be filed before or after the meeting, or, if oral, at the time and in the manner permitted by the committee.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-16066 Filed 8-2-73;8:45 am]

[Docket No. E-7690]

NEPOOL POWER POOL AGREEMENT

Further Extension of Time and Postponement of Prehearing Conference and Hearing

JULY 27, 1973.

On July 24, 1973, the New England Power Pool Executive Committee filed a motion for a further extension of time for filing testimony and exhibits as required by the notice issued June 1, 1973. The motion states that counsel for each of the interveners including the Rhode Island Consumers Council have no objection to the requested extension.

Upon consideration, notice is hereby given that the time for filing testimony by Nepool is postponed to and including August 31, 1973. The other procedural dates are further modified as follows:

Service of testimony by Staff, September 21, 1973.
Service of Rebuttal testimony, October 12, 1973.
Prehearing Conference, October 24, 1973 (10:00 a.m., EDT).
Cross-Examination on all evidence, October 31, 1973.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-16057 Filed 8-2-73;8:45 am]

[Docket No. RP73-22]

NORTHERN NATURAL GAS CO.

Order Granting Petition for Declaratory Order and Vacating Prior Order

Issued JULY 24, 1973.

On August 25, 1972, Northern Natural Gas Company (Northern) filed a Petition for a Declaratory Order (Petition) to terminate a controversy between Northern and Michigan Power Company (Michigan Power) regarding the proper application of the gas overrun penalty provisions of Northern's FPC Gas Tariff and the proper interpretation of an

earlier Commission Order issued December 19, 1969, purporting to authorize Northern to waive the imposition of a $22,598 penalty for Michigan Power's unauthorized takes of overrun gas.

In our opinion a discussion of the background of this proceeding will be helpful to an understanding of disposition of Northern's Petition and the pleadings relating thereto. By letter dated October 13, 1969, Michigan Power requested the Commission to authorize Northern to waive the penalty provision of Section 8.2 of Northern's Contract Demand Rate Schedule contained in Northern's FPC Gas Tariff, Second Revised Volume No. 1 for unauthorized overrun volumes taken by Michigan Power during the period July 15–17, 1969. In its letter, Michigan Power alleged that the overrun was due to an inadvertent failure on its part to curtail certain of its deliveries from Northern and that waiver of the overrun penalty provision was therefore justified. The penalty for the overrun was $22,598.

Section 8 of Northern's Contract Demand Rate Schedule deals with penalties for unauthorized takes in excess of Contract Demand volumes. The only subsection providing for any waiver of the penalty provisions is subsection 8.2—*Waiver of Penalties Under Conditions of Force Majeure*, which states in part: "Northern shall not have the right to waive the penalty for unauthorized overrun volumes under any circumstances, except where unauthorized overrun volumes were taken because of a force majeure gas operating situation of the Gas Utility."

By letter dated November 3, 1969,[1] in reply to Michigan Power's request for waiver of § 8.2 Northern stated: "that the facts herein do not present a case of force majeure and that the tariff does not empower Northern to grant a waiver." Northern further stated that the restrictions were written into Northern's tariff at the request of its jurisdictional customers to discourage the taking of unauthorized overrun volumes. Therefore, Northern stated it would not be appropriate for the Commission to require Northern to waive Section 8.2.

On December 19, 1969, the Commission issued a letter order[2] which stated that since there was

> no adverse effect to either Northern or Northern's customers, as a result of the inadvertent overrun by Michigan Power . . . (and) (i)n view of the peculiar circumstances, the requested waiver appears to be appropriate. Northern is hereby authorized to waive Section 8.2 of the Contract Demand rate schedule contained in its FPC Gas Tariff, Second Revised Volume No. 1 and to waive the penalty payment of $22,598 for unauthorized overrun volumes taken by Michigan Power during the period July 15–17, 1969.

By letter dated January 26, 1970,[3] Northern informed Michigan Power that it had "decided not to exercise the waiver authority granted by the Commission order of December 19, 1969, * * *" and requested Michigan Power to pay the $22,598 overrun penalty. By letter dated February 13, 1970,[4] Michigan Power responded by claiming that the December 19, 1969, letter order *required* Northern to waive the overrun penalty.

On August 25, 1972, Northern filed its Petition which requested, in effect, confirmation of its interpretation of Section 8.2 of its Contract Demand Rate Schedule and the letter order issued December 19, 1969, that Northern is not *required* to waive the penalties but was only authorized to do so within its discretion. Northern also argues that to grant the waiver to Michigan Power would be a discriminatory act as to Northern's other customers contrary to Section 4(b) and 4(d) of the Natural Gas Act and would set a precedent of waivers of overrun penalties which would have "drastic" consequences to Northern's system operations during "the present natural gas shortage". Northern submits that its tariff requires Northern to collect overrun penalties absent showing of a *force majeure* and that

> * * * (w)hile the Commission has the power *prospectively* to require a natural gas company to change its tariff sheets, it may not retroactively require a change in a natural gas company's practices which are required under its tariff.

On September 15, 1972, the Northern Distributor Group (NDG) filed comments supporting Northern's refusal to waive the penalty charge. On September 22, 1972, Michigan Power filed comments which included a motion to dismiss or, alternatively, to deny the petition for a declaratory order alleging that Northern was *required* to waive the penalty and that its Petition, was therefore, a collateral attack on the December 19, 1969, order which seeks to avoid the time constraints for a petition for rehearing. Alternatively, Michigan Power argues that because Northern waited for two and one-half years to file its Petition, it "is guilty of laches and does not come before the Commission with clean hands". On October 3, 1972, Michigan Power filed a response to the comments of the NDG alleging that NDG's charges of undue preference against Michigan Power were irrelevant and unsupported and that Northern's Petition was moot because the December 19, 1969, order required waiver of the overrun penalty.

On October 10, 1972, Northern filed an answer to Michigan Power's pleadings, arguing that Michigan Power's position was indefensible because the Commission cannot under Section 5 or any other portion of the Natural Gas Act retroactively change the overrun penalties of Northern's tariff, but can only make such change prospectively. Moreover, Northern alleges that "Section 5 of the Natural Gas Act makes a hearing a condition precedent to the ability of the Commission to order a change in a pipeline tariff provision". Northern also argues that its Petition is not a collateral attack on the December 19, 1969, order but instead a filing in furtherance of such order. Northern also denied that it was guilty of laches or that it came to the Commission without "clean hands".

On February 5, 1973, notice of the filing of the Petition was issued. Petitions to intervene were filed by the parties listed in Appendix B. Minnesota Natural Gas Company and the petitioners listed in Appendix B, with the exception of Michigan Power and Northern States Power Company (Wisconsin) and (Michigan), support Northern's Petition for a declaratory order. Five of the petitions to intervene also request a hearing on Northern's Petition (see Appendix B). On February 22, 1973, Michigan Power filed an answer to the petitions to intervene which incorporates by reference its arguments in Michigan Power's pleading filed October 3, 1972, in this proceeding. On February 26, 1973, Northern filed its answer to the petitions to intervene which also requested a formal hearing on the matter.

Our review of the letter order of December 19, 1969, (Appendix A) and the various pleadings associated with Northern's Petition indicates that the letter order incorrectly authorized Northern to waive Michigan Power's overrun penalty. Northern's tariff permits overrun penalties to be waived only in the case of a *force majeure*. All of the pleadings clearly indicate that the overrun penalty was incurred by an inadvertent failure by Michigan Power to curtail certain of its deliveries from Northern and not by a *force majeure*. Therefore, to permit a waiver of the penalty in this instance would require a change in Northern's tariff. However, Section 5 of the Natural Gas Act provides for a change to be made prospectively and after a hearing. Clearly, the December 19, 1969, letter order met neither of these requirements. Therefore, we find that Northern's refusal to waive the overrun penalty of $22,598 was reasonable and appropriate and that no purpose would be served by a full evidentiary hearing in this proceeding.

The Commission finds:

It is reasonable and appropriate in the public interest and to aid in the enforcement of the Natural Gas Act that the relief requested in Northern's Petition for a Declaratory Order be granted as hereinafter ordered and conditioned.

The Commission orders:

(1) Michigan Power's motion to reject is hereby denied.

(2) The requests for hearing are hereby denied.

(3) Northern's Petition for a Declaratory Order filed August 25, 1972, is hereby granted to the extent it requests approval of Northern's refusal to waive the overrun penalty of $22,598 for unauthorized overrun volumes taken by Michigan Power during the period of July 15–17, 1969.

[1] Filed November 6, 1969.
[2] See Appendix A.
[3] Appendix H to Northern's Petition.
[4] Appendix I to Northern's Petition.

(4) The letter order in Appendix A issued December 19, 1969, which purported to authorize waiver of the above-mentioned overrun penalty is vacated.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

APPENDIX A

NORTHERN NATURAL GAS COMPANY,
2223 Dodge Street,
Omaha, Nebraska 68102.
Attention: Gordon Severa, Group Vice President.

GENTLEMEN: Michigan Power Company has petitioned this Commission to authorize Northern Natural Gas Company to waive the penalty provisions of Section 8.2 of your Contract Demand rate schedule contained in FPC Gas Tariff, Second Revised Volume No. 1. Michigan Power has requested this waiver in order that Northern may waive the penalty payment of $22,598 for unauthorized overrun volumes inadvertently taken during the period July 15–17, 1969.

Upon analysis of Michigan Power's and Northern's statements, the Commission finds there was no adverse effect to either Northern or Northern's customers, as a result of the inadvertent overrrun by Michigan Power. It is also the understanding of this Commission that Section 8.2 was not intended by Northern to inflict economic punishment for understandable human failure. Therefore, in light of the peculiar circumstances, the requested waiver would be appropriate and Northern is hereby authorized to waive Section 8.2 of your Contract Demand rate schedule contained in FPC Gas Tariff, Second Revised Volume No. 1 and to further waive the penalty payment of $22,598 for unauthorized overrun volumes taken by Michigan Power during the period July 15–17, 1969.

By direction of the Commission.

APPENDIX B

PARTIES FILING PETITIONS TO INTERVENE

Central Telephone & Utilities Corporation
Iowa Electric Light & Power Company [1]
Iowa-Illinois Gas & Electric Company
Iowa Power and Light Company
Iowa Public Service Company
Lake Superior District Power Company [1]
Michigan Power Company
Minneapolis Gas Company [1]
Nebraska Natural Gas Company [1]
Metropolitan Utilities District of Omaha [1]
Northern States Power Company (Wisconsin) and (Michigan)

[FR Doc.73-16058 Filed 8-2-73;8:45 am]

[Docket No. RP72-98]

TEXAS EASTERN TRANSMISSION CORP.

Extension of Time and Postponement of Hearing

JULY 26, 1973.

The hearing date fixed by the order issued June 28, 1973, in the above-designated matter is in conflict with the schedule of Administrative Law Judge Ellis.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Evidence by Texas Eastern, September 12, 1973.
Evidence by Commission Staff and Interveners, October 1, 1973.
Rebuttal Evidence, October 17, 1973.
Hearing, October 30, 1973 (10:00 a.m., EDT).

MARY B. KIDD, *Acting Secretary.*

[FR Doc.73-16059 Filed 8-2-73;8:45 am]

[Docket No. RP72-98]

TEXAS EASTERN TRANSMISSION CORP.

Proposed Changes in Rates and Charges

JULY 26, 1973.

Take notice that on July 13, 1973, Texas Eastern Transmission Corporation (Texas Eastern) tendered for filing revisions to Third Revised Volume No. 1 of its FPC Gas Tariff, to wit:

Second Revised Sheet No. 13
Second Revised Sheet No. 13A
Second Revised Sheet No. 13B
Second Revised Sheet No. 13C
Second Revised Sheet No. 13D

Texas Eastern asserts that these revisions are made pursuant to the Purchased Gas Adjustment Clause contained in § 23.5 of its FPC Gas Tariff. This provision was approved, Texas Eastern states, by Commission order on August 9, 1972 in Docket No. RP72-98. The proposed changes result from increase in gas cost to Texas Eastern by one of its suppliers, Texas Gas Transmission Corporation (Texas Gas).

Texas Eastern also requests waiver of the notice provisions of the Commission's rules and regulations so that the proposed rates may become effective August 1, 1973, the date that Texas Gas' requested increase would become effective.

Any person desiring to be heard or to protest should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Commission's rules of practice and procedure. All such petitions or protests should be filed on or before August 6, 1973. Protests will be considered by the Commission in determining the appropriate action, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-16060 Filed 8-2-73;8:45 am]

[Docket No. CI73-749]

WESTERN OIL PRODUCERS, INC.

Further Extension of Time and Postponement of Hearing

JULY 26, 1973.

On July 25, 1973, Western Oil Producers, Inc. requested a further extension of the procedural dates as set by notice issued July 11, 1973, in the above-designated matter. The request states that neither Staff Counsel nor El Paso Natural Gas Company objects to the motion.

Upon consideration, notice is hereby given that the procedural dates are postponed as follows:

Service of testimony and exhibits, August 2, 1973.
Hearing, August 9, 1973 (10:00 a.m., EDT).

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-16061 Filed 8-2-73;8:45 am]

[Docket No. E-8318]

CENTRAL LOUISIANA ELECTRIC CO.

Amendment to Agreement

JULY 27, 1973.

Take notice that on July 16, 1973, Central Louisiana Electric Company (CLEC) tendered for filing supplements to CLEC Rate Schedule FPC No. 30 containing the following:

(1) Revised Page 2 to original Exhibit A to Rate Schedule FPC No. 30;
(2) Revised Page 4 to original Exhibit A to Rate Schedule FPC No. 30.

The changes are requested to become effective on August 16, 1973.

CLEC claims that the changes result from a request by Southwest Louisana Electric Membership Corporation to acquire all company-owned substation facilities at certain delivery points. The supplements tendered by CLEC represent changes in the Delivery Voltage at those points.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 13, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-16052 Filed 8-2-73;8:45 am]

FEDERAL RESERVE SYSTEM

REDWOOD BANCORP.

Order Approving Acquisition of Montgomery Street Mortgage Corp. and West Coast Security Insurance Agency, Inc.

Redwood Bancorp, San Rafael, California, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under § 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y, to acquire indirectly, through its

[1] Parties requesting a hearing.

wholly owned subsidiary, Redwood National Mortgage Company, the assets of Montgomery Street Mortgage Corporation ("MSMC") and to acquire directly the voting shares of West Coast Security Insurance Agency, Inc. ("West Coast"). Both MSMC and West Coast are headquartered in San Francisco, California, where they operate as subsidiaries of TUP., Inc., San Francisco, California. Notice of the application affording opportunity for interested persons to submit comments and views has expired and all received have been considered.

The operation by a bank holding company of a mortgage company and the sale of certain insurance coverage are activities that the Board has previously determined to be closely related to banking (12 CFR 225.4(a) (1) and (9)). A bank holding company may acquire companies engaged in these activities in accordance with the procedures the Board has established pursuant to § 4(c) (8) of the Act.

Applicant is a recently formed bank holding company whose principal subsidiary, Redwood Bank (deposits of $54.9 million),[1] is the 48th largest bank in California and the 5th largest of 10 banks in Marin County, where it holds 7.6 per cent of area deposits. Applicant also controls Redwood National Mortgage Company, formed *de novo* by Applicant, and has received the Board's approval to acquire National Mortgage Company.[2] National Mortgage Company engages in a mortgage banking business in Utah, Arizona, and Idaho.

Redwood Bank originates construction loans and originates and services mortgage loans for its own account and for the account of others. During 1972, Redwood Bank originated a total volume approximating $12 million in mortgage loans within the Greater San Francisco Bay Area.[3] Redwood Bank services for others a mortgage portfolio of approximately $66 million.

MSMC is a mortgage banking firm engaged in the origination and servicing of mortgage loans for institutional investors. It has a mortgage servicing portfolio of approximately $34 million.[4] Although headquartered in San Francisco, MSMC has not originated a mortgage loan in this area for approximately two years. Of the $3.0 million in mortgage loans originated by MSMC in 1972, $2.7 million in originations were derived from its Reno, Nevada office, and $0.3 million came from the Sacramento County area. In the Reno, Nevada market, MSMC ranks as the twentieth largest mortgage lender with a market share of 1.2 per cent. Redwood Bank neither originates nor services mortgage or construction loans in the Reno area; it originated $0.5 million in such loans in Sacramento County in 1972. Based on the facts of record, it appears that neither Applicant nor Company have a significant market share in either mortgage originations or mortgage servicing in any relevant area. Thus, consummation of the proposed acquisition would have no adverse effect on existing competition. Applicant's limited capital resources inhibit its potential as a competitor to MSMC in the Reno mortgage markets, while the resources of MSMC limit its ability to expand in the San Francisco area. The Board therefore concludes that consummation of the proposed acquisition would have no adverse effects on mortgage lending in any of the local markets.

It is anticipated that MSMC's affiliation with Applicant will enable MSMC to compete more effectively with the larger mortgage banking firms in the Reno area. Moreover, the use of MSMC's computer facilities and the expertise of its personnel in computerized maintenance of mortgage accounts should enable each institution to effect economies sufficient to operate their combined mortgage banking activities at a profit. In addition, the computer programs developed by MSMC would allow Applicant to provide more efficient service to its own customers. On balance, the Board concludes that the public benefit factors the Board is required to consider under section 4 (c) (8) outweigh any possible adverse effects that might result from the proposed acquisition.

In addition to its mortgage loan and servicing activity, MSMC holds a parcel of unimproved real estate for future development. Real estate investment or development are not activities that the Board has determined to be so closely related to banking as to be a proper incident thereto. The Board has received a commitment from Applicant that it will dispose of this parcel of real estate promptly upon approval of this proposal, but in any event, no later than two years from the date of this Order.

West Coast engages in the sale of life, disability and hazard insurance related to the mortgages originated or serviced by MSMC. The life and disability policies insure the life and health of the mortgagor. In all such cases, total benefits payable are limited to the then outstanding principal balance of the loans. The hazard insurance policies ensure the real estate securing the mortgage loans. The mortgagees are designated beneficiaries of such policies. West Coast also, from time to time, sells such insurance to mortgage borrowers of Redwood Bank. These activities appear to be closely related to banking or managing or controlling banks. However, West Coast also engages in the renewal of insurance policies originally sold by it on mortgages originated by MSMC, although the servicing rights on such mortgages have now been transferred to others. The renewal of such insurance policies is not considered to be directly related to an extension of credit or to the provision of other financial services. However, such renewals are made as a matter of convenience to the mortgagors and, in the case of West Coast, the premium income derived from such sales apparently would not constitute a significant portion of the aggregate insurance premium income of Applicant derived from insurance sold pursuant to § 225.4(a) (9) (ii) of Regulation Y.[5] It therefore appears that the making of such renewals is permissible under § 225.4(a) (9) (ii) (c).

Due to the limited nature of West Coast's insurance activities, it does not appear that its acquisition by Applicant would have an significant effect on either existing or potential competition. Rather, consummation of Applicant's proposed acquisition of West Coast would insure continuity of its services to West Coast and its mortgagors.

Based on the record herein, the application is approved on the condition that MSMC promptly dispose of its real estate holding, and in any event, no later than two years from the date of this Order.

The transaction shall not be consummated later than three months after the effective date of this Order, unless such period is extended for good cause by the Board. This approval is subject further to the Board's authority to require reports by, and make examinations of, holding companies and their subsidiaries and to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary 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,[6] effective July 24, 1973.

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

[FR Doc.73-16008 Filed 8-2-73;8:45 am]

[1] Deposit data as of June, 1972.

[2] See Board Order dated January 18, 1973.

[3] The Greater San Francisco Bay Area is comprised of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, and Sonoma Counties.

[4] Data as of December 31, 1972.

[5] The gross commission income on such policies in 1972 amounted to $849.55 or less than 5 per cent of such commission income during this period.

[6] Voting for this action: Chairman Burns and Governors Mitchell, Daane, Sheehan and Bucher. Absent and not voting: Governors Brimmer and Holland.

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

CHRISTOPHER COAL CO. ET AL.

Applications for Renewal Permits; Notice of Opportunity for Public Hearing

Applications for Renewal Permits for Noncompliance with the Interim Mandatory Dust Standard (2.0 mg/m³) have been received as follows:

(1) ICP Docket No. 20279, Christopher Coal Company, Osage No. 3 Mine, USBM ID No. 46 01455 0, Osage, West Virginia.
Section ID No. 001-0 (Main West).
Section ID No. 002-0 (13 South).
Section ID No. 007-0 (3B).
Section ID No. 008-0 (10 North).
Section ID No. 012-0 (2B).
Section ID No. 014-0 (1 West).
Section ID No. 017-0 (19A).
Section ID No. 018-0 (1C).
Section ID No. 019-0 (11 North Straight).
(2) ICP Docket No. 20615, Consolidation Coal Company, Matthews No. 1 Mine, USBM

ID No. 40 00520 0, Middlesboro, Kentucky.
Section ID No. 001 (Right off 1 West off 1 North).
Section ID No. 002 (Left off 1 West off 1 North).
Section ID No. 005 (Left off 1 East off 1 North).
Section ID No. 004 (Left off 1 East off 2 North).
Section ID No. 003 (Right off 1 East off 2 North).
(3) ICP Docket No. 20801, Wolf Creek Collieries Company, Inc., No. 3 Mine, USBM ID No. 15 02061 0, Lovely, Kentucky.
Section ID No. 001.
Section ID No. 006.
Section ID No. 007.
Section ID No. 008.

In accordance with the provisions of section 202(b)(4) (30 U.S.C. 842(b)(4)) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et seq., Public Law 91-173), notice is hereby given that requests for public hearing as to an application for renewal may be filed on or before August 20, 1973. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 FR 11296, July 15, 1970), as amended, copies of which may be obtained from the Panel on request.

A copy of the application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Room 800, 1730 K Street, NW, Washington, D. C. 20006.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

JULY 31, 1973.

[FR Doc.73-15994 Filed 8-2-73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

DI-AN CONTROLS, INC.

Order Suspending Trading

JULY 26, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.10 par value, and all other securities of Di-An Controls, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 2:30 p.m. e.d.t. July 26, 1973 through midnight e.d.t. August 4, 1973.

By the Commission.

RONALD F. HUNT,
Secretary.

[FR Doc.73-15966 Filed 8-2-73;8:45 am]

[File No. 500-1]

LYNTEX CORP.

Order Suspending Trading

JULY 26, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.25 par value, and all other securities of Lyntex Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 2:30 p.m. (e.d.t.) July 26, 1973 through midnight e.d.t. August 4, 1973.

By the Commission.

RONALD F. HUNT,
Secretary.

[FR Doc.73-15965 Filed 8-2-73;8:45 am]

[File No. 500-1]

WAIN RESOURCES, INC.

Order Suspending Trading

JULY 26, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $2 par value, and all other securities of Wain Resources, Inc. being traded otherwise than on a national securities exchange be summarily suspended, this est and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily susspended, this order to be effective for the period from 2:30 p.m. (e.d.t.) July 26, 1973 through midnight e.d.t. August 4, 1973.

By the Commission.

RONALD F. HUNT,
Secretary.

[FR Doc.73-15964 Filed 8-2-73;8:45 am]

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 15-16, 1973 at the office of the National Association of Securities Dealers, Inc., 1735 K Street, NW., Washington, D.C. 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 Commission'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 statements, 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 27, 1973.

[FR Doc.73-16022 Filed 8-2-73;8:45 am]

[File No. 500-1]

JEROME MACKEYS JUDO, INC.

Order Suspending Trading

JULY 27, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.01 par value, and all other securities of Jerome Mackey's Judo, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from July 29, 1973 through August 7, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-16023 Filed 8-2-73;8:45 am]

[File No. 500-1]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

JULY 27, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10¢ par value, of Continental Vending Machine Corporation, and the 6 percent convertible subordinated debentures due September 1, 1976 being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 29, 1973 through August 7, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-16024 Filed 8-2-73;8:45 am]

[File No. 500.1]

PACER CORP.

Order Suspending Trading

JULY 30, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.01 par value, and all other securities of Pacer Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It Is Ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from July 31, 1973 through August 9, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-16025 Filed 8-2-73;8:45 am]

SELECTIVE SERVICE SYSTEM

REGISTRANTS PROCESSING MANUAL

Publication of Excepts

The Registrants Processing Manual is an internal manual of the Selective Service System. The following portions of that Manual are considered to be of sufficient interest to warrant publication in the FEDERAL REGISTER. Therefore these materials are set forth in full as follows:

REGISTRANTS PROCESSING MANUAL

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APPENDIX 2

CURRENT TEMPORARY INSTRUCTIONS

CHECK LIST

1. The following list sets forth all current Temporary Instructions as of July 1, 1973. Those Temporary Instructions marked with an asterisk are multiple-numbered Temporary Instructions, issued in sufficient quantity so that a copy may be filed under each number.

Temporary Instructions Number	Date Issued or Amended	Termination Date
Appendix 1-5	(5-15-73)	Upon Depletion of SSS Form 110
601-1	(6-29-73)	Upon Completion of the required actions
608-2	(4-6-73)	When included in a Revision to Chapter 608, RPM
613-1	(12-4-72)	Upon Receipt of Revised Chapter 613, RMP
613-2	(12-19-72)	Upon Publication of Revisions to RPM changing References from SSS Form 2 and 110 to SSS Form 7
613-4	(2-27-73)	Upon Publication of Revised Chapter 613, RPM and Revised Procedural Directives for SSS Form 1, 3 and 101
621-3*	(6-15-73)	Until Amended or Rescinded
622-3	(6-29-73)	Upon Revision of Chapters 622 and 619
623-1	(6-15-73)	(8-1-73)
628-7	(12-29-72)	Upon Receipt of New Chapter 628
631-9*	(5-15-73)	Upon Receipt of Revised Chapters 631, 632 & 660, RPM
631-10*	(6-15-73)	Upon Amendment or Rescission
631-11	(6-1-73)	(9-1-73)
631-12	(6-29-73)	(9-1-73)
632-15*	(5-15-73)	Upon Receipt of Revised Chapters 631, 632 & 660, RPM
642-1	(4-2-73)	Upon Receipt of Revised Chapter 642, RPM
660-10*	(5-15-73)	Upon Receipt of Revised Chapters 631, 632 & 660, RPM
670-4	(12-6-72)	When Procedural Directives have been Revised to Reflect Instructions

2. All Temporary Instructions not appearing in the above list have been terminated or rescinded.

Amendments to Chapter 611—Duty and Responsibility to Register, effective August 1, 1973

SEC. 611.2 *Persons Not Required to be Registered.* Paragraphs 9 and 10 are revised to read as follows:

(9) Members of the reserve components of the Armed Forces, the Coast Guard, and the Public Health Service, while on active duty, provided that such active duty in the Public Health Service that commenced after June 30, 1967, is performed by members of the Reserve of the Public Health Service while assigned to staff any of the various offices and bureaus of the Public Health Service, including the National Institutes of Health, or while assigned to the Coast Guard, the Bureau of Prisons of the Department of Justice, the Environmental Protection Agency, or the National Oceanic and Atmospheric Administration.

(10) Any person who is separated from the Armed Forces after having served on active duty, other than active duty for training, or who has served as a commissioned officer in the National Oceanic and Atmospheric Administration of the Public Health Service for not less than 24 months.

SEC. 611.5 *Voluntary registration.*

Any male person who entered the Armed Forces before being required to be registered in accord with the provisions of paragraph 1 of section 611.1 and who is separated from active duty after having served on active duty, other than active duty for training, may present himself for and submit to registration.

SEC. 611.6 *Registration other than by appearance before a registrar.*

The Director may authorize the registration of persons without their appearing before the officials specified in section 611.1 and chapters 613 and 655.

CHAPTER 642 (Revised August 1, 1973)

Violators

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CHAPTER 642

VIOLATORS

SEC. 642.1 *Violation of the military selective service act (MSSA).*

The Military Selective Service Act imposes the duty on all male citizens as well as certain non-citizen residents, who are between the ages of 18 and 26, to present themselves for registration with the Selective Service System. Requirements imposed under the MSSA upon selective service registrants include the duty to furnish necessary information to local boards, the duty to report for and submit to armed forces examinations, and the duty to report for and submit to induction or alternate service. All persons are prohibited from knowingly making or being a party to the making of false statements bearing upon classification or service under the MSSA, or transferring, delivering, preparing, or possessing false Selective Service Certificates. Further, all persons are prohibited from knowingly hindering or interfering with the administration of the Selective Service System, or conspiring to do so, or counseling or aiding others to violate the MSSA. A registrant or a non-registrant who fails to perform one or more of this duties under the MSSA or hinders or interferes with the administration of the MSSA is referred to as a *violator*. Conviction for any such violation is punishable by imprisonment for not more than five years or a fine of not more than $10,000 or by both such fine and imprisonment.

SEC. 642.2. *Reporting of violations by the local board and state director.*

1. *By the Local Board:*

a. Whenever a local board has reason to believe that a person has violated the Military Selective Service Act, the local board will, within 10 days after learning of the violation, prepare a Report of Violation (SSS Form 301). The report, to be signed by the Local Board Chairman, will be addressed to the appropriate United States Attorney and submitted along with the registrant's file folder to the Selective Service Regional Counsel for prosecutive review and disposition.

b. The original and three copies of SSS Form 301 shall be included in the Registrant File Folder or Cover Sheet (SSS Form 101) and forwarded to the Regional Counsel. An information copy of the SSS Form 301 shall also be sent to the State Director by the local board. The above actions shall be recorded on page two of the file folder or page eight of the Classification Questionnaire (SSS Form 100). When a file folder has not been established, all documentation concerning the alleged violation shall be forwarded with the SSS Form 301. A file folder shall not be prepared for a person who has not registered.

c. Whenever the local board has reason to believe that a registrant has violated the law, no modifications, alterations or corrections shall be made to any document or record in his file. If a document is missing from the folder or is improperly marked or stamped, a notation of this fact will be made and submitted at the time the file folder is forwarded to the Regional Counsel. It is then the responsibility of the Regional Counsel to consult with the United States Attorney and to determine with him whether prosecutive action should be dismissed in light of the deficiency.

d. Whenever a local board, except as stated in paragraphs a, b and c above, has reason to believe that any person or persons have hindered or interfered with the administration of the Military Selective Service Act or violated the rules or regulations pursuant to that Act, or have attempted to do so in any manner, the Chairman of the local board, one of the members, or a compensated employee, in the Chairman's absence, shall immediately advise the State Director of the circumstances by telephone or by letter. The State Director will cause an investigation to be conducted.

2. *By the State Director:*

a. Whenever the State Director has reason to believe that a violation of the Military Selective Service Act has been committed by a registrant, the State Director will immediately conduct an investigaiton of the circumstances involved in the suspected violation. In the case of a registrant classified in Class 1-O, 1-OM or 1-W, the investigation will be conducted in accordance with paragraph 2 of Section 650.11. Upon completion of his investigation, the State Director shall submit the following items to the Regional Counsel for prosecutive review and disposition:

(1) A report of his investigation,

(2) His recommendations as to the appropriate action to be taken,

(3) An SSS Form 301 addressed to the appropriate United States Attorney, and

(4) The registrant's file folder.

b. Whenever the State Director has reason to believe that any person or persons have hindered or interfered with administration of the Military Selective Service Act or violated the rules or regulations pursuant to that Act, or have attempted to do so in any manner, he shall immediately contact the appropriate Regional Counsel for guidance. A report of any investigation which is conducted into the matter shall be forwarded to the Regional Counsel for appropriate action. All actions of this nature must first be coordinated by the Regional Counsel with the General Counsel, National Headquarters, before a formal referral of such violation is made to the United States Attorney.

SEC. 642.3. *Action by the Regional Counsel.*

1. Upon receiving an SSS Form 301 and file folder, if established, the Regional Counsel will review the matter for procedural and substantive error. If the Regional Counsel determines that prosecutive action is warranted, he will:

a. Refer the violation to the appropriate United States Attorney with any comments and recommendations he feels necessary.

b. Notify the registrant by letter (see Attachment 642-2) that his case has been referred to the United States Attorney for prosecution.

c. Place a copy of the referral to the United States Attorney and a copy of the letter of notification to the registrant in the registrant's file, and,

d. Forward the file to the State Director for the State in which the Federal District having jurisdiction over the case is located. This State Director shall retain custody of the file until the final disposition of the case is reached.

e. The State Director in whose State the registrant's local board of record is located will be provided with a copy of the Regional Counsel's referral to the United States Attorney, a copy of the Regional Counsel's notification to the registrant, and the location of the file if the file is sent to another State Director for custody as provided in "d" above. The file of a violator whose prosecution is pending will not be returned to the local board.

2. If the Regional Counsel does not report the violation to the United States Attorney for prosecution, he will return the documentation to the State Director with a letter outlining the action to be taken. The State Director will return the file folder to the local board along with the Regional Counsel's letter. However, should the State Director take exception to the action to be taken which is outlined in the Regional Counsel's letter, and he is unable to reach agreement with the Regional Counsel after discussion of the matter, the State Director may refer the matter to National Headquarters, Attn: General Counsel, for final disposition.

SEC. 642.4 *Local board action subsequent to reporting a violation.*

1. The local board shall take no action with reference to the classification or status of a registrant who has been reported as a violator, or establish a new reporting date for induction or alternate service for such a registrant, without having first obtained the approval of the United States Attorney. The local board will request the State Director to obtain such approval through the Regional Counsel.

2. Whenever a local board receives new information concerning a violator after his case has been referred to the United States Attorney by the Regional Counsel, the local board shall submit the new information to the State Director. The State Director shall immediately notify the office of the Regional Counsel by telephone and shall send one copy of the new information to the Regional Counsel and one copy to the United States Attorney. The original of the new information shall be placed in the registrant's file. The new information may include but is not limited to matters:

a. Which have been requested by the United States Attorney,

b. Which may be of assistance in locating the violator or,

c. Which may assist a United States Attorney in his determination of whether the prosecution is warranted.

SEC. 642.5. *United States Attorney to advise of prosecutive disposition.*

When referring a violation for prosecution, the Regional Counsel shall request the United States Attorney to advise him promptly by letter of the United States Attorney's disposition of the reported case. Should the

Regional Counsel disagree with a United States Attorney's decision not to prosecute, he should advise the General Counsel, National Headquarters, but only after conferring with the United States Attorney in an effort to resolve the disagreement. In either event, the Regional Counsel shall notify the State Director by mail of the prosecutive disposition or status. The State Director shall place the document in the registrant's file. When the State Director having jurisdiction over the registrant's local board is informed by the Regional Counsel that an indictment or information has been filed against a registrant, the State Director shall advise the local board. The State Director having custody of the registrant's file shall retain it until advised of the disposition of the case by the Regional Counsel.

SEC. 642.6. *Criminal actions.*

1. A criminal action is a legal action initiated by the government against an individual for an alleged violation of the law.

2. Files of registrants who have been reported as violators will be duplicated only with the specific authorization of the Regional Counsel.

3. The Regional Counsel will make arrangements with the State Director's office having custody of the registrant's file to duplicate the entire file and transmit it to the requesting United States Attorney. Care should be taken to copy all information contained in the file, except that whenever the registrant's file contains voluminous supporting papers, the United States Attorney, in consultation with the State Director, shall determine which documents are to be duplicated.

4. If the United States Attorney requests a copy of the file for the registrant's attorney, or if an attorney submits a signed request from the registrant that the attorney be furnished a copy of his file, the State Director having custody of the registrant's file will have a copy prepared and furnished to the designated attorney in accordance with Section 608.3(a)(1) and 608.3(e) of the RPM.

5. The general policy of the Selective Service System is to retain custody of the original file and to furnish a duplicate to the United States Attorney. Where time is a factor and the Regional Counsel authorizes the release of an original file to the United States Attorney, the Regional Counsel will be responsible for maintaining a constant follow-up. At the earliest possible date, the original file will be retrieved by the Regional Counsel and forwarded to the proper State Director who will prepare a duplicate if requested, for the United States Attorney.

SEC. 642.7 *Civil actions.*

1. A civil action is a legal action initiated by an individual against the government in an attempt to restrain the government from infringing upon what the individual believes are to be his rights.

a. If a summons in a civil action is served on a local board member or employee, if the issuance of a temporary restraining order is imminent, or if a local board member or employee is requested in any manner to appear in court, the Regional Counsel and the State Director shall immediately be notified by telephone. A copy of the summons served and complaint filed, and the name and selective service number of the registrant involved will be promptly furnished to the Regional Counsel. The Regional Counsel shall be responsible for keeping the State Director advised of the developments in the case.

b. In the event of a civil action, the registrant will continue to be processed in the normal manner until the local board is officially notified either by the Court, or the Regional Counsel through the State Director, that the Court has taken action as indicated in paragraph 2 below.

c. A copy of the complaint shall be filed in the registrant's file folder.

2. *Injunctions or Temporary Restraining Orders Granted*

a. When an injunction or temporary restraining order is actually granted, the United States Attorney or the registrant's attorney will usually deliver a copy of the order to the local board. Upon receiving a copy of any court order the local board must immediately notify the State Director by telephone, and furnish one copy of the order to the State Director and one copy to the appropriate Regional Counsel. The State Director will immediately consult with the Regional Counsel for appropriate advice and/or action.

b. The State Director and the local board will take no action to cancel or postpone an induction order or order for alternate service, but will stop processing the registrant immediately. The appropriate entry on the Registration Questionnaire (SSS Form 100) or Registrant File Folder (SSS Form 101) will be: "Processing restrained by order of the court in Civil No. ——, until (date)". If a delivery list containing the registrant's name has been prepared, a similar entry will be made on the list. Further processing of the case will then be held in abeyance until the expiration date of the court order. The local board may then set a new induction reporting date by issuance of a Notice of Rescheduled Reporting Date (SSS Form 253), or alternate service reporting date by Amendment to Order to Report for Alternate Service (SSS Form 153A), or resume processing of the registrant in the normal manner, after coordinating with the Regional Counsel through the State Director. In no event will a new Order to Report for Induction (SSS Form 252) or Order to Report for Alternate Service (SSS Form 153) be issued, except as directed by a court.

c. If a registrant's scheduled induction date comes during the period when the local board is under a court-ordered restraint, the registrant will not be reported as a violator, but actions will be taken in accordance with paragraph 2b of this section. If, after the expiration date of the court order, the local board sets a new date to report under the original order, and the registrant fails to report on the new date, he should then be reported as a violator in accordance with Section 642.2.

3. *Injunctions or Temporary Restraining Orders Denied.*

When a registrant's request for an injunction or restraining order is denied, he may appeal to a higher court. This action does not require an interruption of the normal local board processing of the registrant, unless a "stay order" is granted by the court. Such a "stay order" has the same effect as granting an injunction, and when advised of such an order, the local board will immediately advise the Regional Counsel and the State Director by telephone in accordance with Section 642.8, stop all processing and make the appropriate entries on the SSS Form 100 or on SSS Form 101, and on the Delivery List (See Section 642.8). The local board should arrange for a copy of either the denial order or the "stay order", if one is granted, to be placed in the registrant's file. One copy shall be forwarded to the State Director, and one copy to the appropriate Regional Counsel.

SEC. 642.8 *Subpenas served on local board or appeal board employees or members.*

A local board member or employee who is served with a subpena should immediately advise the Regional Counsel and the State Director by telephone. The Regional Counsel will be the sole point of contact with the United States Attorney and will advise the local board and the State Director what action is required.

SEC. 642.9 *Failure to register and late registration.*

1. A person subject to the provisions of the Military Selective Service Act is required to register within a period of 60 days beginning 30 days prior to the eighteenth anniversary of the date of his birth. An alien who, upon entering the United States, incurs the obligation to register, must register within six months of his date of entry. Any person who did not register during the prescribed period but who was required to be registered, is in violation of the Act and his subsequent compliance with the law does not absolve the initial violation. If a local board learns of any person who did not register during the prescribed period, and who does not register after an attempt is made by the local board to obtain compliance, the local board shall report him on SSS Form 301.

2. When a late registration occurs, the registrar shall prepare, date and sign a statement on a Report of Information (SSS Form 119), or a letter, setting forth the demeanor, attitude, and any statements of the registrant, or any other matter coming to the attention of the registrar regarding the reason for the late registration. The registrar's statement shall be typed in paragraph 5 of SSS Form 301 if a report of the violation is made.

3. Whenever the local board or the State Director learns that a person has failed to comply with the registration requirements, an effort shall be made to obtain compliance. If compliance is obtained, a finding and determination as to the circumstances of each late registration which takes place later than 60 days after the eighteenth anniversary of the registrant's date of birth or later than seven months from the date on which he entered the United States in the case of an alien who enters after attaining the age of 18, will be made by the local board, in a meeting with a quorm present. The determination will be that:

(1) There was deliberate intent not to register timely; or

(2) There was no deliberate intent not to register timely; or

(3) The registrant was unable to register on time due to circumstances beyond his control; for example, the registrant was hospitalized or institutionalized.

4. Although a registrant may be asked by mail (See Attachment 642–4) or in person why he was late in compliance, under no circumstances shall the registrant be *required* to make a statement, if he objects, concerning reasons for his failure to register in a timely manner.

5. A report of each of these three types of late registrations for the previous month will be transmitted by the local board to reach the State Headquarters by the 15th of the month. The State Headquarters will forward the reports of all its local boards so as to reach National Headquarters, Attention: General Counsel, not later than the last day of the month. See Attachment 642–5 for the format to be used for the monthly report. The report will be prepared in an original and two copies. The local board will retain a copy and send the original and one copy to the State Director. The State Director will retain the copy and send the originals of all local board reports to the General Counsel at one time. The General Counsel will advise the State Director of the actions to be taken in those cases where it is determined that a registrant is to be processed as a violator.

6. The State Director bears the responsibility for advising Local Board Chairmen if the local board is in doubt as to what determination to make in a late registration

case, and seeks the State Director's advice before arriving at a judgment. In those doubtful cases, the file folders of the late registrants will be forwarded to the State Director as an exception to Section 642.2 for an expression by the State Director to the Local Board Chairman.

SEC. 642.10 *Fictitious registration.*

Whenever the local board has its mailings returned because of an apparently fictitious name or address, or whenever it has any other reason to believe that a registration is fictitious, it shall, after reasonable efforts to determine the facts, report the responsible person as a violator in accordance with Section 642.2.

SEC. 642.11 *Abandoned, mutilated, altered, forged or counterfeit registration or classification documents.*

Whenever the local board gains possession of an abandoned or mutilated SSS Form 2, 7, or 110 which appears to have been caused by a deliberate act, or has knowledge of wrongful possession, altering, forging, or counterfeiting of such documents, it shall report the incident as a violation in accordance with Section 642.2.

SEC. 642.12 *Notification to a registrant who is no longer alleged to be a violator.*

A registrant who has been advised by the Regional Counsel that his case was referred to the United States Attorney for prosecution in accordance with Section 642.3, and whose case is finally disposed of without his being convicted, shall be notified of the disposition by letter from the local board upon the return of the registrant's file to the local board. A sample letter for this purpose is Attachment 642-3 of this chapter. Before notifying the registrant, the local board will verify that:

(1) The file contains a copy of the letter from the Regional Counsel to the registrant notifying him of the referral of his case to the United States Attorney for prosecution, and,

(2) That the file contains a copy of the letter from the Regional Counsel to the State Director informing the latter as to the disposition of the case.

If both (1) and (2) above are not contained in the file, the local board shall immediately request them from the State Director and the registrant will not be notified by letter of the disposition of his case until both are in hand. Registrants who were not previously advised that they were in violation of the law shall not be advised of the disposition of their case.

Addresses and Areas of Jurisdiction of Regional Counsel Offices

Regional Counsel
Region III Service Center
Selective Service System
Post Office Box 4130
Philadelphia, Pennsylvania 19144
FTS 8-215-438-7208

Alabama, Canal Zone, Connecticut, Delaware, D.C., Florida, Georgia, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York City, New York State, North Carolina, Ohio, Pennsylvania, Puerto Rico, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, Virgin Islands, West Virginia

Regional Counsel
Region VIII Service Center
Selective Service System
750 West Hampden Avenue
Englewood, Colorado 80110
FTS 8-303-234-2253

Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Louisiana, Minnesota, Missouri, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Utah, Texas, Wisconsin, Wyoming

Regional Counsel
Region IX Service Center
Selective Service System
GSA Federal Center, Bldg 2-G
620 Central Avenue
Alameda, California 94501
FTS 8-415-273-7597

Alaska, Arizona, California, Guam, Hawaii, Idaho, Montana, Nevada, Oregon, Washington

SAMPLE LETTER REGARDING NOTIFICATION OF REFERRAL OF VIOLATOR'S CASE TO THE UNITED STATES ATTORNEY FOR PROSECUTION

Date prepared

TO: _____
SSN: _____
Dear _____,

This will inform you that you are considered to be in violation of the Military Selective Service Act because of _____

_____

Your file therefore, has been submitted to the United States Attorney for the _____ District of _____ for a prosecutive determination.

_____
(Regional Counsel)

SAMPLE LETTER REGARDING NOTIFICATION OF CHANGE IN STATUS OF AN ALLEGED VIOLATOR

(Local Board Stamp)

Date Prepared

TO: _____
SSN: _____
Dear _____,

This will inform you that you are no longer considered to be in violation of the Military Selective Service Act as you were previously advised.

If you are a Selective Service registrant, any subsequent processing which you may undergo, including reopening of your classification and reclassification if appropriate, will be accomplished in the same manner afforded other registrants.

_____
Authorized Signature

SAMPLE LETTER REQUESTING REASONS FOR LATE REGISTRATION

(Local Board Stamp)

Date Prepared

TO: _____

SSN: _____

Dear _____,

Selective Service records indicate that your registration under the Selective Service law took place after the designated period had elapsed. It therefore appears that you may be in violation of the law.

You are entitled to present any information to your local board which will explain the reason for your late registration, but you are not required to do so. If you wish to, you may write the information below, and return this letter to your Local Board in the enclosed pre-addressed envelope. Any information you furnish will be considered by the local board in determining whether you should be reported as a violator, and will become part of your confidential Selective Service file.

_____
Authorized Signature

Reasons for Late Registration:

_____
Signature of Registrant

(SAMPLE FORMAT TO BE USED TO REPORT LATE REGISTRANTS)

(Local Board Stamp)

Date Prepared

THRU: State Director
Selective Service System
Street Address
City, State

TO: Director
Selective Service System
1724 F Street, N.W.
Washington, D.C. 20435
Attention: General Counsel

The following listed late registrants are reported in accordance with Section 642.9 of the RPM. Alien registrants to whom the seven-month provision applies are indicated by an asterisk preceding their name.

Name	SSN	Date of Birth	Date of Registration	Determination of Local Board (Code 1, 2 or 3)**

1. Deliberate intent not to register in a timely fashion.
2. No deliberate intent not to register in a timely fashion.
3. Circumstances beyond control of the registrant.

_____
Chairman of Local Board

TEMPORARY INSTRUCTION NO. 622-3
ISSUED: June 29, 1973
SUBJECT: Medical Specialty Students
(References: Section 1604.1(b), 1622.18 (a), SSR)

1. Effective immediately, any student pursuing a full-time course of study leading to a professional degree as a doctor of medicine, doctor of osteopathy, dentist, optometrist, podiatrist, or veterinarian, or licensure as a registered nurse, is specifically ineligible for Class 1-H by board action.

2. Any medical specialty student who is now in Class 1-H will have his classification reopened and be considered for Class 2-M.

3. Section 619.3 of the Registrants Processing Manual provides for the retention of files of students undergoing professional training for qualification as medical specialists, who have liability extended to age 35. If evidence is received that a student whose file is being retained beyond age 26 has terminated such course of study, other than by graduation, his file will be certified for destruction at that time.

This Temporary Instruction will terminate upon the revision of Chapters 622 and 619.

TEMPORARY INSTRUCTION APPENDIX 1-6

ISSUED: July 23, 1973

SUBJECT: Inductions and Medical Determinations (SSS Form 205); Report of Manpower Inventory (SSS Form 116) (JUL 73)

1. *SSS FORM 205:*

The requirement for the preparation and submission of the monthly report, Inductions and Medical Determinations (SSS Form 205), is suspended, until further notice, following submission of the report for the month of June 1973. Local boards will retain the procedural directive and facsimile dated July 1972 in Appendix 1 of the Registrants Processing Manual. Existing stocks of the form will be retained.

2. *SSS FORM 116:*

A supply of the new Report of Manpower Inventory (SSS Form 116) (JUL 73), will reach the field by early August, and is to be used beginning with the July 1973 report which will be submitted promptly upon receipt of the forms. The state consolidated reports are to reach National Headquarters by August 31, 1973.

This Temporary Instruction will remain in effect until amended or rescinded.

BYRON V. PEPITONE,
Director.

JULY 26, 1973.

[FR Doc.73-15962 Filed 8-2-73;8:45 am]

TARIFF COMMISSION

[AA1921-128]

PAPERMAKING MACHINERY AND PARTS THEREOF FROM SWEDEN

Notice of Investigation and Hearing

Having received advice from the Treasury Department on July 24, 1973, that papermaking machinery and parts thereof from Sweden are being, or are likely to be, sold at less than fair value, the United States Tariff Commission on July 27, 1973, instituted investigation No. AA1921-128 under section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

Hearing. A public hearing in connection with the investigation will be held in the Tariff Commission's Hearing Room, Tariff Commission Building, 8th and E Streets, NW, Washington, D.C. 20436, beginning at 10 a.m., e.d.t., on Tuesday, September 18, 1973. All parties will be given an opportunity to be present, to produce evidence, and to be heard at such hearing. Requests to appear at the public hearing should be received by the Secretary of the Tariff Commission, in writing, at its office in Washington, D.C., not later than noon, Thursday, September 13, 1973.

Issued: July 30, 1973.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.73-15979 Filed 8-2-73;8:45 am]

[337-L-62]

CERTAIN HYDRAULIC TAPPETS

Extension of Time for Filing Written Views

On June 19, 1973, the United States Tariff Commission published notice of the receipt of a complaint under section 337 of the Tariff Act of 1930, filed by Johnson Products, Inc., of Muskegon, Michigan, alleging unfair methods of competition and unfair acts in the importation and sale of certain hydraulic tappets (38 FR 16002). Interested parties were given until July 27, 1973, to file written views pertinent to the subject matter of a preliminary inquiry into the allegations of the complaint. The Commission has extended the time for filing written views until the close of business on September 27, 1973.

Issued: July 30, 1973.

By order of the Commission:

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.73-15980 Filed 8-2-73;8:45 am]

[TEA-F-54]

STANDARD CELLULOSE AND NOVELTY CO., INC.

Notice of Investigation Regarding Petition for Determination

On the basis of a petition filed under section 301(a)(2) of the Trade Expansion Act of 1962 on behalf of Standard Cellulose and Novelty Co., Inc., Ozone Park, New York, the United States Tariff Commission, on July 27, 1973, instituted an investigation under section 301(c)(1) of the said Act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with artificial plastic Christmas trees, garlands and wreaths (of the types provided for in item 772.97 of the Tariff Schedules of the United States) produced by the aforementioned firm, are being imported into the United States in such increased quantities as to cause, or threaten to cause, serious injury to such firm.

The optional public hearing afforded by law has not been requested by the petitioners. Any other party showing a proper interest in the subject matter of the investigation may request a hearing, provided such request is filed by August 13, 1973.

The petition filed in this case is available for inspection at the Office of the Secretary, United States Tariff Commission, 8th and E Streets, NW, Washington, D.C., and at the New York City office of the Tariff Commission located in Room 437 of the Customhouse.

Issued: July 30, 1973.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.73-15981 Filed 8-2-73;8:45 am]

VETERANS ADMINISTRATION

702-BED REPLACEMENT HOSPITAL, BRONX, NEW YORK

Notice of Availability of Draft Environmental Impact Statement

Notice is hereby given that a document entitled "Draft Environmental Statement for a 702-Bed Replacement Hospital, Bronx, New York," dated June 8, 1973, has been prepared as required by the National Environmental Policy Act of 1969. This project will provide for the replacement of an 1150-bed medical facility with a new 702-bed hospital. Three existing buildings will be retained and the rest demolished after construction of the new building. The new hospital will be contained within the existing 29.8 acre site located at 130 West Kingsbridge Road. The draft statement discusses the environmental impact of the project. The document is being placed for public examination in the Veterans Administration office in Washington, D.C. Persons wishing to examine a copy of the document may do so at the following office:

Mr. Arthur W. Farmer, Assistant Chief Medical Director for Administration and Facilities (13), Room 600, Veterans Administration, 810 Vermont Avenue, NW., Washington, D.C. 20420.

Single copies of the draft statement may be obtained on request to the above office.

Dated: July 30, 1973.

By direction of the Administrator,

[SEAL] FRED B. RHODES,
Deputy Administrator.

[FR Doc.73-16084 Filed 8-2-73;8:45 am]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING THE EMPLOYMENT OF FULL-TIME STUDENTS WORKING OUTSIDE OF SCHOOL HOURS AT SPECIAL MINIMUM WAGES IN RETAIL OR SERVICE ESTABLISHMENTS OR IN AGRICULTURE

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulation on employment of full-time students (29 CFR, Part 519), and Administrative Order No. 621 (36 FR 12819), the establishments listed in this notice have been issued special certificates authorizing the employment of full-time students working outside of school hours at hourly rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. While effective and expiration dates are shown for those certificates issued for less than a year, only the expiration dates are shown for certificates issued for a year. The minimum certificate rates are not less than 85 percent of the applicable statutory minimum.

The following certificates were issued to variety-departments stores and provide for an allowance not to exceed the

proportion of the total hours worked by full-time students at rates below $1 an hour to the total number of hours worked by all employees in the establishment during the base period in occupations of the same general classes in which the establishment employed full-time students at wages below $1 an hour in the base year; or provide the same standards authorized in certificates previously issued to the establishment.

Duckwall Stores Co.: No. 36, Wray, CO, 5-20-74; No. 55, Topeka, KS, 6-2-74.

Fanties, Inc., 100 South Main Avenue, Sioux Falls, SD; 6-11-73 to 6-5-74.

Forum 5 & 10, Inc., 1621 Jefferson Avenue, St. Louis, MO; 5-25-73 to 4-12-74

Freight Salvage, Inc., 808 Broadway, Highland, IL; 6-6-74.

Goldblatt Bros., Inc., 5-31-73, except as otherwise indicated: 14 Country Fair Shopping Center, Champaign, IL; 333 South State Street, Chicago, IL; 3311 West 26th Street, Chicago, IL (5-21-74).

W. T. Grant Co., 5544 Norwood Avenue, Jacksonville, FL; 5-18-74.

Haffner's 5¢ to $1.00 Stores, No. 23, Sandusky, MI; 5-24-74.

Hart-Albin Co., Broadway at Second Avenue, Billings, MT; 5-20-74.

Harvey's Inc.: 3838 Broadway, Gary, IN, 6-8-74; 152 West Lincolnway, Valparaiso, IN, 6-17-74.

S. S. Kresge Co.: No. 4164, Birmingham, AL, 6-19-74; No. 791, Clearwater, FL, 5-21-73 to 5-9-74; No. 303, Arlington, Heights, IL, 6-5-74; No. 4600, Chicago, IL, 6-2-74; No. 4227, Des Plaines, IL, 5-22-74; No. 4595, Olney, IL, 5-23-74; No. 4436, Peru, IL, 6-14-74; No. 4148, Hammond, IN, 5-24-74; No. 4152, Mishawaka, IN, 6-7-74; No. 4434, Clinton, IA, 5-31-74; No. 4485, Mason City, IA, 5-31-74; 109 East Second Street, Muscatine, IA, 6-8-74; No. 3037, Brooklyn Center, MN, 6-14-74; No. 3045, New Hope, MN, 6-14-74; No. 279, St. Paul, MN, 6-8-74; No. 4304, Florissant, MO, 5-21-74; No. 689, Grandview, MO, 6-19-74; No. 585, Lincoln, NE, 6-16-74; No. 4130, Omaha, NE, 6-17-74; No. 4233, Youngstown, OH, 6-12-74; No. 4234, Spartanburg, SC, 6-15-74; No. 4141, West Columbia, SC, 6-13-74.

Kuhn's Variety Store, Waldron Street and Public Square, Corinth, MS; 6-3-74.

La-Veen's Department Store, Inc., 4030 Lake Michigan Drive NW, Grand Rapids, MI; 5-25-74.

Leonhard's, Inc., 3200 Dauphine Street, New Orleans, LA; 5-31-74.

Lofton's, Brookhaven, MS; 6-16-74.

Morgan and Lindsey: No. 3006, Mansfield, LA, 5-5-74; No. 3089, New Orleans, LA, 5-20-74; No. 3036, Pascagoula, MS, 5-26-74.

G. C. Murphy Co.: No. 296, Decatur, AL, 6-1-74; No. 297, Gadsden, AL, 6-1-74; No. 306, Huntsville, AL, 6-1-74; No. 405, Portland, IN, 4-27-74; No. 200, Maysville, KY, 6-14-74; No. 26, Marion, OH, 6-15-74; No. 336, Van Wert, OH, 6-14-74.

Raylass Department Store, 5-30-74: 406 Elm Street, Lumberton, NC; 607 Market Street, Chattanooga, TN.

Royal's, Inc., Immokalee, FL; 5-21-73 to 5-8-74.

Spurgeon's: 218 North Tremont, Kewanee, IL, 6-4-74; 116 West Main Street, Washington, IA, 6-2-74.

Sterling Stores Co., University and Markham Streets, Little Rock, AR; 6-1-74.

Tomlinson Stores, Inc.: 146 East Carolina Avenue, Hartsville, SC, 5-31-74; 107 West Main Street, Kingstree, SC, 6-14-74; 326 North Main Street, Marion, SC, 6-14-74.

T. G. & Y. Stores Co., 5-31-74, except as otherwise indicated: No. 191, Flagstaff, AZ; No. 190, Scottsdale, AZ; No. 581, Chino, CA; No. 658, Simi Valley, CA; No. 500, Yucaipa, CA; No. 736, Kissimmee, FL (6-14-74); No. 713, Pine Castle, FL (6-14-74);

No. 305, Kansas City, KS (6-11-74); No. 96, Topeka, KS (5-27-74); No. 476, Independence, MO; No. 129, Kansas City, MO (6-5-74); No. 477, Sikeston, MO (6-18-74); No. 415, Oklahoma City, OK (5-29-74); No. 417, Oklahoma City, OK (6-14-74); No. 449, Oklahoma City, OK (6-11-74); No. 310, Bellaire, TX (6-14-74)

Wood's 5 & 10c Stores, Inc., Lewis Smith Shopping Center, Whiteville, NC; 5-29-73 to 5-27-74.

The following certificates issued to establishments permitted to rely on the base-year employment experience of others were either the first full-time student certificates issued to the establishment, or provide standards different from those previously authorized. The certificates permit the employment of full-time students at rates of not less than 85 percent of the applicable statutory minimum in the classes of occupations listed, and provide for the indicated monthly limitations on the percentage of full-time student hours of employment at rates below the applicable statutory minimum to total hours of employment of all employees.

G. A. S., Inc., variety-department store; 112 Peoria Street, Washington, IL; salesclerk, stock clerk, cashier clerk; 24 to 43 percent; 5-28-74.

M. E. Moses Co., variety-department stores, for the occupations of salesclerk, checker-cashier, stock clerk, 22 to 30 percent: No. 28, Dallas, TX, 5-22-74; No. 39, Dallas, TX, 5-23-74.

Sterling Jewelry & Distributing Co., variety-department stores, for the occupations of stock clerk, sacker, salesclerk, runner, 7 to 27 percent, 6-11-74: 106 Mercantile Continental Building, Dallas, TX; 802 Milam Street, Houston, TX.

T. G. & Y. Stores Co., variety-department store; No. 1101, Baxley, GA; salesclerk, stock clerk; 19 to 30 percent; 5-13-74.

Each certificate has been issued upon the representations of the employer which, among other things, were that employment of full-time students at special minimum rates is necessary to prevent curtailment of opportunities for employment, and the hiring of full-time students at special minimum rates will not create a substantial probability of reducing the full-time employment opportunities of persons other than those employed under a certificate. The certificate may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof on or before September 4, 1973.

Signed at Washington, D.C. this 26th day of July 1973.

DONALD T. CRUMBACK,
Authorized Representative of the Administrator.

[FR Doc.73-15996 Filed 8-2-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 311]

ASSIGNMENT OF HEARINGS

JULY 31, 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 121499 Sub 6, William Hayes Lines, Inc., now assigned September 17, 1973, (1 week), will be held in Room 310, Peachtree 7th Building, 50 7th Street, Atlanta, Georgia.

MC 121600 Sub 1, Averitt Express, Inc., now assigned September 10, 1973, at Nashville, Tenn., is cancelled and the application is dismissed.

MC 115841 Sub 438, Colonial Refrigerated Transportation, Inc., now being assigned continued hearing October 9, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 138213, Redi Lease Co., now assigned September 10, 1973, at St. Louis, Mo., will be held at the Sheraton-Jefferson Hotel, 415 North 12th Street.

FD 27436, National Railroad Passenger Corporation (Amtrak)—Discontinuance of Trains Nos. 30 & 31, 530 & 531—Between New York, New York/Washington, D.C., and Kansas City, Missouri (National Limited), now being assigned hearings September 4, 1973 (3 days), at Indianapolis, Ind., September 7, 1973 (1 day) at Effingham, Ill., September 10, 1973 (1 day), at St. Louis, Mo., September 11, 1973 (1 day), at Jefferson City, Mo., September 12, 1973 (1 day), at Kansas City, Mo., September 14, 1973 (1 day), at Columbus, Ohio, September 17, 1973 (1 day), at Pittsburgh, Pa., September 18, 1973 (1 day), at Huntingdon, Pa., September 19, 1973, (1 day), at Harrisburg, Pa., September 20, 1973 (1 day), at Philadelphia, Pa., September 21, 1973 (1 day), at New York, N.Y., and September 24, 1973 (1 day), at Washington, D.C., in hearing rooms to be later designated.

MC 107515 Sub 820, Refrigerated Transport Co., Inc., now assigned September 12, 1973, at St. Louis, Mo., will be held at the Sheraton-Jefferson Hotel, 415 North 12th Street.

MC 127042 Sub 102, Hagen, Inc., now assigned September 17, 1973, at St. Louis, Mo., will be held at the Sheraton-Jefferson Hotel, 415 North 12th Street.

FD 27437, National Railroad Passenger Corporation (Amtrak)—Discontinuance of Trains Nos. 52 & 53 Between Chicago and St. Petersburg/Miami, Florida (The Floridian), now being assigned September 4, 1973 (3 days), at Chicago, Ill., September 7, 1973 (1 day), at Indianapolis, Ind., September 10, 1973, (1 day), at Louisville, Ky., September 11, 1973 (1 day), at Nashville, Tenn., September 13, 1973 (1 day), at Birmingham, Ala., September 14, 1973 (1 day), at Montgomery, Ala., September 17, 1973 (1 day), at Thomasville, Ga., September 18, 1973, (1 day), at Waycross, Ga., September 19, 1973, (1 day), at Jacksonville, Fla., in hearing rooms to be later designated.

MC 87720 Sub 131, Bass Transportation Co., Inc., now assigned September 19, 1973, at St. Louis, Mo., will be held at the Sheraton-Jefferson Hotel, 415 North 12th Street.

MC 127669 Sub 5, Cherry Hill Transit, now being assigned hearing September 24, 1973 (1 week), at Trenton, N.J., in a hearing room to be later designated.

MC 72442 Sub 39, Akers Motor Lines, Inc., now being assigned hearing September 24, 1973, (1 week), at Harrisburg, Pa., in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-16070 Filed 8-2-73;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

JULY 31, 1973.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the General Rules of Practice (49 CFR 1100.40) and filed on or before August 20, 1973.

FSA No. 42722—*Oats and Screenings from and to Points in Southwestern and Southern Territories.* Filed by Southwestern Freight Bureau, Agent, (No. B-424), for interested rail carriers. Rates on oats and screenings, in carloads, as described in the application, from various points in southwestern and western trunk-line territories, to points in southwestern and western trunk-line territories; also Natchez, Miss., and Memphis, Tenn.

Grounds for relief—Motor-truck competition and rate relationship.

Tariffs—Supplement 121 to Southwestern Freight Bureau, Agent, tariff 180-L, I.C.C. No. 4901, and 8 other schedules named in the application. Rates are published to become effective on September 3, 1973.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-16071 Filed 8-2-73;8:45 am]

[Ex Parte 270, Ex Parte 270 (Sub-No. 2), Ex Parte 271]

INVESTIGATION OF RAILROAD FREIGHT RATE STRUCTURE, FREIGHT SERVICE; NET INVESTMENT—RAILROAD RATE BASE AND RATE OF RETURN

Notice of Solicitation of Comments

The Interstate Commerce Commission hereby notifies all interested carriers, shippers, and other persons that its Special Projects Counsel, now under contract to this Commission, has by a Circular Letter of July 27, 1973, invited their views and comments on a list of "Proposed Commodity Groups." The 110 groups were selected by counsel for further study and investigation. Counsel particularly solicited comments by August 15, 1973, with respect to the following aspects of the proposed groups of commodities:

(1) Has any significant commodity group been omitted? If so, advise us of the composition of any additional suggested group and your reasons for its inclusion.

(2) Should any commodity group either be omitted as a separate group or combined with another group?

(3) As to any specific commodity group, does the listing of the STCC code numbers reflect a reasonable grouping of individual articles for the purposes of this study? If not, please recommend specific additions or deletions of code numbers.

Requests for copies of the list and inquiries pertaining to the groups should be addressed to:

Leonard S. Goodman
Special Projects Counsel to the Interstate Commerce Commission
Suite 200
1030—15th Street, N.W.
Washington, D.C. 20005

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-16076 Filed 8-2-73;8:45 am]

[Notice No. 327]

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 23, 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-74576. By order of July 24, 1973 the Motor Carrier Board approved the transfer to Shirar Feed Co., Flora, Ind., of Permits Nos. MC-88182 and MC-88182 (Sub-No. 1) issued May 12, 1943, and November 5, 1964, respectively, to Ora F. Shirar, Flora, Ind., authorizing the transportation, as a contract carrier, of: Fertilizer, from Chicago, Ill., to points in Indiana, and return; animal and poultry feed from Burlington, Wis., to points in Indiana, and return; poultry, eggs, livestock, grain, and agricultural commodities, from Indiana points to Chicago, Ill., and return; animal and poultry feed, from Burlington, Wis., to points in Illinois, Indiana (except White and Carroll Counties), and Ohio; burlap and cotton bags, insecticides, and poultry and livestock remedies, from Burlington, Wis., to points in Illinois, Indian, Ohio and the lower peninsula of Michigan; and commodities used in the manufacture of animal and poultry feed, insecticides, and poultry and livestock remedies, from points in Illinois, Indiana, and Ohio to Burlington, Wis. Mr. Robert W. Loser, attorney at law, 1009 Chamber of Commerce Building, Indianapolis, Indiana 46204.

No. MC-FC-74602. By order of July 26, 1973 the Motor Carrier Board approved the transfer to Roderick G. Dahlhammer, York, Pa., of Certificate of Registration No. MC-121327 (Sub-No. 1) issued March 10, 1965, to Robert J. Krouse, Delta, Pa., evidencing a right to engage in transportation in interstate commerce as described in certificate No. 76066, dated December 18, 1950, issued by the Public Utility Commission of Pennsylvania. Fred E. Kilgore, 139 East Market Street, York, Pa. 17401, attorney for applicants.

No. MC-FC-74607. By order of July 24, 1973 the Motor Carrier Board approved the transfer to Richard M. Baar, D/B/A Dick Baar Trucking, Dickinson, N. Dak. 58601 of Permit No. MC-129332 issued October 16, 1968, to Rachel Fridley, D/B/A Fridley Trucking, Dickinson, N. Dak. 58601, authorizing the transportation of malt beverages, orange juice, distilled water, sweeping compound, glassware, and advertising material, used in restaurants and bars, from Minneapolis-St. Paul and Shakopee, Minn., and Milwaukee, Sheboygan, and LaCrosse, Wis., to Dickinson, N. Dak., for the account of Johnston, Inc., of Dickinson, N. Dak.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-16075 Filed 8-2-73;8:45 am]

[Notice No. 103]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 30, 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 64932 (Sub-No. 516 TA) (CORRECTION) filed July 5, 1973, published in the FEDERAL REGISTER issue of July 24, 1973, and republished as corrected this issue. Applicant: ROGERS CARTAGE CO. 10735 S. Cicero Avenue Oak Lawn, Ill. 60453 Applicant's representative: Carl L. Steiner 39 South LaSalle Street Chicago, Ill. 60603 Note: The purpose of this partial republication is to show that applicant correct name is ROGERS CARTAGE CO., in lieu of RELIANCE AGE CO., which was published in error in the Federal Register. The rest of the application remains the same.

No. MC 108207 (Sub-No. 370 TA) (CORRECTION) filed June 31, 1973, published in the FEDERAL REGISTER issue of July 26, 1973, and republished as corrected this issue. Applicant: FROZEN FOOD EXPRESS 318 Cadiz St. P.O. Box 5888 Dallas, Tex. 75222 Applicant's representative: J. B. Ham (Same address as above) Note: The purpose of this partial republication is to correct the MC number to No. MC 108207 (Sub-No. 370 TA) in lieu of No. MC 10827 (Sub-No. 370 TA) which was published in the Federal Register in error. The rest of the application remains the same.

No. MC 136343 (Sub-No. 15 TA) (CORRECTION) filed June 7, 1973, published in the FEDERAL REGISTER issue of July 12, 1973, as No. MC 134776 (Sub-No. 22 TA) and republished as corrected this issue. Applicant: MILTON TRANSPORTATION, INC. RD 1, P.O. Box 207 Milton, Pa. 17847 Applicant's representative: George A. Olsen 69 Tonnele Avenue Jersey City, N.J. 07306 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. Also applicant is now asigned No. MC 136343 (Sub-No. 15 TA) in lieu of No. MC 134766 (Sub-No. 22 TA) which was published in error. The rest of the application remains the same.

By The Commission.

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

[FR Doc.73-16072 Filed 8-2-73;8:45 am]

[Notice No. 325]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 31, 1973.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-74640. By application filed July 25, 1973, HENRY H. R. COE, JR., AND MARTHA S. COE, doing business as CODY BUS LINE, P.O. Box 885, Cody, WY 82414, seeks temporary authority to lease the operating rights of JOHN WAGNER AND MAYBELLE WAGNER, doing business as CODY BUS LINE, 1436 Sheridan Ave., Cody, WY 82414, under section 210a(b). The transfer to HENRY H. R. COE, JR., AND MARTHA S. COE, doing business as CODY BUS LINE, of the operating rights of JOHN WAGNER AND MAYBELLE WAGNER, doing business as CODY BUS LINE, is presently pending.

By the Commission.

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

[FR Doc.73-16073 Filed 8-2-73;8:45 am]

[Notice No. 326]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 31, 1973.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-74635. By application filed July 25, 1973, BARRE GRANITE TRANSFER, INC., Box 487, Barre, VT 05641, seeks temporary authority to lease the operating rights of LAWRENCE ANDREW LaFOUNTAIN (LEON FRIEDMAN, ADMINISTRATOR), doing business as BARRE GRANITE, RFD #2, Barre, VT 05641, under section 210a(b). The transfer to BARRE GRANITE TRANSFER, INC., of the operating rights of LAWRENCE ANDREW LaFOUNTAIN (LEON FRIEDMAN, ADMINISTRATOR), doing business as BARRE GRANITE, is presently pending.

By the Commission.

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

[FR Doc.73-16074 Filed 8-2-73;8:45 am]

COST OF LIVING COUNCIL

[Cost of Living Council Order No. 33]

DIRECTOR, NATIONAL ENERGY OFFICE

Delegation of Authority

Pursuant to the authority vested in me by Executive Order No. 11695, it is hereby ordered as follows:

1. The authority with respect to petroleum products under section 203(a)(3) of the Economic Stabilization Act of 1970, as added by section 2(b) of the Economic Stabilization Act Amendments of 1973 is delegated to the Director of the National Energy Office established by Executive Order 11712, including, without limitation, the power and duty to make the determinations and take the actions required or permitted by the Act and the power to redelegate any of the authority thereunder.

2. Nothing herein shall be deemed to delegate any authority with respect to the stabilization of prices under section 203(a)(1) of the Act.

3. Cost of Living Council Order No. 27 is hereby rescinded.

4. This Order shall be effective immediately.

Dated: July 30, 1973.

GEORGE P. SHULTZ, *Chairman, Cost of Living Council.*

[FR Doc.73-16180 Filed 8-2-73;11:27 am]

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WASHINGTON, D.C.

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PART II

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

■

CAPITAL EXPENDITURES

Proposed Limitation on Federal Participation

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

[42 CFR Parts 51, 81]

CAPITAL EXPENDITURES

Proposed Limitation on Federal Participation

Notice is hereby given that the Assistant Secretary for Health of the Department of Health, Education, and Welfare, with the approval of the Secretary of Health, Education, and Welfare, proposes to issue a new Part 81 of Title 42, Code of Federal Regulations, entitled "Limitation on Federal Participation for Capital Expenditures", and to amend Part 51, Subpart A, of Title 42, Code of Federal Regulations, entitled "Grants to States for Comprehensive Health Planning".

The purpose of the proposed Part 81 is to implement the provisions of section 1122 of the Social Security Act, as added by section 221(a) of the Social Security Amendments of 1972 (86 Stat. 1386–89; 42 U.S.C. 1320a–1). The purpose of section 1122 is to assure that Federal funds appropriated under titles V, XVIII, and XIX of the Social Security Act are not used to support unnecessary capital expenditures made by or on behalf of health care facilities of health maintenance organizations which are reimbursed under any of such titles. Under section 1122, the Secretary of Health, Education, and Welfare is directed to make an agreement with any State which is able and willing to do so under which a designated planning agency will submit to the Secretary findings and recommendations relating to whether capital expenditures proposed by or on behalf of health care facilities and health maintenance organizations in the State are consistent with the standards, criteria, or plans developed pursuant to the Public Health Service Act or the Mental Retardation Facilities and Community Mental Health Centers Act of 1963. Where the designated planning agency finds that a proposed capital expenditure is not in conformity with such standards, criteria, or plans, or where timely notice of such an expenditure has not been provided to such agency, the Secretary is required, subject to certain exceptions set forth in the statute, to exclude from the Federal payments made under titles, V, XVIII, and XIX to the facility or organization expenses related to such capital expenditure.

The proposed new Part 81 sets forth requirements governing the agreements to be entered into pursuant to section 1122, including those relating to the agency to be named as the designated planning agency, criteria and procedures for review of proposed capital expenditures by the designated agency and other appropriate agencies in the State, and submission of findings and recommendations to the Secretary; and procedures for review of such findings and recommendations by the Secretary. Regulations relating to payment by the Secretary to States for the reasonable cost of performing the review functions (pursuant to section 1122(c)) and to the computation by the Secretary of the amounts to be excluded from reimbursement under titles V, XVIII, and XIX, are in preparation and will be published separately.

The proposed amendment to Subpart A of Part 51 would require that State plans for comprehensive health planning make provision for assisting health care facilities and health maintenance organizations to develop programs for capital expenditures in accordance with criteria to be established by the Secretary after consultation with the States, and sets forth criteria to be considered for such purpose.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed new 42 CFR Part 81 and the proposed amendment to Part 51, Subpart A, to the Comprehensive Health Planning Service, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20852, on or before September 4, 1973. Comments will be available for public inspection at Room 7–43, Parklawn Building, between the hours of 8:30 a.m. and 5 p.m., Monday through Friday.

It is therefore proposed to issue a new Part 81 of Title 42, and to amend Part 51, Subpart A, of Title 42, as set forth below.

Dated: July 18, 1973.

CHARLES C. EDWARDS,
Assistant Secretary for Health.

Approved: July 23, 1973.

FRANK CARLUCCI,
Acting Secretary.

PART 81—LIMITATION ON FEDERAL PARTICIPATION FOR CAPITAL EXPENDITURES

1. Title 42, CFR, is amended by the addition of a new Part 81, to read as follows:

Sec.
81.101 Applicability.
81.102 Definition.
81.103 Expenditures covered.
81.104 Agreement; general.
81.105 Agreement; designated agency.
81.106 Agreement; procedures for agency review.
81.107 Agreement; criteria for agency review.
81.108 Determination by the Secretary.
81.109 Continuing effect of determinations.

AUTHORITY: Sec. 1122, Social Security Act; 42 U.S.C. 1320a–1.

§ 81.101 Applicability.

The provisions of this part are applicable to agreements entered into by the Secretary with the various States pursuant to section 1122 of the Social Security Act (42 U.S.C. Chap. 7), and to determinations made by the Secretary thereunder, for the purpose of assuring that Federal funds appropriated under titles V, XVIII, and XIX of the Social Security Act are not used to support unnecessary capital expenditures made by or on behalf of health care facilities or health maintenance organizations which are reimbursed under any of such titles and that, to the extent possible, reimbursement under such titles shall support planning activities with respect to health services and facilities in the various States.

§ 81.102 Definitions.

(a) "Act" means the Social Security Act, as amended (42 U.S.C. Chap. 7).

(b) "State" means any of the several States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

(c) "Secretary" means the Secretary of Health, Education, and Welfare and any other officer or employee of the Department of Health, Education, and Welfare to whom the authority involved may be delegated.

(d) "Person" means an individual, a trust or estate, a partnership, or a corporation (including associations, joint-stock companies, and insurance companies).

(e) "Health care facility" includes hospitals, psychiatric hospitals, tuberculosis hospitals, skilled nursing facilities, home health agencies, and providers of outpatient physical therapy services (including speech pathology services) as defined in section 1861(e), (f), (g), (j), (o), and (p), respectively, of the Act (except that such term shall not apply with respect to outpatient physical therapy services performed by a physical therapist in his office or in a patient's home); kidney disease treatment centers, including freestanding hemodialysis units; intermediate care facilities as defined in section 1905(c) of the Act; and organized ambulatory health care facilities such as health centers, family planning clinics, and facilities providing surgical treatment to patients not requiring hospitalization (surgicenters), which are not part of a hospital but which are organized and operated to provide medical care to outpatients.

(f) "Health maintenance organization" means a public or private organization, organized under the laws of any State, which

(1) Provides or otherwise makes available to enrolled participants health care services, including at least the following basic health care services: Usual physician services, hospitalization, laboratory, x-ray, emergency and preventive services, and out-of-area coverage;

(2) Is compensated (except for copayments) for the provision of the basic health care services listed in subparagraph (1) of this paragraph to enrolled participants solely on a predetermined periodic rate basis; and

(3) Provides physicians' services primarily (i) directly through physicians who are either employees or partners of such organization, or (ii) through arrangements with individual physicians or one or more groups of physicians (organized on a group practice or individual practice basis).

§ 81.103 Expenditures covered.

Any capital expenditure proposed by or on behalf of any health care facility or health maintenance organization, the obligation for which is incurred by or on behalf of a health care facility or health maintenance organization after December 31, 1972, is subject to this part: *Provided, that,* In the case of a health care facility providing health care services as of December 18, 1970, which on such date is committed to a formal plan of expansion or replacement, this part shall not apply with respect to such expenditures as may be made or such obligations as may be incurred for capital items included in such plan where preliminary expenditures toward the plan of expansion or replacement (including payments for studies, surveys, designs, plans, working drawings, specifications, and site acquisition, essential to the acquisition, improvement, expansion, or replacement of the health care facility or equipment concerned) of $100,000 or more, had been made during the three-year period ended December 17, 1970.

(a) (1) For purposes of this part, a "capital expenditure" is an expenditure, including a force account expenditure (i.e., an expenditure for an internal work force employed by the facility), which, under generally accepted accounting principles, is not properly chargeable as an expense of operation and maintenance and which (i) exceeds $100,000, or (ii) changes the bed capacity of the facility with respect to which such expenditure is made, or (iii) substantially changes the services of the facility with respect to which such expenditure is made.

(2) (i) For purposes of paragraph (a) (1) (i) of this section, the cost of studies, surveys, designs, plans, working drawings, specifications, and other activities essential to the acquisition, improvement, expansion, or replacement of the plant and equipment with respect to which such expenditure is made shall be included in determining whether such expenditure exceeds $100,000.

(ii) For purposes of paragraph (a) (1) (i) of this section, where the estimated cost of a proposed project, including cost escalation factors appropriate to the area in which the project is located, is, within 60 days of the date on which the obligation for such expenditure is incurred, certified by a licensed architect or engineer to be less than $100,000, such expenditure shall be deemed not to exceed $100,000 regardless of the actual cost of such project: *Provided, that,* In any such case where the actual cost of the project exceeds $100,000, the health care facility or health maintenance organization on whose behalf such expenditure is made shall provide written notification of such cost to the designated planning agency not more than 30 days after the date on which such expenditure is incurred. Such notification shall include a copy of the certified estimate.

(iii) For purposes of paragraph (a) (1) (ii) of this section, the term "bed capacity" means licensed capacity under applicable State or local law, or, if there is no such law, the number of beds in a given facility as of January 1, 1973, as determined by the designated planning agency.

(iv) For purposes of paragraph (a) (1) (iii) of this section, a capital expenditure which "substantially changes the services" of a facility means a capital expenditure which results in the addition of a clinically related (i.e., diagnostic, curative, or rehabilitative) service not previously provided in the facility or the termination of such a service which had previously been provided in the facility.

(v) Any change in a proposed capital expenditure which itself meets the criteria set forth in this paragraph, shall, for purposes of this part, be deemed a capital expenditure.

(b) Where a person obtains, under lease or comparable arrangement, or through donation, any facility or part thereof, or equipment for a facility, the expenditure for which would have been considered a capital expenditure and subject to exclusion from reimbursement under titles V, XVIII, and XIX of the Act pursuant to this part if the person had acquired it by purchase, such acquisition shall be deemed a capital expenditure by or on behalf of such facility and the Secretary shall, subject to section 1122(d) of the Act:

(1) In the case of a donation which is carried by such person as a capital asset, or in computing such person's rental expense, in determining the Federal payments to be made under such titles V, XVIII, and XIX with respect to services furnished in such facility, deduct the amount which in his judgment is a reasonable equivalent of the amount that would have been excluded if the person had acquired such facility or equipment by purchase. The amount to be excluded pursuant to this subparagraph shall be based upon.

(i) The fair market value, as determined by the Secretary, in the case of real property; and

(ii) The Estimated Useful Lives of Depreciable Assets as set forth in the American Hospital Association Chart of Accounts for Hospitals, or comparable table for the computation of equipment values acceptable to the Secretary, in the case of equipment.

(2) In computing such person's return on equity capital, deduct any amount deposited under the terms of the lease or comparable arrangement.

(c) Obligation: An obligation for a capital expenditure shall be deemed to have been incurred by or on behalf of a health care facility or health maintenance organization

(1) When an enforceable contract is entered into by such facility or organization or by a person proposing such capital expenditure on behalf of such facility or organization for the construction, acquisition, lease or financing of a capital asset; or

(2) Upon the formal internal commitment of funds by such facility or organization for a force account expenditure which constitutes a capital expenditure; or

(3) In the case of donated property, the date on which the gift is completed in accordance with applicable State Law.

§ 81.104 Agreement; general.

The Secretary, after consultation with the Governor (or other chief executive officer) and with apropriate public officials, shall make an Agreement with any State which is able and willing to enter into such an agreement under which a designated planning agency (which shall be an agency described in § 81.105) will submit to the Secretary, together with such supporting materials as the Secretary may require, the following:

(a) With respect to each capital expenditure proposed by or on behalf of a health care facility or health maintenance organization in such State, the findings of such designated planning agency as to whether

(1) The designated planning agency or any other agency described in § 81.105 had been given notice of such proposed capital expenditure (in accordance with such procedure or in such detail as may be required pursuant to § 81.106) at least 60 days prior to obligation for such expenditure; and

(2) Such expenditure is or is not consistent with the standards, criteria, or plans developed pursuant to the Public Health Service Act (or the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963) to meet the need for adequate health care facilities in the area covered by the plan or plans so developed.

(i) In reaching such findings, the designated planning agency shall consult with, and take into consideration the findings and recommendations of, the other agencies described in § 81.105.

(ii) Where the designated planning agency finds that such expenditure is not consistent with such standards, criteria, or plans, it shall submit to the Secretary the findings and recommendations of all such other agencies with which it has consulted.

(b) With respect to each proposed capital expenditure which is found by the designated planning agency to be not consistent with the standards, criteria, or plans described in paragraph (a) of this section, its recommendation as to whether the Secretary should either

(1) Exclude, in determining the Federal payments to be made under titles V, XVIII, and XIX of the Act with respect to services furnished in the health care facility or health maintenance organization for which such capital expenditure is made, any amount which is attributable to a depreciation, interest on borrowed funds, a return on equity capital (in the case of proprietary facilities), or other expenses related to such capital expenditure (in accordance with section 1122(d) (1) of the Act; or

(2) Not exclude such expenses, on the ground that such facility or organization has demonstrated proof of capability to provide comprehensive health care services efficiently, effectively, and economically, and that such an exclusion would discourage the operation or expansion of such facility or organization, or of any facility of such organization.

(c) With respect to each proposed capital expenditure which is found by any other agency described in § 81.105 of this part to be not consistent with the standards, criteria, or plans described in paragraph (a) of this section within the field of responsibilities of such other agency, the findings and recommendations of such other agency.

(d) With respect to each proposed capital expenditure as to which the designated planning agency reaches a finding contrary to that reached by the local area planning agency described in § 81.105(a)(3), a statement of the reasons for such a contrary finding.

§ 81.105 Agreement; designated agency.

(a) The designated planning agency designated in the Agreement shall be one of the following:

(1) The State agency designated or established pursuant to section 314(a) of the Public Health Service Act as the sole agency for administering or supervising the administration of the State's health planning functions under the plan developed pursuant to such section 314 (a).

(2) The State agency designated pursuant to section 604(a) of the Public Health Service Act as the sole agency for the administration of the State plan developed pursuant to Title VI of the Public Health Service Act.

(3) The public or nonprofit private agency or organization responsible for the comprehensive regional, metropolitan area, or other local area plan or plans referred to in section 314(b) of the Public Health Service Act covering the area in which the health care facility or health maintenance organization proposing such capital expenditure is or is proposed to be located or, if there is no such agency covering such area, such other public or nonprofit private agency or organization which is found by the State agency referred to in paragraph (a)(1) of this section and by the Secretary to be performing similar functions.

(b) The designated planning agency shall have a governing body or advisory board at least half of whose members represent consumer interests.

§ 81.106 Agreement; procedures for agency review.

(a) The Agreement shall provide for the following notification and review procedures:

(1) The designated planning agency shall establish and maintain procedures under which timely written notice of the intention to make a capital expenditure subject to this part is required to be given (i) to the designated planning agency, in which case such agency shall distribute copies of such notice to those other agencies described in § 81.105 whose respective fields of responsibility cover the proposed expenditure, or (ii) simultaneously to the designated planning agency and to those other agencies described in § 81.105 whose respective fields of responsibility cover the proposed expenditure. Such notice shall set forth the date on which the obligation is expected to be incurred, and must be received by the designated planning agency not less than 60 days prior to such date.

(2) Such notice shall be submitted in such form and manner and shall contain such information as may be required by the designated planning agency to meet the needs of all the agencies whose respective fields of responsibility cover the proposed expenditure. The designated planning agency shall promptly publicize its receipt of such notice through local newspapers and public information channels.

(3) If the notice under this paragraph is found by the designated planning agency to be incomplete, such agency shall notify the person proposing the capital expenditure within 15 days of its receipt of such incomplete notice, advising such person of the additional information required. Where such timely notification of incompleteness is provided, the period within which the agency is required to notify the person proposing such expenditure that such expenditure is not approved, as required by section 1122(d)(1)(B)(i) of the Act and paragraph (a)(4) of this section, shall run from the date of receipt by the agency of a notice containing such additional information.

(4) Except as provided in paragraph (a)(3) of this section, or unless the person proposing the capital expenditure agrees to a longer period, the designated planning agency shall, prior to the date set out in the written notice of intention submitted pursuant to paragraph (a)(1) of this section as the expected date for the obligation of the proposed expenditure (but, subject to the provisions of paragraph (a)(3) of this section in no event later than 90 days after the receipt of such notice), provide written notification to the person proposing such capital expenditure (i) that such capital expenditure has been determined by such agency to be in conformity with the standards, criteria and plans described in § 81.104(a)(2), or (ii) that such agency has elected not to review the proposed capital expenditure (which election shall constitute a determination by such agency and plans); or (iii) that such agency after having consulted with, and taken into consideration the findings and recommendations of, the other agencies described in § 81.105 (to the extent that such proposed capital expenditure is within the respective fields of responsibility of such other agencies), has determined that the proposed capital expenditure would not be in conformity with the standards, criteria, or plans described in § 81.104(a)(2). The notification described in paragraph (a)(4)(iii) of this section shall be accompanied by a statement of the designated planning agency's proposed recommendation to the Secretary and the reasons therefor, a summary of the findings and recommendations of the other agencies with which such agency has consulted pursuant to paragraph (a)(4)(iii) of this section and shall provide an opportunity for a fair hearing with respect to the findings and recommendations of the designated planning agency at the request of the person proposing such capital expenditure.

(5) Copies of the findings and recommendations of the designated planning agency shall also be sent to the other agencies consulted, and shall be publicized through local newspapers and public information channels.

(b) Any person proposing a capital expenditure may withdraw his previously filed notice of proposed capital expenditure, without prejudice, by filing simultaneous written notification of such withdrawal with those agencies to which he gave notification pursuant to paragraph (a)(1) of this section, at any time prior to his receipt of notice pursuant to paragraph (a)(2)(i), (ii), or (iii) of this section.

(c) In addition to any other hearing which may be provided by an agency described in § 81.105 in connection with the review of a proposed capital expenditure under this part, the Agreement shall provide that the designated planning agency will grant to a person proposing a capital expenditure an opportunity for a fair hearing with respect to the findings and recommendations of the designated planning agency, and will establish and maintain procedures for such appeal. Such procedures shall include the following:

(1) The request for a hearing must be made in writing, to the designated planning agency, within 30 days after the date on which the person proposing the capital expenditure receives notice of an adverse finding or recommendation of the designated planning agency.

(2) The hearing shall be held as promptly as practicable consistent with the provision of adequate notice to the person requesting the hearing in accordance with the applicable requirements of State law, and shall be conducted by such agency or person, other than the designated planning agency, as the Governor (or other chief executive officer of the State) may designate for that purpose.

(i) The hearing shall be open to the public and shall be publicized through local newspapers and public information channels.

(ii) The person proposing the capital expenditure, the other agencies described in § 81.105, and other interested parties, including representatives of consumers of health services, shall be permitted to give testimony and present arguments at the hearing.

(iii) The record of the proceedings shall be transcribed and copies of the transcription, together with copies of all documents received in evidence, shall be available to the public for inspection and copying: *Provided*, That any person who

requests copies of such material may be required to bear the costs thereof.

(3) As soon as practicable, but not more than 45 days after the conclusion of a hearing, the hearing officer shall notify the person who requested the hearing, the designated planning agency, the other agencies described in § 81.105 who participated in the hearing, and other interested parties at the discretion of the hearing officer, of his decision and the reasons therefor. Such decision shall be publicized through local newspapers and public information channels.

(4) Any decision of a hearing officer, arrived at in accordance with this paragraph, shall, to the extent that it reverses or revises the findings or recommendations of the designated planning agency, constitute the findings and recommendations of the designated planning agency: *Provided*, That where judicial review of such decision is obtained, the final decision of the reviewing court, to the extent that it modifies the findings and recommendations of the designated planning agency, shall to such extent constitute the findings and recommendations of the designated planning agency.

§ 81.107 Agreement; criteria for agency review.

The Agreement shall set forth the criteria under which the designated planning agency and the other agencies described in § 81.105 shall evaluate proposals for capital expenditures for purposes of this part to determine their conformance with the applicable standards, criteria and plans referred to in § 81.104 (a)(2). Such criteria, to the extent provided for under such standards, criteria, or plans, shall include the following:

(a) Whether the proposed project is needed or projected as necessary to meet the needs in the community in terms of health services required: *Provided*, That projects for highly specialized services (such as open-heart surgery, renal transplantation, or radiation therapy) which will draw from patient population outside the community in which the project is situated will receive appropriate consideration;

(b) Whether the proposed project can be adequately staffed and operated when completed;

(c) Whether the proposed capital expenditure is economically feasible and can be accommodated in the patient charge structure of the health care facility or health maintenance organization without unreasonable increases; and

(d) Whether the project will foster cost containment through improved efficiency and productivity, including promotion of cost-effective factors such as ambulatory care, preventive health care services, home health care, and design and construction economies.

§ 81.108 Determination by the Secretary.

(a) Except as provided in paragraph (b) of this section, if the Secretary determines that (1) the designated planning agency has not been given timely notice of intention to make a capital expenditure in accordance with § 81.106, or (2) that the designated planning agency has, in accordance with the requirements of section 1122 of the Act and this part, submitted to the Secretary its finding that such expenditure is not consistent with the standards, criteria, or plans described in § 81.104(a)(2) then, for such period as he deems necessary to effectuate the purpose of section 1122 of the Act, he shall, in determining the Federal payments to be made under titles V, XVII, and XIX of the Act to such health care facility or health maintenance organization, exclude expenses related to such capital expenditure.

(b) Notwithstanding the provisions of paragraph (a) of this section, if the Secretary, after submitting the matters involved to the National Advisory Health Council on Comprehensive Health Planning Programs (established pursuant to section 316 of the Public Health Service Act, 42 U.S.C. 247a) and after taking into consideration the recommendations of the designated planning agency and the other agencies described in § 81.105 with respect to such expenditure, determines that an exclusion of expenses related to any capital expenditure of any health care facility or health maintenance organization would discourage the operation or expansion of such facility or organization, or of any facility of such organization, which has demonstrated to his satisfaction proof of capability to provide comprehensive health care services efficiently, effectively, and economically, or would otherwise be inconsistent with the effective organization and delivery of health services or the effective administration of titles V, XVIII, or XIX of the Act, he shall include such expenses in Federal payments under such titles.

(c) Upon making a determination under this section the Secretary will promptly notify the person proposing such capital expenditure, the designated planning agency, and the other agencies described in § 81.105 with which the designated planning agency has consulted, of such determination and the basis for such determination.

(d) Any person dissatisfied with a determination by the Secretary under section 1122 of the Act or this part with respect to a particular capital expenditure may, within six months following the date of such determination, request the Secretary to reconsider such determination.

(1) Such request for reconsideration shall be in writing, addressed to the Secretary of Health, Education, and Welfare or to any officer or employee of the Department of Health, Education, and Welfare to whom the Secretary has delegated responsibility to receive such requests, and shall set forth the grounds based upon the record of the proceedings and any issues of law, upon which such reconsideration is requested.

(2) Reconsideration will be based upon the record of the proceedings, which shall consist of the findings, recommendations and supporting materials submitted to the Secretary by the designated planning agency (including the findings and recommendations of other agencies) which relate to the findings and recommendations involved, the record of the hearing provided by the designated planning agency, if any, and of any judicial proceedings, the materials submitted in connection with such request, and such comments as the Secretary may request from the designated planning agency.

(3) Notice of any reconsidered determination under this paragraph shall be sent to the designated planning agency and the person requesting such reconsideration.

(4) A determination by the Secretary is, under section 1122 of the Act, not subject to administrative or judicial review.

§ 81.109 Continuing effect of determinations.

(a) Except in the case of a long-term construction plan of the type described in paragraph (b) of this action, where the designated planning agency has found that a proposed capital expenditure is in conformity with the standards, criteria, and plans described in § 81.104(a)(2), the obligation for such capital expenditure shall be incurred not less than one year following the date of such finding, or such shorter period as may be required by applicable State law: *Provided*, That in the absence of any State law to the contrary, the Secretary may, pursuant to a showing of good cause by the person proposing such expenditure, extend the period during which such obligation must be incurred for up to an additional six months. If no such obligation is incurred within such period, the designated planning agency's approval shall, for purposes of this part, be deemed to be terminated upon the expiration of such period.

(b) In the case of any capital construction plan proposed by or on behalf of a health care facility or health maintenance organization under which a series of obligations for capital expenditures for discrete components of the plan is to be incurred over a period longer than one year, the designated planning agency may review and approve or disapprove, for purposes of this part, those of such capital expenditures which it estimates will be incurred within three years following the date of such approval or disapproval.

(c)(1) In any case in which the Secretary has determined pursuant to a finding by the designated planning agency that a proposed capital expenditure is not in conformity with the standards, criteria, or plans described in § 81.104(a)(2), that expenses related to such capital expenditure shall not be included in determining Federal payments under titles V, XVIII, and XIX of the Act the health care facility or health maintenance organization to whom such payments are made shall be entitled, upon its request to the designated planning agency in such form and manner and supported by such information as such agency may require, to a reconsideration by the designated planning agency of such finding:

(i) Whenever there is a substantial change in existing or proposed health facilities or services, of the type proposed, in the area served by such facility or organization;

(ii) Upon a substantial change in the need for facilities or services, of the type proposed, in the area served by such facility or organization, as reflected in the standards, criteria or plans referred to in § 81.104(a)(2); or

(iii) At any time following the expiration of three years from the date of the finding of the designated planning agency or of its last reconsideration of such finding pursuant to this paragraph, whichever is later.

(2)(i) If, upon reconsideration of its finding pursuant to this paragraph, and after consulting with and taking into consideration the findings and recommendations of the other agencies described in § 81.105, the designated planning agency finds that the facilities or services provided by such capital expenditure are in conformity with the standards, criteria, and plans described in § 81.104(a)(2) it shall promptly so notify the Secretary and the person submitting such request.

(ii) If the designated planning agency, upon such reconsideration, reaffirms its previous finding, the procedure set forth in § 81.106 following an initial determination shall be followed.

(3) Upon notification by a designated planning agency of a revised finding in accordance with paragraph (c)(2) of this section, the Secretary will include, in determining future payments under titles V, XVIII, and XIX of the Act, expenses related to such capital expenditure. Such expenses will be included for periods following the date of such notification only, and amounts previously excluded shall not be taken into account in determining Federal payments under titles V, XVIII, and XIX of the Act.

2. Paragraph (i) of 42 CFR 51.4 is amended to read as follows:

§ 51.4 State program requirements.

* * * * *

(i) *Program for capital expenditures.* (1) The State program must incorporate by reference a written program providing for assisting, through consultation, provision of information, and advice, each health care facility and health maintenance organization in the State to develop a program for capital expenditures for replacement, modernization, and expansion in accordance with criteria which will meet the needs of the State for health care facilities, equipment and services without duplication and otherwise in the most efficient and economical manner. Such criteria will be established by the Secretary after consultation with the State, and will be based on the following considerations:

(i) Whether a proposed project is needed or projected as necessary to meet the needs in the community in terms of health services required: *Provided*, That projects for highly specialized services which will draw from patient population outside the community will receive appropriate consideration;

(ii) Whether a proposed project can be adequately staffed and operated when completed;

(iii) Whether a proposed capital expenditure is economically feasible and can be accommodated in the patient charge structure of the health care facility or health maintenance organization without unreasonable increases; and

(iv) Whether a project will foster cost containment through improved efficiency and productivity, including promotion of cost-effective factors such as ambulatory care, preventive health care services, home health care, and design and construction economies.

(2) The State agency furnishing such assistance shall periodically review such capital expenditure program of each health care facility or health maintenance organization in the State and recommend appropriate modification thereof.

(3) The assistance and review required under this paragraph may be provided either by the State comprehensive health planning agency itself, or, under such State agency's control and supervision, by a local public or private nonprofit agency, or by another State agency qualified and authorized to provide such assistance and designated in the State program as the agency with the primary responsibility therefor.

(4) For purposes of this section, the term "health care facility" includes hospitals, psychiatric hospitals, tuberculosis hospitals, skilled nursing facilities, home health agencies, and providers of outpatient physical therapy services (including speech pathology services) as defined in section 1861(e), (f), (g), (j), (o) and (p), respectively, of the Social Security Act (except that such term shall not apply with respect to outpatient physical therapy services performed by a physical therapist in his office or in a patient's home); kidney disease treatment centers, including freestanding hemodialysis units; intermediate care facilities as defined in section 1905(c) of the Social Security Act; and organized ambulatory health care facilities such as health centers, family planning clinics, and facilities providing surgical treatment to patients not requiring hospitalization (surgicenters), which are not part of a hospital but which are organized and operated to provide medical care to outpatients.

(5) For purposes of this section, the term "health maintenance organization" means a public or private organization, organized under the laws of any State which

(i) Provides or otherwise makes available to enrolled participants health care services, including at least the following basic health care services; usual physician's services, hospitalization, laboratory, x-ray, emergency and preventive services, and out-of-area coverage;

(ii) Is compensated (except for copayments) for the provision of the basic health care services listed in subsection (i) of this subparagraph to enrolled participants solely on a predetermined periodic rate basis; and

(iii) Provides physicians' services primarily (A) directly through physicians who are either employees or partners of such organization, or (B) through arrangements with individual physicians or one or more groups of physicians (organized on a group practice or individual practice basis).

(Sec. 314(a), Public Health Service Act; 42 U.S.C. 246(a)).

[FR Doc.73-15674 Filed 8-2-73;8:45 am]

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PART III

DEPARTMENT OF LABOR

Employment Standards Administration

■

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION AND INDEX TO GENERAL WAGE DETERMINATION DECISIONS AS OF JULY 6, 1973

Area Wage Determination Decisions

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

Area Wage Determination Decisions

General wage determination decisions. General 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 these procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and supersedeas decisions to general wage determination decisions. Modifications and Supersedeas Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and Federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

New general wage determination decisions. New General Wage Determination Decision No. AQ–2003 for the State of Massachusetts.

Modification to general wage determination decisions. Modifications to General Wage Determination Decisions for the following States (the numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State):

Alabama:	
AP–1106	June 22, 1973
Arizona:	
AP–260	Jan. 19, 1973
AP–297	Apr. 27, 1973
AP–901	May 11, 1973
AP–1,005; AP–1006	July 20, 1973
California:	
AP–1002; AP–1003	July 13, 1973
Colorado:	
AP–911	June 22, 1973
Delaware:	
AQ–2002	July 27, 1973
Illinois:	
AP–697	June 8, 1973
AP–1017	June 1, 1973
Maryland:	
AP–856	June 22, 1973
Massachusetts:	
AP–811; AP–812; AP–814; AP–815; AP–816	May 11, 1973
Michigan:	
AP–77	Dec. 22, 1972
Montana:	
AP–914	June 29, 1973
New Jersey:	
AP–836	May 25, 1973
New York:	
AP–451	Nov. 25, 1972
AP–452	Dec. 15, 1972
AP–453	Dec. 22, 1972
AP–469	Feb. 9, 1973
AP–807; AP–808	May 11, 1973
AP–844	June 8, 1973
AP–859; AP–860	July 6, 1973
Pennsylvania:	
AP–404	July 28, 1972
AP–488	Mar. 9, 1973
AP–817; AP–818; AP–819; AP–820; AP–821	May 18, 1973
AQ–2000	July 13, 1973
Texas:	
AP–396	Jan. 26, 1973
AP–721; AP–722; AP–724; AP–728; AP–729	Apr. 27, 1973

Supersedeas decisions to general wage determination decisions. Supersedeas Decisions to General Wage Determination Decisions for the following States (the numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State; Supersedeas Decision numbers are in parentheses following the number of the decision being superseded):

Alabama:	
AM–8589(AQ–4002)	Mar. 17, 1972
Arkansas:	
AM–8589(AQ–4002)	Mar. 17, 1972
California:	
AP–280(AQ–1007) AP–281 (AQ–1008)	Mar. 30, 1973
Florida:	
AM–8589(AQ–4002)	Mar. 17, 1972
Iowa:	
AM–2449(AQ–12); AM–2451(AQ–13); AM–2457 (AQ–14); AM–2459(AQ–11)	Aug. 25, 1971
AP–527(AQ–17); AP–528 (AQ–16); AP–530(AQ–15)	May 4, 1972
Kentucky:	
AM–8589(AQ–4002)	Mar. 17, 1972
Louisiana:	
AM–8589(AQ–4002)	Mar. 17, 1972
Mississippi:	
AM–8589(AQ–4002)	Mar. 17, 1972
Missouri:	
AM–8589(AQ–4002)	Mar. 17, 1972
Tennessee:	
AM–8589(AQ–4002)	Mar. 17, 1972
Texas:	
AM–8589(AQ–4002)	Mar. 17, 1972
AP–723(AQ–10)	Apr. 27, 1973

Signed at Washington, D.C., this 27th day of July 1973.

WARREN D. LANDIS,
Assistant Administrator,
Wage & Hour Division.

STATE: Massachusetts COUNTY: Middlesex
DECISION NO.: AO-2,003 DATE: Date of Publication
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Bricklayers and stone masons:						
Arlington, Cambridge, Everett, Malden, Medford, Melrose, Somerville	8.45	.50	.50		.04	
Ashland, Framingham, Holliston, Hopkington, Hudson, Marlboro, Maynard, Natick, Sherborn, Stow	8.45	.50	.50		.04	
Bedford, Billerica, Boxford, Carlisle, Chelmsford, Dracut, Lowell, Tewksbury, Tyngsboro, Westford, Wilmington	8.45	.50	.50			
Belmont, Burlington, Concord, Lexington, Lincoln, Stoneham, Sudbury, Waltham, Watertown, Wayland, Weston, Winchester, Woburn	8.45	.50	.50		.04	
Acton, Ashby, Ayer, Boxboro, Dunstable, Fort Devens, Groton, Littleton, Pepperell, Shirley, Townsend	8.60	.45	.40			
North Reading, Reading, Wakefield	8.56	.39	.50			
Newton	8.25	.50	.70		.04	
Carpenters and soft floor layers:						
Ashland, Framingham, Endson, Hopkington, Marlboro, Maynard, Holliston, Sherborn, Stow	8.50	.50	.30		.07	
Remainder of County	8.45	.50	.50		.02	
Cement masons:						
Arlington, Cambridge, Everett, Malden, Medford, Melrose, Somerville, Wakefield, Stoneham, Wilmington, Winchester, Woburn	8.90	.35	.20		.04	
Acton, Bedford, Burlington, Tyngsboro, Westford, Lowell	8.60	.55				
Reading, North Reading	8.05	.385	.30			
Remainder of County	8.45	.50	.50		.04	
Electricians:						
Bedford, Billerica, Boxboro, Burlington, Carlisle, Chelmsford, Dracut, Dunstable, Littleton, Lowell, Tewksbury, Tyngsboro, Westford, Wilmington	8.52	.25	15+.20		.02	
Ashby, Ayer, Groton, Pepperell, Shirley, Townsend	8.30	.45	15+.25		.02	
Ashland, Hopkington, Marlboro, Stow	9.33	5%	15+.24		.01	
North Reading	9.02	.25	15+.10		.02	
Remainder of County	9.10	.35	15+.95		.05	
Ironworkers:					.03	
Ayer, Harlboro, Fort Devens	8.29	.45	1.05		.03	
Remainder of County	8.29	.45	1.05		.05	
Laborers:	6.20	.40	.40			
Laborers						
Asphalt rakers, pneumatic-gun-elec. tool op., diamond head & carbide core drilling machines, stone rakers & spreaders, wagon drill	7.05	.40	.40		.05	
Blasters & powdermen	7.55	.40	.40		.05	
Plasterers tenders; Mason tenders	7.05	.40	.40		.05	
Lathers:						
Ashland, Belmont, Bedford, Concord, Framingham, Holliston, Lexington, Lincoln, Maynard, Natick, Newton, Sherborn, Sudbury, Waltham, Watertown, Wayland, Weston, Hudson, Stow	7.15	.45	.50		.01	
Marlboro	5.68	.35	.10			
Arlington, Cambridge, Everett, Malden, Medford, Melrose, Stoneham, Winchester, Woburn	7.15	.45	.55		.01	
Remainder of County	7.50	.45	.55		.01	
Painters:						
Arlington, Belmont, Cambridge, Everett, Malden, Medford, Melrose, Somerville, Stoneham, Wakefield, Winchester, Woburn:						
Brush, tapers	7.61	.32	.30		.04	
Spray, sandblasting	8.61	.32	.30		.04	
Steel	7.61+a	.32	.30		.04	
Ayer, Fort Devens, Shirley:						
Brush	7.83	.50	.25		.02	
Spray, sandblasting	8.83	.50	.25		.02	
Structural steel	8.455	.50	.25		.02	
Acton, Bedford, Billerica, Burlington, Carlisle, Chelmsford, Dracut, Dunstable, Littleton, Lowell, Tewksbury, Tyngsboro, Wilmington:						
Brush	7.27	.33	.20			
Spray	8.02	.33	.20			
Concord, Lexington, Lincoln, Newton, Watertown, Waltham, Weston:						
Brush	7.00	.35	.25			
Spray, sandblasting	7.95	.35	.25			
Steel	7.25	.35	.25			
Natick, Sherborn, Wayland:						
Brush	7.00	.35	.25			
Spray	7.95	.35	.25			
Structural steel	7.25	.35	.25			
Boxboro, Fayville, Gleasondale, Hudson, Marlboro, Maynard, Stow:						
Brush	4.35					
Spray	5.10					
Steel	4.60					
Ashland, Framingham, Holliston, Hopkington, Sudbury:						
Brush	4.55	.15				
Spray	5.50	.15				
Steel	4.80	.15				
Reading, Wilmington:						
Brush	4.10	.15				
Spray	5.10	.15				
Steel	4.60	.15				

AQ-2.003 P. 3

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Plasterers:						
Arlington, Cambridge, Everett, Malden, Medford, Somerville, Stoneham, Wakefield, Winchester, Woburn	7.75	.45	1.00		.02	
Bedford, Billerica, Carlisle, Chelmsford, Dracut, Dunstable, Lowell, Tewksbury, Tyngsboro, Westford, Wilmington	8.60	.55				
Concord, Lexington, Lincoln, Waltham, Weston	8.45	.50	.50		.04	
Reading, North Reading	8.05	.385	.30			
Plumbers:						
Arlington, Cambridge, Everett, Malden, Medford, Melrose, Woburn, Newton, Reading, Stoneham, Wakefield, Watertown, Winchester, Somerville	9.35	.50	.60		.03	
Ashland, Belmont, Concord, Framingham, Holliston, Hopkington, Lexington, Lincoln, Marlboro, Maynard, Natick, Sherborn, Stow, Sudbury, Waltham, Waverly, Wayland, Weston	8.675	.53	.55		.025	
Acton, Bedford, Boxboro, Burlington, Billerica, Carlisle, Chelmsford, Dracut, Lowell, Hudson, Littleton, Tewksbury, Westford, Wilmington	8.59	.40	.40		.02	
Ashby, Ayer, Fort Devens, Groton, Shirley, Townsend	8.50	.30	.45		.02	
Roofers	8.00	.30	.20			
Sheet metal workers	8.73	.46	.45		.02	
Steamfitters:						
Arlington, Cambridge, Everett, Malden, Melrose, Medford, Newton, Reading, Stoneham, Wakefield, Watertown, Winchester, Woburn, Somerville	9.26	.51	.65		.05	
Ashland, Belmont, Concord, Framingham, Lincoln, Marlboro, Maynard, Natick, Sherborn, Stow, Sudbury, Waltham, Waverly, Wayland, Weston	8.675	.53	.55		.025	
Remainder of County	8.59	.40	.40		.02	
Tile setters	8.20	.20	.25			
Tile setters' helpers	6.50	.20	.10			

FOOTNOTE:
a. Employer pays $5.00 per day extra above brush rate.

AQ-2.003 P. 4

MASS-1-PEO-1-2-3-c (1-2)

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oil
Shovels, cranes, truck cranes, draglines, trench hoes, backhoes, three drum machines, derricks, pile drivers, elevator towers, hoists, gradalls, shovel dozers, front end loaders, fork lifts, augers, cherry pickers, boring machines, rotary drills, post hole hammers, post hole diggers, pumpcrete machines, pavement breakers, mechanical hoist, cement concrete pavers, shaft hoists, steam engines, cableways, paving concrete mixers, trenching machines, hoisting engines, uke loaders, asphalt plant (on site), concrete batching &/or mixing plant (on site), crusher plant (on site), Timber jacks	$9.11	.55	.60	a	.02	
Boom over 150' including jib - additional $.35 per hour Boom over 185' including jib - additional $.70 per hour Boom over 210' including jib - additional $1.00 per hour Boom over 250' including jib - additional $1.50 per hour Boom over 295' including jib - additional $2.00 per hour						
Master mechanic	9.86	.55	.60	a	.02	
Sonic or vibratory hammers, graders, scrapers, tractors, concrete pumps, tandem scrapers, bulldozers, mulching machines, york rakes, portable steam boilers, rollers, spreaders, tampers, self-propelled or tractor drawn, asphalt pavers, mechanics maintenance, group pumps, locomotive or machines used in place thereof, portable steam generators, paving screed machines, stationary steam boilers, paving concrete finishing machines	8.99	.55	.60	a	.02	

MASS-1-FED-1-2-3-c (2-2)

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	C
Pumps (1-3 grouped), compressors, welding machines (1-3 grouped), generators, concrete vibrators, lighting plants, heaters (power driven 1-5), wellpoint systems (operating and installing), syphons-pulsometers, concrete mixers, valves controlling permanent plant air or steam, conveyors, Jackson type tamper, single diaphragm pump	$7.625	.55	.60	a	.02	
Assistant engineers (firemen)	8.31	.55	.60	a	.02	
Oilers and apprentices (other than truck cranes and gradalls)	6.75	.53	.60	a	.02	
Oilers and apprentices on truck cranes and gradalls	7.13	.55	.60	a	.02	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTE:
a. 10 paid holidays: A through F; Washington's Birthday; Columbus Day; Veterans' Day; & Patriots' Day.

MASS-1-TD-1 -A 1 of 1

TRUCK DRIVERS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	C
Two axle equipment	$3.97	.24	.35	a+b		
Three axle equipment	4.02	.24	.35	a+b		
Four and five axle equipment	4.12	.24	.35	a+b		
Low bed trailer	4.22	.24	.35	a+b		
Specialized earth moving equipment other than conventional	4.32	.24	.35	a+b		
Helpers on low beds	3.97	.24	.35	a+b		

PAID HOLIDAYS: (Where Applicable)
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. One half day's pay each month in which an employee has worked 15 days provided he has been employed for 4 months.
b. Holidays: A through F, Washington's Birthday, Columbus Day and Veterans' Day after 30 days employment, provided an employee works two days of the calendar week in which the holiday falls.

MODIFICATIONS P. 1

DECISION #AP-1,106 - Mod. #1
(38 FR 16600 - June 22, 1973)
Mobile County, Alabama

Change:
Building Construction:

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Plumbers and Steamfitters	$8.25	.30	.35	c	.02	
Sheet Metal Workers	7.29	.40	.40	d	.01	

DECISION #AP-260 - Mod. #4
(38 FR 2027 - January 19, 1973)
Pima County, Arizona

Change:
Plumbers; Steamfitters:
FREE ZONE 0-15 miles
The "Free Zone" (Zone I shall be 15 road miles from the stated base points in Flagstaff, Yuma, Tucson and Douglas. The "Free Zone" from Phoenix shall be 15 miles radius from the stated base point. In addition, all areas within the City limits of Phoenix, Chandler, Scottsdale, Tempe, Glendale, Mesa, Kingman, Havasu City, Prescott, Winslow, and Holbrook will be included as Free Zones. Any work contracted for outside of these zones will be determined from the Phoenix and Tucson basing points.

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
	$8.10	.50	1.07	1.00	.10	
Zone II (15-30 miles)	8.40	.50	1.07	1.00	.10	
Zone III (30-45 miles)	8.75	.50	.107	1.00	.10	
Zone IV (Over 45 miles)	9.85	.50	1.07	1.00	.10	

MODIFICATIONS P. 2

DECISION #AP-297 - Mod. #3
(38 FR 10557 - April 27, 1973)
Coconino County, Arizona

Change:
Plumbers; Steamfitters:
FREE ZONE 0-15 miles
The "Free Zone" (Zone I shall be 15 road miles from the stated base points in Flagstaff, Yuma, Tucson and Douglas. The "Free Zone" from Phoenix shall be 15 miles radius from the state base point. In addition, all areas within the City limits of Phoenix, Chandler, Scottsdale, Tempe, Glendale, Mesa, Kingman, Havasu City, Prescott, Winslow, and Holbrook will be included as Free Zones. Any work contracted for outside of these zones will be determined from the Phoenix and Tucson basing points.

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
	$8.10	.50	1.07	1.00	.10	
Zone II (15-30 miles)	8.40	.50	1.07	1.00	.10	
Zone III (30-45 miles)	8.75	.50	1.07	1.00	.10	
Zone IV (Over 45 miles)	9.85	.50	1.07	1.00	.10	

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
DECISION #AP-901 - Mod. #3 (38 FR 12526 - May 11, 1973) Cochise, Pima and Santa Cruz Counties, Arizona						
Change:						
Plumbers; Steamfitters:						
FREE ZONE 0-15 miles						
The "Free Zone" (Zone I shall be 15 road miles from the stated base points in Flagstaff, Yuma, Tucson and Douglas. The "Free Zone" from Phoenix shall be 15 miles radius from the stated base point. In addition, all areas within the City limits of Phoenix, Chandler, Scottsdale, Tempe, Glendale, Mesa, Kingman, Havasu City, Prescott, Winslow and Holbrook will be included as Free Zones. Any work contracted for outside of these zones will be determined from the Phoenix and Tucson basing points.	$8.10	.50	1.07	1.00	.10	
Zone II (15-30 miles)	8.40	.50	1.07	1.00	.10	
Zone III (30-45 miles)	8.75	.50	1.07	1.00	.10	
Zone IV (Over 45 miles)	9.85	.50	1.07	1.00	.10	

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
DECISION #AQ-1,005 - Mod. #1 (38 FR 19617 - July 20, 1973) Maricopa (Phoenix-Glendale-Mesa-Scottsdale, Tempe, Luke AFB and Williams AFB) County, Arizona						
Change:						
Plumbers; Steamfitters:						
FREE ZONE 0-15 miles						
The "Free Zone" (Zone I shall be 15 road miles from the stated base points in Flagstaff, Yuma, Tucson and Douglas. The "Free Zone" from Phoenix shall be 15 miles radius from the stated base point. In addition, all areas within the City limits of Phoenix, Chandler, Scottsdale, Tempe, Glendale, Mesa, Kingman, Havasu City, Prescott, Winslow and Holbrook will be included as Free Zones. Any work contracted for outside of these Zones will be determined from the Phoenix and Tucson basing points.	$8.10	.50	1.07	1.00	.10	
Zone II (15-30 miles)	8.40	.50	1.07	1.00	.10	
Zone III (30-45 miles)	8.75	.50	1.07	1.00	.10	
Zone IV (Over 45 miles)	9.85	.50	1.07	1.00	.10	
Plumbers: (Phoenix Area) Refrigeration; Air conditioning; Plumbing service; Lawn sprinkler; Utility; Swimming pool mechanics	6.00	.50			.02	

MODIFICATIONS P.5

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
DECISION #AQ-1,006 - Mod. #1 (38 FR 19623 - July 20, 1973) Greenlee, Maricopa and Mohave Counties, Arizona						
Change:						
Plumbers; Steamfitters:						
FREE ZONE 0-15 miles						
The "Free Zone" (Zone I shall be 15 road miles from the stated base points in Flagstaff, Yuma, Tucson and Douglas. The "Free Zone" from Phoenix shall be 15 miles radius from the stated base point. In addition, all areas within the City limits of Pheonix, Chandler, Scottsdale, Tempe, Glendale, Mesa, Kingman, Havasu City, Prescott, Winslow, and Holbrook will be included as Free Zones. Any work contracted for outside of these Zones will be determined from the Phoenix and Tucson basing points.	$8.10	.50	1.07	1.00	.10	
Zone II (15-30 miles)	8.40	.50	1.07	1.00	.10	
Zone III (30-45 miles)	8.75	.50	1.07	1.00	.10	
Zone IV (Over 45 miles)	9.85	.50	1.07	1.00	.10	

MODIFICATIONS P. 6

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
DECISION #AQ-1,002 - Mod. #1 (38 FR 18832 - July 13, 1973) San Diego County, California						
Change:						
Brick, Block & Stonemasons' tenders	$6.21	.35	.65	.40		
Carpenters:						
Carpenters	7.51	.56	.85	.50	.02	
Piledrivermen	7.64	.56	.85	.50	.02	
Millwrights; Pneumatic nailer; Hardwood floorlayers	7.76	.56	.85	.50	.02	
Glaziers	9.05	.35	.30			
Marble Masons; Terrazzo Workers; Tile Setters	7.26	.40	.65	.60		
Parking Lot Striping Work and/or Highway Markers:						
Traffic delineating device applicator	6.27	.20	.20	b		
Wheel stop installer; Traffic surface sandblaster; Striper; Traffic surface protective coating applicator	5.88	.20	.20	b		
Helper (Traffic surface sandblaster; Wheel stop installer; Traffic surface protective coating applicator, striper)	5.38	.20	.20	b		
Plaster Tender	7.45	.35	.65	.40		

FOOTNOTE:

b. Employer contributes $.17 per hour to Holiday Fund plus $.10 per hour to Vacation for one year's service, $.20 per hour after one year but less than five years' service, $.30 per hour after five years but less than ten years' service, $.40 per hour after ten years' service.

DECISION #A0-1,002 Cont'd.

LABORERS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
LABORERS, general construction; Gas and oil pipeline; Jet man; Tool shed checker; Using dry pack	$5.48	.40	1.00	.50		
CUTTING TORCH OPERATOR (demolition); Scaler	5.53	.40	1.00	.50		
GUINEA CHASER	5.56	.40	1.00	.50		
FINE GRADER ON HIGHWAYS, STREETS AND AIRPORTS PAVING (sewer and drainage lines); Landscape Gardener and Nursery Man	5.58	.40	1.00	.50		
LABORER (packing rod steel and pans); Tank scaler and cleaner	5.605	.40	1.00	.50		
DRILLER'S HELPER (Caisson) incl. bellowers; Boring machine	5.61	.40	1.00	.50		
WINDOW CLEANER; Chuck tender (except tunnels); Septic tank digger and installer (leadmen)	5.63	.40	1.00	.50		
CESSPOOL DIGGER AND INSTALLER	5.66	.40	1.00	.50		
CONCRETE CURER; Impervious membrane; Riprap stonepaver; Sandblaster (pot tender); Pipelayer backup man, coating, grouting, making of joints, sealing, caulking, diapering, and incl. rubber gasket joints; Pointing and any and all other services	5.67	.40	1.00	.50		
ASPHALT RAKER, IRONER, SPREADER; Buggy-mobile man; Cement dumper (on 1 yd. or larger mixers and handling bulk cement); Concrete saw man (excl. tractor type); Roto-scraper, chipping hammer; Concrete core cutter and form blower; Gas and oil pipeline wrapper; Pot tenders of pneumatic and electric tools, concrete pump; Vibrating machine and similar mechanical tools not separately classified herein; Tree climber using mechanical tools	5.69	.40	1.00	.50		

DECISION #A0-1,002 Cont'd.

LABORERS: (cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
ROCK SLINGER; Scaler (using bos'n chair or safety belt or power tools)	$5.74	.40	1.00	.50		
DRILLERS, all others where drilling is for use of explosives	5.77	.40	1.00	.50		
PIPELAYER, METALLIC OR NON-METALLIC (Incl. water sewage, solid, gas, air); Welding in connection with laborers' work	5.79	.40	1.00	.50		
GAS AND OIL PIPELINE WRAPPER (6" pipe and over)	5.82	.40	1.00	.50		
CRIBBER, SHORER, LAGGING, SHEETING AND TRENCH BRACING; Hand-guided lagging hammer	5.84	.40	1.00	.50		
STEEL HEADERBOARD MAN	5.905	.40	1.00	.50		
DRILLERS - (all power drills, incl. jackhammer, whether core, diamond, wagon, track, multiple unit, and any and all types of mechanical drills; Sandblaster (Nozzleman)	5.93	.40	1.00	.50		
POWDERMAN, BLASTERS	5.965	.40	1.00	.50		
HEAD ROCK SLINGER	6.00	.40	1.00	.50		

MODIFICATIONS P.9

DECISION #AQ-1,003 - Mod. #1
(38 FR 18839 - July 13, 1973)
San Diego County, California

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Change:						
Brick, Block & Stonemasons' tenders	$6.21	.35	.65	.40		
Carpenters:						
Carpenters	7.51	.56	.85	.50	.02	
Piledrivermen	7.64	.56	.85	.50	.02	
Millwrights; Pneumatic nailer; Hardwood floorlayers	7.76	.56	.85	.50	.02	
Glaziers	9.05	.35	.30			
Marble Masons; Terrazzo Workers; Tile Setters	7.26	.40	.65	.60		
Parking Lot Striping Work and/or Highway Markers:						
Traffic delineating device applicator	6.27	.20	.20	b		
Wheel stop installer; Traffic surface sandblaster; Striper; Traffic surface protective coating applicator	5.88	.20	.20	b		
Helper (Traffic surface sandblaster; Wheel stop installer; Traffic surface protective coating applicator, striper)	5.38	.20	.20	b		
Plaster Tender	7.45	.35	.65	.40		

FOOTNOTE:
b. Employer contributes $.17 per hour to Holiday Fund plus $.10 per hour to Vacation for one year's service, $.20 per hour after one year but less than five years' service, $.30 per hour after five years but less than ten years' service, $.40 per hour after ten years' service.

MODIFICATIONS P. 10

DECISION #AQ-1,003 Cont'd.

LABORERS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	C
LABORERS, general construction; Gas and oil pipeline; Jet man; Tool shed checker; Using dry pack	$5.48	.40	1.00	.50		
CUTTING TORCH OPERATOR (demolition); Scaler	5.53	.40	1.00	.50		
GUINEA CHASER	5.56	.40	1.00	.50		
FINE GRADER ON HIGHWAYS, STREETS AND AIRPORTS PAVING (sewer and drainage lines); Landscape Gardener and Nursery Man	5.58	.40	1.00	.50		
LABORER (packing rod steel and pans); Tank scaler and cleaner	5.605	.40	1.00	.50		
DRILLER'S HELPER (Caisson) incl. bellowers; Boring machine	5.61	.40	1.00	.50		
WINDOW CLEANER; Chuck tender (except tunnels); Septic tank digger and installer (leadmen)	5.63	.40	1.00	.50		
CESSPOOL DIGGER AND INSTALLER	5.66	.40	1.00	.50		
CONCRETE CURER; Impervious membrane; Riprap stonepaver; Sandblaster (pot tender); Pipelayer backup man, coating, grouting, making of joints, sealing, caulking, dispering, and incl. rubber gasket joints; Pointing and any and all other services	5.67	.40	1.00	.50		
ASPHALT RAKER, IRONER, SPREADER; Buggymobile man; Cement dumper (on 1 yd. or larger mixers and handling bulk cement); Concrete saw man (excl. tractor type); Roto-scraper, chipping hammer; Concrete core cutter and form blower; Gas and oil pipeline wrapper; Pot tenders of pneumatic and electric tools, concrete pump; Vibrating machine and similar mechanical tools not separately classified herein; Tree climber using mechanical tools	5.69	.40	1.00	.50		

DECISION #AO-1,003 Cont'd.

LABORERS: (cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ROCK SLINGER; Scaler (using bos'n chair or safety belt or power tools)	$5.74	.40	1.00	.50	
DRILLERS, all others where drilling is for use of explosives	5.77	.40	1.00	.50	
PIPELAYER, METALLIC OR NON-METALLIC (Incl. water sewage, solid, gas, air); Welding in connection with laborers' work	5.79	.40	1.00	.50	
GAS AND OIL PIPELINE WRAPPER (6" pipe and over)	5.82	.40	1.00	.50	
CRIBBER, SHORER, LAGGING, SHEETING AND TRENCH BRACING; Hand-guided lagging hammer	5.84	.40	1.00	.50	
STEEL HEADERBOARD MAN	5.905	.40	1.00	.50	
DRILLERS - (all power drills, incl. jackhammer, whether core, diamond, wagon, track, multiple unit, and any and all types of mechanical drills; Sandblaster (Nozzleman)	5.93	.40	1.00	.50	
POWDERMAN, BLASTERS	5.965	.40	1.00	.50	
HEAD ROCK SLINGER	6.00	.40	1.00	.50	

DECISION #AP-911 - Mod. #2 (38 FR 16604 - June 22, 1973) Adams, Arapahoe, Boulder, Clear Creek, Denver, Douglas, Elbert, Gilpin, Jefferson, Larimer, Summit and Weld Counties, Colorado	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
Changes						
Building Construction						
Carpenters:						
Adams, Arapahoe, Boulder, Denver, Douglas, Elbert, Jefferson Cos.						
Area (A) Denver Metropolitan Area including Lousiville, Golden, Boulder and Longmont basing points						
Zone I (0 to 20 miles)	$7.465	.45	.45	.30	.03	
Zone II (20 to 50 miles)	8.29	.45	.45	.30	.03	
Zone III (50 miles and over)	9.11	.45	.45	.30	.03	
Weld County						
Area (B) Denver Northeastern Area of Colorado Greeley basing point						
Zone I (0 to 20 miles)	7.42	.45	.45	.30	.03	
Zone II (20 to 50 miles)	8.22	.45	.45	.30	.03	
Zone III (50 miles and over)	9.03	.45	.45	.30	.03	
Larimer County (S.E. portion within Loveland basing point, Zone I)	7.465	.45	.45	.30	.03	
Remainder of Larimer County	6.87	.45	.45	.30	.03	
Electricians (Remaining Counties)	8.38	.54	1%+.16		2/10%	
Cable splicers (Remaining Cos.)	8.63	.54	1%+.16		2/10%	
Millwrights	7.24	.45	.40	.40	.04	

MODIFICATION P. 13

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Decision #AQ-2,002 - Mod. #1 (38 FR 20160 - July 27, 1973) Statewide Delaware						
OMIT: Truck Drivers Building, Heavy and Highway Construction for all counties as orginally issued.						
ADD: Truck Drivers - Building Construction						
Dumps (single axle), dumpsters, escort & pilot vehicles, flatbody material trucks (straight job), fork lifts, form trucks, greasers, material checkers & receivers, panel trucks, pickups, rubber-tired (towing or pushing vehicles), tiremen and truck mechanic helpers, truck helpers	$5.46	.3675	.35	d		
A-frame, agitator or mixers, asphalt distributor, dispatcher, low boys, semi-trailers, tandems and batch trucks, truck mechanic second class	5.61	.3675	.35	d		
Euclid type or similar off-highway equipment (where not self-loaded), off-highway tandem back-dump, specialized earth moving equipment, truck mechanic first class, twin engine equipment & double-hitched equipment (where not self loaded)	5.71	.3675	.35	d		
Truck Drivers - Heavy & Highway Construction:						
Dump trucks (single axle), dumpsters, escort & pilot vehicles, flatbody material trucks (straight jobs), greasers, material checkers & receivers, panel trucks, pickups, rubber-tired (towing or pushing flatbody vehicles), tiremen & truck mechanic helpers, truck helpers	4.61	.3675	.35	d		
A-frame, agitator or mixers, asphalt distributors, dispatcher, low boys, semi-trailers, tandems & batch trucks, truck mechanics second class	4.76	.3675	.35	d		

MODIFICATIONS P.14

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Euclid type or similar off-highway equipment (where not self-loaded), specialized earth moving equipment, truck mechanics first class, twin engine equipment & double-hitched equipment (where not self-loaded)	$4.86	.3675	.35	d		

Footnote:
d. A through F, provided that the emplyee worked the schedule work day preceding and following the holiday.

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
DECISION #AP-697 - Mod. #1 (38 FR 15279 - June 8, 1973) St. Clair County, Illinois						
CHANGE:						
Under Painters Schedule:						
Hazardous Work (Bridges, TV & Radio Towers, High Line Towers, Water Towers, Smoke Stacks & Grain Elevators						
Spraying Air-Less with Fan 24" or over	$9.55	.25	.15			
DECISION #AP-1017 - Mod. #1 (38 FR 14578 - June 1, 1973) Clay, Crawford, Edwards, Effingham, Fayette, Hamilton, Jasper, Marion, Lawerence, Richland, Wabash, Wayne & White Counties						
OMIT:						
Under Carpenters & Piledrivermen:						
Portion of Dist. #7 under Jurisdiction of Local #347-Mattoon including Effingham Co. & west of Hwy. #130 in Jasper Co. incl. Newton						
Carpenters & Piledrivermen	$6.85	.25	.20		.02	
CHANGE:						
Under Carpenters & Piledrivermen:						
District #7	$7.20	.30	.30		.02	
Cement Masons:						
Marion Co., (Salem & Centralia) So. Portion of Jefferson Co; No. ½ of Hamilton Co., S.E. portion of Wayne County	$7.30	.15				
Crawford, Clay, Edwards, Fayette, Effingham, Jasper, Lawerence, Richland, Wabash, White & the Remainder of Hamilton, Jefferson, Wayne & Marion Counties	$7.45					

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Decision #AP-855 - Mod. #2 (38 FR 15612 - June 22, 1973) Baltimore City and Baltimore County, Maryland						
CHANGE:						
Bricklayers	$8.75	.40	.50		.07	
Cement masons	8.62	.25	.30			
Electricians	8.50	.50	1¾+.20		¼	
Lathers	8.59		.35		.01	
Marble setters	8.75	.40	.50		.07	
Plasterers	8.30	.35	.30			
Sheet metal workers	8.17	.55	.50		.05	
Sprinkler fitters:						
Excluding Baltimore City	9.05	.30	.50		.05	
Stone masons	8.75	.40	.50		.07	
Tile and Terrazzo Workers	6.99	.40	.40		.04	

MODIFICATIONS P.17

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-811 - Mod. #4 (38 FR 12539 - May 11, 1973) Barnstable County, Massachusetts						
Change:						
Asbestos workers:						
Remainder of County	$8.955	.55	.50		.01	
Electricians:						
Electrical contracts under $12,000.00	7.25	.25	1%+.25		a	
Electrical contracts over $12,000.00	8.63	.25	1%+.25		a	
DECISION #AP-812 - Mod. #3 (38 FR 12542 - May 11, 1973) Essex County, Massachusetts						
Change:						
Asbestos workers	$8.955	.55	.50		.01	
Electricians:						
Andover, Lawrence, Methuen, & North Andover	9.02	.25	1%+.10		.02	
Painters:						
Essex, Gloucester, Manchester, & Rockport						
Brush	6.20	.30				
Spray	6.65	.30				
Roller	6.50	.30				
DECISION #AP-814 - Mod. #5 (38 FR 12550 - May 11, 1973) Middlesex County, Massachusetts						
Change:						
Asbestos workers	$8.955	.55	.50		.01	
Electricians:						
Bedford	9.09	.25	1%+.20		.02	
DECISION #AP-815 - Mod. #4 (38 FR 12554 - May 11, 1973) Suffolk County, Massachusetts						
Change:						
Asbestos workers	$8.955	.55	.50		.01	

MODIFICATIONS P.18

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-816 - Mod. #4 (38 FR 12558 - May 11, 1973) Worcester County, Massachusetts						
Change:						
Electricians:						
Grafton, Holden, Leicester, Millbury, North Grafton, Shrewsbury, Southbridge, Westboro, Whitinsville, & Worcester	$9.33	5%	1%+.24		.01	
Pipefitters	9.75	.35	.25		.025	
Plumbers; Steamfitters:						
Grafton, Holden, Leicester, Millbury, North Grafton, Shrewsbury, Southbridge, Westboro, Whitinsville, & Worcester	9.225	.65	.45			
DECISION #AP-77 - Mod. #2 (37 FR 28374 - December 22, 1972) Allegan, Barry, Bay, Berrien, Branch, Calhoun, Cass, Clinton, Eaton, Gratiot, Hillsdale, Huron, Ingham, Ionia, Jackson, Kalamazoo, Kent, Lapeer, Lenawee, Livingston, Midland, Montcalm, Muskegon Ottawa, Saginaw, Sanilac, Shiwassee, St. Clair, St. Joseph, Tuscola and Van Buren Counties, Michigan						
Change:						
Truck Drivers:						
Lapeer, Lenawee, Livingston and St. Clair counties						
Trucks less than 8 cu. yds.	$7.11	a	b	.15		
Trucks over 8 cu. yds.	7.21	a	b	.15		
Euclid type equipment, double bottoms and low-boys used for hauling heavy equipment	7.36	a	b	.15		
Remainder of Counties						
Trucks less than 8 cu. yds.	7.01	a	b	.15		
Trucks over 8 cu. yds.	7.11	a	b	.15		
Euclide type equipment, double bottoms and low-boys used for hauling heavy equipment	7.26	a	b	.15		

Footnotes:

a. $15.00 per week, per employee
b. 413.00 per week, per employee

DECISION #AP-914 - Mod #2
(38 FR 17396 - June 29, 1973)
Statewide, Montana

Change:
Truck Drivers

MODIFICATIONS P. 19

MONT-1-TD-1-2-3-h (1-2)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	C
COMBINATION Truck; Concrete Mixer and Transit Mixer:						
To and incl. 4 cu. yds.	$6.30	.475	.325			
Over 4 cu. yds. to and incl. 6 cu. yds.	6.38	.475	.325			
Over 6 cu. yds. to and incl. 8 cu. yds.	6.46	.475	.325			
Over 8 cu. yds. to and incl. 10 cu. yds.	6.54	.475	.325			
Over 10 cu. yds. - additional $.08 per hour each additional 2 cu. yds. increment						
DISTRIBUTOR DRIVER AND HELPER	6.23	.475	.325			
DRY BATCH TRUCKS:						
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						
DUMPMAN, GRAVEL SPREADER BOX: Pickup Driver, Hauling Materials; Pilot Car Driver, Teamsters and Helpers; Warehousemen, Partsmen, Cardex men, Warehouse Expediter	6.05	.475	.325			
DUMP TRUCKS AND SIMILAR EQUIPMENT WATER LEVEL CAPACITY, INCLUDING SIDEBOARDS:						
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						
DUMPSTERS	6.18	.475	.325			

DECISION #AP-914 (Cont'd)

MODIFICATIONS P. 20

MONT-1-TD-1-2-3-h (2-2)

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
DW 20, DW 21, or EUCLID TRACTORS, PULLING P.R. 21 or SIMILAR DUMP WAGONS:						
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. - additional $.06 per hour each additional 5 cu. yds. increment						
SERVICEMEN	6.79	.475	.325			
POWDER TRUCK DRIVER (bulk unloader type)	6.23	.475	.325			
FLAT TRUCKS:						
To and incl. 3 Tons	6.05	.475	.325			
Over 3 tons Factory rating	6.40	.475	.325			
FUEL TRUCK; SERVICE TIREMEN	6.52	.475	.325			
LOWBOYS, FOUR-WHEEL TRAILER, FLOAT SEMI-TRAILER	6.40	.475	.325			
LUMBER CARRIERS, LIFT TRUCKS; Power broom	6.14	.475	.325			
WATER TANK DRIVERS, PETROLEUM PRODUCTS DRIVERS:						
2,500 gals. and under	6.05	.475	.325			
Over 2,500 gals. to and incl. 4,500 gals.	6.34	.475	.325			
Over 4,500 gals. to and incl. 6,000 gals.	6.54	.475	.325			
Over 6,000 gals. to and incl. 8,000 gals.	6.60	.475	.325			
Over 8,000 gals. to and incl. 10,000 gals.	6.68	.475	.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	6.30	.475	.325			
TRUCK MECHANIC	6.79	.475	.325			

MODIFICATIONS P. 21

DECISION #AP-836 - Mod. #1
(38 FR 13951 - May 25, 1973)
Camden & Gloucester Counties, New Jersey

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Change:						
Building, Heavy & Highway Construction:						
Carpenters, insulators & soft floor layers	$9.37	.30	6%		.02	
Ironworkers:						
Structural, ornamental & reinforcing	9.08	.43	1.07			
Laborers, Building:						
Laborers	6.65	.35	.30			
Brick tenders, mortar mixers, scaffold builders (brick), hod carriers (brick), power tool operator	6.80	.35	.30			
Burners, nozzle men (gunnite) and motorized buggy operators	6.925	.35	.30			
Lathers' tenders & plasterers' tenders	7.20	.35	.30			
Jackhammer op., concrete vibrator & barco tamper operator	7.05	.35	.30			

DECISION #AP-451 - Mod. #1
(37 FR 25099 - November 25, 1972)
Saratoga County, New York

Omit:
Power Equipment Operators:
Building Construction

Heavy and Highway Construction

Add:
Power Equipment Operators:
Building Construction

Heavy and Highway Construction

MODIFICATIONS P. 22

Basic Hourly Rates	Fringe Benefits Payments				
	H & W	Pensions	Vacation	App. Tr.	Other

N.Y. 3-PEO-1- G

BUILDING CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payment				
		H & W	Pensions	Vacation	Appr. Tr.	
Power Equipment Operators:						
Oilers	7.41	.70	.40	a	.10	
Firemen and heavy duty greasers, all boilers and steam generators	7.46	.70	.40	a	.10	
Pumps, vibrators, concrete mixers, spreaders, concrete finishing machines, mortar mixers, air compressors, dust collectors, welding machines well points, two or more Herman Nelson and like heaters, batch and plant op., seed and mulching machines, generators, temporary light plants, concrete pump, beltcrete power pac (beltcrete system), electric submersible pump 4" and over	7.55	.70	.40	a	.10	
Dinkey locomotives, Barber Greene loaders, Loaders and conveyors, tractors, scoopmobiles, bulldozers, road rollers, form fine graders, power brooms and sweepers	7.72	.70	.40	a	.10	
Black top spreaders, black top rollers, high lifts, fork lifts, one drum hoist or hod hoists, post hole diggers, trenchwaters, core and well drillers (one drum), scoopmobile and similar type machines, elevators, A-L frame winches, power hoisting(single drum)	7.99	.70	.40	a	.10	
LeTourneau graders or scrapers, trenching machines, push cart	8.105	.70	.40	a	.10	
Tractor road pavers, cranes, power road graders, shovels, backhoes, draglines, pile drivers, hoists two or more drums, three drum engines, hysters, two drum and swinging engines, three drum swinging engine, locomotive cranes, gradalls, hydrocrane, model CMI Vibrotamp or similar machines, Morphy type diesel generator-beltcrete system, side booms, hydro hammer, tractor mounted drill (quarry master) euclid loaders, concrete pumps, all CMI equipment, concrete central mix plant, automated asphalt concrete plant, derrick, whirlies, tower cranes, cableways, hydraulic cranes, power hoisting (2 drum and over), mucking machine	8.26	.70	.40	a	.10	

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.

Heavy and Highway Contruction

N.Y. 23-PEO-2-3- H

	Basic Hourly Rates	Fringe Benefits Payment			
		H & W	Pensions	Vacation	Appr. Tr.
POWER EQUIPMENT OPERATORS:					
Automatic fine grader, backhoe (except tractor mounted, rubber-tired), blacktop, plant (automated), cableway, caisson auger, central mix concrete plant (automated), Cherry picker-over 5 tons capacity, crane, cranes & derricks (steel erection), dragline, dual drum paver, excavator-all purpose-hydraulically operated, front end loader (4 C.Y. & over), hoist, two or three drums pile-driver, power grader with elevating loader attachment, Quarry master (or equivalent), shovel, slip form paver (if a second man is needed, he shall be an oiler), tractor drawn belt-type loader, truck crane, tunnel shovel	$8.15	.70	.40	a	.10
Backhoe (tractor mounted, rubber-tired) bituminous spreader & mixer, blacktop plant (non-automated), boring machine cage hoist, central mix plant (non-automated) & all concrete batching plants, cherry picker-5 tons & under, compressors (4 or less) exceeding 2,000 C.F.M. combined capacity, concrete paver (over 16-S), concrete pump, crusher, drill rigs, tractor mounted, front end loader (under 4 c.y.), hi-pressure boiler (15 lbs., & over), hoist, one drum, Kolman plant loader & similar type loaders (if employer requires another man to clean screen or to maintain the equipment he shall be an oiler), maintenance engineer, mixer for stabilized base, self, propelled, monorail machine plant engineer, power grader, pump crete, ready-mix concrete plant, maintenance grease man, road widener, roller (all above subgrade), side boom, tractor scraper, tractor with dozer &/or pusher, winch	7.85	.70	.40	a	.10
Compressors (4 not to exceed 2,000 C.F.M. combined capacity; or 3 or less with more than 1,200 C.F.M., but not to exceed 2,000 C.F.M., compressors (any size but subject to other provision for compressors), dust collectors, generators, pumps, welding machines					

Heavy and Highway Construction

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS			
		H & W	PENSIONS	VACATION	APP. TR.
POWER EQUIPMENT OPERATORS: (cont'd) (4 of any type or combination), concrete pavement spreaders & finishers conveyor, drill core & well, electric pump used in conjunction with well point system, farm tractor with accessories, fine grade machine, fork lift gunnite machine, hammers, hydraulic self-propelled, locomotive, post hole digger & post driver, roller (grader & fill), tractor with towed accessories, vibratory compactor, vibro, tamp, well point	7.35	.70	.40	a	.10
Aggregate plant, boiler (used in conjunction with production), cement bin operator, compressors; 3 or less not to exceed 1,200 c.f.m. combined capacity, compressors (any size, but subject to other provisions, for compressors), dust collectors, generators, pumps, welding machines (3 or less of any type or combination), concrete mixer (16-S and under), concrete saw-self-propelled, firemen, form tamper, mulching machine, oiler, power broom, power heaterman, revinius widener, steam cleaner, tractor	6.70	.70	.40	a	.10

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; providing employee works the working day before and the working day after the holiday.

DECISION #AP-452 - Mod. #3
(37 FR 26782 - December 15, 1972)
Albany County, New York

Omit:
Power Equipment Operators:
Building, Heavy and Highway-Construction, City of Albany and Building Construction Remainder of County .

Heavy and Highway Construction:
Remainder of County

Add:
Power Equipment Operators:
Building, Heavy and Highway-Construction, City of Albany and Building Construction Remainder of County

Heavy and Highway Construction:
Remainder of County

Basic Hourly Rates	Fringe Benefits Payments				
	H & W	Pensions	Vacation	App. Tr.	Other

AP-452

Building, Heavy and Highway Construction
City of Albany and Building Construction,
Remainder of County

MODIFICATIONS P.27
N.Y. 3-PEO-1- G

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	S
Power Equipment Operators:						
Oilers	7.41	.70	.40	a	.10	
Firemen and heavy duty greasers, all boilers and steam generators	7.46	.70	.40	a	.10	
Pumps, vibrators, concrete mixers, spreaders, concrete finishing machines, mortar mixers, air compressors, dust collectors, welding machines well points, two or more Herman Nelson and like heaters, batch and plant op., seed and mulching machines, generators, temporary light plants, concrete pump, beltcrete power pac (beltcrete system), electric submersible pump 4" and over	7.55	.70	.40	a	.10	
Dinkey locomotives, Barber Greene loaders, Loaders and conveyers, tractors, scoopmobiles, bulldozers, road rollers, form fine graders, power brooms and sweepers	7.72	.70	.40	a	.10	
Black top spreaders, black top rollers, high lifts, fork lifts, one drum hoist or hod hoists, post hole diggers, trenchwaters, core and well drillers (one drum), econombile and similar type machines, elevators, A-L frame winches, power hoisting(single drum)	7.99	.70	.40	a	.10	
LeTourneau graders or scrapers, trenching machines, push cart	8.105	.70	.40	a	.10	
Tractor road pavers, cranes, power road graders, shovels, backhoes, draglines, pile drivers, hoists two or more drums, three drum engines, hysters, two drum and swinging engines, three drum swinging engine, locomotive cranes, gradalls, hydrocrane, model CH5 Vibrotamp or similar machines, Murphy type diesel generator-beltcrete system, side booms, hydro hammer, tractor mounted drill (quarry master) euclid loaders, concrete pumps, all CMI equipment, concrete central mix plant, automated asphalt concrete plant, derrick, whirlies, tower cranes, cableways, hydraulic cranes, power hoisting (2 drum and over), mucking machine	8.26	.70	.40	a	.10	

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.

AP-452

MODIFICATIONS P. 28 N.Y. 23-PEO-2-3- H 2 of 2

Heavy and Highway Construction

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS: (cont'd) (4 of any type or combination), concrete pavement spreaders & finishers conveyor, drill core & well, electric pump used in conjunction with well point system, farm tractor with accessories, fine grade machine, fork lift gunnite machine, hammers, hydraulic self-propelled, locomotive, post hole digger & post driver, roller (grader & fill), tractor with towed accessories, vibratory compactor, vibro, tamp, well point	7.35	.70	.40	a	.10
Aggregate plant, boiler (used in conjunction with production), cement bin operator, compressors; 3 or less not to exceed 1,200 c.f.m. combined capacity, compressors (any size, but subject to other provisions, for compressors), dust collectors, generators, pumps, welding machines (3 or less of any type or combination), concrete mixer (16-S and under), concrete saw-self-propelled, firemen, form tamper, mulching machine; oiler, power broom power heaterman, revinius widener, steam cleaner, tractor	6.70	.70	.40	a	.10

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; providing employee works the working day before and the working day after the holiday.

AP-452

MODIFICATIONS P. 29

N.Y. 23-FED-2-3-H

Heavy and Highway Contruction

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS			
		H & W	PENSIONS	VACATION	APP. TR
POWER EQUIPMENT OPERATORS:					
Automatic fine grader, backhoe (except tractor mounted, rubber-tired), blacktop, plant (automated), cableway, caisson auger, central mix concrete plant (automated), Cherry picker-over 5 tons capacity, crane, cranes & derricks (steel erection), dragline, dual drum paver, excavator-all purpose-hydraulically operated, front end loader (4 C.Y. & over), hoist, two or three drums pile-driver, power grader with elevating loader attachment, Quarry master (or equivalent), shovel, slip form paver (if a second man is needed, he shall be an oiler), tractor drawn belt-type loader, truck crane, tunnel shovel	$8.15	.70	.40	a	.1
Backhoe (tractor mounted, rubber-tired) bituminous spreader & mixer, blacktop plant (non-automated), boring machine cage hoist, central mix plant (non-automated) & all concrete batching plants, cherry picker-5 tons & under, compressors (4 or less) exceeding 2,000 C.F.M. combined capacity, concrete paver (over 16-S), concrete pump, crusher, drill rigs, tractor mounted, front end loader (under 4 c.y.), hi-pressure boiler (15 lbs., & over), hoist, one drum, Kolman plant loader & similar type loaders (if employer requires another man to clean screen or to maintain the equipment he shall be an oiler), maintenance engineer, mixer for stabilized base, self, propelled, monorail machine plant engineer, power grader, pump crete, ready-mix concrete plant, maintenance grease man, road widener, roller (all above subgrade), side boom, tractor scraper, tractor with dozer &/or pusher, winch	7.85	.70	.40	a	
Compressors (4 not to exceed 2,000 C.F.M. combined capacity; or 3 or less with more than 1,200 C.F.M., but not to exceed 2,000 C.F.M., compressors (any size but subject to other provision for compressors), dust collectors, generators, pumps, welding machines					

DECISION #AP-453 - Mod. #2

(37 FR 28380 - December 22, 1972)

Monroe County, New York

Omit:

Power Equipment Operators:
Building Construction

Excavating for Site Preparation and Water Lines

Heavy and Highway Construction

Add:

Power Equipment Operators:
Building Construction

Excavating for Site Preparation and Water Lines

Heavy and Highway Construction

MODIFICATIONS P.30

Basic Hourly Rates	Fringe Benefits Payments				
	H & W	Pensions	Vacation	App. Tr.	Other

BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OT
CRANES:						
121 ft. and under	$8.75	.40+.30	.40	a	.10	
121 - 151 ft.	9.00	.40+.30	.40	a	.10	
151 - 201 ft.	9.25	.40+.30	.40	a	.10	
201 - 251 ft.	9.50	.40+.30	.40	a	.10	
251 - 301 ft.	10.00	.40+.30	.40	a	.10	
301 - 351 ft.	10.50	.40+.30	.40	a	.10	
351 - 401 ft.	11.00	.40+.30	.40	a	.10	
401 - 451 ft.	11.50	.40+.30	.40	a	.10	
Air tugger, backhoe, clamshell, dragline, shovel & similar machines over three-eighths (3/8 cu. yd. capacity (factory rating), big generator plant, bridge crane (all types), cableway, caisson auger & similar type machine, climbing and/or tower crane (all kinds & all types), derrick, dredge, forklift (with factory rating of fifteen (15) ft. or more of lift), hoist (on steel erection), mucking machine, ross carrier (and similar types), three drum hoist (when all drums are in use)	8.75	.40+.30	.40	a	.10	
"A" Frame truck, back filling machines, barber greene & similar type loader, belt crete & similar type machine, bituminous spreading machine, bulldozer, carry-all type scraper, compressors: four (4) not to exceed 2000 c.f.m. combined capacity; or three (3) or less with more than 1200 c.f.m., but to exceed 2000 c.f.m., concrete mixer, concrete pump, core drill, crane-hoe-shovel (3/8 yd. capacity or less); (factory rating), dinky locomotive (all types), elevating type grader, elevator, fine grade machine (all kinds), front end loader, forklift (with factory rating of less than fifteen (15) ft. of lift), high pressure boiler (over 15 lbs. pressure) hoist (1 or 2 drums), maintenance engineer, motor grader, post hole digger, sheepsfoot roller, side boom, stone crusher, submersible electric pump, when used in lieu of well point system, tandem roller, tournadull, tower mobile and similar kinds, trenching machine, vibratory type roller and similar equipment of all kinds, welder, well drill, well point system	8.57	.40+.30	.40	a	.10	

BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	O
Any combination (not to exceed three (3) pieces of equipment), pumps, welding machines or mechanical conveyors (over 12 feet in length), belt crete generator, compressors - 3 or less not to exceed 1200 c.f.m. combined capacity, fireman, longitudinal float, mechanical heater, roller (fill and grade), rubber tired tractor	7.475	.40+.30	.40	a	.10	
Oilers	7.475	.40+.30	.40	a	.10	

Paid Holidays:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

Footnote:

a. Holidays: A through F (providing employee works the working day either immediately preceding a holiday or on the scheduled work day immediately following the holiday.

NEW YORK-13-PEO-2- J 1 of 2

EXCAVATING FOR SITE PREPARATION SEWER AND WATER LINES	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS				
		H & W	Pensions	Vacation	Apr. Tr.	Other
POWER EQUIPMENT OPERATORS						
Automatic fine grader, backhoe (except tractor mounted, rubber tired), black-top plant (automated), cableway, caisson auger, central mix concrete plant (automated), cherry picker-over 5 ton capacity, crane cranes and derricks (steel erection), dragline, dual drum paver, excavator-all purpose-hydraulically operated, front end loader (4 c.y. and over), hoist, two or three drum, pile driver, power grader with elevating loader attachment, quarry master (or equivalent), shovel, slip form paver (if a second man is needed, he shall be an oiler), tractor drawn belt-type loader, truck crane, tunnel shovel	8.25	.35	.65	a	.10	
Backhoe (tractor mounted, rubber tired), bituminous spreader and mixer, black-top plant (non-automated), boring machine, cage hoist, central mix plant (non-automated) and all concrete batching plants, cherry picker-5 tons and under, compressors (4 or less) exceeding 2,000 c.f.m. combined capacity, concrete paver over 16S, concrete pump, crusher, drill rigs, tractor mounted, front end loader (under 4 c.y.), hi-pressure boiler (15 lbs. and over), hoist, one drum, Kolman plant loader and similar type loaders (if employer requires another man to clean the screen or to maintain the equipment, he shall be an oiler), maintenance engineer, maintenance greaseman, mixer for stabilized base self-propelled, monorail machine, plant engineer power grader, pump crete, ready mix concrete plant, road widener, roller (all above sub-grade), side boom, tractor scraper, tractor with dozer and/or pusher, trencher, winch, mechanical slurry machine, power broom	8.05	.35	.65	a	.10	
Compressors: 4 not to exceed 2,000 c.f.m. combined capacity; or 3 or less with more than 1,200 c.f.m. but not to exceed 2,000 c.f.m., compressors (any size but subject to other provisions for compressors), dust collectors, generators,						

NEW YORK-13-PEO-2-J 2 of 2

EXCAVATING FOR SITE PREPARATION SEWER AND WATER LINES	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS				
		H & W	Pensions	Vacation	Apr. Tr.	Other
POWER EQUIPMENT OPERATORS (CONT'D)						
pumps, welding machines (four of any type or combination), concrete pavement spreaders and finishers, conveyor, drill, core, drill, well electric pump used in conjunction with well point system, farm tractor with accessories, fine grade machine fork lift, gunite machine, hammers-hydraulic-self propelled, locomotive, post hole digger and post driver, roller, (grader and fill), tractor with towed accessories, vibrator compactor, vibro tamp, well point, pumps, regardless of motive power, no more than 4 in number not to exceed 20" in total capacity, submersible electric pumps when used in lieu of well points	7.75	.35	.65	a	.10	
Compressor (any size, but subject to other provisions for compressors, dust collectors, generators, welding machines (three or less of any type or combination) concrete mixer (16S or under), concrete saw-self propelled, fireman, form tamper, mulching machine, oiler, power heater-man, revinius widener, steam cleaner, tractor, pumps regardless of motive power, no more than 3 in number not to exceed 12" in total capacity	7.15	.35	.65	a	.10	

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, provided employee works the working day before and the working day after the holiday.

Heavy and Highway Construction

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS			
		H & W	PENSIONS	VACATION	APP. TR.
POWER EQUIPMENT OPERATORS: Automatic fine grader, backhoe (except tractor mounted, rubber-tired), blacktop, plant (automated), cableway, caisson auger, central mix concrete plant (automated), Cherry picker-over 5 tons capacity, crane, cranes & derricks (steel erection), dragline, dual drum paver, excavator-all purpose-hydraulically operated, front end loader (4 C.Y. & over), hoist, two or three drums pile-driver, power grader with elevating loader attachment, Quarry master (or equivalent), shovel, slip form paver (if a second man is needed, he shall be an oiler), tractor drawn belt-type loader, truck crane, tunnel shovel	$8.15	.70	.40	a	.10
Backhoe (tractor mounted, rubber-tired) bituminous spreader & mixer, blacktop plant (non-automated), boring machine cage hoist, central mix plant (non-automated) & all concrete batching plants, cherry picker-5 tons & under, compressors (4 or less) exceeding 2,000 C.F.M. combined capacity, concrete paver (over 16-S), concrete pump, crusher, drill rigs, tractor mounted, front end loader (under 4 c.y.), hi-pressure boiler (15 lbs., & over), hoist, one drum, Kolman plant loader & similar type loaders (if employer requires another man to clean screen or to maintain the equipment he shall be an oiler), maintenance engineer, mixer for stabilized base, self, propelled, monorail machine plant engineer, power grader, pump crete, ready-mix concrete plant, maintenance grease man, road widener, roller (all above subgrade), side boom, tractor scraper, tractor with dozer &/or pusher, winch	7.85	.70	.40	a	.10
Compressors (4 not to exceed 2,000 C.F.M. combined capacity; or 3 or less with more than 1,200 C.F.M., but not to exceed 2,000 C.F.M. compressors (any size but subject to other provision for compressors), dust collectors, generators, pumps, welding machines					

Heavy and Highway Construction

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS			
		H & W	PENSIONS	VACATION	APP. TR.
POWER EQUIPMENT OPERATORS: (cont'd) (4 of any type or combination), concrete pavement spreaders & finishers conveyor, drill core & well, electric pump used in conjunction with well point system, farm tractor with accessories, fine grade machine, fork lift gunnite machine, hammers, hydraulic self-propelled, locomotive, post hole digger & post driver, roller (grader & fill), tractor with towed accessories, vibratory compactor, vibro, tamp, well point	7.35	.70	.40	a	.10
Aggregate plant, boiler (used in conjunction with production), cement bin operator, compressors; 3 or less not to exceed 1,200 c.f.m. combined capacity, compressors (any size, but subject to other provisions, for compressors), dust collectors, generators, pumps, welding machines (3 or less of any type or combination), concrete mixer (16-S and under), concrete saw-self-propelled, firemen, form tamper, mulching machine; oiler, power broom power heaterman, rewinius widener, steam cleaner, tractor	6.70	.70	.40	a	.10

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; providing employee works the working day before and the working day after the holiday.

DECISION #AP-469 - Mod. #3
(37 FR 4169 - February 9, 1973)
Broome County, New York

Omit:
Power Equipment Operators:
Heavy and Highway Construction

Add:
Power Equipment Operators:
Heavy and Highway Construction

Basic Hourly Rates	Fringe Benefits Payments				
	H & W	Pensions	Vacation	App. Tr.	Other

Heavy and Highway Construction

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS			
		H & W	PENSIONS	VACATION	APP. TR.
POWER EQUIPMENT OPERATORS: (cont'd) (4 of any type or combination), concrete pavement spreaders & finishers conveyor, drill core & well, electric pump used in conjunction with well point system, farm tractor with accessories, fine grade machine, fork lift gunnite machine, hammers, hydraulic self-propelled, locomotive, post hole digger & post driver, roller (grader & fill), tractor with towed accessories, vibratory compactor, vibro, tamp, well point	7.35	.70	.40	a	.10
Aggregate plant, boiler (used in conjunction with production), cement bin operator, compressors: 3 or less not to exceed 1,200 c.f.m. combined capacity, compressors (any size, but subject to other provisions, for compressors), dust collectors, generators, pumps, welding machines (3 or less of any type or combination), concrete mixer (16-S and under), concrete saw-self-propelled, fireman, form tamper, mulching machine; oiler, power broom, power heaterman, revinius widener, steam cleaner, tractor	6.70	.70	.40	a	.10

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; providing employee works the working day before and the working day after the holiday.

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Heavy and Highway Construction

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENT			
		H & W	PENSIONS	VACATION	APPR. TR.
POWER EQUIPMENT OPERATORS: Automatic fine grader, backhoe (except tractor mounted, rubber-tired), blacktop, plant (automated), cableway, caisson auger, central mix concrete plant (automated), Cherry picker-over 5 tons capacity, crane, cranes & derricks (steel erection), dragline, dual drum paver, excavator-all purpose-hydraulically operated, front end loader (4 C.Y. & over), hoist, two or three drums pile-driver, power grader with elevating loader attachment, Quarry master (or equivalent), shovel, slip form paver (if a second man is needed, he shall be an oiler), tractor drawn belt-type loader, truck crane, tunnel shovel	$8.15	.70	.40	a	.10
Backhoe (tractor mounted, rubber-tired) bituminous spreader & mixer, blacktop plant (non-automated), boring machine cage hoist, central mix plant (non-automated) & all concrete batching plants, cherry picker-5 tons & under, compressors (4 or less) exceeding 2,000 C.F.M. combined capacity, concrete paver (over 16-S), concrete pump, crusher, drill rigs, tractor mounted, front end loader (under 4 c.y.), hi-pressure boiler (15 lbs., & over), hoist, one drum, Kolman plant loader & similar type loaders (if employer requires another man to clean screen or to maintain the equipment he shall be an oiler), maintenance engineer, mixer for stabilized base, self, propelled, monorail machine plant engineer, power grader, pump crete, ready-mix concrete plant, maintenance grease man, road widener, roller (all above subgrade), side boom, tractor scraper, tractor with dozer &/or pusher, winch	7.85	.70	.40	a	.1
Compressors (4 not to exceed 2,000 C.F.M. combined capacity; or 3 or less with more than 1,200 C.F.M., but not to exceed 2,000 C.F.M. compressors (any size but subject to other provision for compressors), dust collectors, generators, pumps, welding machines					

DECISION #AP-807 - Mod. #2
(38 FR 12582 - May 11, 1973)
Jefferson County, New York

Omit:
Power Equipment Operators:
Heavy and Highway Construction

Add:
Power Equipment Operators:
Heavy and Highway Construction

Basic Hourly Rates	Fringe Benefits Payments				
	H & W	Pensions	Vacation	App. Tr.	Other

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Heavy and Highway Contruction

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS			
		H & W	PENSIONS	VACATION	APP. TR.
POWER EQUIPMENT OPERATORS:					
Automatic fine grader, backhoe (except tractor mounted, rubber-tired), blacktop, plant (automated), cableway, caisson auger, central mix concrete plant (automated), Cherry picker-over 5 tons capacity, crane, cranes & derricks (steel erection), dragline, dual drum paver, excavator-all purpose-hydraulically operated, front end loader (4 C.Y. & over), hoist, two or three drums pile-driver, power grader with elevating loader attachment, Quarry master (or equivalent), shovel, slip form paver (if a second man is needed, he shall be an oiler), tractor drawn belt-type loader, truck crane, tunnel shovel	$8.05	.90	.40	a	.10
Backhoe (tractor mounted, rubber-tired) bituminous spreader & mixer, black-top plant (non-automated), boring machine cage hoist, central mix plant (non-automated) & all concrete batching plants, cherry picker-5 tons & under, compressors (4 or less) exceeding 2,000 C.F.M. combined capacity, concrete paver (over 16-S), concrete pump, crusher, drill rigs, tractor mounted, front end loader (under 4 c.y.), hi-pressure boiler (15 lbs., & over), hoist, one drum, Kolman plant loader & similar type loaders (if employer requires another man to clean screen or to maintain the equipment he shall be an oiler), maintenance engineer, mixer for stabilized base, self, propelled, monorail machine plant engineer, power grader, pump crete, ready-mix concrete plant, maintenance grease man, road widener, roller (all above subgrade), side boom, tractor scraper, tractor with dozer &/or pusher, winch	7.75	.90	.40	a	.10
Compressors (4 not to exceed 2,000 C.F.M. combined capacity; or 3 or less with more than 1,200 C.F.M., but not to exceed 2,000 C.F.M. compressors (any size but subject to other provision for compressors), dust collectors, generators, pumps, welding machines					

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Heavy and Highway Construction

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	O
POWER EQUIPMENT OPERATORS: (cont'd) (4 of any type or combination), concrete pavement spreaders & finishers conveyor, drill core & well, electric pump used in conjunction with well point system, farm tractor with accessories, fine grade machine, fork lift gunnite machine, hammers, hydraulic self-propelled, locomotive, post hole digger & post driver, roller (grader & fill), tractor with towed accessories, vibratory compactor, vibro, tamp, well point	7.25	.90	.40	a	.10	
Aggregate plant, boiler (used in conjunction with production), cement bin operator, compressors; 3 or less not to exceed 1,200 c.f.m. combined capacity, compressors (any size, but subject to other provisions, for compressors), dust collectors, generators, pumps, welding machines (3 or less of any type or combination), concrete mixer (16-S and under), concrete saw-self-propelled, firemen, form tamper, mulching machine, oiler, power broom, power beaterman, revinius widener, steam cleaner, tractor	6.60	.90	.40	a	.10	

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; providing employee works the working day before and the working day after the holiday.

DECISION #AP-808 - Mod.#2
(38 FR 12587 - May 11, 1973)
Onondaga County, New York

Omit:
Power Equipment Operators:
Heavy and Highway Construction

Add:
Power Equipment Operators:
Heavy and Highway Construction

Basic Hourly Rates	Fringe Benefits Payments				
	H & W	Pensions	Vacation	App. Tr.	Other
-					

N.Y. 4-PEO-2-3-L

Heavy and Highway Contruction

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS			
		H & W	PENSIONS	VACATION	APP. TR.
POWER EQUIPMENT OPERATORS:					
Automatic fine grader, backhoe (except tractor mounted, rubber-tired), blacktop, plant (automated), cableway, caisson auger, central mix concrete plant (automated), Cherry picker-over 5 tons capacity, crane, cranes & derricks (steel erection), dragline, dual drum paver, excavator-all purpose-hydraulically operated, front end loader (4 C.Y. & over), hoist, two or three drums pile-driver, power grader with elevating loader attachment, Quarry master (or equivalent), shovel, slip form paver (if a second man is needed, he shall be an oiler), tractor drawn belt-type loader, truck crane, tunnel shovel	$8.05	.90	.40	a	.10
Backhoe (tractor mounted, rubber-tired) bituminous spreader & mixer, blacktop plant (non-automated), boring machine cage hoist, central mix plant (non-automated) & all concrete batching plants, cherry picker-5 tons & under, compressors (4 or less) exceeding 2,000 C.F.M. combined capacity, concrete paver (over 16-S), concrete pump, crusher, drill rigs, tractor mounted, front end loader (under 4 c.y.), hi-pressure boiler (15 lbs., & over), hoist, one drum, Kolman plant loader & similar type loaders (if employer requires another man to clean screen or to maintain the equipment he shall be an oiler), maintenance engineer, mixer for stabilized base, self, propelled, monorail machine plant engineer, power grader, pump crete, ready-mix concrete plant, maintenance grease man, road widener, roller (all above subgrade), side boom, tractor scraper, tractor with dozer &/or pusher, winch	7.75	.90	.40	a	.10
Compressors (4 not to exceed 2,000 C.F.M. combined capacity; or 3 or less with more than 1,200 C.F.M., but not to exceed 2,000 C.F.M. compressors (any size but subject to other provision for compressors), dust collectors, generators, pumps, welding machines					

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Heavy and Highway Construction

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	O
POWER EQUIPMENT OPERATORS: (cont'd) (4 of any type or combination), concrete pavement spreaders & finishers conveyor, drill core & well, electric pump used in conjunction with well point system, farm tractor with accessories, fine grade machine, fork lift gunnite machine, hammers, hydraulic self-propelled, locomotive, post hole digger & post driver, roller (grader & fill), tractor with towed accessories, vibratory compactor, vibro, tamp, well point	7.25	.90	.40	a	.10	
Aggregate plant, boiler (used in conjunction with production), cement bin operator, compressors; 3 or less not to exceed 1,200 c.f.m. combined capacity, compressors (any size, but subject to other provisions, for compressors), dust collectors, generators, pumps, welding machines (3 or less of any type or combination), concrete mixer (16-S and under), concrete saw-self-propelled, firemen, form tamper, mulching machine, oiler, power broom power heaterman, revinius widener, steam cleaner, tractor	6.60	.90	.40	a	.10	

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; providing employee works the working day before and the working day after the holiday.

MODIFICATIONS P. 46

DECISION #AP-844 - Mod. #2
(38 FR 15341 - June 8, 1973)
Oneida County, New York

Omit:
Power Equipment Operators:
Heavy and Highway Construction

Add:
Power Equipment Operators:
Heavy and Highway Construction

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other

Heavy and Highway Construction

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS			
		H & W	PENSIONS	VACATION	APP. TR.
POWER EQUIPMENT OPERATORS:					
Automatic fine grader, backhoe (except tractor mounted, rubber-tired), blacktop, plant (automated), cableway, caisson auger, central mix concrete plant (automated), Cherry picker-over 5 tons capacity, crane, cranes & derricks (steel erection), dragline, dual drum paver, excavator-all purpose-hydraulically operated, front end loader (4 C.Y. & over), hoist, two or three drums pile-driver, power grader with elevating loader attachment, Quarry master (or equivalent), shovel, slip form paver (if a second man is needed, he shall be an oiler), tractor drawn belt-type loader, truck crane, tunnel shovel	$8.05	.90	.40	a	.10
Backhoe (tractor mounted, rubber-tired) bituminous spreader & mixer, blacktop plant (non-automated), boring machine cage hoist, central mix plant (non-automated) & all concrete batching plants, cherry picker-5 tons & under, compressors (4 or less) exceeding 2,000 C.F.M. combined capacity, concrete paver (over 16-S), concrete pump, crusher, drill rigs, tractor mounted, front end loader (under 4 c.y.), hi-pressure boiler (15 lbs., & over), hoist, one drum, Kolman plant loader & similar type loaders (if employer requires another man to clean screen or to maintain the equipment he shall be an oiler), maintenance engineer, mixer for stabilized base, self, propelled, monorail machine plant engineer, power grader, pump crete, ready-mix concrete plant, maintenance grease man, road widener, roller (all above subgrade), side boom, tractor scraper, tractor with dozer &/or pusher, winch	7.75	.90	.40	a	.10
Compressors (4 not to exceed 2,000 C.F.M. combined capacity; or 3 or less with more than 1,200 C.F.M.; but not to exceed 2,000 C.F.M. compressors (any size but subject to other provision for compressors), dust collectors, generators, pumps, welding machines					

Heavy and Highway Construction

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	O
POWER EQUIPMENT OPERATORS: (cont'd) (4 of any type or combination), concrete pavement spreaders & finishers conveyor, drill core & well, electric pump used in conjunction with well point system, farm tractor with accessories, fine grade machine, fork lift gunnite machine, hammers, hydraulic self-propelled, locomotive, post hole digger & post driver, roller (grader & fill), tractor with towed accessories, vibratory compactor, vibro, tamp, well point	7.25	.90	.40	a	.10	
Aggregate plant, boiler (used in conjunction with production), cement bin operator, compressors; 3 or less not to exceed 1,200 c.f.m. combined capacity, compressors (any size, but subject to other provisions, for compressors), dust collectors, generators, pumps, welding machines (3 or less of any type or combination), concrete mixer (16-S and under), concrete saw-self-propelled, firemen, form tamper, mulching machine; oiler, power broom power heaterman, revinius widener, steam cleaner, tractor	6.60	.90	.40	a	.10	

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; providing employee works the working day before and the working day after the holiday.

MODIFICATIONS P. 49

DECISION # AP-859 - Mod. #1
(38 FR 18156 - July 6, 1973)
Schenectady County, New York

Omit:
Power Equipment Operators:
Building, Heavy and Highway Construction in the City of Schenectady and Building Construction in Remainder of County

Heavy and Highway Construction:
Remainder of County

Add:
Power Equipment Operators:
Building, Heavy and Highway Construction in the City of Schenectady and Building Construction in Remainder of County

Heavy and Highway Construction:
Remainder of County

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others

AP-859
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N.Y. 3-PEO-1-G

Building, Heavy and Highway Construction in the City of Schenectady and Building Construction in the Remainder of County

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Power Equipment Operators:						
Oilers	7.41	.70	.40	a	.10	
Firemen and heavy duty greasers, all boilers and steam generators	7.46	.70	.40	a	.10	
Pumps, vibrators, concrete mixers, spreaders, concrete finishing machines, mortar mixers, air compressers, dust collectors, welding machines well points, two or more Herman Nelson and like heaters, batch and plant op., seed and mulching machines, generators, temporary light plants, concrete pump, beltcrete power pac (beltcrete system), electric submersible pump 4" and over	7.55	.70	.40	a	.10	
Dinkey locomotives, Barber Greene loaders, Loaders and conveyors, tractors, scoopmobiles, bulldozers, road rollers, form fine graders, power brooms and sweepers	7.72	.70	.40	a	.10	
Black top spreaders, black top rollers, high lifts, fork lifts, one drum hoist or hod hoists, post hole diggers, trenchexators, core and well drillers (one drum), econosbile and similar type machines, elevators, A-L frame winches, power hoisting(single drum)	7.99	.70	.40	a	.10	
LeTourneau graders or scrapers, trenching machines, push cart	8.105	.70	.40	a	.10	
Tractor road pavers, cranes, power road graders, shovels, backhoes, draglines, pile drivers, hoists two or more drums, three drum engines, hysters, two drum and swinging engines, three drum swinging engine, locomotive cranes, gradalls, hydrocrane, model CMI Vibrotamp or similar machines, Murphy type diesel generator-beltcrete system, side booms, hydro hammer, tractor mounted drill (quarry master) euclid loaders, concrete pumps, all CMI equipment, concrete central mix plant, automated asphalt concrete plant, derrick, whirlies, tower cranes, cableways, hydraulic cranes, power hoisting (2 drum and over), mucking machine	8.26	.70	.40	a	.10	

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.

REMAINDER OF COUNTY — AF-859

MODIFICATIONS P. 51 — N.Y. 23-PEO-2-3- H

Heavy and Highway Contruction

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS			
		H & W	PENSIONS	VACATION	APP. TR.
POWER EQUIPMENT OPERATORS: Automatic fine grader, backhoe (except tractor mounted, rubber-tired), blacktop, plant (automated), cableway, caisson auger, central mix concrete plant (automated), Cherry picker-over 5 tons capacity, crane, cranes & derricks (steel erection), dragline, dual drum paver, excavator-all purpose-hydraulically operated, front end loader (4 C.Y. & over), hoist, two or three drums pile-driver, power grader with elevating loader attachment, Quarry master (or equivalent), shovel, slip form paver (if a second man is needed, he shall be an oiler), tractor drawn belt-type loader, truck crane, tunnel shovel	$8.15	.70	.40	a	.10
Backhoe (tractor mounted, rubber-tired) bituminous spreader & mixer, blacktop plant (non-automated), boring machine cage hoist, central mix plant (non-automated) & all concrete batching plants, cherry picker-5 tons & under, compressors (4 or less) exceeding 2,000 C.F.M. combined capacity, concrete paver (over 16-S), concrete pump, crusher, drill rigs, tractor mounted, front end loader (under 4 c.y.), hi-pressure boiler (15 lbs., & over), hoist, one drum, Kolman plant loader & similar type loaders (if employer requires another man to clean screen or to maintain the equipment he shall be an oiler), maintenance engineer, mixer for stabilized base, self, propelled, monorail machine plant engineer, power grader, pump crete, ready-mix concrete plant, maintenance grease man, road widener, roller (all above subgrade), side boom, tractor scraper, tractor with dozer &/or pusher, winch	7.85	.70	.40	a	.1(
Compressors (4 not to exceed 2,000 C.F.M. combined capacity; or 3 or less with more than 1,200 C.F.M., but not to exceed 2,600 C.F.M. compressors (any size but subject to other provision for compressors), dust collectors, generators, pumps, welding machines					

REMAINDER OF COUNTY — AF-859

MODIFICATIONS P. 52 — N.Y. 23-PEO-2-3- H — 2 of 2

Heavy and Highway Construction

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS			
		H & W	PENSIONS	VACATION	APP. TR.
POWER EQUIPMENT OPERATORS: (cont'd) (4 of any type or combination), concrete pavement spreaders & finishers conveyor, drill core & well, electric pump used in conjunction with well point system, farm tractor with accessories, fine grade machine, fork lift gunnite machine, hammers, hydraulic self-propelled, locomotive, post hole digger & post driver, roller (grader & fill), tractor with towed accessories, vibratory compactor, vibro, tamp, well point	7.35	.70	.40	a	.10
Aggregate plant, boiler (used in conjunction with production), cement bin operator, compressors; 3 or less not to exceed 1,200 c.f.m. combined capacity, compressors (any size, but subject to other provisions, for compressors), dust collectors, generators, pumps, welding machines (3 or less of any type or combination), concrete mixer (16-S and under), concrete saw-self-propelled, firemen, form tamper, mulching machine; oiler, power broom power hesterman, rewinius widener, steam cleaner, tractor	6.70	.70	.40	a	.10

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; providing employee works the working day before and the working day after the holiday.

MODIFICATIONS P. 53

DECISION # AP-860 - Mod. #1
(38 FR 18160 - July 6, 1973)
Rensselaer County, New York

Omit:
Power Equipment Operators:
City of Troy, Building, Heavy and Highway Construction, Remainder of County, Building Construction

Heavy and Highway Construction:
Remainder of County

Add:
Power Equipment Operators:
City of Troy, Building, Heavy and Highway Construction, Remainder of County, Building Construction

Heavy and Highway Construction:
Remainder of County

Basic Hourly Rates	Fringe Benefits Payments				
	H & W	Pensions	Vacation	App. Tr.	Others

AP-860

MODIFICATIONS P. 54

N.Y. 3-PEO-1. G

City of Troy, Building, Heavy and Highway Construction, Remainder of County, Building Construction	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Power Equipment Operators:						
Oilers	7.41	.70	.40	a	.10	
Firemen and heavy duty greasers, all boilers and steam generators	7.46	.70	.40	a	.10	
Pumps, vibrators, concrete mixers, spreaders, concrete finishing machines, mortar mixers, air compressors, dust collectors, welding machines well points, two or more Herman Nelson and like heaters, batch and plant op., seed and mulching machines, generators, temporary light plants, concrete pump, beltcrete power pac (beltcrete system), electric submersible pump 4" and over	7.55	.70	.40	a	.10	
Dinkey locomotives, Barber Greene loaders, Loaders and conveyors, tractors, scoopmobiles, bulldozers, road rollers, form fine graders, power brooms and sweepers	7.72	.70	.40	a	.10	
Black top spreaders, black top rollers, high lifts, fork lifts, one drum hoist or hod hoists, post hole diggers, trenchers, core and well drillers (one drum), scoopmobile and similar type machines, elevators, A-L frame winches, power hoisting(single drum)	7.99	.70	.40	a	.10	
LeTourneau graders or scrapers, trenching machines, push cart	8.105	.70	.40	a	.10	
Tractor road pavers, cranes, power road graders, shovels, backhoes, draglines, pile drivers, hoists two or more drums, three drum engines, hysters, two drum and swinging engines, three drum swinging engine, locomotive cranes, gradalls, hydrocrane, model CH5 Vibrotamp or similar machines, Murphy type diesel generator-beltcrete system, side booms, hydro hammer, tractor mounted drill (quarry master) euclid loaders, concrete pumps, all CMI equipment, concrete central mix plant, automated asphalt concrete plant, derrick, whirlies, tower cranes, cableways, hydraulic cranes, power hoisting (2 drum and over), mucking machine	8.26	.70	.40	a	.10	

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.

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS			
		H & W	PENSIONS	VACATION	APP. TR.
POWER EQUIPMENT OPERATORS: Automatic fine grader, backhoe (except tractor mounted, rubber-tired), blacktop, plant (automated), cableway, caisson auger, central mix concrete plant (automated), Cherry picker-over 5 tons capacity, crane, cranes & derricks (steel erection), dragline, dual drum paver, excavator-all purpose-hydraulically operated, front end loader (4 C.Y. & over), hoist, two or three drums pile-driver, power grader with elevating loader attachment, Quarry master (or equivalent), shovel, slip form paver (if a second man is needed, he shall be an oiler), tractor drawn belt-type loader, truck crane, tunnel shovel	$8.15	.70	.40	a	.10
Backhoe (tractor mounted, rubber-tired) bituminous spreader & mixer, blacktop plant (non-automated), boring machine cage hoist, central mix plant (non-automated) & all concrete batching plants, cherry picker-5 tons & under, compressors (4 or less) exceeding 2,000 C.F.M. combined capacity, concrete paver (over 16-S), concrete pump, crusher, drill rigs, tractor mounted, front end loader (under 4 c.y.), hi-pressure boiler (15 lbs., & over), hoist, one drum, Koman plant loader & similar type loaders (if employer requires another man to clean screen or to maintain the equipment he shall be an oiler), maintenance engineer, mixer for stabilized base, self, propelled, monorail machine plant engineer, power grader, pump crete, ready-mix concrete plant, maintenance, grease man, road widener, roller (all above subgrade), side boom, tractor scraper, tractor with dozer &/or pusher, winch	7.85	.70	.40	a	.10
Compressors (4 not to exceed 2,000 C.F.M. combined capacity; or 3 or less with more than 1,200 C.F.M., but not to exceed 2,000 C.F.M. compressors (any size but subject to other provision for compressors), dust collectors, generators, pumps, welding machines					

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS			
		H & W	PENSIONS	VACATION	APP. TR.
POWER EQUIPMENT OPERATORS: (cont'd) (4 of any type or combination), concrete pavement spreaders & finishers conveyor, drill core & well, electric pump used in conjunction with well point system, farm tractor with accessories, fine grade machine, fork lift gunnite machine, hammers, hydraulic self-propelled, locomotive, post hole digger & post driver, roller (grader & fill), tractor with towed accessories, vibratory compactor, vibro, tamp, well point	7.35	.70	.40	a	.10
Aggregate plant, boiler (used in conjunction with production), cement bin operator, compressors; 3 or less not to exceed 1,200 c.f.m. combined capacity, compressors (any size, but subject to other provisions, for compressors), dust collectors, generators, pumps, welding machines (3 or less of any type or combination), concrete mixer (16-S and under), concrete saw-self-propelled, fireman, form tamper, mulching machine; oiler, power broom power heaterman, revimix widener, steam cleaner, tractor	6.70	.70	.40	a	.10

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; providing employee works the working day before and the working day after the holiday.

MODIFICATIONS P. 57

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
DECISION #AP-404 - Mod. #6 (37 FR 15279 - July 28, 1972) Bucks, Chester, Delaware, Montgomery and Philadelphia Counties, Pennsylvania						
Change:						
Carpenters	$8.77	1.23	.55		.07	
Millwrights	9.27	1.23	.55		.07	
Plasterers	8.52	.53			.01	
Laborers: (Schedule Attached)						
DECISION #AP-488 - Mod. # 2 (38 FR 6620 - March 9, 1973) Lackawanna County, Pennsylvania						
Change: Decision number issued in 38 FR 18825 - July 13, 1973 to read AP-488						

DECISION NO. AP-404 (CONT'D)

MODIFICATIONS P. 58

PA-51-LAB - W

Building Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Laborers: Stripping & dismantling concrete form work, loading, unloading, carrying & handling of all reinforced steel & steel mesh, handling lumber and other building materials, operating jackhammers, paving breakers & all other pneumatic tools, building scaffolds, raking, shoveling & tamping of asphalt, spading & concrete pit work, grading, form pinning, shoring, demolition except burners, laying conduits and ducts, sheathing, lagging, laying non-metallic pipe & caulking, all other types of Laborers	$6.71	.44	.20			
Mason tender, power buggies, burners on demolition	6.81	.44	.20			
Wagon drill operator (single)	6.86	.44	.20			
Powdermen, wagon drill operator (multiple)	7.01	.44	.20			
Circular Caissons Excavation: Caisson groundmen	7.01	.44	.20			
Caisson bottom men	7.11	.44	.20			
Underpinning Excavation: Laborers, working at depth of 8 feet or under	7.01	.44	.20			
Yard workers	6.65	.44	.20			

DECISION #AP-817 - Mod. #3
(38 FR 13279 - May 18, 1973)
Bucks, Chester, Delaware, Montgomery and Philadelphia Counties, Pennsylvania

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Change:						
Carpenters	$9.22	1.23	.55	a	.07	
Laborers: (Schedule Attached)						

HEAVY & HIGHWAY CONSTRUCTION LABORERS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Powdermen, Multiple wagon drill op.	$6.95	.45	.20			
Finished surface asphalt rakers, ops. pipelayers, caulkers, conduct and duct layers	6.75	.45	.20			
Other pneumatic tool ops., Laborers stripping concrete forms, carrying or handling lumber, steel & steel mesh and other concrete materials, form pinners, tool room men, Mortar mixers, Concrete pitmen & spaders, Grade men, Asphalt shovelers, Men working in sheeting, Men working in shoring, Men working in lagging, Laborers assisting in the setting of cut stone, granite or artificial stone, Hod carriers, Scaffold builders	6.65	.45	.20			
Wagon drill operators	6.80	.45	.20			
YARD WORKERS:						
Laborers, Scale mixermen, Burnermen Dustmen. Feeders	6.55	.45	.20			
FREE AIR TUNNELS:						
Miners, Miners bore driver, Blasters, Drillers, Pneumatic Shield operators, Welders & Burners	7.20	.45	.20			
Miners' helpers, Form setters	8.05	.45	.20			
Trackmen, Brakemen, Groutmen, Bottom shaft men, All others in free air tunnels	6.90	.45	.20			
Circular caisson excavation bottom men	7.05	.45	.20			
Underpinning excavation bottom men	6.95	.45	.20			
All other laborers on construction work, with the exception of workers in compressed air	6.65	.45	.20			

DECISION #AP- 818 - Mod. #3
(38FR 13283 - May 18, 1973)
Luzerne County, Pennsylvania

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Changes:						
Bricklayers:						
Hazleton, Berwick and Freeland	$7.35	.30	.50			
Laborers: (Hazleton)						
Mason tenders including scaffold builders	6.20	.25	.25			
Pneumatic, electrical & mechanical tool operators, 2" pumps - non metallic pipelaying and making joint clay, terra, ironstone, vitrified concrete, handling of burning torches, asphalt or other hot materials, cement finishers and blasters helpers, power buggies, walk along hoist	5.90	.25	.25			
Plasterer tenders, blasters, and wagon drill operators	6.05	.25	.25			
Laborers	5.80	.25	.25			
Marble setters:						
Remainder of County	8.32					

DECISION #AP-819 - Mod. #3
(38 FR 13285 - May 18, 1973)
Montgomery County, Pennsylvania

Changes:						
Carpenters	$8.77	1.23	.55		.07	
Glaziers:						
Pottstown, Lower Pottsgrove, Upper Pottsgrove, Limrick, Lower Frederick, Upper Salford, Sounderton, Greenland, Upper Hanover, New Hanover, Douglas, Marlboro Twps.	7.32	.25	.10		.01	
Millwrights	9.27	1.23	.55		.07	
Plasterers	8.52	.53			.01	
Laborers:						
(Schedule Attached)						

DECISION #AP-820 - Mod. #3
(38 FR 13289 - May 18, 1973)
Philadelphia County, Pennsylvania

Changes:						
Carpenters	8.77	1.23	.55		.07	
Millwrights	9.27	1.23	.55		.07	
Plasterers	8.52	.53			.01	
Laborers:						
(Schedule Attached)						

DECISION NOS. AP-819 - AP 820 (CONT'D)

PA-51-LAB - W

Building Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Laborers:						
Stripping & dismantling concrete form work, loading, unloading, carrying & handling of all reinforced steel & steel mesh, handling lumber and other building materials, operating jackhammers, paving breakers & all other pneumatic tools, building scaffolds, raking, shoveling & tamping of asphalt, spading & concrete pit work, grading, form pinning, shoring, demolition except burners, laying conduits and ducts, sheathing, lagging, laying non-metallic pipe & caulking, all other types of Laborers	$5.71	.44	.20			
Mason tender, power buggies, burners on demolition	6.81	.44	.20			
Wagon drill operator (single)	6.86	.44	.20			
Powdermen, wagon drill operator (multiple)	7.01	.44	.20			
Circular Caissons Excavation:						
Caisson groundmen	7.01	.44	.20			
Caisson bottom man	7.11	.44	.20			
Underpinning Excavation:						
Laborers, working at depth of 8 feet or under	7.01	.44	.20			
Yard workers	6.65	.44	.20			

MODIFICATIONS P. 63

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-821 - Mod. #3 (38 FR 13292 - May 18, 1973) Delaware County, Pennsylvania						
Change:						
Carpenters	$8.77	1.23	.55		.07	
Millwrights	9.27	1.23	.55		.07	
Laborers: (Schedule Attached)						
DECISION #AQ-2,000 - Mod. #1 (38 FR 18852 - July 13, 1973) Berks County, Pennsylvania						
Change:						
Decision number pages 2-3 and 4 to read AQ-2,000						

DECISION NO. AP-821 (CONT'D)

MODIFICATIONS P. 64
PA-51-LAB - W

Building Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Laborers:						
Stripping & dismantling concrete form work, loading, unloading, carrying & handling of all reinforced steel & steel mesh, handling lumber and other building materials, operating jackhammers, paving breakers & all other pneumatic tools, building scaffolds, raking, shoveling & tamping of asphalt, spading & concrete pit work, grading, form pinning, shoring, demolition except burners, laying conduits and ducts, sheathing, lagging, laying non-metallic pipe & caulking, all other types of Laborers	$6.71	.44	.20			
Mason tender, power buggies, burners on demolition	6.81	.44	.20			
Wagon drill operator (single)	6.86	.44	.20			
Powdermen, wagon drill operator (multiple)	7.01	.44	.20			
Circular Caissons Excavation:						
Caisson groundmen	7.01	.44	.20			
Caisson bottom man	7.11	.44	.20			
Underpinning Excavation:						
Laborers, working at depth of 8 feet or under	7.01	.44	.20			
Yard workers	6.65	.44	.20			

MODIFICATIONS P. 65

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-396 - Mod. #2 (38 FR 2646 - January 26, 1973) Cameron, Hidalgo, Starr & Willacy Counties, Texas						
Change:						
Building Construction:						
Asbestos workers	$6.905	.35	.295			
DECISION #AP-721 - Mod. #5 (38 FR 10585 - April 27, 1973) Bexar County, Texas						
Change:						
Building Construction:						
Electricians:						
Electricians	7.58	.25	1%		1/2%	
Cable splicers	7.83	.25	1%		1/2%	
DECISION #AP-722 - Mod. #2 (38 FR 10588 - April 27, 1973) Harris County, Texas						
Change:						
Building Construction:						
Ironworkers:						
Structural; Ornamental; Reinforcing	7.145	.40	.50		.075	
Soft floor layers	6.62	.25	.10		.05	
DECISION #AP-724 - Mod. #2 (38 FR 10594 - April 27, 1973) Galveston County, Texas						
Change:						
Building Construction:						
Ironworkers:						
Structural; Ornamental; Reinforcing	7.145	.40	.50		.075	
Soft floor layers	6.62	.25	.10		.05	

MODIFICATIONS P.66

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-728 - Mod. #5 (38 FR 10606 - April 27, 1973) Nueces County, Texas						
Change:						
Building Construction:						
Asbestos workers	$6.905	.35	.295			
DECISION #AP-729 - Mod. #3 (38 FR 10609 - April 27, 1973) Collin, Dallas, Denton, Ellis, Grayson, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Parker, Rockwall, Tarrant & Wise Counties, Texas						
Change:						
Building Construction:						
Asbestos workers	7.56	.30	.51		.025	
Carpenters:						
Carpenters:						
Collin, Dallas, Ellis, Hunt, Kaufman, Rockwall, Denton, Hood, Johnson, Palo Pinto, Parker, Tarrant & Wise Counties	7.39	.30	.30		.02	
Power saw operators:						
Collin, Dallas, Ellis, Hunt, Kaufman, Rockwall, Denton, Hood, Johnson, Palo Pinto, Parker, Tarrant & Wise Counties	7.515	.30	.30		.02	
Painters:						
Grayson, Collin, Dallas, Ellis, Hunt, Kaufman & Rockwall Cos.:						
Brush	7.155	.30	.20		.04	
All wall covering work; paper, fabric, sheeting, flexwood, etc.	7.405	.30	.20		.04	
Ames tool operators	7.28	.30	.20		.04	
Structural steel, stage work, bosun chair, spray gun, sandblasting & window jacks, fire escapes	7.53	.30	.20		.04	
Soft floor layers	7.11	.25	.20		.03	

SUPERSEDEAS DECISION

STATES: ALABAMA, ARKANSAS, FLORIDA (WEST OF THE APALACHICOLA RIVER), KENTUCKY, LOUISIANA, MISSISSIPPI, MISSOURI, TEXAS AND TENNESSEE

DECISION NUMBER: AQ-4002 DATE: Date of Publication

Supersedes Decision No. AM-8589 dated March 17, 1972 in 37 FR 5654

DESCRIPTION OF WORK: Dredging along the Gulf Coast Area including the Mississippi River and its Tributaries from it's mouth to the mouth of the Ohio River.

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Electricians	$2.80					
Carpenters	2.96					
Dozer operators	2.80					
Derrick operators	2.50					
HYDRAULIC DREDGING:						
Chief cook	2.40					
Second cook	2.12					
Cook helper	2.00					
Janitor (Cabin boy)	2.00					
Dredges under 16 inches:						
Leverman	2.95					
1st assistant engineer	2.70					
2nd assistant engineer	2.00					
3rd assistant engineer	2.00					
Welder	2.10					
Dredge tender operator	1.94					
Deckhand	1.70					
Handyman	1.90					
Laborer	1.70					
Oiler	1.80					
Dredges 16 inches and over:						
Leverman	3.06					
1st assistant engineer	3.00					
2nd assistant engineer	2.80					
Dredge tender op. 250 hp & over	2.60					
Dredge tender op. under 250 hp	2.34					
Oiler	2.10					
Fireman	2.26					
Machinist	2.86					
Welder	2.80					
Welders helper	2.10					
Deckhands	1.80					
Laborers	1.70					
Handyman	2.26					
Truck drivers	2.10					
BUCKET DREDGING:						
Cooks	2.00					
Operators	2.50					
Deckhands	1.60					
Oilers	1.60					

SUPERSEDEAS DECISION

AQ-1,007 P. 2

STATE: California

COUNTIES: Imperial, Inyo, Kern, Los Angeles, Mono, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura

DECISION NUMBER: AQ-1,007

DATE: Date of Publication

Supersedes Decision No. AP-280 dated March 30, 1973 in 38 FR 8361.

DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction and dredging.

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
ASBESTOS WORKERS	$9.97	.68	.72		.045	
BOILERMAKERS	7.95	.60	1.00	.50	.02	
BRICKLAYERS; Stonemasons:						
Imperial County	8.25	.62	.80		.05	
Inyo, Kern, and Mono Counties	7.80	.40	.40	.30	.05	
Los Angeles County (Cities of Santa Monica, Malibu, Venice, Pasadena, South Pasadena, Arcadia, Monrovia and South of Rosecrans Blvd. incl. Long Beach); Orange County	8.30	.65	.70		.07	
Los Angeles County (except cities of Santa Monica, Malibu, Venice, Pasadena, South Pasadena, Arcadia, Monrovia and South of Rosecrans Blvd. incl. Long Beach)	8.53	.65	.70		.07	
Riverside and San Bernardino Counties	7.37	.65	.70		.07	
Santa Barbara and San Luis Obispo Cos.	8.29	.65	.45			
Ventura County	7.60	.50	1.00		.01	
BRICK TENDERS:						
Imperial, Inyo, Kern, Los Angeles, Mono, Orange, Riverside, and San Bernardino Counties	6.00	.55	1.10	.30		
Santa Barbara County	5.725	.55	1.10	.575		
San Luis Obispo County	5.90	.55	1.10	.30		
CARPENTERS:						
Carpenters	7.05	.74	.95	.70	.01	
Saw filers	7.13	.74	.95	.70	.01	
Table power saw operators	7.15	.74	.95	.70	.01	
Shinglers; Piledriverman, bridge or dock carpenters; Derrick bargemen; Rock slinger	7.18	.74	.95	.70	.01	
Hardwood floor layers; Millwrights	7.25	.74	.95	.70	.01	
Head rock slinger	7.28	.74	.95	.70	.01	
Pneumatic nailer	7.30	.74	.95	.70	.01	
CEMENT MASONS:						
Cement Masons	$6.16	.90	.95	.70	.0325	
Cement floating and finishing operators	6.28	.90	.95	.70	.0325	
DRYWALL INSTALLERS	8.60	.61	.75	.50	.04	
ELECTRICIANS:						
Imperial County						
Electricians	8.55	.50	1%+.80			
Cable splicers	8.83	.50	1%+.80			
Kern (China Lake Naval Ordnance Test Station, Edwards AFB)						
Electricians; Technicians	9.95	.70	1%+.90		.10	
Cable splicers	10.945	.70	1%+.90		.10	
Kern County (Remainder of County)						
Electricians; Technicians	7.95	.70	1%+.90		.10	
Cable splicers	8.745	.70	1%+.90		.10	
Los Angeles County						
Electricians	9.54	.40	1%+.75		.02	
Cable splicers	9.84	.40	1%+.75		.02	
Tunnel:						
Electricians	10.57	.40	1%+.75		.02	
Cable splicers	10.87	.40	1%+.75		.02	
Orange County						
Electricians	8.90	.45	1%+.75		.02	
Cable splicers	9.31	.45	1%+.75		.02	
Riverside County						
Electricians	8.42	.60	1%+.40		.02	
Cable splicers	8.72	.60	1%+.40		.02	
Inyo, Mono, and San Bernardino Counties						
Electricians	8.47	.40	1%+.75		.02	
Cable splicers	8.77	.40	1%+.75		.02	
Tunnel:						
Electricians	9.32	.40	1%+.75		.02	
Cable splicers	9.62	.40	1%+.75		.02	
San Luis Obispo County						
Electricians	8.48	.60	1%		.01	
Cable splicers	9.33	.60	1%		.01	
Santa Barbara County (Vandenberg AFB):						
Electricians	9.60	.65	1%+.85		.03	
Cable splicers	10.60	.65	1%+.85		.03	
Remainder of County						
Electricians	8.35	.65	1%+.85		.03	
Cable splicers	9.35	.65	1%+.85		.03	
Ventura County						
Electricians	8.83	.60	1%+.45			
Cable splicers	9.72	.60	1%+.45			
ELEVATOR CONSTRUCTORS						
Imperial, Inyo, Kern, (South of Tehachapi Range), Los Angeles, Mono, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Counties						
Elevator Constructors	9.21	.195	.20	2%+a		
Elevator Constructors' Helpers	70%JR	.195	.20	2%+a		
Elevator Constructors' Helpers (Prob.)	50%JR					

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth.
ELEVATOR CONSTRUCTORS: (cont'd)						
Kern County (North of Tehachapi Range)						
Elevator Constructors	$9.48	.345	.23	2%+a	.015	
Elevator Constructors' Helpers	70%JR	.345	.23	2%+a	.015	
Elevator Constructors' Helpers (Prob.)	50%JR					
GLAZIERS:						
Imperial County	9.05	.35	.30			
Inyo, Kern, Mono Counties	7.25	.35	.55	.61	.05	
Los Angeles, Orange, Riverside, San Bernardino, Santa Barbara, San Luis Obispo and Ventura Counties	8.27	.50	.60		.04	
IRONWORKERS:						
Fence erectors	8.64	.68	.875	.85	.02	
Reinforcing	8.75	.68	.875	.85	.02	
Ornamental; Structural	8.78	.68	.875	.85	.02	
IRRIGATION AND LAWN SPRINKLERS:						
Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara, and Ventura Cos.	6.75	10%	16%	13%	1%	
LATHERS:						
Imperial County	7.00	.24			.01	
Inyo, and Kern Counties	6.88	.45	.85	.55		
Los Angeles County (except city of Lancaster)						
Metal furring	7.12	.39	.50		.03	
Nail on (Area I)*	6.985	.29	.35		.045	
Nail on (Area II; III; IV)**	7.12	.39	.50		.03	
Orange County	8.29	.55	.65	.50	.03	
Riverside County	7.375	.24	.105	.53	.01	
San Bernardino County	8.61	.245	.60		.015	
San Luis Obispo and Santa Barbara Cos.	6.47	.24	.35			
Ventura County	6.11	.30	.50	.60	.01	
LINE CONSTRUCTION:						
Imperial County						
Groundmen	6.84	.50	1%+.80			
Linemen	8.55	.50	1%+.80			
Cable splicers	8.83	.50	1%+.80			
Kern (China Lake Naval Ordnance Test Station and Edwards AFB)						
Groundmen	7.96	.70	1%+.90		.10	
Linemen	9.95	.70	1%+.90		.10	
Cable splicers	10.045	.70	1%+.90		.10	
Kern County (Remainder of County)						
Groundmen	5.96	.70	1%+.90			
Linemen	7.95	.70	1%+.90			
Cable splicers	8.745	.70	1%+.90			
Los Angeles County						
Groundmen	6.74		1%			
Linemen	8.98		1%			
Cable splicers	9.28		1%			
Orange County						
Groundmen, 1st year	7.25	.25	1%+.45			
Groundmen, 2nd year	7.65	.25	1%+.45			
Linemen	8.90	.25	1%+.45			
Cable splicers	9.31	.25	1%+.45			

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth.
LINE CONSTRUCTION: (cont'd)						
Riverside County						
Groundmen	$6.33	.60	1%+.40		.02	
Linemen; Line equipment operators	8.43	.60	1%+.40		.02	
Cable splicers	8.73	.60	1%+.40		.02	
Inyo, Mono, San Bernardino Counties						
Groundmen	6.36	.40	1%+.75		.02	
Linemen	8.48	.40	1%+.75		.02	
Cable splicers	8.78	.40	1%+.75		.02	
San Luis Obispo County						
Linemen	8.98	.60	1%		.01	
Cable splicers	9.88	.60	1%		.01	
Santa Barbara County (Vandenberg AFB):						
Groundmen	6.95	.35	1%+.45		.03	
Linemen	8.85	.35	1%+.45		.03	
Cable splicers	9.10	.35	1%+.45		.03	
Santa Barbara County (Remainder of Co.)						
Linemen	7.60	.35	1%+.45		.03	
Cable splicers	7.85	.35	1%+.45		.03	
Ventura County						
Groundmen	7.65	.60	1%+.45			
Linemen	8.83	.60	1%+.45			
Cable splicers	9.72	.60	1%+.45			
MARBLE SETTERS:						
Inyo and Mono Counties	8.23	.74	.51	.53		
Imperial County	7.26	.40	.65	.60		
Kern, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara, Ventura Counties	8.16	.65	.55			
MARBLE SETTERS' HELPERS:						
Imperial County	5.69	.20	.45	.60		
PAINTERS:						
Imperial, Orange, Riverside, Los Angeles, (Pomona Area), San Bernardino (excluding western portion)						
Brush; Paint burners	7.43	.49	.39	.60	.03	
Paperhangers; Iron, steel and bridge (swing stage); Sheet rock taper	7.93	.49	.39	.60	.03	
Brush (swing stage); Spray	7.68	.49	.39	.60	.03	
Steeplejack	8.83	.49	.39	.60	.03	

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
PAINTERS: (cont'd)						
Inyo, Kern (Lancaster, Mojave, Palmdale, China Lake Naval Ordnance Test Station and Edwards AFB), Los Angeles (except Pomona Area), Mono, San Bernardino west of a line north in Trono including China Lake Area, Johannesburg, Boron, South including the Wrightwood Area)						
Brush	7.90	.305	.40	.30		
Structural steel and bridge; Paint burner; Taper	8.02	.305	.40	.30		
Brush swing stage (13 stories or less); Paperhangers; Sandblasters; Spray	8.15	.305	.40	.30		
Brush swing stage (over 13 stories)	8.27	.305	.40	.30		
Structural steel and bridge, swing	8.30	.305	.40	.30		
Spray sandblaster swing stage (13 stories or less); Paste machine; Special coating spray	8.40	.305	.40	.30		
Steeplejack	9.15	.305	.40	.30		
Kern County (Remainder of County)						
Brush	7.57	.35	.36		.01	
Swing stage (brush-roller)	7.72	.35	.36		.01	
Taping joint sheet rock	7.77	.35	.36		.01	
Paperhangers; Spray; Sandblasters	7.82	.35	.36		.01	
Swing stage and sandblasters	7.97	.35	.36		.01	
San Luis Obispo, Santa Barbara and Ventura Counties						
Brush	7.66	.35	.35		.02	
Iron and steel; Paperhangers; Paste machine operator; Sandblaster; Taper	7.91	.35	.35		.02	
Spraymen	8.16	.35	.35		.02	
Steeplejack	8.66	.35	.35		.02	
Parking Lot Striping Work and/or Highway Markers:						
Inyo and Mono Counties						
Striper	7.37	.35	.20	b		
Striper helper	6.37	.35	.20	b		
Traffic delineating device applicator; Sandblaster	6.27	.35	.20	b		
Traffic delineating device applicator helper	5.77	.35	.20	b		
Remaining Counties						
Traffic delineating device applicator	6.27	.20	.20	b		
Traffic surface protective coating applicator; Wheel stop installers; Traffic surface sandblaster; Striper	5.88	.20	.20	b		
Helper (traffic surface sandblaster, wheel stop installer, and traffic surface protective coating applicator; Striper)	5.38	.20	.20	b		

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
PLASTERERS:						
Imperial County	$8.15	.45	.75		.06	
Inyo, Kern and Mono Counties	7.32	.45	.50	.60	.01	
Los Angeles and Orange Counties	7.495	.53	1.25	.50	.07	
Riverside and San Bernardino Counties	10.175					
San Luis Obispo County	8.70				.01	
Santa Barbara County	8.69	.40	.75		.01	
Ventura County	8.625	.55	.50	.50	.02	
Imperial, Inyo, Mono, Riverside, and San Bernardino Counties	7.93	.55	1.10	.30		
Kern County	6.50	.55	1.10	.30		
Los Angeles and Orange Counties	7.175	.55	1.55	.60		
San Luis Obispo County	6.50	.55	1.10	.30		
Santa Barbara County (except Santa Maria)	6.9375	.35	.60	1.00		
Ventura County	6.975	.55	1.35	1.00		
PLUMBERS; Steamfitters:						
Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara, and Ventura Counties	8.62	10%	16%	13%	1%	
Inyo, Kern (except east of Los Angeles Aqueduct), and Mono Counties	7.17	.60	1.53	1.00	.10	
ROOFERS:						
Imperial County	6.64	.40	.25	1.00		
Inyo, Kern and Mono Counties	6.80	.30	.30			
Riverside and San Bernardino Counties	6.80	.55	.40	.50		
Los Angeles, Orange, and Ventura Counties	7.74	.35	.50		.025	
San Luis Obispo and Santa Barbara Cos.	7.76	.36	.205		.0025	
SHEET METAL WORKERS:						
Imperial County	8.53	.69	1.15			
Inyo, Kern, Los Angeles (North of line between Gorman and Big Pines), and Mono Counties	8.47	.69	1.05			
Los Angeles County (remaining portion)	6.27	.39	.40		.025	
Orange County	9.52	.69	1.20			
Riverside and San Bernardino Counties	6.65	.39	.40		.03	
San Luis Obispo, Santa Barbara, and Ventura Counties	9.32	.69	1.05			
SOFT FLOOR LAYERS:						
Imperial County	7.85	.45	.30	.60	.05	
Inyo (incl. Inyo-Kern Naval Reservation), Kern (east of the Los Angeles Aqueduct), Los Angeles, Orange, Riverside, Santa Barbara, San Bernardino, San Luis Obispo and Ventura Counties	8.14	.37	.28	.44	.02	
Kern County (remaining portion)	8.05	.37	.15	.44		

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
SPRINKLER FITTERS:						
Imperial, Inyo, Kern, Mono, Orange, (except Santa Ana), Riverside, San Bernardino (except Ontario), San Luis Obispo, Santa Barbara, and Ventura (except Santa Paula, Point Mugu, and Port Hueneme)	$11.30	.30	.50		.05	
Los Angeles (Los Angeles City and area within 25 miles; and Pomona), Orange (Santa Ana), San Bernardino (Ontairo), and Ventura (Santa Paula, Point Mugu, and Port Hueneme	11.04	.44	.50		.06	
TERRAZZO WORKERS:						
Imperial County	7.26	.40	.65	.60		
Inyo, Kern, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara, and Ventura Cos.	7.02	.25	.40	.60		
TILE SETTERS:						
Imperial County	7.26	.40	.65	.60		
Inyo, Kern and Mono counties	7.30	.40		.30		
Los Angeles, Orange, and Ventura Cos.	7.75	.145	.35		.02	
Riverside and San Bernardino Counties	7.35	.60	.55		.025	
San Luis Obispo and Santa Barbara Cos.	8.29	.65	.45			

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes 4% basic hourly rate for over 5 years' service and 2% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F.

b. Employer contributes $.17 per hour to Holidays Fund plus $.10 per hour to Vacation for 1 year's service, $.20 per hour after 1 year but less than 5 years' service, $.30 per hour after 5 years but less than 10 years' service, $.40 per hour after 10 years' service.

* Area I - That portion of Los Angeles County including the Cities of Burbanks, Castaic, Chatsworth, Cornell, Glendale, Hermosa Beach, Hollywood, Los Angeles, Malibou Beach, Redondo Beach, San Fernando, Santa Monica, Torrance, Van Nuys, Whittier, Zuma Beach.

** Area II; III; and IV:

Area II - That portion of Los Angeles County including the Cities of Pomona, El Monte, Covina, Alhambra, Pasadena, South Pasadena, La Canada, to line that intersects Acton, east of San Bernardino County line, then south along the San Bernardino County line.

Area III - Beginning at the edge of Reeves Field, north along Long Beach City limits to 223rd Street, west to Avalon Boulevard, north to Torrence Boulevard, west to Pacific Ocean, including Santa Catalina Island.

Area IV - Beginning ar the edge of Reeves Field, north along Long Beach City limits to 223rd Street, west to Avalon Boulevard, north to Rosecrans Avenue, east to Atlantic Avenue, north to Imperial Highway, east to the Orange County line, south along County line to Western Avenue, south to Lincoln Avenue, east to Highway 39 (Beach Boulevard), south to the Pacific Ocean including San Clemente Island.

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LABORERS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
CLEANING AND HANDLING OF PANEL FORMS; Concrete screeding for rough strike off; Concrete, water curing; Demolition laborer, the cleaning of brick and lumber; Dry packing of concrete, plugging, filling of shee-bolt holes; Fire watcher, limbers, brush loaders, pilers and debris handler; Gas and oil pipeline; Laborers, general or construction; Laborer, temporary water and air lines; Material hoseman (walls, slab, floors and decks); Mixer-truck chute man (Walls, slabs decks, floors foundations and footing-curb and gutter and sidewalks); Rigging and signalling; Slip form raisers; Window cleaner	$5.645	.65	1.35	.35	
CUTTING TORCH (Demolition); Scaler; Tarman; Mortarman	5.695	.65	1.35	.35	
GUINEA CHASER	5.825	.65	1.35	.35	
ASPHALT SHOVELER; Fine grader, highway and street paving, airports, runways, and similar type heavy construction; Landscape gardener and nursery man	5.745	.65	1.35	.35	
BACKING ROD STEEL AND PANS; Tanks scaler and cleaner	5.77	.65	1.35	.35	
UNDERGROUND (INCL. CAISSON BELLOWERS)	5.775	.65	1.35	.35	
CHUCKTENDER; Septic tank digger and installer	5.795	.65	1.35	.35	
CESSPOOL DIGGER AND INSTALLER	5.825	.65	1.35	.35	
CONCRETE CURER-IMPERVIOUS MEMBRANE AND FORM OILER: Riprap stonepaver placing stone or sacked concrete; Sandblaster (pot tender)	5.835	.65	1.35	.35	
PIPELAYERS' BACKUP MAN, COATING, GROUTING, MAKING OF JOINTS, SEALING, CAULKING	5.935	.65	1.35	.35	

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LABORERS: (cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
BUGGYMOBILE MAN; Cement dumper (on 1 yd. or larger mixer and handling bulk cement); Gas and oil pipeline wrapper-pot tender; Power broom sweepers (small); Roto scraper and tiller; Tree climber, faller, chain saw operator, Pittsburgh chipper and similar type brush shredders; Trenching machine, hand propelled	$5.855	.65	1.35	.35		
ASPHALT RAKER, LUTEMAN AND IRONER; Concrete core cutter, grinder or sander; concrete saw man, cutting, scoring old or new concrete; Impact wrench, multi-plate; Pneumatic, gas, electric tools, vibrating machines and similar mechanical tools not separately classified herein; Tampers, barko wacker and similar type	5.955	.65	1.35	.35		
ROCK SLINGER	5.905	.65	1.35	.35		
DRILLER, JACKHAMMER - 2 - 1/2 DRILL STEEL OR LONGER	6.035	.65	1.35	.35		
CONCRETE VIBRATOR OPERATOR, 70 lbs. and OVER	6.055	.65	1.35	.35		
PIPELAYER (NON-METALLIC INCL. SEWER, DRAIN AND UNDERGROUND TILE); Prefabricated manhole installer	6.155	.65	1.35	.35		
GAS AND OIL PIPELINE WRAPPER - (6" and Over; Kettlemen, potmen and men applying asphalt, lay-kold, creosote, lime caustic and similar type materials	5.985	.65	1.35	.35		
CRIBBER, SHORER, LAGGING, SHEETING, AND TRENCH BRACKING, HAND-GUIDED LAGGING HAMMER	6.155	.65	1.35	.35		
BLASTER POWDERMAN	6.295	.65	1.35	.35		
STEEL HEADERBOARD MAN AND GUIDELINE SETTER	6.07	.65	1.35	.35		

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LABORERS: (cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
SANDBLASTER (Nozzleman)	$6.095	.65	1.35	.35		
DRILLER (Core-Diamond-Wagon)	6.295	.65	1.35	.35		
HEAD ROCK SLINGER	6.165	.65	1.35	.35		
GUNNITE LABORERS:						
NOZZLEMEN AND RODMEN	7.22	.65	1.35	.35		
GUNMEN	6.72	.65	1.35	.35		
REBOUNDMEN	5.76	.65	1.35	.35		

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LABORERS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
(Tunnel and Tunnel-Shaft Construction)	-					
BATCH PLANT LABORERS; Bull gang mucker, trackman; Concrete crew, incl. rodders and spreaders; Dumpman; Dumpman (outside); Swamper (brakeman and switchman on tunnel work); Tunnel materials handling man; Tool man	$6.88	.65	1.35	.35		
CABLE TENDER, Chucktender; Nipper; Steel form raiser and setter's helper; Vibratorman, jackhammer, pneumatic tools (except driller)	6.98	.65	1.35	.35		
BLASTER, Driller, Powderman; Chemical grout jetman; Cherry pickerman; Grout gunman; Grout mixerman; Grout pumpman; Jackleg miner; Jumbo man; Kemper and other pneumatic Concrete placer operator; Miner tunnel (hand or machine); Powderman (primer house); Primer man; Shotcrete man; Steel form raiser and setter; Timberman; Retimberman (wood or steel); Tunnel concrete finisher	7.13	.65	1.35	.35		
SHAFT, Raise miner; Diamond driller	7.38	.65	1.35	.35		

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POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
GROUP I						
BRAKEMAN; Compressor operator; Deck hand; Engineer oiler; Generator operator; Heavy duty repairman helper; Pump operator; Signalman; Switchman	$7.28	.75	1.50	.30	.02	
GROUP II						
CONCRETE MIXER, Skip type; Conveyor; Fireman; Generator, pump or compressor, (2-5 inclusive) portal units - over 5 units, .10¢ per hour for each additional unit up to nine units.; Hydrostatic pump; Oiler crusher (asphalt or concrete plant); Plant operator, generator, pump or compressor; Skiploader - wheel type up to 3/4 yd. without attachment; Tar pot fireman; Temporary heating plant operator; Trenching machine oiler; Truck crane oiler	7.52	.75	1.50	.30	.02	
GROUP III						
A-FRAME or Winch Truck; Chainman; Elevator (inside); Equipment greaser (rack); Ford Ferguson (with dragtype attachments); Power concrete curing machine; Power concrete saw; Power-driven jumbo form setter; Ross carrier (jobsite); Stationary pipe wrapping and cleaning machine	7.76	.75	1.50	.30	.02	
GROUP IV						
ASPHALT PLANT FIREMAN; Boring machine; Boxman or mixerman (asphalt or concrete); Chip spreading machine; Concrete pump (small portable); Bridge type unloader and turntable; Dinky locomotive or motorman (up to and including 10 tons); Equipment greaser (grease truck); Helicopter hoist operator; Highline cableway signalman; Hydra-hammer-areo stomper; Power sweeper; Roller (compacting); Screed (asphalt or concrete); Rodman; Trenching machine (up to 6 ft.)	7.87	.75	1.50	.30	.02	

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POWER EQUIPMENT OPERATORS: (cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
GROUP V						
ASPHALT PLANT ENGINEER; Concrete batch plant operator - (oiler or journeyman-trainee required); Backhoe (up to and including 3/4 yds.); Bit sharpener; Concrete joint machine operator (canal and similar type); Concrete planer; Derrickman (oilfield type); Deck engine operator; Drilling machine (including water wells); Forklift (under 5 ton capacity); Hydrographic seeder machine (straw, pulp or seed); Machine tool; Maginnis internal full slab vibrator; Mechanical berm, curb or gutter (concrete or asphalt); Mechanical finisher operator (concrete Clary - Johnson-Bidwell or similar); Pavement breaker (truck mounted, oiler) road oil mixing machine; Roller operator (asphalt or finish); Rubber tired earth moving equipment, (single engine, up to and including 25 yds. struck); Self-propelled tar pipelining machine operator; Slip form pump (power driven hydraulic lifting device for concrete forms); Tugger hoist (1 drum); Tunnel locomotive operator (over 10 and up to and including 30 tons); Stinger crane (Austin-Western or similar type); Skiploader operator (crawler and wheel type over 3/4 yd. and up to and including 1½ yds.); Tractor operator - Bulldozer, Tamper, Scraper (single engine, up to 100 h.p. flywheel and similar types, up to and including D-5 and similar types.)	$8.06	.75	1.50	.30	.02	

POWER EQUIPMENT OPERATORS: (cont'd)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
GROUP VI						
ASPHALT OR CONCRETE SPREADER (tamping or finishing); Asphalt paving machine (Barber Green or similar type-2 screedman required); BHL Lima Road Factor, Wagner Factor or similar; Bridge crane operator; Cast in place pipe laying machine operator; Combination mixer and compressor (gunite work); Concrete pump (truck mounted)(oiler required); Concrete mixer operator-paving; Crane operator (up to & incl. 25 tons capacity); Crushing plant operator; Elevating grader; Forklift (over 5 tons); Grade checker; Gradall operator; Grouting machine; Heading shield; Heavy duty repairman; Hoist operator (Chicago boom and similar type); Kolman belt loader and similar type; LeTourneau blob compactor or similar type; Lift slab machine (Vagtborg and similar types); Lift mobile operator; Loader operator (Athey, Euclid, Sierra and Similar type Material hoist; Mucking machine (¼ yd.-rubber-tired, rail or track type); Pneumatic concrete placing machine (Hackley-Presswell or similar type); Pneumatic heading shield (tunnel); Pumpcrete gun; Rotary drill (excl. caisson type); Rubber-tired earth moving equipment, (single engine-Caterpillar, Euclid, Athey, Wagon, & similar types with any and all attachments over 25 yds. & up to & incl. 50 cu. yds. struck); Rubber-tired scraper (self-loading-paddle wheel type; Skiploader (crawler and wheel type over 1½ yds., up to and incl. 6½ yds.); Surface heaters & planer; Rubber-tired earth moving equipment, multiple engine, (up to & incl. 25 yds. struck); Trenching machine (over 6 ft. depth capacity, manufacturers rating); Tower crane; Tractor compressor drill combination; Tractor (any type larger than D-5-100 flywheel h.p. and over or similar)(Bulldozer, tamper, scraper, & push tractor, single engine); Tractor (boom attachments); Traveling pipe wrapping, cleaning and bending machine; Tunnel locomotive (over 30 ton); Shovel, backhoe, dragline, clamshell (over 3/4 yds. & up to 3 cu. yds. M.R.C.	$8.16	.75	1.50	.30	.02	

POWER EQUIPMENT OPERATORS (cont'd)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
GROUP VII						
CRANE - Over 25 tons up to and including 100 tons; Derrick barge; Dual drum mixer; Monorail locomotive (Diesel, gas or electric); Motor patrol - blade (single engine); Multiple engine tractor (Euclid and similar type, except Quad 9 Cat); Rubber-tired earth moving equipment, single engine over fifty (50) yds. struck; Rubber-tired earth moving equipment (multiple engine, Euclid, Caterpillar and similar (over 25 yds. and up to 50 cu. yds. struck); Tractor loader (crawler and wheel type over 6½ yds.); Tower crane repairman; Shovel, backhoe, dragline, clamshell (over 5 cu. yds.; M.R.C.; Woods mixer and similar pugmill equipment; Heavy duty repairman - welder combination	$8.26	.75	1.50	.30	.02	
GROUP VIII						
AUTO GRADER OPERATOR; Automatic slip form; Crane-over 100 tons; Hoist, Stiff legs, guy derricks or similar types (capable of hoisting 100 tons or more); Mass excavator; Mechanical finishing machine; Motor patrol (multi-engine); Pipe mobile machine; Rubber-tired earth moving equipment (Multiple engine, Euclid, Caterpillar and similar type over 50 cu. yds. struck); Rubber-tired scraper (Push-pull) (.50¢ per hour additional to base rate); Tandem equipment operator (2 units only); Tandem tractor operator (Quad 9 or similar type); Tunnel mole boring machine operator	8.40	.75	1.50	.30	.02	
GROUP IX						
CANAL LINER; Canal trimmer; Helicopter pilot; Highline cableway; Rubber-tired self-loading scraper (paddle wheel-Auger type self-loading - 2 or more units); Wheel excavator (over 750 cu. yds.); Remote controlled earth moving equipment operator ($1.00 per hour additional)	8.50	.75	1.50	.30	.02	

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TRUCK DRIVERS:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
WAREHOUSEMAN and Teamster	$6.27	.65	.65	.75		
DRIVERS OF VEHICLES or Combination of vehicles of 2 axles (incl. all vehicles less than six tons); Traffic control pilot car, excluding moving heavy equipment permit load	6.35	.65	.65	.75		
TRUCK MOUNTED power broom	6.41	.65	.65	.75		
DRIVERS OF VEHICLE or combination of vehicles of 3 axles; Water truck, 2 axles	6.50	.65	.65	.75		
BOOTMAN; Cement distributor; Fuel truck; Driver of road oil spreader truck	6.53	.65	.65	.75		
TRANSIT-MIX, Under 3 yds.; Dumpcrete, less than 6½ yds.	6.59	.65	.65	.75		
WATER TRUCK, 3 or more axles; Truck repairman helper	6.60	.65	.65	.75		
TRUCK GREASER AND TIREMEN (50¢ per hour additional when working on tire sizes above 24 inch in wheel diameter); Pipeline and utility working truck driver, incl. winch truck, but not limited to trucks applicable to pipeline and utility work, where a composite crew is used	6.68	.65	.65	.75		
TRANSIT-MIX, 3 yds. or more; Dumpcrete, 6½ yds. and over	6.73	.65	.65	.75		
DRIVERS OR VEHICLES or combination of vehicles of 4 or more axles	6.75	.65	.65	.75		
A-FRAME OR SWEDISH CRANE, or similar type of equipment; Fork lift; Boss carrier (Hwy)	7.05	.65	.65	.75		
ALL OFF-HIGHWAY EQUIPMENT WITHIN TEAMSTERS JURISDICTION (Off highway combination of vehicles or equipment with multiple power sources, $1.00 per hour additional); Truck repairman	7.30	.65	.65	.75		
TRUCK REPAIRMAN- Welder	7.40	.65	.65	.75		

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POWER EQUIPMENT OPERATORS (DREDGING)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
HYDRAULIC SUCTION DREDGES						
LEVERMAN	$8.20	.75	1.20	.30	.015	
WATCH ENGINEER; Welder	7.71	.75	1.20	.30	.015	
DECKMATE	7.31	.75	1.20	.30	.015	
WINCH MAN (stern winch or dredge)	7.25	.75	1.20	.30	.015	
BARGEMAN; Deckhand; Fireman; Oiler; Leveehand	6.79	.75	1.20	.30	.015	
(CLAM SHELL DREDGES)						
LEVERMAN	8.20	.75	1.20	.30	.015	
WATCH ENGINEER	7.71	.75	1.20	.30	.015	
DECKMATE	7.31	.75	1.20	.30	.015	
BARGEMATE	7.25	.75	1.20	.30	.015	
BARGEMAN; Deckhand; Fireman; Oiler	6.79	.75	1.20	.30	.015	

STATE: California

COUNTIES: Imperial, Kern, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura

DECISION NUMBER: AQ-1,008

DATE: Date of Publication

Supersedes Decision No. AP-281 dated March 30, 1973, in 38 FR 8371.

DESCRIPTION OF WORK: Residential Construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
ASBESTOS WORKERS	$9.97	.68	.72		.045	
BOILERMAKERS	7.95	.60	1.00	.50	.02	
BRICKLAYERS; Stonemasons:						
Imperial County	8.25	.62	.80		.05	
Kern County	7.80	.40	.40	.30	.05	
Los Angeles County (Cities of Santa Monica, Malibu, Venice, Pasadena, South Pasadena, Arcadia, Monrovia and South of Rosecrans Blvd. incl. Long Beach); Orange County	8.30	.65	.70		.07	
Los Angeles County (except Cities of Santa Monica, Malibu, Venice, Pasadena, South Pasadena, Arcadia, Monrovia and South of Rosecrans Blvd. incl. Long Beach)	8.53	.65	.70		.07	
Riverside and San Bernardino Counties	7.37	.65	.70		.07	
Santa Barbara and San Luis Obispo Cos.	8.29	.65	.45			
Ventura County	7.60	.50	1.00		.01	
BRICK TENDERS:						
Imperial, Kern, Los Angeles, Orange, Riverside and San Bernardino Counties	6.00	.55	1.10	.30		
Santa Barbara County	5.725	.55	1.10	.575		
San Luis Obispo County	5.90	.55	1.10	.30		
CARPENTERS						
Carpenters	7.05	.74	.95	.70	.01	
Saw filers	7.13	.74	.95	.70	.01	
Table power saw operators	7.15	.74	.95	.70	.01	
Shinglers; Piledrivermen, bridge or dock carpenters; Derrick bargemen; Rock slinger	7.18	.74	.95	.70	.01	
Hardwood floor layers; Millwrights	7.25	.74	.95	.70	.01	
Head rock slinger	7.28	.74	.95	.70	.01	
Pneumatic nailer	7.30	.74	.95	.70	.01	
CEMENT MASONS:						
Cement masons	6.16	.90	.95	.70	.0325	
Cement floating and finishing operators	6.28	.90	.95	.70	.0325	
DRYWALL INSTALLERS	$8.60	.61	.75	.50	.04	
ELECTRICIANS:						
Imperial County						
Electricians	8.55	.50	1%+.80			
Cable splicers	8.83	.50	1%+.80			
Kern (China Lake Naval Ordnance Test Station, Edwards AFB)						
Electricians; Technicians	9.95	.70	1%+.90		.10	
Cable splicers	10.945	.70	1%+.90		.10	
Kern County (Remainder of County)						
Electricians; Technicians.	7.95	.70	1%+.90		.10	
Cable splicers	8.745	.70	1%+.90		.10	
Los Angeles County						
Electricians	9.54	.40	1%+.75		.02	
Cable splicers	9.84	.40	1%+.75		.02	
Orange County						
Electricians	8.90	.45	1%+.75		.02	
Cable splicers	9.31	.45	1%+.75		.02	
Riverside County						
Electricians	8.42	.60	1%+.40		.02	
Cable splicers	8.72	.60	1%+.40		.02	
San Bernardino County						
Electricians	8.47	.40	1%+.75		.02	
Cable splicers	8.77	.40	1%+.75		.02	
San Luis Obispo County						
Electricians	8.48	.60	1%		.01	
Cable splicers	9.33	.60	1%		.01	
Santa Barbara County (Vandenberg AFB):						
Electricians	9.60	.65	1%+.85		.03	
Cable splicers	10.60	.65	1%+.85		.03	
Remainder of County:						
Electricians	8.35	.65	1%+.85		.03	
Cable splicers	9.35	.65	1%+.85		.03	
Ventura County						
Electricians	8.83	.60	1%+.45			
Cable splicers	9.72	.60	1%+.45			
ELEVATOR CONSTRUCTORS						
Imperial, Kern (South of Tehachapi Range), Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Counties:						
Elevator Constructors	9.21	.195	.20	2%+a		
Elevator Constructors' Helpers	70%JR	.195	.20	2%+a		
Elevator Constructors' Helpers (Prob.)	50%JR					

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
ELEVATOR CONSTRUCTORS: (cont'd)						
Kern County (North of Tehachapi Range)						
Elevator Constructors	$9.48	.345	.23	2%+a	.015	
Elevator Constructors' Helpers	70%JR	.345	.23	2%+a	.015	
Elevator Constructors' Helpers (Prob.)	50%JR					
GLAZIERS:						
Imperial County	9.05	.35	.30			
Kern County	7.25	.35	.55	.61	.05	
Los Angeles, Orange, Riverside, San Bernardino, Santa Barbara, San Luis Obispo and Ventura Counties	8.27	.50	.60		.04	
IRONWORKERS:						
Fence erectors	8.64	.68	.875	.85	.02	
Reinforcing	8.75	.68	.875	.85	.02	
Ornamental; Structural	8.78	.68	.875	.85	.02	
IRRIGATION AND LAWN SPRINKLERS:						
Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Cos.	6.75	10%	16%	13%	1%	
LATHERS:						
Imperial County	7.00	.24			.01	
Kern County	6.88	.45	.85	.55		
Los Angeles County (except city of Lancaster)						
Metal furring	7.12	.39	.50		.03	
Nail on (Area I)*	6.985	.29	.35		.045	
Nail on (Area II; III; IV)**	7.12	.39	.50		.03	
Orange County	8.29	.55	.65	.50	.03	
Riverside County	7.375	.24	.105	.53	.01	
San Bernardino County	8.61	.245	.60		.015	
San Luis Obispo and Santa Barbara Cos.	8.47	.24	.35			
Ventura County	6.11	.30	.50	.60	.01	
PAINTERS:						
Imperial, Orange, Riverside, Los Angeles (Pomona Area), San Bernardino (excluding western portion)						
Brush; Paint burners	7.43	.49	.39	.60	.03	
Paperhangers; Iron, steel and bridge (swing stage); Sheet rock taper	7.93	.49	.39	.60	.03	
Brush (swing stage); Spray	7.68	.49	.39	.60	.03	
Steeplejack	8.83	.49	.39	.60	.03	

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
PAINTERS: (cont'd)						
Kern (Lancaster, Mohave, Palmdale, China Lake Naval Ordnance Test Station and Edwards AFB), Los Angeles (except Pomona Area), San Bernardino (west of a line north in Trona including China Lake area, Johannesburg, Boron, South including the Wrightwood area)						
Brush	$7.90	.305	.40	.30		
Structural steel and bridge; Paint burner; Taper	8.02	.305	.40	.30		
Brush swing stage (13 stories or less); Paperhangers; Sandblasters; Spray	8.15	.305	.40	.30		
Brush swing stage (over 13 stories)	8.27	.305	.40	.30		
Structural steel and bridge, swing	8.30	.305	.40	.30		
Spray sandblaster swing stage (13 stories or less); Paste machine; Special coating spray	8.40	.305	.40	.30		
Steeplejack	9.15	.305	.40	.30		
Kern County (Remainder of County)						
Brush	7.57	.35	.36		.01	
Swing stage (brush-roller)	7.72	.35	.36		.01	
Taping joint sheet rock	7.77	.35	.36		.01	
Paperhangers; Spray; Sandblasters	7.82	.35	.36		.01	
Swing stage and sandblasters	7.97	.35	.36		.01	
San Luis Obispo, Santa Barbara and Ventura Counties						
Brush	7.66	.35	.35		.02	
Iron and steel; Paperhangers; Paste machine operator; Sandblaster; Taper	7.91	.35	.35		.02	
Spraymen	8.16	.35	.35		.02	
Steeplejack	8.66	.35	.35		.02	
PLASTERERS:						
Imperial County	8.15	.45	.75		.06	
Kern County	7.32	.45	.30	.60	.01	
Los Angeles and Orange Counties	7.495	.53	1.25	.50	.07	
Riverside and San Bernardino Counties	10.175					
San Luis Obispo County	8.70				.01	
Santa Barbara County	8.69	.40	.75		.01	
Ventura County	8.625	.55	.50	.50	.02	
PLASTERERS' TENDERS:						
Imperial, Riverside, and San Bernardino Counties	7.93	.55	1.10	.30		
Kern County	6.50	.55	1.10	.30		
Los Angeles and Orange Counties	7.175	.55	1.55	.60		
San Luis Obispo County	6.50	.55	1.10	.30		
Santa Barbara County(except Santa Maria)	6.9375	.35	.60	1.00		
Ventura County	6.975	.55	1.35	1.00		

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
PLUMBERS; Steamfitters:						
Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Cos.	$8.62	10%	15%	13%	1%	
Kern, (except east of Los Angeles Aqueduct)	7.17	.60	1.53	1.00	.10	
Kern County (East of Los Angeles Aqueduct)	9.17	.60	1.53	1.00	.10	
ROOFERS:						
Imperial County	6.64	.40	.25	1.00		
Kern County	6.80	.30	.30			
Los Angeles, Orange and Ventura Cos.	7.74	.35	.50		.025	
Riverside and San Bernardino Counties	6.80	.55	.40	.50		
San Luis Obispo and Santa Barbara Cos.	7.76	.36	.205		.0025	
SHEET METAL WORKERS:						
Imperial County	8.53	.69	1.15			
Kern, Los Angeles (north of line between Gorman and Big Pines)	8.47	.69	1.05			
Los Angeles County (remaining portion)	6.27	.39	.40		.025	
Orange County	9.52	.69	1.20			
Riverside and San Bernardino County	6.65	.39	.40		.03	
San Luis Obispo, Santa Barbara and Ventura Counties	9.32	.69	1.05			
SOFT FLOOR LAYERS:						
Imperial County (Kern Naval Reservation), Kern (east of the Los Angeles Aqueduct), Los Angeles, Orange, Riverside, Santa Barbara, San Bernardino, San Luis Obispo and Ventura Counties	7.85	.45	.30	.60	.05	
Kern County (remaining portion)	8.14	.37	.28	.44	.02	
TILE SETTERS:	8.05	.37	.15	.44		
Imperial County	7.26	.40	.65	.60		
Kern County	7.30	.40		.30		
Los Angeles, Orange, and Ventura Cos.	7.75	.145	.35		.02	
Riverside, and San Bernardino Counties	7.35	.60	.55		.025	
San Luis Obispo and Santa Barbara Cos.	8.29	.65	.45			

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Employer contributes 4% basic hourly rate for over 5 years' service and 2% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F.

* AREA 1 - That portion of Los Angeles County including the Cities of Burbank, Castaic, Chatsworth, Cornell, Glendale, Hermosa Beach, Hollywood, Los Angeles, Malibou Beach, Rendondo Beach, San Frenando, Santa Monica, Torrance, Van Nuys, Whittier, Zuma Beach.

** AREAS II; III; and IV:

AREA II - That portion of Los Angeles County including the Cities of Pomona, El Monte, Covina, Alhambra, Pasadena, South Pasadena, La Canada, to line that intersects Acton, east to San Bernardino County line, then south along the San Bernardino County line.

AREA III - Beginning at the edge of Reeves Field, north along Long Beach City limits to 223rd Street, west to Avalon Boulevard, north to Torrence Boulevard, west to Pacific Ocean, including Santa Catalina Island.

AREA IV - Beginning at the edge of Reeves Field, north along Long Beach City limits to 223rd Street, west to Avalon Boulevard, north to Rosecrans Avenue, east to Atlantic Avenue, north to Imperial Highway, east to the Orange County line, south along County line to Western Avenue, south to Lincoln Avenue, east to Highway 39 (Beach Boulevard), south to the Pacific Ocean, including San Clemente Island.

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LABORERS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Oth
CLEANING AND HANDLING OF PANEL FORMS; Concrete screeding for rough strike off; Concrete, water curing; Demolition laborer, the cleaning of brick and lumber; Dry packing of concrete, plugging, filling of shee-bolt holes; Fire watcher, limbers, brush loaders, pilers and debris handler; Gas and oil pipeline; Laborers, general or construction; Laborer, temporary water and air lines; Material boseman (walls, slab, floors and decks); Mixer-truck chute man (Walls, slabs decks, floors foundations and footing-curb and gutter and sidewalks); Rigging and signalling; Slip form raisers; Window cleaner	$5.645	.65	1.35	.35		
CUTTING TORCH (Demolition); Scaler; Tarman; Mortarman	5.695	.65	1.35	.35		
GUINEA CHASER	5.825	.65	1.35	.35		
ASPHALT SHOVELER; Fine grader, highway and street paving, airports, runways, and similar type heavy construction; Landscape gardener and nursery man	5.745	.65	1.35	.35		
PACKING ROD STEEL AND PANS; Tanks scaler and cleaner	5.77	.65	1.35	.35		
UNDERGROUND (INCL. CAISSON BELLOWERS)	5.775	.65	1.35	.35		
CHUCKTENDER; Septic tank digger and installer	5.795	.65	1.35	.35		
CESSPOOL DIGGER AND INSTALLER	5.825	.65	1.35	.35		
CONCRETE CURER-IMPERVIOUS MEMBRANE AND FORM OILER: Riprap stonepaver placing stone or sacked concrete; Sandblaster (pot tender)	5.835	.65	1.35	.35		
PIPELAYERS' BACKUP MAN, COATING, GROUTING, MAKING OF JOINTS, SEALING, CAULKING	5.935	.65	1.35	.35		

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LABORERS: (cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Oth
BUGGYMOBILE MAN; Cement dumper (on 1 yd. or larger mixer and handling bulk cement); Gas and oil pipeline wrapper-pot tender; Power broom sweepers (small); Roto scraper and tiller; Tree climber, faller, chain saw operator, Pittsburgh chipper and similar type brush shredders; Trenching machine, hand propelled	$5.855	.65	1.35	.35		
ASPHALT RAKER, LUTEMAN AND IRONER; Concrete core cutter, grinder or sander; concrete saw man, cutting, scoring old or new concrete; Impact wrench, multi-plate; Pneumatic, gas, electric tools, vibrating machines and similar mechanical tools not separately classified herein; Tampers, barko wacker and similar type	5.955	.65	1.35	.35		
ROCK SLINGER	5.905	.65	1.35	.35		
DRILLER, JACKHAMMER - 2 - 1/2 DRILL STEEL OR LONGER	6.035	.65	1.35	.35		
CONCRETE VIBRATOR OPERATOR, 70 lbs. and OVER	6.055	.65	1.35	.35		
PIPELAYER (NON-METALLIC INCL. SEWER, DRAIN AND UNDERGROUND TILE); Prefabricated manhole installer	6.155	.65	1.35	.35		
GAS AND OIL PIPELINE WRAPPER - (6" and Over; Kettlemen, potmen and men applying asphalt, lay-kold, creosote, lime caustic and similar type materials	5.985	.65	1.35	.35		
CRIBBER, SHORER, LAGGING, SHEETING, AND TRENCH BRACKING, HAND-GUIDED LAGGING HAMMER	6.155	.65	1.35	.35		
BLASTER POWDERMAN	6.295	.65	1.35	.35		
STEEL HEADERBOARD MAN AND GUIDELINE SETTER	6.07	.65	1.35	.35		

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LABORERS: (cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	O
SANDBLASTER (Nozzleman)	$6.095	.65	1.35	.35		
DRILLER (Core-Diamond-Wagon)	6.295	.65	1.35	.35		
HEAD ROCK SLINGER	6.165	.65	1.35	.35		
GUNNITE LABORERS: NOZZLEMEN AND BOOMEN	7.22	.65	1.35	.35		
GUNMEN	6.72	.65	1.35	.35		
REBOUNDMEN	5.76	.65	1.35	.35		

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LABORERS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	O
(Tunnel and Tunnel-Shaft Construction)						
BATCH PLANT LABORERS; Bull gang mucker, trackman; Concrete crew, incl. rodders and spreaders; Dumpman; Dumpman (outside); Swamper (brakeman and switchman on tunnel work); Tunnel materials handling man; Tool man	$6.88	.65	1.35	.35		
CABLE TENDER, Chucktender; Nipper; Steel form raiser and setter's helper; Vibratorman, jackhammer, pneumatic tools (except driller)	6.98	.65	1.35	.35		
BLASTER, Driller, Powderman; Chemical grout jetman; Cherry pickerman; Grout gunman; Grout mixerman; Grout pumpman; Jackleg miner; Jumbo man; Kemper and other pneumatic Concrete placer operator; Miner tunnel (hand or machine); Powderman (primer house); Primer man; Shotcrete man; Steel form raiser and setter; Timberman; Retimberman (wood or steel); Tunnel concrete finisher	7.13	.65	1.35	.35		
SHAFT, Raise miner; Diamond driller	7.38	.65	1.35	.35		

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POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
GROUP I BRAKEMAN; Compressor operator; Deck hand; Engineer oiler; Generator operator; Heavy duty repairman helper; Pump operator; Signalman; Switchman	$7.28	.75	1.50	.30	.02
GROUP II CONCRETE MIXER, Skip type; Conveyor; Fireman; Generator, pump or compressor, (2-5 inclusive) portal units - over 5 units, .10¢ per hour for each additional unit up to nine units.; Hydrostatic pump; Oiler crusher (asphalt or concrete plant); Plant operator, generator, pump or compressor; Skiploader - wheel type up to 3/4 yd. without attachment; Tar pot fireman; Temporary heating plant operator; Trenching machine oiler; Truck crane oiler	7.52	.75	1.50	.30	.02
GROUP III A-FRAME or Winch Truck; Chainman; Elevator (inside); Equipment greaser (rack); Ford Ferguson (with dragtype attachments); Power concrete curing machine; Power concrete saw; Power-driven jumbo form setter; Ross carrier (jobsite); Stationary pipe wrapping and cleaning machine	7.76	.75	1.50	.30	.02
GROUP IV ASPHALT PLANT FIREMAN; Boring machine; Boxman or mixerman (asphalt or concrete); Chip spreading machine; Concrete pump (small portable); Bridge type unloader and turntable; Dinky locomotive or motorman (up to and including 10 tons); Equipment greaser (grease truck); Helicopter hoist operator; Highline cableway signalman; Hydra-hammer-areo stomper; Power sweeper; Roller (compacting); Screed (asphalt or concrete); Rodman; Trenching machine (up to 6 ft.)	7.87	.75	1.50	.30	.02

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POWER EQUIPMENT OPERATORS: (cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
GROUP V ASPHALT PLANT ENGINEER; Concrete batch plant operator - (oiler or journeyman-trainee required); Backhoe (up to and including 3/4 yds.); Bit sharpener; Concrete joint machine operator (canal and similar type); Concrete planer; Derrickman (oilfield type); Deck engine operator; Drilling machine (including water wells); Forklift (under 5 ton capacity); Hydrographic seeder machine (straw, pulp or seed); Machine tool; Maginnis internal full slab vibrator; Mechanical berm, curb or gutter (concrete or asphalt); Mechanical finisher operator (concrete Clary - Johnson-Bidwell or similar); Pavement breaker (truck mounted, oiler) road oil mixing machine; Roller operator (asphalt or finish); Rubber tired earth moving equipment, (single engine, up to and including 25 yds. struck); Self-propelled tar pipelining machine operator; Slip form pump (power driven hydraulic lifting device for concrete forms); Tugger hoist (1 drum); Tunnel locomotive operator (over 10 and up to and including 30 tons); Stinger crane (Austin-Western or similar type); Skiploader operator (crawler and wheel type over 3/4 yd. and up to and including 1½ yds.); Tractor operator - Bulldozer, Tamper, Scraper (single engine, up to 100 h.p. flywheel and similar types, up to and including D-5 and similar types.)	$8.06	.75	1.50	.30	.02

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POWER EQUIPMENT OPERATORS: (cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	O
GROUP VI						
ASPHALT OR CONCRETE SPREADER (tamping or finishing); Asphalt paving machine (Barber Green or similar type-2 screedman required); BHL Lima Road Factor, Wagner Factor or similar; Bridge crane operator; Cast in place pipe laying machine operator; Combination mixer and compressor (gunite work); Concrete pump (truck mounted)(oiler required); Concrete mixer operator-paving; Crane operator (up to & incl. 25 tons capacity); Crushing plant operator; Elevating grader; Forklift (over 5 tons); Grade checker; Gradall operator; Grouting machine; Heading shield; Heavy duty repairman; Hoist operator (Chicago boom and similar type); Kolman belt loader and similar type; LeTourneau blob compactor or similar type; Lift slab machine (Vagtborg and similar types); Lift mobile operator; Loader operator (Athey, Euclid, Sierra and Similar type Material hoist; Mucking machine (¾ yd.-rubber-tired, rail or track type); Pneumatic concrete placing machine (Hackley-Presswell or similar type); Pneumatic heading shield (tunnel); Pumpcrete gun; Rotary drill (excl. caisson type); Rubber-tired earth moving equipment, (single engine-Caterpillar, Euclid, Athey, Wagon, & similar types with any and all attachments over 25 yds. & up to & incl. 50 cu. yds. struck); Rubber-tired scraper (self-loading-paddle wheel type; Skiploader (crawler and wheel type over 1½ yds., up to and incl. 6½ yds.); Surface heaters & planer; Rubber-tired earth moving equipment, multiple engine, (up to & incl. 25 yds. struck); Trenching machine (over 6 ft. depth capacity, manufacturers rating); Tower crane; Tractor compressor drill combination; Tractor (any type larger than D-5-100 flywheel h.p. and over or similar)(Bulldozer, tamper, scraper, & push tractor, single engine); Tractor (boom attachments); Traveling pipe wrapping, cleaning and bending machine; Tunnel locomotive (over 30 ton); Shovel, backhoe, dragline, clamshell (over 3/4 yds. & up to 5 cu. yds. M.R.C.	$8.16	.75	1.50	.30	.02	

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POWER EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Or
GROUP VII						
CRANE - Over 25 tons up to and including 100 tons; Derrick barge; Dual drum mixer; Monorail locomotive (Diesel, gas or electric); Motor patrol - blade (single engine); Multiple engine tractor (Euclid and similar type, except Quad 9 Cat); Rubber-tired earth moving equipment, single engine over fifty (50) yds. struck; Rubber-tired earth moving equipment (multiple engine, Euclid, Caterpillar and similar (over 25 yds. and up to 50 cu. yds. struck); Tractor loader (crawler and wheel type over 6½ yds.); Tower crane repairman; Shovel, backhoe, dragline, clamshell (over 5 cu. yds.; M.R.C.; Woods mixer and similar pugmill equipment; Heavy duty repairman - welder combination	$8.26	.75	1.50	.30	.02	
GROUP VIII						
AUTO GRADER OPERATOR; Automatic slip form; Crane-over 100 tons; Hoist, Stiff legs, guy derricks or similar types (capable of hoisting 100 tons or more); Mass excavator; Mechanical finishing machine; Motor patrol (multi-engine); Pipe mobile machine; Rubber-tired earth moving equipment (Multiple engine, Euclid, Caterpillar and similar type over 50 cu. yds. struck); Rubber-tired scraper (Push-pull) (.50¢ per hour additional to base rate); Tandem equipment operator (2 units only); Tandem tractor operator (Quad 9 or similar type); Tunnel mole boring machine operator	8.40	.75	1.50	.30	.02	
GROUP IX						
CANAL LINER; Canal trimmer; Helicopter pilot; Highline cableway; Rubber-tired self-loading scraper (paddle wheel-Auger type self-loading - 2 or more units); Wheel excavator (over 750 cu. yds.); Remote controlled earth moving equipment operator ($1.00 per hour additional)	8.50	.75	1.50	.30	.02	

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TRUCK DRIVERS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	O
WAREHOUSEMAN and Teamster	$6.27	.65	.65	.75		
DRIVERS OF VEHICLES or Combination of vehicles of 2 axles (incl. all vehicles less than six tons); Traffic control pilot car, excluding moving heavy equipment permit load	6.35	.65	.65	.75		
TRUCK MOUNTED power broom	6.41	.65	.65	.75		
DRIVERS OF VEHICLE or combination of vehicles of 3 axles; Water truck, 2 axles	6.50	.65	.65	.75		
BOOTMAN; Cement distributor; Fuel truck; Driver of road oil spreader truck	6.53	.65	.65	.75		
TRANSIT-MIX, Under 3 yds.; Dumpcrete, less than 6½ yds.	6.59	.65	.65	.75		
WATER TRUCK, 3 or more axles; Truck repairman helper	6.60	.65	.65	.75		
TRUCK GREASER AND TIREMEN (50¢ per hour additional when working on tire sizes above 24 inch in wheel diameter); Pipeline and utility working truck driver, incl. winch truck, but not limited to trucks applicable to pipeline and utility work, where a composite crew is used	6.68	.65	.65	.75		
TRANSIT-MIX, 3 yds. or more; Dumpcrete, 6½ yds. and over	6.73	.65	.65	.75		
DRIVERS OR VEHICLES or combination of vehicles of 4 or more axles	6.75	.65	.65	.75		
A-FRAME OR SWEDISH CRANE, or similar type of equipment; Fork lift; Ross carrier (Hwy)	7.05	.65	.65	.75		
ALL OFF-HIGHWAY EQUIPMENT WITHIN TEAMSTERS JURISDICTION (Off highway combination of vehicles or equipment with multiple power sources, $1.00 per hour additional); Truck repairman	7.30	.65	.65	.75		
TRUCK REPAIRMAN- Welder	7.40	.65	.65	.75		

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POWER EQUIPMENT OPERATORS (DREDGING)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	O
HYDRAULIC SUCTION DREDGES						
LEVERMAN	$8.20	.75	1.20	.30	.015	
WATCH ENGINEER; Welder	7.71	.75	1.20	.30	.015	
DECKMATE	7.31	.75	1.20	.30	.015	
WINCH MAN (stern winch or dredge)	7.25	.75	1.20	.30	.015	
BARGEMAN; Deckhand; Fireman; Oiler; Levechand	6.79	.75	1.20	.30	.015	
(CLAM SHELL DREDGES)						
LEVERMAN	8.20	.75	1.20	.30	.015	
WATCH ENGINEER	7.71	.75	1.20	.30	.015	
DECKMATE	7.31	.75	1.20	.30	.015	
BARGEMATE	7.25	.75	1.20	.30	.015	
BARGEMAN; Deckhand; Fireman; Oiler	6.79	.75	1.20	.30	.015	

SUPERSEDEAS DECISION

STATE: Iowa COUNTY: Woodbury (City of Sioux City & abutting municipalities)

DECISION NO.: AQ-11 DATE: Date of Publication

Supersedes Decision No. AM-2,459, dated August 25, 1971, in 36 FR 16833.

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

97-IOWA-WOO-1 o (1-2)

BUILDING CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
ASBESTOS WORKERS	$7.78				.03	
BOILERMAKERS	8.25	.30	1.00		.02	
BRICKLAYERS-STONEMASONS	7.265		.20		.01	
CARPENTERS:						
Carpenters; Piledrivermen	7.00	.30	.25		.01	
Millwrights	7.30	.30	.25		.01	
CEMENT MASONS	7.02					
ELECTRICIANS	7.70	.25	1%		1%	
ELEVATOR CONSTRUCTORS	6.43	.185	.20	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.185	.20	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
GLAZIERS	6.95					
IRONWORKERS:						
Ornamental; Reinforcing; Structural	7.055	.30			.01	
LABORERS:						
Common laborers	5.09	.30	.20			
Mortar mixer; Plasterers' mixers; Air tool operators; Mechanical tampers; Concrete saw; Gunite nozzle; Chain saw; Wrecking torch; Sand pot & blasting	5.19	.30	.20			
LATHERS	6.50				.01	
MARBLE SETTERS	7.265		.20		.01	
PAINTERS:						
Brush	6.10	.30	.20			
Spray	6.60	.30	.20			
All swing work	6.60	.30	.20			
All work higher than 40 ft. - scaffolds, jacks, ladders, etc.	6.60	.30	.20			
Pressure roller, sandblasting	6.60	.30	.20			
Structural steel over 25 ft.	6.60	.30	.20			
PLASTERERS	6.80					
PLUMBERS-STEAMFITTERS	7.47	.30	.40		.10	
ROOFERS:						
Roofers	5.90					
Kettlemen	5.74					
SHEET METAL WORKERS	7.25	.35	.25			
SPRINKLER FITTERS	8.75	.30	.50		.05	
TERRAZZO WORKERS	7.265		.20		.01	
TILE SETTERS	6.40					
TRUCK DRIVERS	4.95					
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.						

BUILDING CONSTRUCTION:

FOOTNOTES:

a - Employer contributes 4% of basic hourly rate for over 5 years; service and 2% of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Six 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.

Basic Hourly Rates	Fringe Benefits Payments				
	H & W	Pensions	Vacation	App. Tr.	Other

AQ-11 P. 3 1-IOWA-PEO-1 d (1-2)

BUILDING CONSTRUCTION
POWER EQUIPMENT OPERATORS

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
CLASSIFICATION 1 Cranes, including those being used as backhoe, dragline, clamshell, etc.; Tower cranes; Truck cranes & cherry pickers over 15 ton rated capacity; Derricks; Pile drivers and extractors; Caisson rigs; Side boom and winch truck used for erection of structural steel and moving and setting of heavy machinery; 3-drum hoist; Welders; Mechanics; Locomotive; Dredge (leverman)	$6.635	.30	.30		.01	
CLASSIFICATION 2 1 and 2 drum hoists; Air and electric tuggers (on power plants or setting steel or grating); Ecopomobile; Plant mixers; Farm type tractors (with loaders, backhoes attachments, etc.); Scrapers (tournapull, etc.); Endloaders; Dredge (engineer); Side boom and winch truck other than Classification #1; Motor patrol; Bulldozers; Push cat; Truck cranes & cherry pickers (15 ton and under); Concrete mixers (1 yard and over); Ditching machine (8" and over); Fork lifts (on steel erection and machinery moving or hoisting above one complete story); Concrete pump; Dewatering pumps; Temporary hoist cage operated; Second man on locomotive	6.535	.30	.30		.01	
CLASSIFICATION 3 Tractors (under 35 h.p.) with or without attachments; Endloaders (under 35 h.p.) with or without attachments; Air compressors (over 125 cfm); Pumps 3" or over; Welding machines 600 amps or combination thereof; Conveyors; Fireman (Boiler); Generator (75 KW and over); Fork lifts (other than above Classification #2); Gunite machine; Self-propelled rollers; Stump chippers; Self-propelled tamper; Air and electric tuggers (other than above); Ditching machine under 8"	5.935	.30	.30		.01	

AQ-11 P. 4 1-IOWA-PEO-1 d (2-2)

BUILDING CONSTRUCTION
POWER EQUIPMENT OPERATORS

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
CLASSIFICATION 4 Oilers; Mechanical heaters; Truck crane drivers; Permanent elevators	$5.735	.30	.30		.01	

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
CARPENTERS & PILEDRIVERMEN	$5.91	.25				
CEMENT MASONS	5.65					
LABORERS:						
Sandblasters; Powderman and Blaster; Pipe layer, sewer, water, telephone conduits, etc.; Sewer utility man; Gunnite nozzleman; Diamond and core drills, powered by air, all work performed by Laborers working from a boe'n chair, swinging stage, life belt, tag line, or block and tackle; Drill operators of air tracs, wagon drills and similar drills	5.50	.30	.10			
Tree climber; Form setters; Bakers; Boxtenders; Asphalt curb machines; Potmen, not mechanical; Bull float, hand operated; Scalers; Timbermen; Underpinning and shoring; Caissons over 12'; Grade checker and cutting torches on demolition work	5.25	.30	.10			
Power buggyman; Concrete and paving sawman; Form liner, expansion joint assembler; Bottom man; Caulker and jointer and painter; Timber and chain saw man; Mechanical grouters; Boring machines; Automatic concrete power curbing machines; Stresser or stretcherman on post-tension or pre-stressed concrete on or off the job; Powderman helpers	5.00	.30	.10			
Form tamper; Air, gas and electric tool operators, vibrators, barco hammer, paving breakers, spaders, tampers, electric drills, hammers, and jack hammers; Tree groundmen; Chuck tenders; Drill helpers, tool room men and checkers; Sand blaster helper; Concrete processing material and monitors; Cement finishers helpers	4.85	.30	.10			
Fence erectors; Handling and placing of metal mesh, dowel bars, reinforcing bars and chairs; Dumpmen and spotters; Carrying reinforcing rods; Corrugated culvert pipe; Concrete drainage pipe; Stake chaser, seeding, mulching and planting of trees, shrubs and flowers; Water boy; Common Labor; Rodmen; Tending to carpenters; Hoe asphalt labor; Stringman on paving work	4.75	.30	.10			

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS:						
Power shovel and crane type equipment (1/2 cu. yd. and over); Central mix plant operator, concrete 5 cu. yd. and over; Dredge engineer; Dredge leverman; Concrete mixer, paver operator; Hoisting engineer, steel erection; Tractor operating scrapers in tandem; Motor patrol operator on finishing work; Master mechanic, when four or more mechanics are employed; Tow or push boat operator; Piledriver machine operator	$6.40	.30	.30		.01	
Asphalt plant operator; Asphalt pugmill; Power shovel, crane type equipment (under 1/2 cu. yd.); Front end loader operator, all types 40 HP or over; Mechanics and welders; Tournapull operators, DW 10 and all similar equipment, over 10 cu. yd. struck capacity; All self-loading scrapers; Tractor operator, bulldozer, push cat or pulling scraper or rooter; Sideboom tractor; Churn or rotary drill operators; Trenching machine operator, Cleveland 80 or similar capacity; Self-propelled sheepsfoot roller, 100,000 pounds and over; Central mix plant operator, concrete, under 5 cu. yd.; Asphalt spreader operator; Group equipment greaser; Automatic subgrade machines, slip form paving operator	6.25	.30	.30		.01	
Motor patrol operator, other than finish; Asphalt roller operator, high type surfacing; Concrete curb breaking machine operator; Concrete widening machine operator; Elevating grader and Athey loader operator; Tournapull operator, DW 10 and all similar equipment, under 10 cu. yd. struck capacity; Paving breaker operator, drop or pneumatic; Spreader box operator, self-propelled or tractor-pushed; Subgrade stab (P&H and similar sizes); Boiler operator, two or one boiler and dryer; Subgrading machine operator; Asphalt paver, back hoe under 3/8 cu. yd.	6.00	.30	.30		.01	

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HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
POWER EQUIPMENT OPERATORS (CONT'D):						
Self-propelled roller operator, other than high type asphalt; Distributor operator; Screening and washing plant operator; Spreader operator, concrete; Tank car heater, combination boiler and booster; Self-propelled vibrating compactor; Trenching machine operator; (Other) pumps on well points and deep wells for dewatering; Mechanical broom operator; Steel placing machine operator; Boat operator; Compressor operator; Concrete mixer operator, side loader; Conveyor operator; Crusher feeder operator; Finishing machine operator on concrete; Flexplane operator; Bull float operator; Form grade operator; Motor crane combination driver and oiler; Concrete curing machine operator	$5.80	.30	.30		.01	
Boiler operator, single; Apprentice engineer or oil or mechanics' helper or group greaser helper; Self-propelled tractor (pulling disc harrow or sheepsfoot roller); Welding machine operator; Pump operator, other than dredge; Boom and winch truck	5.60	.30	.30		.01	
Batching plant operator, dry; Front end loader operator, rubber tired, with backhoe attachment, under 3/8 cu. yd.; Farm tractor pulling pneumatic roller	5.30	.30	.30		.01	
TRUCK DRIVERS:						
Truck drivers, not otherwise specified; Warehousemen; Drivers on: four-wheel service trucks, bus hauling men, carry-all and winch trucks, dump cretes and scoopmobiles	4.65	.25				
Truck drivers for semi and tandem; Ready mix; Dumpster operator; Drivers on: tandem service trucks, Korking and similar dumpsters, track trucks, euclids, bug bottom drums, tournapulls or similar equipment used for transportation, pavement breakers, pole trailers, air compressors and welding machines, including those pulled by separate units	4.75	.25				

SUPERSEDEAS DECISION

STATE: Iowa

COUNTY: Clinton (City of Clinton & abutting municipalities)

DECISION NO.: AQ-12

DATE: Date of Publication

Supersedes Decision No. AM-2,449, dated August 25, 1971, in 36 FR 16799.

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

23-IOWA-CLI-1 L

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
ASBESTOS WORKERS	$8.05	.25	.25		.10	
BOILERMAKERS	8.25	.30	1.00		.02	
BRICKLAYERS - STONEMASONS	7.40		.20			
CARPENTERS:						
Carpenters; Soft floor layers	6.55	.30	.20			
Piledrivermen	6.95	.30	.20			
Millwrights	7.55	6%	6%		2%	
CEMENT MASONS	6.90		.20			
ELECTRICIANS:						
Electricians	7.90	.25	1%+.35		.03	
Cable splicers	8.15	.25	1%+.35		.03	
GLAZIERS	6.8546	.35	.50			
IRONWORKERS	8.30	.40	.375		.05	
LABORERS:						
Common laborers	5.62	.30	.15			
Operator on air or power tools; mortar mixer man; any work thirty-five feet high or over; cement dumper, puddlers or vibrator man and men working with concrete pump hose; ditch work eight feet below ground level; any man working with creosote materials	5.87	.30	.15			
Cutting torch burner; caisson and cofferdam workers	5.92	.30	.15			
Bricklayer tenders	5.77	.30	.15			
PAINTERS:						
Brush	6.67	.25	.30		.08	
Spray; Structural steel	6.92	.25	.30		.08	
PLASTERERS	7.40		.20			
PLUMBERS - STEAMFITTERS	7.75	.40	.35		.10	
ROOFERS	8.40		.20			
SHEET METAL WORKERS	7.33	.27			.01	
SPRINKLER FITTERS	8.75	.30	.50		.05	
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.						

82-IOWA-PEO-1,2,3 e (1-2)

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
All steel hoists and/or steel erection equipment	$8.40	.30	.50		.08	
Cranes, Shovels; Clamshells; Draglines; Backhoes; Derricks; Cableways; Dual drum pavers; Concrete spreaders (behind 2 pavers); Asphalt spreaders; Asphalt mixer plant engineers; Dipper dredge op.; Dipper dredge cranemen; Dual purpose trucks (boom or winch) levermen or engine men (hydraulic dredge); Mechanics; Paving mixers (16-E to 34-E) paving mixers with tower attached (2 operators required); Pile drivers; Boom tractors; Stationary, portable or floating mixing plants; Trenching machines; Building hoists (2 drums); Hot paint wrapping machines; Cleaning and priming machines; End loaders (1/2 cu. yd. or over); On basement excavating work); Backfillers (throw bucket); Locomotive engineers	7.98	.30	.50		.08	
Athey; Barber greene; Euclid or haise loaders; Asphalt pugmills; Firemen & driers; Concrete pumps; Concrete spreaders (behind 1 paver); Bulldozers; Endloaders (other than mentioned above); Fork lifts; Elevating graders; Group equipment greasers; LeTourneaupull & similar machines; Power blades; Power subgraders (on forms & similar machines); Push cats; Tractors pulling elevating graders or power blades; Tractors with power attachments; Rollers on asphalt or blacktop; Single drum hoists; Jaeger mix place machines; Pipe bending machines; Welding machines (3 or 4); Fuller Kenyon cement pumps or similar machines; Automatic cement & gravel batch plants (1 stop set-up)	7.81	.30	.50		.08	

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82-IOWA-PEO-1,2,3 o (2-2)

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
Asphalt boosters; Firemen & pump op. at asphalt plants; Compressors (500 cu. ft. & over); Concrete finishing machines; Form graders with rollers on earth; Mixers (3 bag to 16-E); Power operating bull floats; Tractors without power attachments; Dope pots (agitating motor); Dope chop machines; Distributors (back-end); Flexplanes; Boat op.; 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	$6.92	.30	.50		.08	
Air compressors (under 500 cu. ft.); Drivers on truck cranes; Conveyors; Light plants; Mixers (1 or 2 bag); Power batching machines (cement auger or conveyor); Boilers engineer or firemen; Water pumps; Welding machines; Mechanical brooms; Automatic cement & gravel batch plants (2 or 3 stop set-up); Small rubber-tired tractors	6.51	.30	.50		.08	
Oilers; Mechanics helpers; Water pumps (pumping water to paver); Mechanical heaters (other than steam boiler)	6.00	.30	.50		.08	

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HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
CARPENTERS & PILEDRIVERMEN	$5.91	.25				
CEMENT MASONS	5.65					
LABORERS:						
Sandblasters; Powderman and Blaster; Pipe layer, sewer, water, telephone conduits, etc.; Sewer utility man; Gunnite nozzleman; Diamond and core drills, powered by air, all work performed by Laborers working from a bos'n chair, swinging stage, life belt, tag line, or block and tackle; Drill operators of air track, wagon drills and similar drills	5.50	.30	.10			
Tree climber; Form setters; Rakers; Boxtenders; Asphalt curb machines; Potmen, not mechanical; Bull-float, hand operated; Scalers; Timbermen; Underpinning and shoring; Caissons over 12'; Grade checker and cutting torches on demolition work	5.25	.30	.10			
Power buggyman; Concrete and paving sawman; Form liner, expansion joint assembler; Bottom man; Caulker and jointer and painter; Timber and chain saw man; Mechanical grouters; Boring machines; Automatic concrete power curbing machines; Stresser or stretcherman on post-tension or pre-stressed concrete on or off the job; Powderman helpers	5.00	.30	.10			
Form tamper; Air, gas and electric tool operators, vibrators, barco hammer, paving breakers, spaders, tampers, electric drills, hammers, and jack hammers; Tree groundmen; Chuck tenders; Drill helpers, tool room men and checkers; Sand blaster helper; Concrete processing material and monitors; Cement finishers helpers	4.85	.30	.10			
Fence erectors; Handling and placing of metal mesh, dowel bars, reinforcing bars and chairs; Dumpmen and spotters; Carrying reinforcing rods; Corrugated culvert pipe; Concrete drainage pipe; Stake chaser, seeding, mulching and planting of trees, shrubs and flowers; Water boy; Common Labor; Rodmen; Tending to carpenters; Hot asphalt labor; Stringman on paving work	4.75	.30	.10			

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS:						
Power shovel and crane type equipment (1/2 cu. yd. and over); Central mix plant operator, concrete 5 cu. yd. and over; Dredge engineer; Dredge leverman; Concrete mixer, paver operator; Hoisting engineer, steel erection; Tractor operating scrapers in tandem; Motor patrol operator on finishing work; Master mechanic, when four or more mechanics are employed; Tow or push boat operator; Piledriver machine operator	$6.40	.30	.30		.01	
Asphalt plant operator; Asphalt pugmill; Power shovel, crane type equipment (under 1/2 cu. yd.); Front end loader operator, all types 40 HP or over; Mechanics and welders; Tournapull operators, DW 10 and all similar equipment, over 10 cu. yd. struck capacity; All self-loading scrapers; Tractor operator, bulldozer, push cat or pulling scraper or rooter; Sideboom tractor; Churn or rotary drill operators; Trenching machine operator, Cleveland 80 or similar capacity; Self-propelled sheepsfoot roller, 100,000 pounds and over; Central mix plant operator, concrete, under 5 cu. yd.; Asphalt spreader operator; Group equipment greaser; Automatic subgrade machines, slip form paving operator	6.25	.30	.30		.01	
Motor patrol operator, other than finish; Asphalt roller operator, high type surfacing; Concrete curb breaking machine operator; Concrete widening machine operator; Elevating grader and Athey loader operator; Tournapull operator, DW 10 and all similar equipment, under 10 cu. yd. struck capacity; Paving breaker operator, drop or pneumatic; Spreader box operator, self-propelled or tractor-pushed; Subgrade stab. (P&H and similar sizes); Boiler operator, two or one boiler and dryer; Subgrading machine operator; Asphalt paver, back hoe under 3/8 cu. yd.	6.00	.30	.30		.01	

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS (CONT'D):						
Self-propelled roller operator, other than high type asphalt; Distributor operator; Screening and washing plant operator; Spreader operator, concrete; Tank car heater, combination boiler and booster; Self-propelled vibrating compactor; Trenching machine operator; (Other) pumps on well points and deep wells for dewatering; Mechanical broom operator; Steel placing machine operator; Boat operator; Compressor operator; Concrete mixer operator, side loader; Conveyor operator; Crusher feeder operator; Finishing machine operator on concrete; Flexplane operator; Bull float operator; Form grade operator; Motor crane combination driver and oiler; Concrete curing machine operator	$5.80	.30	.30		.01	
Boiler operator, single; Apprentice engineer or oil or mechanics' helper or group greaser helper; Self-propelled tractor (pulling disc harrow or sheepsfoot roller); Welding machine operator; Pump operator, other than dredge; Boom and winch truck	5.60	.30	.30		.01	
Batching plant operator, dry; Front end loader operator, rubber tired, with backhoe attachment, under 3/8 cu. yd.; Farm tractor pulling pneumatic roller	5.30	.30	.30		.01	
TRUCK DRIVERS:						
Truck drivers, not otherwise specified; Warehousemen; Drivers on: four-wheel service trucks, bus hauling men, carry-all and winch trucks, dump cretes and scoopmobiles	4.65	.25				
Truck drivers for semi and tandem; Ready mix; Dumpster operator; Drivers on: tandem service trucks, Korking and similar dumpsters, track trucks, euclids, hug bottom drums, tournapulls or similar equipment used for transportation, pavement breakers, pole trailers, air compressors and welding machines, including those pulled by separate units	4.75	.25				

SUPERSEDEAS DECISION

STATE: Iowa

COUNTY: Dubuque (City of Dubuque & abutting municipalities)

DECISION NO.: AQ-13

DATE: Date of Publication

Supersedes Decision No. AM-2,451, dated August 25, 1971, in 36 FR 16806.

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

31-IOWA-DUB-1 o (1-2)

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
ASBESTOS WORKERS	$8.05	.25	.25		.10	
BOILERMAKERS	8.25	.30	1.00		.02	
BRICKLAYERS - STONEMASONS	6.92	.31				
CARPENTERS:						
Carpenters	6.70		.37			
Piledrivermen	7.10		.37			
Millwrights	7.20		.37			
CEMENT MASONS	6.75					
ELECTRICIANS	7.45	.25	1%		1%	
ELEVATOR CONSTRUCTORS	6.54	.185	.20	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.185	.20	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS (PROB)	50%JR					
GLAZIERS	6.8548	.35	.50			
IRONWORKERS (SE Portion)	8.30	.40	.375		.05	
IRONWORKERS (Remainder of County)	7.00					
LABORERS:						
Common laborers; Gas distributors	5.32	.30				
All air operated tools; Bricklayers' helpers & tenders; Caisson workers; Carpenters helpers; Handling & cleaning of all steel floor pans & wall forms; Mortar mixers; Plasterers' helpers & tenders; Tile setters (4"-6"-8")	5.42	.30				
Tile Setters (10" & up)	5.57	.30				
LATHERS	6.75					
MARBLE SETTERS; TERRAZZO WORKERS; TILE SETTERS	6.67	.31				
PLASTERERS	6.75					
PLUMBERS - STEAMFITTERS	7.84	.34	.30		.04	
ROOFERS	6.55					
SHEET METAL WORKERS	7.33	.17			.005	
SPRINKLER FITTERS	8.75	.30	.50		.05	
TRUCK DRIVERS:						
Single axle	5.24	9.50p/w				
Tandem axle; Tractor trailers; Winches	5.39	9.50p/w				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.						

FOOTNOTE:
a - Employer contributes 4% of basic hourly rate for over 5 years' service and 2% of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Six 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

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31-IOWA-DUB-1 o (2-2)

BUILDING CONSTRUCTION

Basic Hourly Rates	Fringe Benefits Payments				
	H & W	Pensions	Vacation	App. Tr.	Others

BUILDING CONSTRUCTION

POWER EQUIPMENT OPERATORS

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
CLASSIFICATION 1 Cranes, including those being used as backhoe, dragline, clamshell, etc.; Tower cranes; Truck cranes & cherry pickers over 15 ton rated capacity; Derricks; Pile drivers and extractors; Caisson rigs; Side boom and winch truck used for erection of structural steel and moving and setting of heavy machinery; 3-drum hoist; Welders; Mechanics; Locomotive; Dredge (levermen)	$7.20	.30	.30		.01	
CLASSIFICATION 2 1 and 2 drum hoists; Air and electric tuggers (on power plants or setting steel or grating); Economobiles; Plant mixers; Farm type tractors (with loaders, backhoes attachments, etc.); Scrapers (tournapull, etc.); Endloaders; Dredge (engineer); Side boom and winch truck other than Classification #1; Motor patrol; Bulldozers; Push cat; Truck cranes & cherry pickers (15 ton and under); Concrete mixers (1 yard and over); Ditching machine (8" and over); Fork lifts (on steel erection and machinery moving or hoisting above one complete story); Concrete pump; Dewatering pumps; Temporary hoist cage operated; Second man on locomotive	7.10	.30	.30		.01	
CLASSIFICATION 3 Tractors (under 35 h.p.) with or without attachments; Endloaders (under 35h.p.) with or without attachments; Air compressors (over 125 cfm); Pumps 3" or over; Welding machines 600 amps or combination thereof; Conveyors; Firemen (Boiler); Generator (75 KW and over); Fork lifts (other than above Classification #2); Gunite machine; Self-propelled rollers; Stump chippers; Self-propelled tampers; Air and electric tuggers (other than above); Ditching machine under 8"	6.50	.30	.30		.01	

BUILDING CONSTRUCTION

POWER EQUIPMENT OPERATORS

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
CLASSIFICATION 4 Oilers; Mechanical Heaters; Truck Crane Drivers; Permanent elevators	$6.30	.30	.30		.01	

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HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
CARPENTERS & PILEDRIVERMEN	$5.91	.25				
CEMENT MASONS	5.65					
LABORERS:						
Sandblasters; Powderman and Blaster; Pipe layer, sewer, water, telephone conduits, etc.; Sewer utility man; Gunnite nozzleman; Diamond and core drills, powered by air, all work performed by Laborers working from a bos'n chair, swinging stage, life belt, tag line, or block and tackle; Drill operators of air track, wagon drills and similar drills	5.50	.30	.10			
Tree climber; Form setters; Rakers; Boxtenders; Asphalt curb machines; Potmen, not mechanical; Bull-float, hand operated; Scalers; Timbermen; Underpinning and shoring; Caissons over 12'; Grade checker and cutting torches on demolition work	5.25	.30	.10			
Power buggyman; Concrete and paving sawman; Form liner, expansion joint assembler; Bottom man; Caulker and jointer and painter; Timber and chain saw man; Mechanical grouters; Boring machines; Automatic concrete power curbing machines; Stresser or stretcherman on post-tension or pre-stressed concrete on or off the job; Powderman helpers	5.00	.30	.10			
Form tamper; Air, gas and electric tool operators, vibrators, barco hammer, paving breakers, spaders, tampers, electric drills, hammers, and jack hammers; Tree groundmen; Chuck tenders; Drill helpers, tool room men and checkers; Sand blaster helper; Concrete processing material and monitors; Cement finishers helpers	4.85	.30	.10			
Fence erectors; Handling and placing of metal mesh, dowel bars, reinforcing bars and chairs; Dumpmen and spotters; Carrying reinforcing rods; Corrugated culvert pipe; Concrete drainage pipe; Stake chaser, seeding, mulching and planting of trees, shrubs and flowers; Water boy; Common labor; Rodmen; Tending to carpenters; Hot asphalt labor; Strikgman on paving work	4.75	.30	.10			

AO-13 P. 6 (2 - 3)

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS:						
Power shovel and crane type equipment (1/2 cu. yd. and over); Central mix plant operator, concrete 5 cu. yd. and over; Dredge engineer; Dredge leverman; Concrete mixer, paver operator; Hoisting engineer, steel erection; Tractor operating scrapers in tandem; Motor patrol operator on finishing work; Master mechanic, when four or more mechanics are employed; Tow or push boat operator; Piledriver machine operator	$6.40	.30	.30		.01	
Asphalt plant operator; Asphalt pugmill; Power shovel, crane type equipment (under 1/2 cu. yd.); Front end loader operator, all types 40 HP or over; Mechanics and welders; Tournapull operators, DW 10 and all similar equipment, over 10 cu. yd. struck capacity; All self-loading scrapers; Tractor operator, bulldozer, push cat or pulling scraper or rooter; Sideboom tractor; Churn or rotary drill operators; Trenching machine operator, Cleveland 80 or similar capacity; Self-propelled sheepsfoot roller, 100,000 pounds and over; Central mix plant operator, concrete under 5 cu. yd.; Asphalt spreader operator; Group equipment greaser; Automatic subgrade machines, slip form paving operator	6.25	.30	.30		.01	
Motor patrol operator, other than finish; Asphalt roller operator, high type surfacing; Concrete curb breaking machine operator; Concrete widening machine operator; Elevating grader and Athey loader operator; Tournapull operator, DW 10 and all similar equipment, under 10 cu. yd. struck capacity; Paving breaker operator, drop or pneumatic; Spreader box operator, self-propelled or tractor-pushed; Subgrade stab. (BAM and similar sizes); Boiler operator, two or one boiler and dryer; Subgrading machine operator; Asphalt paver, back hoe under 3/8 cu. yd.	6.00	.30	.30		.01	

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pension	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS (CONT'D):						
Self-propelled roller operator, other than high type asphalt; Distributor operator; Screening and washing plant operator; Spreader operator, concrete; Tank car heater, combination boiler and booster; Self-propelled vibrating compactor; Trenching machine operator; (Other) pumps on well points and deep wells for dewatering; Mechanical broom operator; Steel placing machine operator; Boat operator; Compressor operator; Concrete mixer operator, side loader; Conveyor operator; Crusher feeder operator; Finishing machine operator on concrete; Flexplane operator; Bull float operator; Form grade operator; Motor crane combination driver and oiler; Concrete curing machine operator	$5.80	.30	.30		.01	
Boiler operator, single; Apprentice engineer or oil or mechanics' helper or group greaser helper; Self-propelled tractor (pulling disc harrow or sheepsfoot roller); Welding machine operator; Pump operator, other than dredge; Boom and winch truck	5.60	.30	.30		.01	
Batching plant operator, dry; Front end loader operator, rubber tired, with backhoe attachment, under 3/8 cu. yd.; Farm tractor pulling pneumatic roller	5.30	.30	.30		.01	
TRUCK DRIVERS:						
Truck drivers, not otherwise specified; Warehousemen; Drivers on: four-wheel service trucks, bus hauling men, carry-all and winch trucks, dump cretes and scorpmobiles	4.65	.25				
Truck drivers for semi and tandem; Ready mix; Dumpster operator; Drivers on: tandem service trucks, Korking and similar dumpsters, track trucks, euclids, hug bottom drums, tournapulls or similar equipment used for transportation, pavement breakers, pole trailers, air compressors and welding machines, including those pulled by separate units	4.75	.25				

SUPERSEDEAS DECISION

STATE: Iowa COUNTY: Story (City of Ames & abutting municipalities)

DECISION NO.: AQ-14 DATE: Date of Publication

Supersedeas Decision No. AU-2,457, dated August 25, 1971, in 36 FR 16826.

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

85-IOWA-STO-1 L (1-2)

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
ASBESTOS WORKERS	$7.95	.425	.25			
BOILERMAKERS	8.25	.30	1.00		.02	
BRICKLAYERS; Stonemasons	7.50	.20				
CARPENTERS:						
Carpenters; Piledrivermen	7.20		.15			
Millwrights	7.45		.15			
CEMENT MASONS	7.435					
ELECTRICIANS	8.50	.25	1%		1%	
ELEVATOR CONSTRUCTORS	7.265	.185	.20	2%a		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.185	.20	2%a		
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
GLAZIERS	6.795		.25	2 weeks		
IRONWORKERS:						
Ornamental; Reinforcing; Structural	6.975	.26	.50		.02	
LABORERS:						
Common laborers	5.485	.30	.05			
Mortar, plaster, & grout mixers; Jackhammer; Paving breaker; Rock drill; Vibrator operator; Motor buggy operators while pouring concrete	5.635	.30	.05			
Plasterers' tenders	5.685	.30	.05			
Concrete saw man	5.735	.30	.05			
Sandblaster	5.835	.30	.05			
Digging of or work within a shaft entering into natural underground cavities or caverns & work within the said shaft or caverns	5.965	.30	.05			
LATHERS	7.10					
PAINTERS:						
Brush; Roller; Drywall finisher	7.20				.03	
Paperhangers	7.45				.03	
Spray; Structural steel; Sandblasting	7.70				.03	
PLASTERERS	7.62					
PLUMBERS; Steamfitters	7.89	.30	.20		.10	
ROOFERS	7.265					
SHEET METAL WORKERS	7.875	.25	.20		.05	
SOFT FLOOR LAYERS	6.75	.25	.20		.04	
SPRINKLER FITTERS	8.75	.30	.50		.05	
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.						

AQ-14 P. 2

85-IOWA-STO-1 L (2-2)

BUILDING CONSTRUCTION

Basic Hourly Rates	Fringe Benefits Payments				
	H & W	Pensions	Vacation	App. Tr.	Other

FOOTNOTE:

a. Employer contributes 4% of the basic hourly rate for 5 years of service and 2% of the basic hourly rate for 6 months to 5 years of 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.

BUILDING CONSTRUCTION

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
CLASSIFICATION 1						
Cranes, including those being used as backhoe, dragline, clamshell, etc.; Tower cranes; Truck cranes & cherry pickers over 15 ton rated capacity; Derricks; Pile drivers and extractors; Caisson rigs; Side boom and winch trucks (used for erection of structural steel and moving and setting of heavy machinery); 3-drum hoist; Welders; Mechanics; Locomotive; Dredge (laverman)	$7.20	.30	.30		.01	
CLASSIFICATION 2						
1 and 2 drum hoist; Air and electric tuggers (on power plants or setting steel or grating); Econonobile; Plant mixers; Farm type tractors (with loaders, backhoe attachments, etc.); Scrapers (tournapull, etc.); End loaders; Dredge (engineer); Side boom and winch truck other than Classification #1; Motor patrol; Bulldozers; Push cat; Truck crane & cherry pickers (15 ton and under); Concrete mixers (1 yard and over); Ditching machine (8" and over); Fork lifts (on steel erection and machinery moving or hoisting above one complete story); Concrete pump; Dewatering pumps; Temporary hoist cage operated; Second man on locomotive	7.10	.30	.30		.01	
CLASSIFICATION 3						
Tractors (under 35 hp) with or without attachments; End loaders (under 35 hp) with or without attachments; Air compressors (over 125 cfm); Pumps 3" or over; Welding machines 600 amps or combination thereof; Conveyors; Firemen (Boiler); Generator (75 KW and over); Fork lifts (other than above Classification #2); Gunite machine; Self-propelled rollers; Stump chippers; Self-propelled tamper; Air and electric tuggers (other than above); Ditching machine under 8"	6.50	.30	.30		.01	

BUILDING CONSTRUCTION

POWER EQUIPMENT OPERATORS CONT'D:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
CLASSIFICATION 4						
Oilers; Mechanical Heaters; Truck Crane Drivers; Permanent elevators	$6.30	.30	.30		.01	

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Apr. Tr.	Others
CARPENTERS & PILEDRIVERMEN	$5.91	.25				
CEMENT MASONS	5.65					
LABORERS:						
Sandblasters; Powderman and Blaster; Pipe layer, sewer, water, telephone conduits, etc.; Sewer utility man; Gunnite nozzleman; Diamond and core drills, powered by air, all work performed by Laborers working from a bos'n chair, swinging stage, life belt, tag line, or block and tackle; Drill operators of air track, wagon drills and similar drills	5.30	.30	.10			
Tree climber; Form setters; Bakers; Box tenders; Asphalt curb machines; Potmen, not mechanical; Bull float, hand operated; Scalers; Timbermen; Underpinning and shoring; Caissons over 12'; Grade checker and cutting torches on demolition work	5.25	.30	.10			
Power buggyman; Concrete and paving sawman; Form liner, expansion joint assembler; Bottom man; Caulker and jointer and painter; Timber and chain saw man; Mechanical grouters; Boring machines; Automatic concrete power curbing machines; Stresser or stretcherman on post-tension or pre-stressed concrete on or off the job; Powderman helpers	5.00	.30	.10			
Form tamper; Air, gas and electric tool operators, vibrators, barco hammer, paving breakers, spaders, gampers, electric drills, hammers, and jack hammers; Tree groundmen; Chuck tenders; Drill helpers, tool room men and checkers; Sand blaster helper; Concrete processing material and monitors; Cement finishers helpers	4.85	.30	.10			
Fence erectors; Handling and placing of metal mesh, dowel bars, reinforcing bars and chairs; Dumpmen and spotters; Carrying reinforcing rods; Corrugated culvert pipe; Concrete drainage pipe; Stake chaser, seeding, mulching and planting of trees, shrubs and flowers; Water boy; Common labor; Bedmen; Tending to carpenters; Hot asphalt labor; Stringman on paving work	4.75	.30	.10			

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Apr. Tr.	Others
POWER EQUIPMENT OPERATORS:						
Power shovel and crane type equipment (1/2 cu. yd. and over); Central mix plant operator, concrete 5 cu. yd. and over; Dredge engineer; Dredge leverman; Concrete mixer, paver operator; Hoisting engineer, steel erection; Tractor operating scrapers in tandem; Motor patrol operator on finishing work; Master mechanic, when four or more mechanics are employed; Tow or push boat operator; Piledriver machine operator	$6.40	.30	.30		.01	
Asphalt plant operator; Asphalt pugmill; Power shovel, crane type equipment (under 1/2 cu. yd.); Front end loader operator, all types 40 HP or over; Mechanics and welders; Tournapull operators, DW 10 and all similar equipment, over 10 cu. yd. struck capacity; All self-loading scrapers; Tractor operator, bulldozer, push cat or pulling scraper or rooter; Sideboom tractor; Churn or rotary drill operators; Trenching machine operator, Cleveland 80 or similar capacity; Self-propelled sheepsfoot roller, 100,000 pounds and over; Central mix plant operator, concrete, under 5 cu. yd.; Asphalt spreader Operator; Group equipment greaser; Automatic subgrade machine, slip form paving operator	6.25	.30	.30		.01	
Motor patrol operator, other than finish; Asphalt roller operator, high type surfacing; Concrete curb breaking machine operator; Concrete widening machine operator; Elevating grader and Athey loader operator; Tournapull operator, DW 10 and all similar equipment, under 10 cu. yd. struck capacity; Paving breaker operator, drop or pneumatic; Spreader box operator, self-propelled or tractor-pushed; Subgrade stab. (PKH and similar sizes); Boiler operator, two or one boiler and dryer; Subgrading machine operator; Asphalt paver, back hoe under 3/4 cu. yd.	6.09	.30	.30		.01	

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HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	Apr. Tr.	Others
POWER EQUIPMENT OPERATORS (CONT'D):						
Self-propelled roller operator, other than high type asphalt; Distributor operator; Screening and washing plant operator; Spreader operator, concrete; Tank car heater, combination boiler and booster; Self-propelled vibrating compactor; Trenching machine operator; (Other) pumps on well points and deep wells for dewatering; Mechanical broom operator; Steel placing machine operator; Boat operator; Compressor operator; Concrete mixer operator, side loader; Conveyor operator; Crusher feeder operator; Finishing machine operator on concrete; Flexplane operator; Bull float operator; Form grade operator; Motor crane combination driver and oiler; Concrete curing machine operator	$5.80	.30	.30		.01	
Boiler operator, single; Apprentice engineer or oil or mechanics' helper or group greaser helper; Self-propelled tractor (pulling disc harrow or sheepsfoot roller); Welding machine operator; Pump operator, other than dredge; Boom and winch truck	5.60	.30	.30		.01	
Batching plant operator, dry; Front end loader operator, rubber tired, with backhoe attachment, under 3/8 cu. yd.; Farm tractor pulling pneumatic roller	5.30	.30	.30		.01	
TRUCK DRIVERS:						
Truck drivers, not otherwise specified; Warehousemen; Drivers on: four-wheel service trucks, bus hauling man, carry-all and winch trucks, dump cretes and scoopmobiles	4.65	.25				
Truck drivers for semi and tandem; Ready mix; Dumpster operator; Drivers on; tandem service trucks, Korking and similar dumpsters, track trucks, euclids, bug bottom drums, tournapulls or similar equipment used for transportation, pavement breakers, pole trailers, air compressors and welding machines, including those pulled by separate units	4.75	.25				

SUPERSEDEAS DECISION

STATE: Iowa

COUNTY: Polk (City of Des Moines & abutting municipalities).

DECISION NO.: AQ-15

DATE: Date of Publication

Supersedes Decision No. AP-530, dated May 4, 1973, in 38 FR 11275.

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

77-IOWA-POL-1 o (1 - 2)

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
ASBESTOS WORKERS	$7.95	.425	.25			
BOILERMAKERS	8.25	.30	1.00		.02	
BRICKLAYERS; STONEMASONS	7.975	.325				
CARPENTERS:						
Carpenters	7.25	.30	.25		.04	
Millwrights; Piledrivermen	7.50	.30	.25		.04	
CEMENT MASONS	7.63					
ELECTRICIANS	8.50	.25	1%		1%	
ELEVATOR CONSTRUCTORS	7.265	.185	.20	2%a		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.185	.20	2%a		
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
GLAZIERS	6.795		.25	2 weeks		
IRONWORKERS:						
Ornamental; Reinforcing; Structural	6.975	.26	.50		.02	
LABORERS:						
General laborers	6.185	.275	.275			
Mortar mixers; motor buggies, when pouring concrete; power tool ops. (air tools, concrete vibrator, gunnite nozzlemen, electric drills & hammers)	6.285	.275	.275			
Plasterers' tenders	6.31	.275	.275			
Powdermen	6.335	.275	.275			
Air tool, power tampers & other similar self-powered tools weighing 50 lbs. & over	6.385	.275	.275			
All tunnel work	6.435	.275	.275			
Paving breakers weighing 50 lbs. and over	6.485	.275	.275			
LATHERS	7.10					
PAINTERS:						
Brush, roller, drywall finisher	7.20				.03	
Paperhangers	7.45				.03	
Spray; structural steel; sandblasting	7.70				.03	
Stack; tower work over 100'	8.30				.03	
PLASTERERS	7.62					
PLUMBERS; STEAMFITTERS	7.89	.30	.20		.10	
ROOFERS	7.265					

AQ-15 P. 2

77-IOWA-POL-1 o (2 - 2)

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
SHEET METAL WORKERS	$7.675	.25	.20		.05	
SPRINKLER FITTERS	8.75	.30	.50		.05	
TRUCK DRIVERS	5.91					
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.						

FOOTNOTE:

a - Employer contributes 4% of basic hourly rate for over 5 years' service and 2% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F.

PAID HOLIDAYS:

A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
CLASSIFICATION 1 Cranes, including those being used as backhoe, dragline, clamshell, etc.; Tower cranes; Truck cranes & cherry pickers over 15 ton rated capacity; Derricks; Pile drivers and extractors; Caisson rigs; Side boom and winch trucks (used for erection of structural steel and moving and setting of heavy machinery); 3-drum hoist; Welders; Mechanics; Locomotive; Dredge (leverman)	$7.20	.30	.30		.01	
CLASSIFICATION 2 1 and 2 drum hoist; Air and electric tuggers (on power plants or setting steel or grating); Economobile; Plant mixers; Farm type tractors (with loaders, backhoe attachments, etc.); Scrapers (tourapull, etc.); End loaders; Dredge (engineer); Side boom and winch truck other than Classification #1; Motor patrol; Bulldozers; Push cat; Truck crane & cherry pickers (15 ton and under); Concrete mixers (1 yard and over); Ditching machine (8" and over); Fork lifts (on steel erection and machinery moving or hoisting above one complete story); Concrete pump; Dewatering pumps; Temporary hoist cage operated; Second man on locomotive	7.10	.30	.30		.01	
CLASSIFICATION 3 Tractors (under 35 hp) with or without attachments; End loaders (under 35 hp) with or without attachments; Air compressors (over 125 cfm); Pumps 3" or over; Welding machines 600 amps or combination thereof; Conveyors; Firemen (Boiler); Generator (75 KW and over); Fork lifts (other than above Classification #2); Gunite machine; Self-propelled rollers; Stump chippers; Self-propelled tamper; Air and electric tuggers (other than above); Ditching machine under 8"	6.50	.30	.30		.01	

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
CLASSIFICATION 4 Oilers, Mechanical Heaters; Truck Crane Drivers; Permanent elevators	$6.30	.30	.30		.01	

AQ-15 P. 5 (1 - 3)

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
CARPENTERS & PILEDRIVERMEN	$5.91	.25				
CEMENT MASONS	5.65					
LABORERS:						
Sandblasters; Powderman and Blaster; Pipe layer, sewer, water, telephone conduits, etc.; Sewer utility man; Gunnite nozzleman; Diamond and core drills, powered by air, all work performed by Laborers working from a boa'n chair, swinging stage, life belt, tag line, or block and tackle; Drill operators of air track, wagon drills and similar drills	5.50	.30	.10			
Tree climber; Form setters; Rakers; Bootenders; Asphalt curb machines; Potmen, not mechanical; Bull float, hand operated; Scalers; Timbermen; Underpinning and shoring; Caissons over 12'; Grade checkers and cutting torches on demolition work	5.25	.30	.10			
Power buggyman; Concrete and paving sawman; Form liner, expansion joint assembler; Bottom man; Caulker and jointer and painter; Timber and chain saw man; Mechanical grouters; Boring machines; Automatic concrete power curbing machines; Stresser or stretcherman on post-tension or pre-stressed concrete on or off the job; Powderman helpers	5.00	.30	.10			
Form tamper; Air, gas and electric tool operators, vibrators, barco hammer, paving breakers, spaders, tampers, electric drills, hammers, and jack hammers; Tree groundmen; Chuck tenders; Drill helpers, tool room men and checkers; Sand blaster helper; Concrete processing material and monitors; Cement finishers helpers	4.85	.30	.10			
Fence erectors; Handling and placing of metal mesh, dowel bars, reinforcing bars and chairs; Dumpmen and spotters; Carrying reinforcing rods; Corrugated culvert pipe; Concrete drainage pipe; Stake chaser, seeding, mulching and planting of trees, shrubs and flowers; Water boy; Common labor; Tadmen; Tending to carpenters; Hot asphalt labor; Stringman on paving work	4.75	.30	.10			

AQ-15 P. 6 (2 - 3)

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS:						
Power shovel and crane type equipment (1/2 cu. yd. and over); Central mix plant operator, concrete 5 cu. yd. and over; Dredge engineer; Dredge leverman; Concrete mixer, paver operator; Hoisting engineer, steel erection; Tractor operating scrapers in tandem; Motor patrol operator on finishing work; Master mechanic, when four or more mechanics are employed; Tow or push boat operator; Piledriver machine operator	6.40	.30	.30		.01	
Asphalt plant operator; Asphalt pugmill; Power shovel, crane type equipment (under 1/2 cu. yd.); Front end loader operator, all types 40 HP or over; Mechanics and welders; Tournapull operators, DW 10 and all similar equipment, over 10 cu. yd. struck capacity; All self-loading scrapers; Tractor operator, bulldozer, push cat or pulling scraper or rooter; Sideboom tractor; Churn or rotary drill operators; Trenching machine operator, Cleveland 80 or similar capacity; Self-propelled sheepsfoot roller, 100,000 pounds and over; Central mix plant operator, concrete, under 5 cu. yd.; Asphalt spreader operator; Group equipment greaser; Automatic subgrade machines, slip form paving operator	6.25	.30	.30		.01	
Motor patrol operator, other than finish; Asphalt roller operator, high type surfacing; Concrete curb breaking machine operator; Concrete widening machine operator; Elevating grader and Athey loader operator; Tournapull operator, DW 10 and all similar equipment, under 10 cu. yd. struck capacity; Paving breaker operator, drop or pneumatic; Spreader box operator, self-propelled or tractor-pushed; Subgrade stab. (P&H and similar sizes); Boiler operator, two or one boiler and dryer; Subgrading machine operator; Asphalt paver, back hoe under 3/8 cu. yd.	6.00	.30	.30		.01	

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS (CONT'D):						
Self-propelled roller operator, other than high type asphalt; Distributor operator; Screening and washing plant operator; Spreader operator, concrete; Tank car heater, combination boiler and booster; Self-propelled vibrating compactor; Trenching machine operator; (Other) pumps on well points and deep wells for dewatering; Mechanical broom operator; Steel placing machine operator; Boat operator; Compressor operator; Concrete mixer operator, side loader; Conveyor operator; Crusher feeder operator; Finishing machine operator on concrete; Flexplane operator; Dull float operator; Form grade operator; Motor crane combination driver and oiler; Concrete curing machine operator	$5.80	.30	.30		.01	
Boiler operator, single; Apprentice engineer or oil or mechanics' helper or group greaser helper; Self-propelled tractor (pulling disc harrow or sheepsfoot roller); Welding machine operator; Pump operator, other than dredge; Boom and winch truck	5.60	.30	.30		.01	
Batching plant operator, dry; Front end loader operator, rubber tired, with backhoe attachment, under 3/8 cu. yd.; Farm tractor pulling pneumatic roller	5.30	.30	.30		.01	
TRUCK DRIVERS:						
Truck drivers, not otherwise specified; Warehousemen; Drivers on: four-wheel service trucks, bus hauling men, carry-all and winch trucks, dump crotes and scoopmobiles	4.65	.25				
Truck drivers for semi and tandem; Ready mix; Dumpster operator; Drivers on: tandem service trucks, Korking and similar dumpsters, track trucks, euclids, bug bottom drums, tournapulls or similar equipment used for transportation, pavement breakers, pole trailers, air compressors and welding machines, including those pulled by separate units	4.75	.25				

SUPERSEDEAS DECISION

STATE: Iowa

COUNTY: Des Moines (City of Burlington & abutting municipalities and Burlington Ordnance Plant)

DECISION No.: AQ-16

DATE: Date of Publication

Supersedes Decision No. AP-528, dated May 4, 1973, in 38 FR 11268.

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

29-IOWA-DMO-1 f (1-2)

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
ASBESTOS WORKERS	$8.05	.25	.25		.10	
BOILERMAKERS	8.25	.30	1.00		.02	
BRICKLAYERS-STONEMASONS	7.35		.20			
CARPENTERS:						
Carpenters & soft floor layers	6.35	.35	.30		.01	
Millwrights	7.00	.35	.30		.01	
Piledrivermen	6.85	.35	.30		.01	
CEMENT MASONS	7.15					
ELECTRICIANS	7.90	.28	1%		1%	
GLAZIERS	6.8548	.35	.50			
IRONWORKERS:						
Ornamental; Reinforcing; Structural	7.25	.30	.30			
LABORERS:						
Common laborers; Signal man; Wrecking, deck hand	5.44	.30				
Plaster tender; Mortar Mixer; Mason tender; Stone & marble setter tender; Drill op.; Jackhammer man; Air tamper; Air spade (electric or pneumatic); Spraying equipment & all mechanical operated tools; Excavation work over 6' deep below ground level or basement level	5.59	.30				
Tile layers (sewers)	5.69	.30				
Gunniting & sandblasting	5.79	.30				
Tunnel & sewer mucker & miner over 6' deep; Caisson worker & drill op. in tunnel & caisson; Powderman	5.89	.30				
PAINTERS:						
Brush	5.50					
Rollers	5.60					
Sign	6.00					
Spray; Structural steel; Swing stage	6.50					
PLASTERERS	6.80					

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BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
PLUMBERS-STEAMFITTERS	$7.10	.27	.37		.05	
ROOFERS	5.30			.10		
SHEET METAL WORKERS	7.33	.17			.005	
SPRINKLER FITTERS	8.75	.30	.50		.05	
TRUCK DRIVERS:						
Warehousemen; Helpers; Teamsters; Mechanic helpers; Greasers; Single axle flat beds & dump trucks; Pulling air compressors & welding machines; Batch trucks 2-34E batches or less; Chip spreaders	5.35	8.50p/w				
Cheater axle; Tandems; 6 wheel trucks; Semi-trailers; Carryall; Winch; Mixers; Batch over 2-34E batches; "A" Frame; Pole trailers	5.55	8.50p/w				
Track trucks; Euclid type truck; Oil distributors; Front & rear; All types of dumpsters; Pavement breakers	5.65	8.50p/w				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.						

BUILDING CONSTRUCTION

POWER EQUIPMENT OPERATORS

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
All steel hoists and/or steel erection equipment	$8.40	.30	.50		.08	
Cranes, Shovels; Clamshells; Draglines; Backhoes; Derricks; Cableways; Dual drum pavers; Concrete spreaders (behing 2 pavers); Asphalt spreaders; Asphalt mixer plant engineers; Dipper dredge op.; Dipper dredge cranemen; Dual purpose trucks (boom or winch) Levermen or engine men (hydraulic dredge); Mechanics; Paving mixers (16-E to 34-E) paving mixers with tower attached (2 operators required); Pile drivers; Boom tractors; Stationary, portable or floating mixing plants; Trenching machines; Building hoists (2 drums); Hot paint wrapping machines; Cleaning and priming machines; End loaders (1/2 cu. yd. or over); On basement excavating work); Backfillers (throw bucket); Locomotive engineers	7.98	.30	.50		.08	
Athey; Barber greene; Euclid or haise loaders; Asphalt pugmills; Firemen & driers; Concrete pumps; Concrete spreaders (behing 1 paver); Bulldozers; Endloaders (other than mentioned above); Fork lifts; Elevating graders; Group equipment greasers; LeTourneaupull & similar machines; Power blades; Power subgraders (on forms & similar machines); Push cats; Tractors pulling elevating graders or power blades; Tractors with power attachments; Rollers on asphalt or blacktop; Single drum hoists; Jaeger mix place machines; Pipe bending machines; Welding machines (3 or 4); Fuller Kenyon cement pumps or similar machines; Automatic cement & gravel batch plants (1 stop set-up)	7.81	.30	.50		.08	

BUILDING CONSTRUCTION

POWER EQUIPMENT OPERATORS (CONT'D)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asphalt boosters; Firemen & pump op. at asphalt plants; Compressors (500 cu. ft. & over); Concrete finishing machines; Form graders with rollers on earth; Mixers (3 bag to 16-E); Power operating bull floats; Tractors without power attachments; Dope pots (agitating motor); Dope chop machines; Distributors (backend); Flexplanes; Boat op.; Hydrohammers; Power winch on paving work; Self-propelled earth rollers or compactors (other than paving work); Pump op. (more than 1 well point pump); Portable crusher operator	$6.92	.30	.50		.08	
Air compressors (under 500 cu. ft.); Drivers on truck cranes; Conveyors; Light plants; Mixers (1 or 2 bag); Power batching machines (cement auger or conveyor); Boilers engineer or firemen; Water pumps; Welding machines; Mechanical brooms; Automatic cement & gravel batch plants (2 or 3 stop set-up); Small rubber-tired tractors	6.51	.30	.50		.08	
Oilers, Mechanics helpers; Water pumps (pumping water to paver); Mechanical heaters (other than steam boiler)	6.00	.30	.50		.08	

AQ-16 P. 5 (1 - 3)

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
CARPENTERS & PILEDRIVERMEN	$5.91	.25				
CEMENT MASONS	5.65					
LABORERS:						
Sandblasters; Powderman and Blaster; Pipe layer, sewer, water, telephone conduits, etc.; Sewer utility man; Gunnite nozzleman; Diamond and core drills, powered by air, all work performed by Laborers working from a boa'n chair, swinging stage, life belt, tag line, or block and tackle; Drill operator of air track, wagon drills and similar drills	5.50	.30	.10			
Tree climber; Form setters; Bakers; Bootenders; Asphalt curb machines; Potman, not mechanical; Bull float, hand operated; Scalers; Timberman; Underpinning and shoring; Caissons over 12'; Grade checker and cutting torches on demolition work	5.25	.30	.10			
Power buggyman; Concrete and paving sawman; Form liner, expansion joint assembler; Bottom man; Caulker and jointer and painter; Timber and chain saw man; Mechanical grouters; Boring machines; Automatic concrete power curbing machines; Stresser or stretcherman on post-tension or pre-stressed concrete on or off the job; Powderman helpers	5.00	.30	.10			
Form tamper; Air, gas and electric tool operators, vibrators, barco hammer, paving breakers, spaders, tampers; electric drills, hammers, and jack hammers; Tree groundmen; Chuck tenders; Drill helpers, tool room men and checkers; Sand blaster helper; Concrete processing material and monitors; Cement finishers helpers	4.85	.30	.10			
Fence erectors; Handling and placing of metal mesh, dowel bars, reinforcing bars and chairs; Dumpmen and spotters; Carrying reinforcing rods; Corrugated culvert pipe; Concrete drainage pipe; Stake chaser, seeding, mulching and planting of trees, shrubs and flowers; water boy; Common labor; Rodmen; Tending to carpenters; Hot asphalt labor; Stringman on paving work	4.75	.30	.10			

AQ-16 P. 6 (2 - 3)

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS:						
Power shovel and crane type equipment (1/2 cu. yd. and over); Central mix plant operator, concrete 5 cu. yd. and over; Dredge engineer; Dredge leverman; Concrete mixer, paver operator; Hoisting engineer, steel erection; Tractor operating scrapers in tandem; Motor patrol operator on finishing work; Master mechanic, when four or more mechanics are employed; Tow or push boat operator; Piledriver machine operator	$6.40	.30	.30		.01	
Asphalt plant operator; Asphalt pugmill; Power shovel, crane type equipment (under 1/2 cu. yd.); Front end loader operator, all types 40 HP or over; Mechanics and welders; Tournapull operators, DW 10 and all similar equipment, over 10 cu. yd. struck capacity; All self-loading scrapers; Tractor operator, bulldozer, push cat or pulling scraper or rooter; Sideboom tractor; Churn or rotary drill operators; Trenching machine operator, Cleveland 80 or similar capacity; Self-propelled sheepsfoot roller, 100,000 pounds and over; Central mixplant operator, concrete, under 5 cu. yd.; Asphalt spreader operator; Group equipment greaser; Automatic subgrade machines, slip form paving operator	6.25	.30	.30		.01	
Motor patrol operator, other than finish; Asphalt roller operator, high type surfacing; Concrete curb breaking machine operator; Concrete widening machine operator; Elevating grader and Athey loader operator; Tournapull operator, DW 10 and all similar equipment, under 10 cu. yd. struck capacity; Paving breaker operator, drop or pneumatic; Spreader box operator, self-propelled or tractor-pushed; Subgrade stab. (P&H and similar sizes); Boiler operator, two or one boiler and dryer; Subgrading machine operator; Asphalt paver, back hoe under 3/8 cu. yd.	6.00	.30	.30		.01	

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	Apr. Tr.	Others
POWER EQUIPMENT OPERATORS (CONT'D): Self-propelled roller operator, other than high type asphalt; Distributor operator; Screening and washing plant operator; Spreader operator, concrete; Tank car heater, combination boiler and booster; Self-propelled vibrating compactor; Trenching machine operator; (Other) pumps on well points and deep wells for dewatering; Mechanical broom operator; Steel placing machine operator; Hoist operator; Compressor operator; Concrete mixer operator, side loader; Conveyor operator; Crusher feeder operator; Finishing machine operator on concrete; Flexplane operator; Bull float operator; Form grade operator; Motor crane combination driver and oiler; Concrete curing machine operator	$5.80	.30	.30		.01	
Boiler operator, single; Apprentice engineer or oil or mechanics' helper or group greaser helper; Self-propelled tractor (pulling disc harrow or sheepsfoot roller); Welding machine operator; Pump operator, other than dredge; Boom and winch truck	5.60	.30	.30		.01	
Batching plant operator, dry; Front end loader operator, rubber tired, with backhoe attachment, under 3/8 cu. yd.; Farm tractor pulling pneumatic roller	5.30	.30	.30		.01	
TRUCK DRIVERS: Truck drivers, not otherwise specified; Warehousemen; Drivers on: four-wheel service trucks, bus hauling men, carry-all and winch trucks, dump crete and scoopmobiles	4.65	.25				
Truck drivers for semi and tandem; Ready mix; Dumpster operator; Drivers on: tandem service trucks, Korking and similar dumpsters, track trucks, euclids, bug bottom drums, tournapulls or similar equipment used for transportation, pavement breakers, pole trailers, air compressors and welding machines, including those pulled by separate units	4.75	.25				

SUPERSEDEAS DECISION

STATE: Iowa COUNTY: Black Hawk (City of Waterloo & abutting municipalities)

DECISION NO.: AQ-17 DATE: Date of Publication

Supersedes Decision No. AP-527, dated May 4, 1973, in 38 FR 11264.

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

7-IOWA-BHA-1 o (1-2)

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
ASBESTOS WORKERS	$8.05	.25	.25		.10	
BOILERMAKERS	8.25	.30	1.00		.02	
BRICKLAYERS; STONEMASONS	7.19	.25	.37			
CARPENTERS:						
Carpenters; Piledrivermen	6.57	.31	.35		.01	
Millwrights	6.92	.31	.35		.01	
CEMENT MASONS	6.25	.31	.45			
ELECTRICIANS:						
Electricians	7.45	.20	1%		1%	
Cable splicers	7.90	.20	1%		1%	
ELEVATOR CONSTRUCTORS	6.54	.185	.20	2%a		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.185	.20	2%a		
ELEVATOR CONSTRUCTORS' HELPERS (PROB)	50%JR					
IRONWORKERS:						
Ornamental; Reinforcing; Structural	7.80					
LABORERS:						
Common laborers; Carpenters' helpers; Moving; Wrecking & demolition	5.36	.31				
Mason tenders; Hod carriers; Machine and air tool operators	5.46	.31				
Powderman	5.61	.31				
LATHERS	6.54	.25				
PAINTERS:						
Brush, roller	5.10					
Tapers	5.20					
Spray	5.60					
PLASTERERS	6.74	.25				
PLUMBERS; STEAMFITTERS	7.95				.08	
ROOFERS	6.22					
SHEET METAL WORKERS	7.10	.35	.10			
SOFT FLOOR LAYERS	6.57	.31	.35		.01	
SPRINKLER FITTERS	8.75	.30	.50		.05	
TRUCK DRIVERS:						
Up to 6 tons	5.14	.25	.30			
Helpers	4.97	.25	.30			
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.						

AQ-17 P. 2

7-IOWA-BHA-1 o (2-2)

BUILDING CONSTRUCTION

Basic Hourly Rates	Fringe Benefits Payments				
	H & W	Pensions	Vacation	App. Tr.	Others

FOOTNOTE:

a. Employer contributes 4% of basic hourly rate for over 5 years' service and 2% of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. 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

BUILDING CONSTRUCTION

POWER EQUIPMENT OPERATORS

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
CLASSIFICATION 1 Cranes, including those being used as backhoe, dragline, clamshell, etc.; Tower cranes; Truck cranes & cherry pickers over 15 ton rated capacity; Derricks; Pile drivers and extractors; Caisson rigs; Side boom and winch truck used for erection of structural steel and moving and setting of heavy machinery; 3-drum hoist; Welders; Mechanics; Locomotive; Dredge (levermen)	$7.20	.30	.30		.01	
CLASSIFICATION 2 1 and 2 drum hoists; Air and electric tuggers (on power plants or setting steel or grating); Economobiles; Plant mixers; Farm type tractors (with loaders, backhoes attachments, etc.); Scrapers (tournapull, etc.); Endloaders; Dredge (engineer); Side boom and winch truck other than Classification #1; Motor patrol; Bulldozers; Push cat; Truck cranes & cherry pickers (15 ton and under); Concrete mixers (1 yard and over); Ditching machine (8" and over); Fork lifts (on steel erection and machinery moving or hoisting above one complete story); Concrete pump; Dewatering pumps; Temporary hoist cage operated; Second man on locomotive	7.10	.30	.30		.01	
CLASSIFICATION 3 Tractors (under 35 h.p.) with or without attachments; Endloaders (under 35 h.p.) with or without attachments; Air compressors (over 125 cfm); Pumps 3" or over; Welding machines 600 amps or combination thereof; Conveyors; Firemen (Boiler); Generator (75 KW and over); Fork lifts (other than above Classification #2); Gunite machine; Self-propelled rollers; Stump chippers; Self-propelled tampers; Air and electric tuggers (other than above); Ditching machine under 8"	6.50	.30	.30		.01	

BUILDING CONSTRUCTION

POWER EQUIPMENT OPERATORS

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
CLASSIFICATION 4 Oilers; Mechanical Heaters; Truck Crane Drivers; Permanent elevators	$6.30	.30	.30		.01	

AO-17 P. 5 (1 - 3)

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
CARPENTERS & PILEDRIVERMEN	$5.91	.25				
CEMENT MASONS	5.65					
LABORERS:						
Sandblasters; Powderman and Blaster; Pipe layer, sewer, water, telephone conduits, etc.; Sewer utility man; Gunnite nozzleman; Diamond and core drills, powered by air, all work performed by Laborers working from a bos'n chair, swinging stage, life belt, tag line, or block and tackle; Drill operator of air track, wagon drills and similar drills	5.50	.30	.10			
Tree climber; Form setters; Rakers; Boxtenders; Asphalt curb machines; Formen, not mechanical; Bull-float, hand operated; Scalers; Timbermen; Underpinning and shoring; Caissons over 12'; Grade checker and cutting torches on demolition work	5.25	.30	.10			
Power buggyman; Concrete and paving sawman; Form liner, expansion joint assembler; Bottom man; Caulker and jointer and painter; Timber and chain saw man; Mechanical grouters; Boring machines; Automatic concrete power curbing machines; Stresser or stretcherman on post-tension or pre-stressed concrete on or off the job; Powderman helpers	5.00	.30	.10			
Form tamper; Air, gas and electric tool operators, vibrators, barco hammer, paving breakers, spaders, tampers; electric drills, hammers, and jack hammers; Tree groundmen; Chuck tenders; Drill helpers, tool room men and checkers; Sand blaster helper; Concrete processing material and monitors; Cement finishers helpers	4.85	.30	.10			
Fence erectors; Handling and placing of metal mesh, dowel bars, reinforcing bars and chairs; Dumpmen and spotters; Carrying reinforcing rods; Corrugated culvert pipe; Concrete drainage pipe; Stake chaser, seeding, mulching and planting of trees, shrubs and flowers; Water boy; Common labor; Bedmen; Tending to carpenters; Hot asphalt labor; Stringman on paving work	4.75	.30	.10			

AO-17 P. 6 (2 - 3)

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS:						
Power shovel and crane type equipment (1/2 cu. yd. and over); Central mix plant operator, concrete 5 cu. yd. and over; Dredge engineer; Dredge leverman; Concrete mixer, power operator; Hoisting engineer, steel erection; Tractor operating scrapers in tandem; Motor patrol operator on finishing work; Master mechanic, when four or more mechanics are employed; Tow or push boat operator; Piledriver machine operator	$6.40	.30	.30		.01	
Asphalt plant operator; Asphalt pugmill; Power shovel, crane type equipment (under 1/2 cu. yd.); Front end loader operator, all types 40 HP or over; Mechanics and welders; Tournapull operators, DW 10 and all similar equipment, over 10 cu. yd. struck capacity; All self-loading scrapers; Tractor operator, bulldozer, push cat or pulling scraper or rooter; Sideboom tractor; Churn or rotary drill operators; Trenching machine operator, Cleveland 80 or similar capacity; Self-propelled sheepsfoot roller, 100,000 pounds and over; Central mix plant operator, concrete, under 5 cu. yd.; Asphalt spreader operator; Group equipment greaser; Automatic subgrade machines, slip form paving operator	6.25	.30	.30		.01	
Motor patrol operator, other than finish; Asphalt roller operator, high type surfacing; Concrete curb breaking machine operator; Concrete widening machine operator; Elevating grader and Athey loader operator; Tournapull operator, DW 10 and all similar equipment, under 10 cu. yd. struck capacity; Paving breaker operator, drop or pneumatic; Spreader box operator, self-propelled or tractor-pused; Subgrade stab. (P&H and similar sizes); Boiler operator, two or one boiler and dryer; Subgrading machine operator; Asphalt paver, back hoe under 3/8 cu. yd.	6.00	.30	.30		.01	

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS (CONT'D):						
Self-propelled roller operator, other than high type asphalt; Distributor operator; Screening and washing plant operator; Spreader operator, concrete; Tank car heater, combination boiler and booster; Self-propelled vibrating compactor; Trenching machine operator; (Other) pumps on well points and deep wells for dewatering; Mechanical broom operator; Steel placing machine operator; Boat operator; Compressor operator; Concrete mixer operator, side loader; Conveyor operator; Crusher feeder operator; Finishing machine operator on concrete; Flexplane operator; Bull float operator; Form grade operator; Motor crane combination driver and oiler; Concrete curing machine operator	$5.80	.30	.30		.01	
Boiler operator, single; Apprentice engineer or oil or mechanics' helper or group greaser helper; Self-propelled tractor (pulling disc harrow or sheepsfoot roller); Welding machine operator; Pump operator, other than dredge; Boom and winch truck	5.60	.30	.30		.01	
Batching plant operator, dry; Front end loader operator, rubber tired, with backhoe attachment, under 3/8 cu. yd.; Farm tractor pulling pneumatic roller	5.30	.30	.30		.01	
TRUCK DRIVERS:						
Truck drivers, not otherwise specified; Warehousemen; Drivers on: four-wheel service trucks, bus hauling men, carry-all and winch trucks, dump crete and scoopmobiles	4.65	.25				
Truck drivers for semi and tandem; Ready mix; Dumpster operator; Drivers on: tandem service trucks, Korking and similar dumpsters, track trucks, euclids, bug bottom drums, tournapulls or similar equipment used for transportation, pavement breakers, pole trailers, air compressors and welding machines, including those pulled by separate units	4.75	.25				

SUPERSEDEAS DECISION

STATE: Texas COUNTY: Travis
DECISION NO.: AQ-10 DATE: Date of Publication
Supersedes Decision No. AP-723, dated April 27, 1973, in 38 FR 10591.
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

18 - Texas - 1 s (1 - 2)

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
ASBESTOS WORKERS	$7.68	.30	.30		.03	
BOILERMAKERS	6.80	.30	.50		.02	
BRICKLAYERS - STONEMASONS	6.95	.35	.20		.03	
CARPENTERS:						
Carpenters	6.725	.33	.30		.02	
Millwrights	6.975	.33	.30		.02	
CEMENT MASONS	6.07	.25				
ELECTRICIANS:						
Electricians	7.50		1%		1%	
Cable splicers	7.50		1%		1%	
ELEVATOR CONSTRUCTORS	6.57	.345	.23	2%+a+b	.015	
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.345	.23	2%+a+b	.015	
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
GLAZIERS	5.65					
IRONWORKERS:						
Structural; Ornamental; Reinforcing	6.765	.40	.50		.12	
LABORERS:						
General laborer and pier hole men	3.905	.275	.10		.02	
Mason tender; Pipelayer (concrete & clay); Cement finisher tender; scaffold builder; gunnite & cement work mixer & power tool operator	4.055	.275	.10		.02	
Plaster tender; Hod carrier; Mortar mixer; Lather tender; Water or damp proofers	4.23	.275	.10		.02	
Gunnite over 1½" thick; Nozzlemen; Machine operator; Powderman & blaster	4.305	.275	.10		.02	
LATHERS	7.075	.20			.01	
MARBLE SETTERS	6.50					
MARBLE SETTERS' HELPERS	4.02					
PAINTERS:						
Painters, brush	5.75					
Taping & floating of sheetrock	5.75					
Paperhangers	6.00					
Spray	6.25					
Steam cleaning, sand blast & other powered equipment	6.25					
Chipper, burner, torch	6.00					
Skeleton steelwork erected	6.00					
Swinging stage, boarn chair, window jack or scaffolding (above 2nd floor) 25¢ per hour above all base rates						

AQ-10 P. 2

18 - Texas - 1 s (2 - 2)

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
PLASTERERS	$7.05	.25			.01	
PLUMBERS	7.25		.15		.03	
ROOFERS:						
Roofers	5.23				.01	
Kettlemen	5.08				.01	
SHEET METAL WORKERS	7.35	.30	.30		.05	
SOFT FLOOR LAYERS	6.62	.25	.10		.05	
SPRINKLER FITTERS	8.35	.30	.50		.05	
STEAMFITTERS	7.25		.15		.03	
TERRAZZO WORKERS	6.50					
TERRAZZO WORKERS' HELPERS:						
Terrazzo helpers	4.02					
Floor machine operators	4.22					
Base machine operators	4.37					
TILE SETTERS	6.50					
TILE SETTERS' HELPERS	4.02					
TRUCK DRIVERS	1.60					
TRUCK DRIVERS WINCH	1.60					
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.

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS						
Backfiller; Backhoe; Blade grader - self-propelled; Bull clam; Bulldozer and all types of car tractors; Cableway; Clamshell operator; Crane - power operated, all types; Derricks-power operated, all types; Draglines; Elevating grader - self-propelled; Euclid operator; Foundation boring machine; Gradall; Heavy duty mechanic; High lifts and loader, over 1/3 cu. yd. capacity; Hoist - motor driven, two drums or more; Locomotive; Mixer, 14 cu. ft. or over; Mixmobile; Paving mixer - all types; Pumpcrete machine; Push cat operator; Rock crusher operated on job; Scoopmobile; Scraper; Shovel - power operated; Trenching machine - all types; Two 125 cu. ft. compressors; Welding machines - 6 to 12; Winch truck; Well points, including installations	$7.075		.30			
Air compressor, anytime there are two or more attachments operating on a 125 cu. ft. air compressor, or less, a light equipment operator shall be employed, any compressor over 125 cu. ft. shall have a light equipment operator; Blade grader - towed; Flex plane; Fork lift, 1500 lbs. capacity or less; Hoist, single drum; Pump 2½ inches or larger; Pneumatic roller; Mixer - less than 14 cu. ft.; Pulsometer; Truck crane driver & oiler combination man; Form grader, gasoline or diesel driven welding machine, 3 to 6; High-lifts & loaders, 1/3 cu. yd. or less	6.205		.30			
Fireman	5.23		.30			
Oiler	5.13		.30			

INCIDENTAL PAVING & UTILITIES	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Air Tool Man	$2.30					
Asphalt Raker	2.85					
Batching Plant Scaleman	3.50					
Carpenter	3.45					
Carpenter Helper	2.25					
Concrete Finisher (Structures)	3.15					
Concrete Finisher Helper (Structures)	2.50					
Electrician	5.75					
Form Builder (Structures)	3.50					
Form Builder Helper (Structures)	2.00					
Form Setter (Structures)	3.50					
Form Setter Helper (Structures)	2.30					
Laborer, Common	2.00					
Laborer, Utility Man	2.25					
Mechanic	3.30					
Mechanic Helper	2.40					
Oiler	2.25					
Serviceman	2.85					
Pipelayer	3.15					
Powderman	3.25					
Powderman Helper	2.00					
Reinforcing Steel Setter (Paving)	2.75					
Reinforcing Steel Setter (Structures)	3.55					
Reinforcing Steel Setter Helper	2.75					
Power Equipment Operators:						
Asphalt Distributor	3.00					
Asphalt Paving Machine	3.05					
Bulldozer, 150 HP and Less	3.00					
Bulldozer, over 150 HP	3.25					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	3.25					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY and Over)	3.50					
Crusher or Screening Plant Operator	3.00					
Elevating Grader	3.00					
Foundation Drill Operator (Crawler Mounted)	2.85					
Foundation Drill Operator (Truck Mounted)	4.35					

AQ-10 P. 5

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INCIDENTAL PAVING & UTILITIES	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Power Equipment Operators (Cont'd):	-					
Front End Loader (2½ CY and Less)	$3.00					
Front End Loader (Over 2½ CY)	3.50					
Motor Grader Operator, Fine Grade	3.75					
Motor Grader Operator	3.25					
Roller, Steel Wheel (Plant-Mix Pavements)	2.95					
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	2.50					
Roller, Pneumatic (Self-Propelled)	2.25					
Scrapers (17 CY and Less)	3.00					
Scrapers (Over 17 CY)	3.25					
Tractor (Crawler Type) over 150 HP	2.75					
Tractor (Pneumatic) 80 HP and Less	2.20					
Tractor (Pneumatic) over 80 HP	2.55					
Wagon Drill, Boring Machine or Post Hole Driller Operator	2.75					
Truck Drivers:						
Single Axle, Light	2.00					
Single Axle, Heavy	2.25					
Tandem Axle or Semitrailer	2.50					
Welder	3.85					

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LINE CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Linemen	$7.33	.28	1%		1/2%	
Ground mechanics	6.19	.28	1%		1/2%	
Groundmen	5.30	.28	1%		1/2%	
Groundmen (1st 6 mos.)	4.21	.28	1%		1/2%	

[FR Doc.73-15827 Filed 8-2-73;8:45 am]

INDEX TO GENERAL WAGE DETERMINATION DECISIONS AND MODIFICATIONS AS OF JULY 6, 1973

There is set forth below an index to general wage determination decisions and modifications as published in the FEDERAL REGISTER pursuant to the Davis-Bacon and related Acts. The index lists general wage determination decisions and modifications by State and county. An updated index is published on the first Friday of each month.

The index is published for the convenience of the public and the Department of Labor will endeavor to keep it accurate and up to date. In the event the data in the index and published general decisions do not coincide, the published general decisions shall control.

ABBREVIATIONS

(B)—Building Construction
(D)—Dredging Construction
(F)—Flood Control Construction
(H)—Heavy Construction
(Hw)—Highway Construction
(R)—Residential Construction
Mod.—Modification

Signed at Washington, D.C., this 27th day of July 1973.

WARREN D. LANDIS,
Assistant Administrator,
Wage & Hour Division.

ALABAMA

STATEWIDE
Decision #AM-8589 (D)
37 FR 5654 - 3/17/72
Mod. #1 - 37 FR 24506 - 11/17/72
AUTAUGA COUNTY
Decision #AP-119 (Hw)
37 FR 16733 - 8/18/72
Mod. #1 - 37 FR 24507 - 11/17/72
(D) - See Statewide
BALDWIN COUNTY
Decision #AM-554 (R)
36 FR 16363 - 8/20/71
Decision #AP-118 (Hw)
37 FR 18836 - 9/15/72
Mod. #1 - 37 FR 24507 - 11/17/72
(D) - See Statewide
BARBOUR COUNTY
(D) - See Statewide
(Hw) - See Autauga County
BIBB COUNTY
(D) - See Statewide
(Hw) - See Autauga County
BLOUNT COUNTY
Decision #AM-448 (R)
36 FR 16359 - 8-20-71
(D) - See Statewide
(Hw) - See Autauga County
BULLOCK COUNTY
(D)- See Statewide
(Hw)- See Autauga County
BUTLER COUNTY
(D)- See Statewide
(Hw)- See Autauga County
CALHOUN COUNTY
Decision #AP-117 (Hw)
37 FR 16732 - 8/18/72
Mod. #1 - 37 FR 24507 - 11/17/72
(D)-See Statewide
CHAMBERS COUNTY
(D)-See Statewide
(Hw)-See Autauga County
CHEROKEE COUNTY
(D)-See Statewide
(Hw)- See Autauga County
CHILTON COUNTY
(D)-See Statewide
(Hw)-See Autauga County
CHOCTAW COUNTY
(D)-See Statewide
(Hw)-See Autauga County

ALABAMA (Cont'd)

CLARKE COUNTY
(D) - See Statewide
(Hw) - See Autauga County
CLAY COUNTY
(D) - See Statewide
(Hw) - See Autauga County
CLEBURNE COUNTY
(D) - See Statewide
(Hw) - See Autauga County
COFFEE COUNTY
(D) - See Statewide
(Hw) - See Autauga County
COLBERT COUNTY
Decision #AP-116 (Hw)
37 FR 18835 - 9/15/72
Mod. #1 - 37 FR 24507 - 11/17/72
(D) - See Statewide
CONECUH COUNTY
(D) - See Statewide
(Hw) - See Autauga County
(R) - See Baldwin County
COOSA COUNTY
(D) - See Statewide
(Hw) - See Autauga County
COVINGTON COUNTY
(D) - See Statewide
(Hw) - See Autauga County
CRENSHAW COUNTY
(D) - See Statewide
(Hw) - See Autauga County
CULLMAN COUNTY
(D) - See Statewide
(Hw) - See Autauga County
DALE COUNTY
(D) - See Statewide
(Hw) - See Autauga County
DALLAS COUNTY
(D) - See Statewide
(Hw) - See Autauga County
DE KALB COUNTY
(D) - See Statewide
(Hw) - See Autauga County
ELMORE COUNTY
(D) - See Statewide
(Hw) - See Autauga County
ESCAMBIA COUNTY
(D) - See Statewide
(Hw) - See Autauga County

ALABAMA (Cont'd)

ETOWAH COUNTY
(D) - See Statewide
(Hw) - See Calhoun County
FAYETTE COUNTY
(D) - See Statewide
(Hw) - See Autauga County
FRANKLIN COUNTY
(D) - See Statewide
(Hw) - See Autauga County
GENEVA COUNTY
(D) - See Statewide
(Hw) - See Autauga County
GREENE COUNTY
(D) - See Statewide
(Hw) - See Autauga County
HALE COUNTY
(D) - See Statewide
(Hw) - See Autauga County
HENRY COUNTY
(D) - See Statewide
(Hw) - See Autauga County
HOUSTON COUNTY
(D) - See Statewide
(Hw) - See Autauga County
JACKSON COUNTY
(D) - See Statewide
(Hw) - See Autauga County
JEFFERSON COUNTY
Decision #AP-1105 (B,Hw)
38 FR 16597 - 6/22/73
(D) - See Statewide
(Hw) - See Autauga County
LAMAR COUNTY
(D) - See Statewide
(Hw) - See Autauga County
LAUDERDALE COUNTY
(D) - See Statewide

ALABAMA (cont'd)

LIMESTONE COUNTY
(D) - See Statewide
(Hw) - See Autauga County
LOWNDES COUNTY
(D) - See Statewide
(Hw) - See Autauga County
MACON COUNTY
(D) - See Statewide
(Hw) - See Autauga County
MADISON COUNTY
(D) - See
(Hw) - See Colbert County
MARENGO COUNTY
(D) - See Statewide
(Hw) - See Autauga County
MARION COUNTY
(D) - See Statewide
(Hw) - See Autauga County
MARSHALL COUNTY
(D) - See Statewide
(Hw) - See Autauga County
MOBILE COUNTY
Decision #AP-1106 (B, Hw)
38 FR 16600 - 6/22/73
(D) - See Statewide
(R) - See Baldwin County
MONROE COUNTY
(D) - See Statewide
(Hw) - See Autauga County
MONTGOMERY COUNTY
Decision #AP-184 (B)
38 FR 11244 - 5/4/73
Mod. # 1 - 38 FR 13103 - 5/18/73
(D) - See Statewide
(Hw) - See Baldwin County
MORGAN COUNTY
(D) - See Statewide
(Hw) - See Colbert County
PERRY COUNTY
(D) - See Statewide
(Hw) - See Autauga County
PICKENS COUNTY
(D) - See Statewide
(Hw) - See Autauga County

ALABAMA (Cont'd)

PIKE COUNTY
(D)-See Statewide
(Hw)-See Autauga County
RANDOLPH COUNTY
(D)-See Statewide
(Hw)-See Autauga County
RUSSELL COUNTY
(D)-See Statewide
(Hw)-See Autauga County
SAINT CLAIR COUNTY
(D)-See Statewide
(Hw)-See Calhoun County
(R)-See Blount County
SHELBY COUNTY
(D)-See Statewide
(Hw)-See Calhoun County
(R)-See Blount County
SUMTER COUNTY
(D)-See Statewide
(Hw)-See Autauga County
TALLADEGA COUNTY
(D)-See Statewide
(Hw)-See Calhoun County
(R)-See Blount County
TALLAPOOSA COUNTY
(D)-See Statewide
(Hw)-See Autauga County
TUSCALOOSA COUNTY
(D)-See Statewide
(Hw)-See Calhoun County
WALKER COUNTY
(D)-See Statewide
(Hw)-See Calhoun County
WASHINGTON COUNTY
(D)-See Statewide
(Hw)-See Autauga County
(R) - See Baldwin County
WILCOX COUNTY
(D) - See Statewide
(Hw) - See Autauga County
WINSTON COUNTY
(D) - See Statewide
(Hw) - See Autauga County

ALASKA

STATEWIDE
Decision #AP-902 (B, Hw, H, D)
38 FR 13127 - 5/18/73
Decision #AP-903 (R)
38 FR 13133 - 5/18/73

ARIZONA

STATEWIDE
Decision #AP-258 (H,Hw)
38 FR 1440 - 1/12/73
Mod. #1 - 38 FR 9918 - 4/30/73
Mod. #2 - 38 FR 12505 - 5/11/73
Mod. #3 - 38 FR 13103 - 5/18/73
Mod. #4 - 38 FR 15785 - 6/15/73
APACHE COUNTY
(H,Hw) - See Statewide
COCHISE COUNTY
(H,Hw) - See Statewide
Decision #AP-901
38 FR 12526 - 5/11/73
Mod. #1 - 38 FR 13911 - 5/25/73
Mod. #2 - 38 FR 15785 - 6/15/73
COCONINO COUNTY
Decision #AP-297 (B)
38 FR 10557 - 4/27/73
Mod. #1 - 38 FR 12506 - 5/11/73
Mod. #2 - 38 FR 13911 - 5/25/73
(H,Hw) - See Statewide
GILA COUNTY
(H,Hw) - See Statewide
GRAHAM COUNTY
(H,Hw) - See Statewide
GREENLEE COUNTY
Decision #AP-909 (B)
38 FR 15798 - 6/15/73
MARICOPA COUNTY
(H,Hw) - See Statewide
(B) - See Greenlee County
Decision #AP-259 (R)
38 FR 2022 - 1/19/73
Mod. #1 - 38 FR 9918 - 4/20/73
Mod. #2 - 38 FR 12505 - 5/11/73
Mod. #3 - 38 FR 13104 - 5/18/73
MOHAVE COUNTY
(H,Hw) - See Statewide
NAVAJO COUNTY
(H,Hw) - See Statewide
PIMA COUNTY
(H,Hw) - See Statewide
(B) - See Cochise County
Decision #AP-260 (R)
38 FR 2027 - 1/19/73
Mod. #1 - 38 FR 9918 - 4/20/73
Mod. #2 - 38 FR 13911 - 5/25/73
Mod. #3 - 38 FR 15785 - 6/15/73
PINAL COUNTY
(H,Hw) - See Statewide
SANTA CRUZ COUNTY
(H,Hw) - See Statewide
(B) - See Cochise County

ARIZONA (Cont'd)

YAVAPAI COUNTY
(H,Hw) - See Statewide
YUMA COUNTY
(H,Hw) - See Statewide

ARKANSAS (Cont'd)

STATEWIDE
Decision #AP-701 (Hw)
38 FR 4087 - 2/9/73
Decision #AP-1107 (D)
38 FR 17358 - 6/29/73
ARKANSAS COUNTY
(Hw) - See Statewide
(D) - See Statewide
Decision #AM-8588 (F)
37 FR 5654 - 3/17/72
Mod. #1 - 37 FR 8601 - 4/28/72
Mod. #2 - 38 FR 24506 - 11/17/72
ASHLEY COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
BAXTER COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
BENTON COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
BOONE COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
BRADLEY COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
CALHOUN COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
CARROLL COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
CHICOT COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County

ARKANSAS (cont'd)

CLARK COUNTY
(Hw) (D) - See Statewide
(F) - See Arkansas County
CLAY COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
CLEBURNE COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
CLEVELAND COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
COLUMBIA COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
CONWAY COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
CRAIGHEAD COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
CRAWFORD COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
CRITTENDEN COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
CROSS COUNTY
(Hw) - See Statewide
(D) - See Statewide
((F) - See Arkansas County
DALLAS COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
DESHA COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County

ARKANSAS (Cont'd)

DREW COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
FAULKNER COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
FRANKLIN COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
FULTON COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
GARLAND COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
GRANT COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
GREENE COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
HEMPSTEAD COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F(- See Arkansas County
HOT SPRING COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
HOWARD COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
INDEPENDENCE COUNTY
(Hw) (D) - See Statewide
(F) - See Arkansas County
IZARD COUNTY
(Hw) (D) - See Statewide
(F) - See Arkansas County

ARKANSAS (Cont'd)

JACKSON COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
JEFFERSON COUNTY
(Hw) - See Statewide
(D) - See Statewide
JOHNSON COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
LAFAYETTE COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
LAWRENCE COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
LEE COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
LINCOLN COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
LITTLE RIVER COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
LOGAN COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
LONOKE COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
MADISON COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
MARION COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County

ARKANSAS (Cont'd)

MILLER COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
MISSISSIPPI COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
MONROE COUNTY
(hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
MONTGOMERY COUNTY
(Hw) - See Arkansas County
(D) - See Statewide
(F) - See Arkansas County
NEVADA COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
NEWTON COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - Arkansas County
OUACHITA COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
PERRY COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
PHILLIPS COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
PIKE COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas county
POINSETT COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
POLK COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County

ARKANSAS (CONT'D)

POPE COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
PRAIRIE COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
PULASKI COUNTY
(Hw) - See Statewide
(D) - See Statewide
Decision #AP-734 (B)
38 FR 13919 - 5/25/73
Mod. # 1 - 38 FR 15206 - 6/8/73
Mod. # 2 - 38 FR 15785 - 6/15/73
Mod. # 3 - 38 FR 17327 - 6/29/73
Mod. # 4 - 38 FR 18107 - 7/6/73
Decision #AP-356 (R)
37 FR 23489 - 11/3/72
RANDOLPH COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
ST. FRANCIS COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
SALINE COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
SCOTT COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
SEARCY COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
SEBASTIAN COUNTY
(Hw) - See Statewide
(D) - See Statewide
SEVIER COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County

ARKANSAS (CONT'D)

SHARP COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
STONE COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
UNION COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
Decision #AP-703 (B)
38 FR 4623 - 2/16/73
Mod. #1 - 38 FR 4632 - 2/23/73
Mod. #2 - 38 FR 17327 - 6/29/73
Mod. #3 - 38 FR 18107 - 7/6/73
VAN BUREN COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
WASHINGTON COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
WHITE COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
WOODRUFF COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
YELL COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County

CALIFORNIA

ALAMEDA COUNTY
Decision #AP-287 (B,H,Hw,D)
38 FR 8874 - 4/6/73
Mod. #1 - 38 FR 10572 - 4/27/73
Mod. #2 - 38 FR 13105 - 5/18/73
Mod. #3 - 38 FR 13912 - 5/25/73
Mod. #4 - 38 FR 15786 - 6/15/73
Mod. #5 - 38 FR 16578 - 6/22/73
Decision #AP-905 (R)
38 FR 13139 - 5/18/73
Mod. #1 - 38 FR 14507 - 6/1/73
Mod. #2 - 38 FR 15786 - 6/15/73
Mod. #3 - 38 FR 16579 - 6/22/73
ALPINE COUNTY
(B,H,Hw,D) - See Alameda County
AMADOR COUNTY
(B,H,Hw,B) - See Alameda County
(R) - See Alameda County
BUTTE COUNTY
(B,H,Hw,D) - See Alameda County
CALVARAS COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
COLUSA COUNTY
(B,H,Hw,D) - See Alameda County
CONTRA COSTA COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
DELNORTE COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
ELDORADO COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
FRESNO COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County

CALIFORNIA (Cont'd)

GLENN COUNTY
(B,H,Hw,D) - See Alameda County
HUMBOLDT COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
IMPERIAL COUNTY
Decision #AP-280 (B,H,Hw,D)
38 FR 8361 - 3/30/73
Mod. #1 - 38 FR 12508 - 5/11/73
Mod. #2 - 38 FR 13105 - 5/18/73
Mod. #3 - 38 FR 14506 - 6/1/73
Mod. #4 - 38 FR 16578 - 6/22/73
Decision #AP-281 (R)
38 FR 8371 - 3/30/71
Mod. #1 - 38 FR 12509 - 5/11/73
Mod. #2 - 38 FR 13105 - 5/18/73
Mod. #3 - 38 FR 14506 - 6/1/73
Mod. #4 - 38 FR 16578 - 6/22/73
INYO COUNTY
(B,H,Hw,D) - See Imperial County
KERN COUNTY
(B,H,Hw,D) - See Imperial County
(R) - See Imperial County
KING COUNTY
(B,H,Hw,D) - See Alameda County
LAKE COUNTY
(B,H,Hw,D) - See Alameda County
LASSEN COUNTY
(B,H,Hw,D) - See Alameda County
LOS ANGELES COUNTY
(B,H,Hw,D) - See Imperial County
(R) - See Imperial County
MADERA COUNTY
(B,H,Hw,D) - See Alameda County
MARIN COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County

CALIFORNIA (Cont'd)

MARIPOSA COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
MENDOCINO COUNTY
(B,H,Hw, D) - See Alameda County
MERCED COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
MODOC COUNTY
(B,H,Hw,D) - See Alameda County
MONO COUNTY
(B,H,Hw,D) - See Imperial County
MONTEREY COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
NAPA COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
NEVADA COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
ORANGE COUNTY
(B,H,Hw,D) - See Imperial County
(R) - See Imperial County
PLACER COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
PLUMAS COUNTY
(B,H,Hw,D) - See Alameda County
RIVERSIDE COUNTY
(B,H,Hw,D) - See Imperial County
(R) - See Imperial County
SACRAMENTO COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
SAN BENITO COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
SAN BERNARDINO COUNTY
(B,H,Hw,D) - See Imperial County
(R) - See Imperial County
SAN DIEGO COUNTY
Decision #AP-255 (B,H,Hw,D)
37 FR 28808 - 12/29/72
Mod. #1 - 38 FR 4076 - 2/9/73
Mod. #2 - 38 FR 12506 - 5/11/73
Mod. #3 - 38 FR 16574 - 6/22/73

CALIFORNIA (Cont'd)

SAN DIEGO COUNTY (Cont'd)
Decision #AP-256 (R)
37 FR 28814 - 12/29/72
Mod. #1 - 38 FR 4076 - 2/9/73
Mod. #2 - 38 FR 12507 - 5/11/73
Mod. #3 - 38 FR 16576 - 6/22/73
SAN FRANCISCO COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
SAN JOAQUIN COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
SAN LUIS OBISPO COUNTY
(B,H,Hw,D) - See Imperial County
SAN MATEO COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
SANTA BARBARA COUNTY
(B,H,Hw,D) - See Imperial County
(R) - See Imperial County
SANTA CLARA COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
SANTA CRUZ COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
SHASTA COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
SIERRA COUNTY
(B,H,Hw,D) - See Alameda County
SISKIYOU COUNTY
(B,H,Hw,D) - See Alameda County
SOLANO COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
SONOMA COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
STANISLAUS COUNTY
(B,H,Hw,D) - See Alameda County
SUTTER COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
TEHAMA COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
TRINITY COUNTY
(B,H,Hw,D) - See Alameda County

CALIFORNIA (Cont'd)

TULARE COUNTY
(B,H,Hw,D) - See Alameda County
TUOLUMNE COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
VENTURA COUNTY
(B,H,Hw,D) - See Imperial County
(R) - See Imperial County
YOLO COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
YUBA COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County

COLORADO (Cont'd)

STATEWIDE
Decision #AP-299 (Hw)
38 FR 11252 - 5/4/73
Mod. #1 - 38 FR 13113 - 5/18/73
Mod. # 2- 38 FR 18110 - 7/6/73
ADAMS COUNTY
(Hw) - See Statewide
Decision #AP-911 (B,H,Hw)
38 FR 16604 - 6/22/73
Decision #AM-6,723 (R)
37 FR 7921 - 4-21-72
ALAMOSA COUNTY
(Hw) - See Statewide
ARAPAHOE COUNTY
(Hw) - See Statewide
(B-H-Hw) - See Adams County
(R) - See Adams County
ARCHULETA COUNTY
(Hw) - See Statewide
BACA COUNTY
(Hw) - See Statewide
BENT COUNTY
(Hw) - See Statewide
BOULDER COUNTY
(Hw) - See Statewide
(B,H,Hw) - See Adams Co.
(R) - See Adams County
CHAFFEE COUNTY
(Hw) - See Statewide
CHEYENNE COUNTY
(Hw) - See Statewide

COLORADO (cont'd)

CLEAR CREEK
(B,H,Hw) - See Adams County
(Hw) - See Statewide
(R) - See Adams County
CONEJOS COUNTY
(Hw) - See Statewide
COSTILLA COUNTY
(Hw) - See Statewide
CROWLEY COUNTY
(Hw) - See Statewide
CUSTER COUNTY
(Hw) - See Statewide
DELTA COUNTY
(Hw) - See Statewide
DENVER COUNTY
(Hw) - See Statewide
(B-H-Hw) - See Adams County
(R) - See Adams County
DOLORES COUNTY
(Hw) - See Statewide
DOUGLAS COUNTY
(Hw) - See Statewide
(B,H,Hw) - See Adams County
(R) - See Adams County
EAGLE COUNTY
(Hw) - See Statewide

COLORADO (cont'd)

ELBERT COUNTY
(Hw) - See Statewide
(B,H,Hw) - See Adams County
(R) - See Adams County
EL PASO COUNTY
(Hw) - See Statewide
Decision #AP-918 (B,H,Hw)
38 FR 18133 - 7/6/73
FREMONT COUNTY
(Hw) - See Statewide
GARFIELD COUNTY
Decision #AP-904 (B)
38 FR 13159 - 5/11/73
Mod. #1 - 38 FR 18111 - 7/6/73
(Hw) - See Statewide
GILPIN COUNTY
(B,H,Hw) - See Adams County
(Hw) - See Statewide
(R) - See Adams County
GRAND COUNTY
(Hw) - See Statewide
GUNNISON COUNTY
(B) - See Garfield County
(Hw) - See Statewide
HINSDALE COUNTY
(Hw) - See Statewide
HUERFANO COUNTY
(Hw) - See Statewide

COLORADO (Cont'd)

JACKSON COUNTY
(Hw) - See Statewide
JEFFERSON COUNTY
(Hw) - See Statewide
(B-H-Hw) - See Adams County
(R) - See Adams County
KIOWA COUNTY
(Hw) - See Statewide
CARSON COUNTY
(Hw) - See Statewide
LAKE COUNTY
(Hw) - See Statewide
LAPLATA COUNTY
(Hw) - See Statewide
LARIMER COUNTY
(B,H,Hw) - See Adams County
(Hw) - See Statewide
LAS ANIMAS COUNTY
(Hw) - See Statewide
LINCOLN COUNTY
(Hw) - See Statewide
LOGAN COUNTY
(Hw) - See Statewide
MESA COUNTY
(B) - See Garfield County
(Hw) - See Statewide
MINERAL COUNTY
(Hw) - See Statewide
MOFFAT COUNTY
(Hw) - See Statewide
MONTEZUMA COUNTY
(Hw) - See Statewide
MONTROSE COUNTY
(B) - See Garfield County
(Hw) - See Statewide
MORGAN COUNTY
(Hw) - See Statewide
OTERO COUNTY
(Hw) - See Statewide
OURAY COUNTY
(Hw) - See Statewide

COLORADO (Cont'd)

PARK COUNTY
(Hw) - See Statewide
PHILLIPS COUNTY
(Hw) - See Statewide
PITKIN COUNTY
(B) - See Garfield County
(Hw) - See Statewide
PROWERS COUNTY
(Hw) - See Statewide
PUEBLO COUNTY
(Hw) - See Statewide
Decision #AP-296 (B)
38 FR 10567 - 4/27/73
Mod. #1 - 38 FR 13107 - 5/18/73
Mod. #2 - 38 FR 15206 - 6/8/73
Mod. #3 - 38 FR 18108 - 7/6/73
RIO BLANCO COUNTY
(Hw) - See Statewide
RIO GRANDE COUNTY
(Hw) - See Statewide
ROUTT COUNTY
(Hw) - See Statewide
SAGUACHE COUNTY
(Hw) - See Statewide
SAN JUAN COUNTY
(Hw) - See Statewide
SAN MIGUEL COUNTY
(Hw) - See Statewide
SEDGWICH COUNTYSEDGWICK COUNTY
(Hw) - See Statewide
SUMMIT COUNTY
(B,H,HW) - See Adams County
(Hw) - See Statewide
TELLER COUNTY
(Hw) - See Statewide
WASHINGTON COUNTY
(Hw) - See Statewide
WELD COUNTY
(Hw) - See Statewide
(B,H,Hw) - See Adams County
YUMA COUNTY
(Hw) - See Statewide

CONNECTICUT

FAIRFIELD COUNTY
Decision #AP-848 (B,H,Hw)
38 FR 17359 - 6/29/73
Decision #AP-803 (D)
38 FR 10580 - 4/27/73
HARTFORD COUNTY
Decision #AP-849 (B,H,Hw)
38 FR 17363 - 6/29/73
LITCHFIELD COUNTY
Decision #AP-850 (B,H,Hw)
38 FR 17367 - 6/29/73
MIDDLESEX COUNTY
Decision #AP-851 (B,H,Hw)
38 FR 17371 - 6/29/73
(D) - See Fairfield County
NEW HAVEN COUNTY
Decision #AP-852 (B,H,Hw)
38 FR 17375 - 6/29/73
(D) - See Fairfield County
NEW LONDON COUNTY
Decision #AP-853 (B,H,Hw)
38 FR 17379 - 6/29/73
(D) - See Fairfield County
TOLLAND COUNTY
Decision #AP-854 (B,H,Hw)
38 FR 17383 - 6/29/73
WINDHAM COUNTY
Decision #AP-855 (B,H,Hw)
38 FR 17386 - 6/29/73

DELAWARE

STATEWIDE
Decision #AP-803 (D)
38 FR 10580 - 4/27/73
Decision #AP-804 (B,H,Hw)
38 FR 11262 - 5/4/73
Mod. #1 - 38 FR 13113 - 5/18/73
Mod. #2 - 38 FR 13915 - 5/25/73
Mod. #3 - 38 FR 14510 - 6/1/73
Mod. #4 - 38 FR 17327 - 6/29/73
KENT COUNTY
(B,H,Hw,D) - See Statewide
NEW CASTLE COUNTY
(D) - See Statewide
(B,H,Hw) - See Statewide
SUSSEX COUNTY
(D) - See Statewide
(B,H,Hw) - See Statewide

FLORIDA

ALACHUA COUNTY
Decision #AP-195 (R)
38 FR 15227 - 6/8/73
Decision #AP-176
38 FR 11258 - 5/4/73
BAKER COUNTY
Decision #AP-177 (R)
38 FR 11259 - 5/4/73
BAY COUNTY
Decision #AP-196 (B)
38 FR 15229 - 6/8/73
Decision #AM-8589 (D)
37 FR 5654 - 3/17/72
Mod. #1-37 FR 24506 - 11/17/72
BRADFORD COUNTY
None
BREVARD COUNTY (Cape Kennedy Kennedy Space Flight Center & Patrick AFB only)
Decision #AP-197 (B)
38 FR 15231 - 6/8/73
Decision #AM-8590 (D)
37 FR 5655 - 3/17/72
Mod. #1-37 FR 24506 - 11/17/72
BROWARD COUNTY
(D) - See Brevard County
CALHOUN COUNTY
None
CHARLOTTE COUNTY
(D) - See Brevard County
CITRUS COUNTY
(D) - See Brevard County
CLAY COUNTY
(R) - See Baker County
COLLIER COUNTY
(D) - See Brevard County
COLUMBIA COUNTY
None
DADE COUNTY
Decision #AP-198 (B)
38 FR 15233 - 6/8/73
(D) - See Brevard County
DESOTO COUNTY
None
DIXIE COUNTY
(D) - See Brevard County
(R) - See Alachua County

FLORIDA (cont'd)

DUVAL COUNTY
Decision #AP-199 (B)
38 FR 15235 - 6/8/73
Mod. #1 - 38 FR 18114 - 7/6/73
(D) - See Brevard County
(R) - See Baker County
ESCAMBIA COUNTY
Decision #AP-1100 (B)
38 FR 15237 - 6/8/73
Mod. #1 - 38 FR 16579 - 6/22/73
Mod. #2 - 38 FR 18114 - 7/6/73
Decision #AP-178 (R)
38 FR 11259 - 5/4/73
(D) - See Bay County
FLAGLER COUNTY
(D) - See Brevard County
FRANKLIN COUNTY
(D) - See Bay County
GADSDEN COUNTY
Decision #AP-179 (R)
38 FR 11260 - 5/4/73
GILCHRIST COUNTY
(R) - See Alachua County
GLADES COUNTY
None
GULF COUNTY
(D) - See Bay County
HAMILTON COUNTY
None
HARDEE COUNTY
None
HENDRY COUNTY
None
HERNANDO COUNTY
(D)-See Brevard County
HIGHLANDS COUNTY
None
HILLSBOROUGH COUNTY
Decision #AP-1101 (B)
38 FR 15239 - 6/8/73
(D) - See Brevard County
HOLMES COUNTY
None
INDIAN RIVER COUNTY
(D) - See Brevard County
JACKSON COUNTY
None
JEFFERSON COUNTY
(D) - See Bay County
(R) - See Gadsden County

FLORIDA (cont'd)

LAFAYETTE COUNTY
(R) - See Alachua County
LAKE COUNTY
Decision #AP-181 (R)
38 FR 11261 - 5/4/73
LEE COUNTY
(D) - See Brevard County
LEION COUNTY
Decision #AP-1102 (B)
38 FR 15241 - 6/8/73
(R) - See Gadsden County
LEVY COUNTY
(D) - See Brevard County
(R) - See Alachua County
LIBERTY COUNTY
None
MADISON COUNTY
(R) - See Gadsden County
MANATEE COUNTY
(D) - See Brevard County
MARION COUNTY
(R) - See Alachua County
MARTIN COUNTY
(D) - See Brevard County
MONROE COUNTY
(D) - See Brevard County
NASSAU COUNTY
(D) - See Brevard County
(R) - See Baker County
OKALOOSA COUNTY
(B) - See Escambia County
(D) - See Bay County
Decision #AP-180 (R)
38 FR 11260 - 5/4/73
OKEECHOBEE COUNTY
None
ORANGE COUNTY
Decision #AP-1103 (B)
38 FR 15243 - 6/8/73
(R) - See Lake County
OSCEOLA COUNTY
(R) - See Lake County
PALM BEACH COUNTY
(D) - See Brevard County
PASCO COUNTY
(D) - See Brevard County
PINNELLAS COUNTY
Decision #AP-1104 (B)
38 FR 15245 - 6/8/73
Decision #AP-182 (R)
38 FR 11261 - 5/4/73
(D) - See Brevard County

FLORIDA (cont'd)

POLK COUNTY
None
PUTNAM COUNTY
(R) - See Baker County
ST. JOHNS COUNTY
(D) - See Brevard County
(R) - See Baker County
ST. LUCIE COUNTY
(D) - See Brevard County
SANTA ROSA COUNTY
(B) - See Escambia County;
(D) - See Bay County
(R) - See Okaloosa County
SARASOTA COUNTY
(D) - See Brevard County
SEMINOLE COUNTY
(R) - See Lake County
SUMTER COUNTY
None
SUWANNEE COUNTY
(R) - See Baker County
TAYLOR COUNTY
(D) - See Brevard County
(R) - See Gadsden County
UNION COUNTY
(R) - See Alachua County
VOLUSIA COUNTY (Cape Kennedy, Kennedy Space Flight Center & Patrick Air Force Base only)
(B,H,Hw) - See Brevard County
(D) - See Brevard County
WAKULLA COUNTY
(D) - See Bay County
WALTON COUNTY
(B) - See Escambia County
(D) - See Bay County
(R) - See Okaloosa County
WASHINGTON COUNTY
None

GEORGIA

APPLING COUNTY
Decision #AM-473 (Hw)
36 FR 16421 - 8/20/71
ATKINSON COUNTY
(Hw) - See Appling County
BACON COUNTY
(Hw) - See Appling County
BAKER COUNTY
(Hw) - See Appling County
BALDWIN COUNTY
Decision #AM-472 (Hw)
36 FR 16420 - 8/20/71
BANKS COUNTY
Decision AM-471 (Hw)
36 FR 16419 - 8/20/71

BARROW COUNTY
(Hw) - See Banks County
BARTOW COUNTY
(Hw) - See Banks County
BEN HILL COUNTY
(Hw) - See Appling Cousnty
BERRIEN COUNTY
(Hw) - See Appling County
BIBB COUNTY
(Hw) - See Baldwin County
BLECKLEY COUNTY
(Hw) - See Appling County
BRANTLEY COUNTY
(Hw) - See Appling County

GEORGIA (Cont'd)

BROOKS COUNTY
(Hw) - See Appling County
BRYAN COUNTY
Decision #AM-475 (Hw)
36 FR 16424 - 8/20/71
Decision #AP-847 (D)
38 FR 15797 - 6/15/73
BULLOCH COUNTY
(Hw) - See Appling County
BURKE COUNTY
(Hw) - See Baldwin County
BUTTS COUNTY
(Hw) - See Baldwin County
CALHOUN COUNTY
(Hw) - See Appling County
CAMDEN COUNTY
(D) - See Bryan County
(Hw) - See Appling County
CANDLER COUNTY
(Hw) - See Appling County
CARROLL COUNTY
(Hw) - See Baldwin County
CATOOSA COUNTY
(Hw) - See Banks County
CHARLTON COUNTY
(Hw) - See Appling County
CHATHAM COUNTY
Decision #AP-148 (B, H, Hw)
38 FR 1457 - 1/12/73
Mod. #1 - 38 FR 4621 - 2/16/73
Mod. #2 - 38 FR 8869 - 4/6/73
Mod. #3 - 38 FR 13115 - 5/18/73
Mod. #4 - 38 FR 13115 - 5/18/73

GEORGIA (Cont'd)

CHATHAM COUNTY
Decision #AP-151 (R)
38 FR 4088 - 2/9/73
(D) - See Bryan County
CHATTAHOOCHEE COUNTY
(Hw) - See Baldwin County
CHATTOOGA COUNTY
(Hw) - See Banks County
CHEROKEE COUNTY
(Hw) - See Banks County
CLARKE COUNTY
(Hw) - See Baldwin County
CLAY COUNTY
(Hw) - See Appling County
CLAYTON COUNTY
Decision #AM-474 (Hw)
36 FR 16423 - 8-20-71
CLINCH COUNTY
(Hw) - See Appling County
COBB COUNTY
(B,H,Hw) - See Fulton County
(R) - See Fulton County
COFFEE COUNTY
(Hw) - See Appling County
COLQUITT COUNTY
(Hw) - See Appling County
COLUMBIA COUNTY
(Hw) - See Baldwin County
COOK COUNTY
(Hw) - See Appling County
COWETA COUNTY
(Hw) - See Baldwin County
CRAWFORD COUNTY
(Hw) - See Baldwin County
CRISP COUNTY
(Hw) - See Baldwin County
DADE COUNTY
(Hw) - See Banks County
DAWSON COUNTY
(Hw) - See Banks County
DECATUR COUNTY
(Hw) - See Appling County
DeKALB COUNTY
(B,H,Hw) - See Fulton County
(R) - See Fulton County

GEORGIA (Cont'd)

DODGE COUNTY
(Hw) - See Appling County
DOOLY COUNTY
(Hw) - See Baldwin County
DOUGHERTY COUNTY
(Hw) - See Appling County
DOUGLAS COUNTY
(Hw) - See Banks County
EARLY COUNTY
(Hw) - See Appling County
ECHOLS COUNTY
(Hw) - See Appling County
EFFINGHAM COUNTY
(Hw) - See Appling County
ELBERT COUNTY
(Hw) - See Banks County
EMANUEL COUNTY
(Hw) - See Baldwin County
EVANS COUNTY
(Hw) - See Appling County
FANNIN COUNTY
(Hw) - See Banks County
FAYETTE COUNTY
(Hw) - See Baldwin County
FLOYD COUNTY
(Hw) - See Banks County
FORSYTH COUNTY
(Hw) - See Banks County
FRANKLIN COUNTY
(Hw) - See Banks County
FULTON COUNTY
Decision #AP-149 (B, H, Hw)
38 FR 1453 - 1/12/73
Mod. #1 - 38 FR 4621 - 2/16/73
Mod. #2 - 38 FR 6521 -3/9/73
Mod. #3 - 38 FR 8869 - 4/6/73
Mod. #4 - 38 FR 13115 - 5/18/73
Mod. #5 - 38 FR 16579 - 6/22/73
Decision #AP-150 (R)
38 FR 3254 - 2/2/73
Mod. #1 - 38 FR 5088 - 2/23/73
GILMER COUNTY
(Hw) - See Banks County
GLASCOCK COUNTY
(Hw) - See Baldwin County
GLYNN COUNTY
(D) - See Bryan County
(Hw) - See Appling County
GORDON COUNTY
(Hw) - See Banks County
GRADY COUNTY
(Hw) - See Appling County
GREENE COUNTY
(Hw) - See Appling County

GEORGIA (Cont'd)

GWINNETT COUNTY
(Hw) - See Banks County
HABERSHAM COUNTY
(Hw) - See Banks County
HALL COUNTY
(Hw) - See Banks County
HANCOCK COUNTY
(Hw) - See Baldwin County
HARALSON COUNTY
(Hw) - See Banks County
HARRIS COUNTY
(Hw) - See Baldwin County
HART COUNTY
(Hw) - See Banks County
HEARD COUNTY
(Hw) - See Baldwin County
HENRY COUNTY
(Hw) - See Clayton County
HOUSTON COUNTY
(Hw) - See Baldwin County
IRWIN COUNTY
(Hw) - See Appling County
JACKSON COUNTY
(Hw) - See Banks County
JASPER COUNTY
(Hw) - See Baldwin County
JEFF DAVIS COUNTY
(Hw) - See Appling County
JEFFERSON COUNTY
(Hw) - See Baldwin County
JENKINS COUNTY
(Hw) - See Baldwin County
JOHNSON COUNTY
(Hw) - See Baldwin County
JONES COUNTY
(Hw) - See Baldwin County
LAMAR COUNTY
(Hw) - See Baldwin County
LANIER COUNTY
(Hw) - See Appling County
LAURENS COUNTY
(Hw) - See Appling County
LEE COUNTY
(Hw) - See Appling County
LIBERTY COUNTY
(D) - See Bryan County
(Hw) - See Bryan County
LINCOLN COUNTY
(Hw) - See Baldwin County

GEORGIA (Cont'd)

LONG COUNTY
(Hw) - See Appling County
LOWNDES COUNTY
(Hw) - See Appling County
LUMPKIN COUNTY
(Hw) - See Banks County
McDUFFIE COUNTY
(Hw) - See Baldwin County
McINTOSH COUNTY
(D) - See Bryan County
(Hw) - See Appling County
MACON COUNTY
(Hw) - See Baldwin County
MADISON COUNTY
(Hw) - See Banks County
MARION COUNTY
(Hw) - See Baldwin County
MERIWETHER COUNTY
(Hw) - See Baldwin County
MILLER COUNTY
(Hw) - See Appling County
MITCHELL COUNTY
(Hw) - See Appling County
MONROE COUNTY
(Hw) - See Baldwin County
MONTGOMERY COUNTY
(Hw) - See Appling County
MORGAN COUNTY
(Hw) - See Baldwin County
MURRAY COUNTY
(Hw) - See Banks County
MUSCOGEE COUNTY
(Hw) - See Baldwin County
NEWTON COUNTY
(Hw) - See Baldwin County
OCONEE COUNTY
(Hw) - See Baldwin County
OGLETHORPE COUNTY
(Hw) - See Baldwin County
PAULDING COUNTY
(Hw) - See Banks County
PEACH COUNTY
(Hw) - See Baldwin County
PICKENS COUNTY
(Hw) - See Banks County
PIERCE COUNTY
(Hw) - See Appling County
PIKE COUNTY
(Hw) - See Baldwin County

GEORGIA (Cont'd)

POLK COUNTY
(Hw) - See Banks County
PULASKI COUNTY
(Hw) - See Baldwin County
PUTNAM COUNTY
(Hw) - See Baldwin County
QUITMAN COUNTY
(Hw) - See Appling County
RABUN COUNTY
(Hw) - See Banks County
RANDOLPH COUNTY
(Hw) - See Appling County
RICHMOND COUNTY
(Hw) - See Baldwin County
ROCKDALE COUNTY
(Hw) - See Baldwin County
SCHLEY COUNTY
(Hw) - See Baldwin County
SCREVEN COUNTY
(Hw) - See Baldwin County
SEMINOLE COUNTY
(Hw) - See Appling County
SPALDING COUNTY
(Hw) - See Baldwin County
STEPHENS COUNTY
(Hw) - See Banks County
STEWART COUNTY
(Hw) - See Baldwin County
SUMTER COUNTY
(Hw) - See Baldwin County
TALBOT COUNTY
(Hw) - See Baldwin County
TALIAFERRO COUNTY
(Hw) - See Baldwin County
TATTNALL COUNTY
(Hw) - See Appling County
TAYLOR COUNTY
(Hw) - See Baldwin County
TELFAIR COUNTY
(Hw) - See Appling County
TERRELL COUNTY
(Hw) - See Appling County
THOMAS COUNTY
(Hw) - See Appling County
TIFT COUNTY
(Hw) - See Appling County
TOOMBS COUNTY
(Hw) - See Appling County

GEORGIA (Cont'd)

TOWNS COUNTY
(Hw) - See Banks County
TREUTLEN COUNTY
(Hw) - See Appling County
TROUP COUNTY
(Hw) - See Baldwin County
TURNER COUNTY
(Hw) - See Appling County
TWIGGS COUNTY
(Hw) - See Baldwin County
UNION COUNTY
(Hw) - See Banks County
UPSON COUNTY
(Hw) - See Baldwin County
WALKER COUNTY
(Hw) - See Banks County
WALTON COUNTY
(Hw) - See Baldwin County
WARE COUNTY
Decision #AP-155 (R)
38 FR 4073 - 2/9/73
Mod. #1 - 38 FR 5088 - 2/23/73
Decision #AP-160 (R)
38 FR 5083 - 2/23/73
Mod. #1 - 38 FR 10573 4/27/73
(Hw) - See Appling County
WARREN COUNTY
(Hw) - See Baldwin County
WASHINGTON COUNTY
(Hw) - See Baldwin COunty
WAYNE COUNTY
(Hw) - See Appling County
WEBSTER COUNTY
(Hw) - See Baldwin County
WHEELER COUNTY
(Hw) - See Appling County
WHITE COUNTY
(Hw) - See Banks County
WHITFIELD COUNTY
(Hw) - See Banks County
WILCOX COUNTY
(Hw) - See Baldwin County
WILKES COUNTY
(Hw) - See Baldwin County
WILKINSON COUNTY
(Hw) - See Baldwin County
WORTH COUNTY
(Hw) - See Appling County

HAWAII

STATEWIDE
Decision #AP-292 (R)
38 FR 9409 - 4/13/73
Decision #AP-291 (B,Hw,H)
38 FR 9404 - 4/13/73
HAWAII COUNTY
(B-H-Hw) - See Statewide
(R) - See Statewide
HONOLULU COUNTY
(B-H-Hw) - See Statewide
(R) - See Statewide
KAUAI COUNTY
(B-H-Hw) - See Statewide
(R)-See Statewide
MAUI COUNTY
(B-H-Hw) - See Statewide
(R)-See Statewide

IDAHO

Ada County
Decision #AP-274 (B,H,Hw)
38 FR 7717 - 3/23/73
Mod. #1 - 38 FR 9919 - 4/20/73
Mod. #2 - 38 FR 11212 - 5/4/73
Decision #AP-275 (R)
38 FR 7723 - 3/23/73
Mod. #1 - 38 FR 11212 - 5/4/73
ADAMS COUNTY
(B,H,Hw) - See Ada County
BANNOCK COUNTY
Decision #AP-276 (B,H,Hw)
38 FR 7727 - 3/23/73
Mod. #1 - 38 FR 9920 - 4/20/73
Mod. #2 - 38 FR 11212 - 5/4/73
BEAR LAKE COUNTY
(B,H,Hw) - See Bannock County
BENEWAH COUNTY
Decision #AP-273 (B,H,Hw)
38 FR 7707 - 3/23/73
Mod. #1 - 38 FR 17327 - 6/27/73
BINGHAM COUNTY
(B,H,Hw) - See Bannock County
BLAINE COUNTY
(B,H,Hw) - See Ada County
BOISE COUNTY
(B,H,Hw) - See Ada County
BONNER COUNTY
(B,H,Hw) - See Benewah County
BONNEVILLE COUNTY
(B,H,Hw) - See Bannock County
BOUNDARY COUNTY
(B,H,Hw) - See Benewah County
BUTTE COUNTY
(B,H,Hw) - See Ada County
CAMAS COUNTY
(B,H,Hw) - See Ada County
CANYON COUNTY
(B,H,Hw) - See Ada County
CARIBOU COUNTY
(B,H,Hw) - See Bannock County
CASSIA COUNTY
(B,H,Hw) - See Ada County
CLARK COUNTY
(B,H,Hw) - See Bannock County
CLEARWATER COUNTY
(B,H,Hw) - See Benewah County
CUSTER COUNTY
(B, H, Hw) - See Ada County
ELMORE COUNTY
(B,H,Hw) - See Ada County
FRANKLIN COUNTY
(B,H,Hw) - See Bannock County

IDAHO (cont'd)

FREMONT COUNTY
(B,H,Hw,) - See Bannock County
GEM COUNTY
(B,H,Hw) - See Ada County
GOODLING COUNTY
(B,H,Hw) - See Ada County
IDAHO COUNTY
(B,H,Hw) - See Benewah County
JEFFERSON COUNTY
(B,H,Hw) - See Bannock County
JEROME COUNTY
(B,H,Hw) - See Ada County
KOOTENAI COUNTY
(B,H,Hw) - See Benewah County
LATAH COUNTY
(B,H,Hw) - See Benewah County
LEMHI COUNTY
(B,H,Hw) - See Ada County
LEWIS COUNTY
(B,H,Hw) - See Benewah County
LINCOLN COUNTY
(B,H,Hw) - See Ada County
MADISON COUNTY
(B,H,Hw) - See Bannock County
MINIDOKA COUNTY
(B,H,Hw) - See Ada County
NEZ PERCE COUNTY
(B,H,Hw) - See Benewah County
ONEIDA COUNTY
(B,H,Hw) - See Bannock County
OWYHEE COUNTY
(B,H,Hw) - See Ada County
PAYETTE COUNTY
(B,H,Hw) - See Ada County
POWER COUNTY
(B,H,Hw) - See Bannock County
SHOSHONE COUNTY
(B,H,Hw) - See Benewah County
TETON COUNTY
(B,H,Hw) - See Bannock County
TWIN FALLS COUNTY
(B,H,Hw) - See Ada County
VALLEY COUNTY
(B,H,Hw) - See Ada County
WASHINGTON COUNTY
(B,H,Hw) - See Ada County

ILLINOIS

ADAMS COUNTY
Decision #AP-1016 (Hw)(H)
38 FR 14573 - 6/1/73
ALEXANDER COUNTY
Decision #AP-1019 (H)(Hw)
38 FR 14589 - 6/1/73
Decision #AP-602 (D)
38 FR 1433 - 1/12/73
BOND COUNTY
Decision #AP-1018 (Hw)(H)
38 FR 14583 - 6/1/73
BOONE COUNTY
Decision #AP-1012 (H)(Hw)
38 FR 14542 - 6/1/73
BROWN COUNTY
(H)(Hw) - See Adams County
(D) - See Alexander County
BUREAU COUNTY
Decision #AP-1013 (Hw)(H)
38 FR 14552 - 6/1/73
Mod. #1 - 38 FR 17330 - 6/27/73
CALHOUN COUNTY
(H)(Hw) - See Bond County
(D) - See Alexander County
CARROLL COUNTY
(H)(Hw) - See Bureau County
CASS COUNTY
(H)(Hw) - See Adams County
(D) - See Alexander County
CHAMPAIGN COUNTY
Decision #AP-689 (B)(H)(Hw)
38 FR 15247 - 6/8/73
Decision #AP-1015 (H)(Hw)
38 FR 14569 - 6/1/73
CHRISTIAN COUNTY
(H)(Hw) - See Adams County
CLARK COUNTY
(H) (Hw) - See Champaign County
CLAY COUNTY
Decision #AP-1017 (H)(Hw)
38 FR 14578 - 6/1/73
CLINTON COUNTY
(H)(Hw) - See Bond County
COLES COUNTY
(H)(Hw) - See Champaign County
COOK COUNTY
Decision #AP-690 (B)(H)(Hw)
38 FR 15250 - 6/8/73

ILLINOIS

COOK COUNTY
Decision #AP-1003 (R)
38 FR 15302 - 6/8/73
Decision #AP-4 (D)
37 FR 14570 - 7/21/72
CRAWFORD COUNTY
(E)(Hw) - See Clay County
CUMBERLAND COUNTY
(E)(Hw) - See Champaign County
DEKALB COUNTY
(H)(Hw) - See Boone County
DEWITT COUNTY
(H)(Hw) - See Champaign County
DOUGLAS COUNTY
(H) (Hw) - See Champaign County
DU PAGE COUNTY
Decision #AP-691 (B)(H)
38 FR 15256 - 6/8/73
Decision #AP-1004 (R)
38 FR 15305 - 6/8/73
(H) (Hw) - See Boone County
EDGAR COUNTY
(H)(Hw) - See Champaign County
EDWARDS COUNTY
(H)(Hw) - See Clay County
EFFINGHAM COUNTY
(H)(Hw) - See Clay County
FAYETTE COUNTY
(H)(Hw) - See Clay County
FORD COUNTY
None
FRANKLIN COUNTY
(H)(Hw) - See Alexander County
FULTON COUNTY
Decision #AP-104 (H,Hw)
38 FR 14563 - 6/1/73
GALLATIN COUNTY
(H)(Hw) - See Alexander County
(D) - See Alexander County
GREENE COUNTY
(H)(Hw) - See Bond County
(D) - See Alexander County
GRUNDY COUNTY
None
HAMILTON COUNTY
(H)(Hw) - See Clay County
HANCOCK COUNTY
(H)(Hw) - See Fulton County
HARDIN COUNTY
(H)(Hw) - See Alexander County
(D) - See Alexander County
HENDERSON COUNTY
(H)(Hw) - See Fulton County

ILLINOIS (Cont'd)

HENRY COUNTY
(H)(Hw) - See Bureau County
IROQUOIS COUNTY
None
JACKSON COUNTY
(H)(Hw) - See Alexander County
(D) - See Alexander
JASPER COUNTY
(H,Hw) - See Clay County
JEFFERSON COUNTY
(H,Hw) - See Clay County
JERSEY COUNTY
(H,Hw) - See Bond County
(D) - See Alexander
JO DAVIESS COUNTY
(H)(Hw) - See Bureau County
JOHNSON COUNTY
(H,Hw) - See Alexander County
KANE COUNTY
Decision #AP-692 (B) (H)
38 FR 15260 - 6/8/73
Decision #AP-1005 (R)
38 FR 15309 - 6/8/73
(H,Hw) - See Boone County
KANKAKEE COUNTY
None
KENDALL COUNTY
(H,Hw) - See Boone County
KNOX COUNTY
(H,Hw) - See Fulton County
LAKE COUNTY
Decision #AP-693 (B) (H)
38 FR 15263 - 6/8/73
Decision #AP-1006 - (R)
38 FR 15263 - 6/18/73
(D) - See Cook County
(H,Hw) - See Boone County
LA SALLE COUNTY
None
LAWRENCE COUNTY
(H,Hw) - See Clay County
LEE COUNTY
(H,Hw) - See Bureau County
LIVINGSTON COUNTY
None
LOGAN COUNTY
(H,Hw) - See Adams County
MCDONOUGH COUNTY
(Hw) - See Boone County
McHENRY COUNTY
(H,Hw) - See Boone County
McCLEAN COUNTY
None

ILLINOIS (Cont'd)

MACON COUNTY
(Hw) - See Champaign
MACOUPIN COUNTY
(H,Hw) - See Bond County
MADISON COUNTY
Decision #AP-694 (B,H)
38 FR 15266 - 6/18/73
Decision #AP-1007 (R)
38 FR 15315 - 6/8/73
(H,Hw) - See Bond County
MARION COUNTY
(H,Hw) - See Clay County
MARSHALL COUNTY
None
MASON COUNTY
(H,Hw) - See Adams County
MASSAC COUNTY
(H,Hw) - See Alexander County
MENARD COUNTY
(H,Hw) - See Adams County
MERCER COUNTY
(H,Hw) - See Fulton County
MONROE COUNTY
(H,Hw) - See Bond County
(D) - See Alexander County
MONTGOMERY COUNTY
(H,Hw) - See Bond County
MORGAN COUNTY
(H,Hw) - See Adams County
(D) - See Alexander County
MOULTRIE COUNTY
(H,Hw) - See Champaign County
OGLE COUNTY
(H,Hw) - See Bureau County
PEORIA COUNTY
Decision #AP-695 (B,H,D)
38 FR 15270 - 6/8/73
Decision #AP-1008 (R)
38 FR 15319 - 6/8/73
(H,Hw) - See Fulton County
PERRY COUNTY
(H,Hw) - See Alexander County
PIATT COUNTY
(H,Hw) - See Champaign County
PIKE COUNTY
(H,Hw) - See Adams County
(D) - See Alexander County
POPE COUNTY
(H,Hw,D) - See Alexander County

ILLINOIS (Cont'd)

PULASKI COUNTY
(H,Hw,D) - See Alexander County
PUTNAM COUNTY
None
RANDOLPH COUNTY
(H,Hw,D) - See Alexander County
RICHLAND COUNTY
(H,Hw) - See Clay County
ROCK ISLAND COUNTY
Decision #AP-696 (B,H)
38 FR 17276 - 6/8/73
(H,Hw) - See Bureau County
SAINT CLAIR COUNTY
Decision #AP-697 (B,H)
38 FR 15279 - 6/8/73
Decision #AP-1009 (R)
38 FR 15324 - 6/8/73
(H,Hw) - See Bond County
(D) - See Alexander County
SALINE COUNTY
(Hw) - See Alexander County
SANGAMON COUNTY
Decision #AP-1010 (B,H)
38 FR 15284 - 6/8/73
Decision #AP-1010 (R)
38 FR 15203 - 6/18/73
(H,Hw) - See Adams County
SCHUYLER COUNTY
(Hw) - See Adams County
SCOTT COUNTY
(Hw) - See Adams County
(D) - See Alexander County
SHELBY COUNTY
(Hw) - See Champaign County
STARK COUNTY
(Hw) - See Fulton County
STEPHENSON COUNTY
(Hw) - See Bureau County
TAZEWELL COUNTY
(B)(R) - See Peoria County
(Hw) - See Fulton County
UNION COUNTY
(Hw, D) - See Alexander County
VERMILLION COUNTY
Decision #AP-699 (B,H)
38 FR 15287 - 6/18/73
(Hw) - See Champaign County
WABASH COUNTY
(Hw) - See Clay County

ILLINOIS (Cont'd)

WARREN COUNTY
(H,Hw) - See Fulton County
WASHINGTON COUNTY
(H,Hw) - See Bond County
WAYNE COUNTY
(H,Hw) - See Clay County
WHITE COUNTY
(H,Hw) - See Clay County
WHITESIDE COUNTY
(H,Hw) - See Bureau County
WILL COUNTY
Decision #AP-1001 (B) - (H)
38 FR 15294 - 6/8/73
Decision #AP-1011 (R)
38 FR 15329 - 6/8/73
(H,Hw) - See Boone County
WILLIAMSON COUNTY
Decision #AP-1000 (B,H)
38 FR 15291 - 6/8/73
(H,Hw) - See Alexander County
WINNEBAGO COUNTY
Decision #AP-1002 - 6/8/73
38 FR 15298 - 6/8/73
(H,Hw) - See Bureau County
WOODFORD COUNTY
None

INDIANA

ADAMS COUNTY
Decision #AP-662 (H)(Hw)
38 FR 13214 - 5/18/73
Mod. #1 - 38 FR 17332 - 6/29/73
ALLEN COUNTY
Decision #AP-648 (B)
38 FR 13165 - 5/18/73
Decision #AM-371 (R)
36 FR 15390 - 8/13/71
(H)(Hw) - See Adams County
BARTHOLOMEW COUNTY
Decision #AP-649 (B)
38 FR 13168 - 5/18/73
Mod. #1 - 38 FR 15787 - 6/15/73
Decision #AP-666 (H)(Hw)
38 FR 13237 - 5/18/73
Mod. #1 - 38 FR 17333 - 6/29/73
BENTON COUNTY
Decision #AP-650 (B)
38 FR 13171 - 5/18/73
Decision #AP-663 (H)(Hw)
37 FR 13221 - 5/18/73
Mod. #1 - 38 FR 15787 - 6/15/73
Mod. #2 - 38 FR 17332 - 6/29/73
BLACKFORD COUNTY
Decision #AP-664 (H)(Hw)
38 FR 13227 - 5/18/73
Mod. #1 - 38 FR 17332 - 6/29/73
BOONE COUNTY
Decision #AM-668 (R)
38 FR 13247 - 5/18/73
Decision #AP-665 (Hw)(H)
38 FR 13232 - 5/18/73
Mod. #1 - 38 FR 17332 - 6/29/73
BROWN COUNTY
(H)(Hw) - See Bartholomew County
CARROLL COUNTY
(H)(Hw) - See Benton County
CASS COUNTY
(H)(Hw) - See Benton County
CLARK COUNTY
Decision #AP-602 (D)
38 FR 1433 - 1/12/73
(H)(Hw) - See Bartholomew County
CLAY COUNTY
(H)(Hw) - See Boone County
CLINTON COUNTY
(H)(Hw) - See Benton County

INDIANA (cont'd)

CRAWFORD COUNTY
Decision #AP-667 (H,Hw)
38 FR 13244 - 5/18/73
Mod. #1 - 38 FR 17333 - 6/29/73
(D) - See Clark County
DAVIESS COUNTY
(H,HW) - See Boone County
DEARBORN COUNTY
Decision #AP-651 (B)
38 FR 13174 - 6/18/73
(D) - See Clark County
(H,Hw) - See Bartholomew County
DECATUR COUNTY
(H,Hw) - See Bartholomew County
DEKALB COUNTY
(H,Hw) - See Adams County
DELAWARE COUNTY
Decision #AP-652 (B)
38 FR 13177 - 5/18/73
Mod. #1 - 38 FR 15787 - 6/15/73
(H,Hw) - See Blackford County
DUBOIS COUNTY
(H,Hw) - See Crawford County
ELKHART COUNTY
(H,Hw) - See Adams County
FAYETTE COUNTY
(H,Hw) - See Blackford County
FLOYD COUNTY
(D) - See Clark County
(H,Hw) - See Bartholomew County
FOUNTAIN COUNTY
(H,Hw) - See Boone County
FRANKLIN COUNTY
(H,Hw) - See Bartholomew County
FULTON COUNTY
(H,Hw) - See Benton County
GIBSON COUNTY
(H,Hw) - See Crawford County

INDIANA (Cont'd)

GRANT COUNTY
Decision #AP-653 (B)
38 FR 13180 - 5/18/73
Mod. #1 - 38 FR 15787 - 6/15/73
(H,Hw) - See Blackford County
GREENE COUNTY
(H,Hw) - See Boone County
HAMILTON COUNTY
(H,Hw) - See Blackford County
(R) - See Boone County
HANCOCK COUNTY
(H,Hw) - See Blackford County
(R) - See Boone County
HARRISON COUNTY
(D) - See Clark County
(H,Hw) - See Bartholomew County
HENDRICKS COUNTY
(H,Hw,) - See Boone County
(R) - See Boone County
HENRY COUNTY
(H,Hw) - See Blackford County
HOWARD COUNTY
(H,Hw) - See Benton County
HUNTINGTON COUNTY
(H,Hw) - See Adams County
JACKSON COUNTY
(H,Hw) - See Bartholomew County
JASPER COUNTY
(H,Hw) - See Benton County
JAY COUNTY
(H,Hw) - See Blackford County
JEFFERSON COUNTY
(D) - See Clark County
(H,Hw) - See Bartholomew County
JENNINGS COUNTY
(H,Hw) - See Bartholomew County
JOHNSON COUNTY
(H,Hw) - See Blackford County
(R) - See Boone County
KNOX COUNTY
(H,Hw) - See Boone County
KOSCIUSKO COUNTY
(H,Hw) - See Adams County

INDIANA (Cont'd)

LAGRANGE COUNTY
(H,Hw) - See Adams County
LAKE COUNTY
Decision #AP-654 (B,H,Hw)
38 FR 13183 - 5/18/73
Decision #AP-4 (D)
37 FR 14670 - 7/21/72
LAPORTE COUNTY
Decision #AP-655 (B,H,Hw)
38 FR 13188 - 5/18/73
(D) - See Lake County
LAWRENCE COUNTY
(H,Hw) - See Bartholomew County
MADISON COUNTY
(H,Hw) - See Blackford County
MARION COUNTY
Decision #AP-656 (B)
38 FR 13193 - 5/18/73
Mod. #1 - 38 FR 15787 - 6/15/73
(R) - See Boone County
(H,Hw) - See Blackford County
MARSHALL COUNTY
(H,Hw) - See Adams County
MARTIN COUNTY
(H,Hw) - See Bartholomew County
MIAMI COUNTY
(H,Hw) - See Benton County
MONROE COUNTY
Decision #AP-657 (B)
38 FR 13196 - 5/18/73
(H,Hw) - See Bartholomew County
MONTGOMERY COUNTY
(H,Hw) - See Boone County
MORGAN COUNTY
(R) - See Boone County
(H,Hw) - See Boone County
NEWTON COUNTY
(H,Hw) - See Benton County
NOBLE COUNTY
(H,Hw) - See Adams County

INDIANA (Cont'd)

OHIO COUNTY
(D) - See Clark County
(H,Hw) - See Bartholomew County
ORANGE COUNTY
(H,Hw) - See Bartholomew County
OWEN COUNTY
(H,Hw) - See Boone County
PARKE COUNTY
(H,Hw) - See Boone County
PERRY COUNTY
(D) - See Clark County
(H,Hw) - See Crawford County
PIKE COUNTY
(H,Hw) - See Crawford County
PORTER COUNTY
Decision #AP-658 (B,H,Hw)
38 FR 13199 - 5/18/73
(D) - See Lake County
POSEY COUNTY
(D) - See Clark County
(H,Hw) - See Crawford County
PULASKI COUNTY
(H,Hw) - See Benton County
PUTNAM COUNTY
(H,Hw) - See Boone County
RANDOLPH COUNTY
(H,Hw) - See Blackford County
RIPLEY COUNTY
(H,Hw) - See Bartholomew County
RUSH COUNTY
(H,Hw) - See Blackford County
SAINT JOSEPH COUNTY
Decision #AP-659 (B,H,Hw)
38 FR 13203 - 5/18/73
SCOTT COUNTY
(H,Hw) - See Bartholomew County
SHELBY COUNTY
(R) - See Boone County
(H,Hw) - See Blackford County
SPENCER COUNTY
(D) - See Clark County
(H,Hw) See Crawford County

INDIANA (Cont'd)

STARKE COUNTY
(H,Hw) - See Adams County
STEUBEN COUNTY
(H,Hw) - See Adams County
SULLIVAN COUNTY
(H,Hw) - See Boone County
SWITZERLAND COUNTY
(D) - See Clark County
(H,Hw) - See Bartholomew County
TIPPECANOE COUNTY
(B,H,Hw) - See Benton County
TIPTON COUNTY
(H,Hw) - See Benton County
UNION COUNTY
(H,Hw) - See Blackford County
VANDERBURGH COUNTY
Decision #AP-660 (B)
38 FR 13208 - 5/18/73
(D) - See Clark County
(H,Hw) - See Crawford County
VERMILLION COUNTY
(H,Hw) - See Boone County
VIGO COUNTY
Decision #AP-661 (B)
38 FR 13211 - 5/18/73
Mod. #1 - 38 FR 15787 - 6/15/73
Mod. #2 - 38 FR 17332 - 6/29/73
(H,Hw) - See Boone County
WABASH COUNTY
(H,Hw) - See Benton County
WARREN COUNTY
(H,Hw) - See Boone County
WARRICK COUNTY
(D) - See Clark County
(H,Hw) - See Crawford County
WASHINGTON COUNTY
(H,Hw) - See Bartholomew County
WAYNE COUNTY
(H,Hw) - See Blackford County
WELLS COUNTY
(H,Hw) - See Adams County
WHITE COUNTY
(H,Hw) - See Benton County
WHITLEY COUNTY
(H,Hw) - See Adams County

IOWA

ADAIR COUNTY
None
ADAMS COUNTY
None
ALLAMAKEE COUNTY
None
APPANOOSE COUNTY
None
AUDUBON COUNTY
None
BENTON COUNTY
None
BLACK HAWK COUNTY
Decision #AP-527 (B,H,Hw) (City of Waterloo & abutting Municipalities
38 FR 11264 - 5/4/73
Mod. #1 - 38 FR 17333 - 6/29/73
Mod. #2 - 38 FR 18115 - 7/6/73
BOONE COUNTY
None
BREMER COUNTY
None
BUCHANAN COUNTY
None
BUENA VISTA COUNTY
None
BUTLER COUNTY
None
CALHOUN COUNTY
None
CARROLL COUNTY
Decision #AM-6,712 (H-Hw)
37 FR 7429 - 4-14-72
CASS COUNTY
(H-Hw) - See Carroll County
CEDAR COUNTY
None
CERRO GORDO COUNTY (MASON CITY)
Decision #AM-2,448 (B-H-Hw)
36 FR 16796 - 8-25-71
Mod. #1-36 FR 18985 - 9-24-71
Mod. #2-37 FR 4465 - 3-3-72
Mod. #3-38 FR 16579 - 6/22/73
Mod. #4-38 FR 18115 - 7/6/73
CHEROKEE COUNTY
None
CHICKASAW COUNTY
None
CLARKE COUNTY
None

IOWA (Cont'd)

CLAY COUNTY
(H-Hw) - See Carroll County
CLAYTON COUNTY
None
CLINTON COUNTY (CLINTON CITY)
Decision #AM-2,449 (B-H-Hw)
36 FR 16799 - 8-25-71
Mod. #1-37 FR 4466 - 3-3-72
Mod. #2-38 FR 16581 - 6/22/73
CRAWFORD COUNTY
(H-Hw) - See Carroll County
DALLAS COUNTY
None
DAVIS COUNTY
None
DECATUR COUNTY
None
DELEWARE COUNTY
None
DES MOINES COUNTY (City of Burlington and Abutting Municipalities; and Burlington Ordnance Plant)
Decision #AP-528 (B,H,Hw)
38 FR 11268 - 5/4/73
Mod. #1 - 38 FR 17333 - 6/29/73
DICKINSON COUNTY
None
DUBUQUE COUNTY (Dubuque City)
Decision #AM-2,451 (B-H-Hw)
36 FR 16806 - 8-25-71
Mod. #1-37 FR 4466 - 3-3-72
Mod. #2-37 FR 17900 - 9-1-72
Mod. #3-38 FR 16582 - 6/22/73
EMMET COUNTY
None
FAYETTE COUNTY
None
FLOYD COUNTY
None
FRANKLIN COUNTY
None
FREMONT COUNTY
None
GREENE COUNTY
None
GRUNDY COUNTY
None

IOWA (Cont'd)

GUTHRIE COUNTY
None
HAMILTON COUNTY
None
HANCOCK COUNTY
None
HARDIN COUNTY
None
HARRISON COUNTY
None
HENRY COUNTY
None
HOWARD COUNTY
(H-Hw) - See Carroll County
HUMBOLDT COUNTY
None
IDA COUNTY
None
IOWA COUNTY
None
JACKSON COUNTY
None
JASPER COUNTY
None
JEFFERSON COUNTY
None
JOHNSON COUNTY (Iowa City)
Decision #AM-2,452 (B-H-Hw)
36 FR 16809 - 8-25-71
Mod. #1-37 FR 640 - 1-14-72
Mod. #2-38 FR 17334 - 6/29/73
Mod. #3 - 38 FR 18115 - 7/6/73
JONES COUNTY
None
KEOKUK COUNTY
None
KOSSUTH COUNTY
None
LEE COUNTY
None
LINN COUNTY (City of Cedar Rapids and Abutting Municipalities)
Decision #AP-529 (B,H,Hw)
38 FR 11271 - 5/4/73
Mod. #1-38 FR 17333 - 6/29/73
Mod. #2 38 FR 18115 - 7/6/73
LINN COUNTY (Except City of Cedar Rapids and Abutting Municipalities)
Decision #AP-530 (H,Hw)
38 FR 18139 - 7/6/73

IOWA (Cont'd)

LOUISA COUNTY
None
LUCAS COUNTY
None
LYON COUNTY
None
MADISON COUNTY
None
MAHASKA COUNTY
None
MARION COUNTY
None
MARSHALL COUNTY
None
MILLS COUNTY
None
MITCHELL COUNTY
None
MONONA COUNTY
(H-Hw) - See Carroll County
MONROE COUNTY
None
MONTGOMERY COUNTY
None
MUSCATINE COUNTY
None
O'BRIEN COUNTY
(H-Hw) - See Carroll County
OSCEOLA COUNTY
(H-Hw) - See Carroll County
PAGE COUNTY
None
PALO ALTO COUNTY
None
PLYMOUTH COUNTY
None
POCAHONTAS COUNTY
None
POLK COUNTY (City of Des Moines and Abutting Municipalities)
Decision #AP-530 (B,H,Hw)
38 FR 11275 - 5/4/73
Mod. #1 - 38 FR 17334 - 6/29/73
POLK COUNTY (Except City of Des Moines and Abutting Municipalities)
Decision #AP-215 (H-Hw)
37 FR 16286 - 8-11-72

IOWA (Cont'd)

POTTAWATTAMIE COUNTY (City of Council Bluffs and the area within 3 miles from the City limits)
Decision #AM-2,455 (B-H-Hw)
36 FR 16820 - 8-25-71
Mod. #1-37 FR 4466 - 3-3-72
POWESHIEK COUNTY
None
RINGGOLD COUNTY
(H-Hw) - See Carroll County
SAC COUNTY
None
SCOTT COUNTY
Decision #AM-2,456 (B-H-Hw)
36 FR 16823 - 8-25-71
SHELBY COUNTY
None
SIOUX COUNTY
None
STORY COUNTY (AMES)
Decision #AM-2,457 (B-H-Hw)
36 FR 16826 - 8-25-71
Mod. #1-37 FR 4466 - 3-3-72
Mod. #2-37 FR 5154 - 3-10-72
Mod. #3-37 FR 9595 - 5-12-72
Mod. #4-38 FR 17336 - 6/29/73
TAMA COUNTY
None
TAYLOR COUNTY
(H-Hw) - See Carroll County
UNION COUNTY
None
VAN BUREN COUNTY
(H-Hw) - See Carroll County
WAPELLO COUNTY
None
WARREN COUNTY
None
WASHINGTON COUNTY
None
WAYNE COUNTY
None
WEBSTER COUNTY (FORT DODGE)
Decision #AM-2,458 (B,H,Hw)
36 FR 16830 - 8-25-71
Mod. #1-37 FR 4466 - 3-3-72
Mod. #2-37 FR 1117 - 6/2/72
Mod. #3-38 FR 15787 - 6/15/73
Mod. #4-38 FR 17337 - 6/29/73
Mod. #5 38 FR 18115 - 7/6/73

IOWA (Cont'd)

WINNEBAGO COUNTY
None
WINNESHIEK COUNTY
None
WOODBURY COUNTY (SIOUX CITY)
Decision #AM-2,459 (B-H-Hw)
36 FR 16833 - 8-25-71
Mod. #1-37 FR 641 - 1-14-72
Mod. #2-38 FR 17337 - 6/29/73
WORTH COUNTY
None
WRIGHT COUNTY
None

KANSAS

ALLEN COUNTY
Decision #AP-519 (Hw)
38 FR 7732 - 3/23/73
ANDERSON COUNTY
(Hw) - See Allen County
ATCHISON COUNTY
(Hw) - See Allen County
BARBER COUNTY
Decision #AP-521 (Hw)
38 FR 7734 - 3/23/73
BARTON COUNTY
(Hw) - See Barber County
BOURBON COUNTY
(Hw) - See Allen County
BROWN COUNTY
(Hw) - See Allen County
BUTLER COUNTY
(Hw) - See Allen County
CHASE COUNTY
(Hw) - See Allen County
CHAUTAUQUA COUNTY
(Hw) - See Allen County
CHEROKEE COUNTY
(Hw) - See Allen County
CHEYENNE COUNTY
(Hw) - See Barber County
CLARK COUNTY
(Hw) - See Barber County

KANSAS (Cont'd)

CLAY COUNTY
(Hw) - See Allen County
CLOUD COUNTY
(Hw) - See Allen County
COFFEY COUNTY
(Hw) - See Allen County
COMANCHE COUNTY
(Hw) - See Barber County
COWLEY COUNTY
(Hw) - See Allen County
CRAWFORD COUNTY
(Hw) - See Allen County
DECATUR COUNTY
(Hw) - See Barber County
DICKINSON COUNTY
(Hw) - See Allen County
DONIPHAN COUNTY
(Hw) - See Allen County
DOUGLAS COUNTY
Decision #AP-503 (Hw)
37 FR 17349 - 8-25-72
Mod. #1-37 FR 20389 - 9-29-72
Mod. #2-38 FR 6523 - 3/9/73
Mod. #3-38 FR 9389 - 4/13/73

KANSAS (Cont'd)

EDWARDS COUNTY
(Hw) - See Barber County
ELK COUNTY
(Hw) - See Allen County
ELLIS COUNTY
(Hw) - See Barber County
ELLSWORTH COUNTY
(Hw) - See Barber County
FINNEY COUNTY
(Hw) - See Barber County
FORD COUNTY
(Hw) - See Barber County
FRANKLIN COUNTY
(Hw) - See Allen County
GEARY COUNTY
(Hw) - See Allen County
GOVE COUNTY
(Hw) - See Barber County
GRAHAM COUNTY
(Hw) - See Barber County
GRANT COUNTY
(Hw) - See Barber County

KANSAS (Cont'd)

GRAY COUNTY
(Hw) - See Barber County
GREELEY COUNTY
(Hw) - See Barber County
GREENWOOD COUNTY
(Hw) - See Allen County
HAMILTON COUNTY
(Hw) - See Barber County
HARPER COUNTY
(Hw) - See Allen County
HARVEY COUNTY
(Hw) - See Allen County
HASKELL COUNTY
(Hw) - See Barber County
HODGEMAN COUNTY
(Hw) - See Barber County
JACKSON COUNTY
(Hw) - See Allen County
JEFFERSON COUNTY
(Hw)- See Douglas County
JEWELL COUNTY
(Hw) - See Barber County
JOHNSON COUNTY
Decision #AP-531 (B,H,Hw)
38 FR 13929 - 5/25/73
Mod. #1 - 38 FR 15210 - 6/8/73
Mod. #2 - 38 FR 16584 - 6/22/73
Mod. #3 - 38 FR 18117 - 7/6/73
Decision #AP-516 (R)
37 FR 26206 - 12/8/72
Mod. #1 - 38 FR 1435 - 1/12/73
Mod. #2 - 38 FR 4078 - 2/9/73
Mod. #3 - 38 FR 12511 - 5/11/73
Mod. #4 - 38 FR 15210 - 6/8/73
KEARNY COUNTY
(Hw) - See Barber County
KINGMAN COUNTY
(Hw) - See Allen County
KIOWA COUNTY
(Hw) - See Barber County
LABETTE COUNTY
(Hw) - See Allen County
LANE COUNTY
(Hw) - See Barber County
LEAVENWORTH COUNTY
Decision #AM-6,708 (B)
37 FR 7031 - 4/7/72
Mod. #1-37 FR 18833 - 9/15/72
Mod. #2-37 FR 20388 - 9/29/72
Mod. #3-38 FR 6522 - 3/9/73
Mod. #4-38 FR 17340 - 6/29/73
(Hw) - See Douglas County
LINCOLN COUNTY
(Hw) - See Barber County
LINN COUNTY
(Hw) - See Allen County

KANSAS (Cont'd)

LOGAN COUNTY
(Hw) - See Barber County
LYON COUNTY
(Hw) - See Allen County
McPHERSON COUNTY
(Hw) See Allen County
MARION COUNTY
(Hw) - See Allen County
MARSHALL COUNTY
(Hw) - See Allen County
MEADE COUNTY
(Hw) - See Barber County
MIAMI COUNTY
(Hw) - See Douglas County
MITCHELL COUNTY
(Hw) - See Barber County
MONTGOMERY COUNTY
(Hw) - See Allen County
MORRIS COUNTY
(Hw) - See Allen County
MORTON COUNTY
(Hw) - See Barber County
NEMAHA COUNTY
(Hw) - See Allen County
NEOSHO COUNTY
(Hw) - See Allen County
NESS COUNTY
(Hw)- See Barber County
NORTON COUNTY
(Hw) - See Barber County
OSAGE COUNTY
(Hw) - See Allen County
OSBORNE COUNTY
(Hw) - See Barber County
OTTAWA COUNTY
(Hw) - See Allen County
PAWNEE COUNTY
(Hw) See Barber County
PHILLIPS COUNTY
(Hw) - See Barber County
POTTAWATOMIE COUNTY
(Hw) - See Allen County
PRATT COUNTY
(Hw) - See Barber County
RAWLINS COUNTY
(Hw) - See Barber County

KANSAS (Cont'd)

RENO COUNTY
(Hw) - See Allen County
REPUBLIC COUNTY
(Hw) - See Allen County
RICE COUNTY
(Hw) - See Barber County
RILEY COUNTY
(Hw) - See Allen County
ROOKS COUNTY
(Hw) - See Barber County
RUSH COUNTY
(Hw) - See Barber County
RUSSELL COUNTY
(Hw) - See Barber County
SALINE COUNTY
(Hw) - See Allen County
SCOTT COUNTY
(Hw) - See Barber County
SEDGWICK COUNTY
Decision #AP-533 (R)
38 FR 16673 - 6/22/73
Decision #AP-532 (B)
38 FR 13922 - 5/25/73
Decision #AP-520 (Hw)
38 FR 7733 - 3/23/73
SEWARD COUNTY
(Hw) - See Barber County
SHAWNEE COUNTY
Decision #AM-6,717 (B)
37 FR 7458-4/14/72
Mod.#1-37 FR 18833-9/15/72
Mod.#2-37 FR 20388-9/29/72
Mod.#3-38 FR 4077 - 2/9/73
Mod. #4-38 FR 6523 - 3/9/73
(Hw) - See Douglas County
Decision #AP-501 (R)
37 FR 16312-8/11/72
Mod.#1-37 FR 18834-9/15/72
Mod.#2-37 FR 20388-9/29/72
Mod.#3-38 FR 4077 - 2/9/73
Mod. #4-38 FR 6523 - 3/9/73

KANSAS (Cont'd)

SHERIDAN COUNTY
(Hw) - See Barber County
SHERMAN COUNTY
(Hw) - See Barber County
SMITH COUNTY
(Hw) - See Barber County
STAFFORD COUNTY
(Hw) - See Barber County
STANTON COUNTY
(Hw) - See Barber County
STEVENS COUNTY
(Hw) - See Barber County
SUMNER COUNTY
(Hw) - See Allen County
THOMAS COUNTY
(Hw) - See Barber County
TREGO COUNTY
(Hw) - See Barber County
WABAUNSEE COUNTY
(Hw) - See Allen County
WALLACE COUNTY
(Hw) - See Barber County
WASHINGTON COUNTY
(Hw) - See Allen County
WICHITA COUNTY
(Hw) - See Barber County
WILSON COUNTY
(Hw) - See Allen County
WOODSON COUNTY
(Hw) - See Allen County
WYANDOTTE COUNTY
(B,H,Hw) - See Johnson County
(R) - See Johnson County

KENTUCKY

ADAIR COUNTY
Decision #AP-143 (H, Hw)
38 FR 2033 - 1/19/73
Mod. #1-38 FR 14511 - 6/1/73
ALLEN COUNTY
Decision #AP-145 (H, Hw)
38 FR 2040 - 1/19/73
Mod. #1-38 FR 14513 - 6/1/73
ANDERSON COUNTY
Decision #AP-146 (H, Hw)
38 FR 2044 - 1/19/73
Mod. #1-38 FR 14514 - 6/1/73
BALLARD COUNTY
Decision #AM-8,589 (D)
37 FR 5654-3/17/72
Mod. #1-37 FR 24506 11/17/72
(H,Hw) - See Allen County
BARREN COUNTY
(H,Hw) - See Adair County
BATH COUNTY
(H,Hw) - See Anderson County
Decision #AM-487 (R)
36 FR 16459 - 8/20/71
BELL COUNTY
(H,Hw) - See Adair County
BOONE COUNTY
Decision #AP-168 (B)
38 FR 6513 3/9/73
Decision #AP-141 (H,Hw)
37 FR 25690 - 12/1/72
Mod. #1-37 FR 26778 - 12/15/72
Mod. #2-38 FR 2008 - 1/19/73
Decision #AP-602 (D)
38 FR 1433 - 1/12/73
BOURBON COUNTY
(Hw, H) - See Anderson County
(R) - See Bath County
BOYD COUNTY
Decision #AP-170 (B)
38 FR 7735 - 3/23/73
Mod. #1-38 FR 12512 - 5/11/73
(H,Hw) - See Anderson County
(D) - See Boone County
BOYLE COUNTY
(H,Hw) - See Anderson County
BRACKEN COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
BREATHITT COUNTY
Decision #AP-144 (H, Hw)
38 FR 2037 - 1/19/73
Mod. #1-38 FR 14512 - 6/1/73

KENTUCKY (Cont'd)

BRECKINRIDGE COUNTY
Decision #AP-183 (R)
38 FR 11278 - 5/4/73
(H,Hw) - See Anderson County
(D) - See Boone County
BULLITT COUNTY
(D) - See Boone County
(H, Hw) - See Anderson County
(R) - See Breckinridge County
BUTLER COUNTY
(H,Hw) - See Allen County
CALDWELL COUNTY
(H,Hw) - See Allen County
CALLOWAY COUNTY
(H,Hw) - See Allen County
CAMPBELL COUNTY
(B,H,D,Hw) - See Boone County
CARLISLE COUNTY
(D) - See Ballard County
(H,Hw) - See Allen County
CARROLL COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
CARTER COUNTY
(H,Hw) - See Anderson County
CASEY COUNTY
(H,Hw) - See Adair County
CHRISTIAN COUNTY
(H,Hw) - See Allen County
CLARK COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
CLAY COUNTY
(H,Hw) - See Adair County
CLINTON COUNTY
(H,Hw) - See Adair County
CRITTENDEN COUNTY
(H,Hw) - See Allen County
(D) - See Boone County
CUMBERLAND COUNTY
(H,Hw) - See Adair County
DAVIESS COUNTY
(H,Hw) - See Allen County
(D) - See Boone County
EDMONSON COUNTY
(H,Hw) - See Allen County

KENTUCKY (cont'd)

ELLIOTT COUNTY
(H,Hw) - See Anderson County
ESTILL COUNTY
(H,Hw) - See Adair County
FAYETTE COUNTY
Decision #AP-194 (B)
38 FR 13926 - 5/25/73
(R) - See Bath County
FLEMING COUNTY
(H,Hw) - See Anderson County
FLOYD COUNTY
(H,Hw) - See Breathitt County
FRANKLIN COUNTY
(H,Hw) - See Anderson County
FULTON COUNTY
(D) - See Ballard County
(H,Hw) - See Allen County
GALLATIN COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
GARRARD COUNTY
(H,Hw) - See Adair County
GRANT COUNTY
(H,Hw) - See Anderson County
GRAVES COUNTY
(H,Hw) - See Allen County
GRAYSON COUNTY
(H,Hw) - See Anderson County
GREEN COUNTY
(H,Hw) - See Adair County
GREENUP COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County

KENTUCKY (Cont'd)

HANCOCK COUNTY
(H,Hw) - See Allen County
(D) - See Boone County
HARDIN COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
(D) - See Boone County
HARLAN COUNTY
(H,Hw) - See Adair County
HARRISON COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
HART COUNTY
(H,Hw) - See Adair County
HENDERSON COUNTY
(H,Hw) - See Allen County
(D) - See Boone County
HENRY COUNTY
(H,Hw) - See Anderson County
HICKMAN COUNTY
(D) - See Ballard County
(H,Hw) - See Allen County
HOPKINS COUNTY
(H,Hw) - See Allen County
JACKSON COUNTY
(H,Hw) - See Adair County
JEFFERSON COUNTY
Decision #AP-171 (B,H,Hw)
38 FR 7738 - 3/23/73
Mod. #1-38 FR 13916 - 5/25/73
(D) - See Boone County
(R) - See Breckinridge County

KENTUCKY (Cont'd)

JESSAMINE COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
JOHNSON COUNTY
Decision #AP-147 (H, Hw)
38 FR 2048 - 1/19/73
Mod. #1-38 FR 14515 - 6/1/73
KENTON COUNTY
(B,H,Hw,D) - See Boone County
KNOTT COUNTY
(H,Hw) - See Breathitt County
KNOX COUNTY
(H,Hw) - See Adair County
LARUE COUNTY
(H,Hw) - See Anderson COunty
LAUREL COUNTY
(H,Hw) - See Adair County
LAWRENCE COUNTY
(H,Hw) - See Johnson County
LEE COUNTY
(H,Hw) - See Adair County
LESLIE COUNTY
(H,Hw) - See Adair County
LETCHER COUNTY
(H,Hw) - See Breathitt County
LEWIS COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
LINCOLN COUNTY
(H,Hw) - See Adair County
LIVINGSTON COUNTY
(H,Hw) - See Allen County
(D) - See Boone County
LOGAN COUNTY
(H,Hw) - See Allen County
LYON COUNTY
(H,Hw) - See Allen County

KENTUCKY (Cont'd)

McCRACKEN COUNTY
Decision #AP-188 (B)
38 FR 9935 - 4/20/73
Mod. #1-38 FR 13916 - 5/25/73
Mod. #2-38 FR 18117 - 7/6/73
(D) - See Boone County
(H,Hw) - See Allen County
McCREARY COUNTY
(H,Hw) - See Adair County
McLEAN COUNTY
(H,Hw) - See Allen County
MADISON COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
MAGAFFIN COUNTY
(H,Hw) - See Breathitt County
MARION COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
MARSHALL COUNTY
(H,Hw) - See Allen County
MARTIN COUNTY
(H,Hw) - See Breathitt County
MASON COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
MEADE COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
(D) - See Boone County
MENIFEE COUNTY
(H,Hw) - See Adair County

KENTUCKY (Cont'd)

MERCER COUNTY
(H,Hw) - See Anderson County
METCALFE COUNTY
(H,Hw) - See Adair County
MONROE COUNTY
(H,Hw) - See Adair County
MONTGOMERY COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
MORGAN COUNTY
(H,Hw) - See Anderson County
MUHLENBERG COUNTY
(H,Hw) - See Allen County
NELSON COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
NICHOLAS COUNTY
(H,Hw) - See Anderson County
OHIO COUNTY
(H,Hw) - See Allen County
OLDHAM COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
(D) - See Boone County
OWEN COUNTY
(H,Hw) - See Anderson County
OWSLEY COUNTY
(H,Hw) - See Adair County
PENDLETON COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
PERRY COUNTY
(H,Hw) - See Breathitt County
PIKE COUNTY
(H,Hw) - See Breathitt County
POWELL COUNTY
(H,Hw) - See Adair County
PULASKI COUNTY
(H,Hw) - See Adair County
ROBERTSON COUNTY
(H,Hw) - See Anderson County
ROCKCASTLE COUNTY
(H,Hw) - See Adair County
ROWAN COUNTY
(H,Hw) - See Anderson County

KENTUCKY (Cont'd)

RUSSELL COUNTY
(H,Hw) - See Adair County
SCOTT COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
SHELBY COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
SIMPSON COUNTY
(H,Hw) - See Allen County
SPENCER COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
TAYLOR COUNTY
(H,Hw) - See Adair County
TODD COUNTY
(H,Hw) - See Allen County
TRIGG COUNTY
(H,Hw) - See Allen County
TRIMBLE COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
UNION COUNTY
(H,Hw) - See Allen County
(D) - See Boone County
WARREN COUNTY
Decision #AP-189 (B,H,Hw)
38 FR 13248 - 5/18/73
WASHINGTON COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
WAYNE COUNTY
(H,Hw) - See Adair County
WEBSTER COUNTY
(H,Hw) - See Allen County
WHITLEY COUNTY
(H,Hw) - See Adair County
WOLFE COUNTY
(H,Hw) - See Adair County
WOODFORD COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County

LOUISIANA

STATEWIDE
Decision #AM-8589 (D)
37 FR 5654 - 3/17/72
Mod. #1-37 FR 24506 - 11/17/72
ACADIA PARISH
(D) - See Statewide
Decision #AP-1107 (F)
38 FR 17358 - 6/29/73
Decision #AP-735 (B)
38 FR 14594 - 6/1/73
Mod. #1-38 FR 16584 - 6/22/73
Mod. #2-38 FR 17341 - 6/29/73
Mod. #3-38 FR 18118 - 7/6/73
ALLEN PARISH
(D) - See Statewide
(B,F) - See Acadia Parish
ASCENSION PARISH
(D) - See Statewide
(B,F) - See Acadia Parish
ASSUMPTION PARISH
(D) - See Statewide
(B,F) - See Acadia Parish
AVOYELLES PARISH
(D) - See Statewide
(F) - See Acadia Parish
BEAUREGARD PARISH
(D) - See Statewide
(B,F) - See Acadia Parish
BIENVILLE PARISH
(D) - See Statewide
(F) - See Acadia Parish
BOSSIER PARISH
(D) - See Statewide
(F) - See Acadia Parish
Decision #AP-397 (B)
38 FR 2602 - 1/26/73
Mod. #1 - 38 FR 4078 - 2/9/73
Mod. #2 - 38 FR 5089 - 2/23/73
Mod. #3 - 38 FR 9393 - 4/13/73
Mod. #4 - 38 FR 13116 - 5/18/73
Mod. #5 - 38 FR 14516 - 6/1/73
Mod. #6 - 38 FR 17341 - 6/29/73
Decision #AP-398 (R)
38 FR 2604 - 1/26/73
Mod. #1 - 38 FR 4078 - 2/9/73
Mod. #2 - 38 FR 5089 - 2/23/73
Mod. #3 - 38 FR 9393 - 4/13/73
Mod. #4 - 38 FR 13116 - 5/18/73
Mod. #5 - 38 FR 14516 - 6/1/73
Mod. #6 - 38 FR 17341 - 6/29/73
CADDO PARISH
(D) - See Statewide
(B,R) - See Bossier Parish
CALCASIEU PARISH
(D) - See Statewide
(B) - See Acadia Parish
(F) - See Acadia Parish

LOUISIANA (Cont'd)

CALCASIEU PARISH (cont'd)
Decision #AP-366 (R)
37 FR 26245 - 12/8/72
Mod. #1 - 37 FR 28352 - 12/22/72
Mod. #2 - 37 FR 28800 - 12/29/72
Mod. #3 - 38 FR 936 - 1/5/73
Mod. #4 - 38 FR 17341 - 6/29/73
CALDWELL PARISH
(D)-See Statewide
(F)-See Acadia Parish
CAMERON PARISH
(D) - See Statewide
(B,F) - See Acadia Parish
CATAHOULA PARISH
(D) - See Statewide
(F) - See Acadia Parish
CLAIBORNE PARISH
(D) - See Statewide
(F) - See Acadia Parish
CONCORDIA PARISH
(D) - See Statewide
(F) - See Acadia Parish
DE SOTO PARISH
(D) - See Statewide
(F) - See Acadia Parish
EAST BATON ROUGE PARISH
(D) - See Statewide
(B) - See Acadia Parish
EAST CARROLL PARISH
(D) - See Statewide
(F) - See Acadia Parish
EAST FELICIANA PARISH
(D) - See Statewide
(B,F) - See Acadia Parish
EVANGELINE PARISH
(D) - See Statewide
(B,F) - See Acadia Parish
FRANKLIN PARISH
(D) - See Statewide
(F) - See Acadia Parish

LOUISIANA (Cont'd)

GRANT PARISH
(D) - See Statewide
(F) - See Acadia Parish
IBERIA PARISH
(D) - See Statewide
(B,F) - See Acadia Parish
IBERVILLE PARISH
(D)-See Statewide
(B,F) - See Acadia Parish
JACKSON PARISH
(D)-See Statewide
(F)-See Acadia Parish
JEFFERSON PARISH
(D)-See Statewide
(B,F) - See Acadia Parish
JEFFERSON DAVIS PARISH
(D)-See Statewide
(B,F) - See Acadia Parish
LAFAYETTE PARISH
(D)-See Statewide
(B,F) - See Acadia Parish
LAFOURCHE PARISH
(D)-See Statewide
(B,F) - See Acadia Parish
LA SALLE PARISH
(D)-See Statewide
(F)-See Acadia Parish
LINCOLN PARISH
(D)-See Statewide
(F)-See Acadia Parish
LIVINGSTON PARISH
(D)-See Statewide
(B,F) - See Acadia Parish
MADISON PARISH
(D)-See Statewide
(F)-See Acadia Parish
MOREHOUSE PARISH
(D)-See Statewide
(F)-See Acadia Parish
NATCHITOCHES PARISH
(D)-See Statewide
(F)-See Acadia Parish
ORLEANS PARISH
(D) - See Statewide
(B) - See Acadia Parish

LOUISIANA (Cont'd)

OUACHITA PARISH
(D)-See Statewide
Decision #AP-317 (R)
37 FR 17305-8/25/72
PLAQUEMINES PARISH
(D)-See Statewide
(B,F) - See Acadia Parish
POINT COUPEE PARISH
(D)-See Statewide
(B,F) - See Acadia Parish
RAPIDES PARISH
(D)-See Statewide
Decision #AP-736 (B)
38 FR 14609 - 6/1/73
Mod. #1-38 FR 15788 - 6/15/73
Mod. #2-38 FR 17341 - 6/29/73
RED RIVER PARISH
(D)-See Statewide
(F)-See Acadia Parish
RICHLAND PARISH
(D)-See Statewide
(F)-See Acadia Parish
SABINE PARISH
(D)-See Statewide
(F)-See Acadia Parish
ST. BERNARD PARISH
(D)-See Statewide
(B,F) - See Acadia Parish
ST. CHARLES PARISH
(D)-See Statewide
(B,F) - See Acadia Parish
ST. HELENA PARISH
(D)-See Statewide
(B,F) - See Acadia Parish
ST. JAMES PARISH
(D)-See Statewide
(B,F) - See Acadia Parish
ST. JOHN THE BAPTIST PARISH
(D)-See Statewide
(B,F) - See Acadia Parish
ST. LANDRY PARISH
(D)-See Statewide
(B,F) - See Acadia Parish
ST. MARTIN PARISH
(D)-See Statewide
(B,F) - See Acadia Parish

LOUISIANA (Cont'd)

ST. MARY PARISH
(D)-See Statewide
(B,F) - See Acadia Parish
ST. TAMMANY PARISH
(D)-See Statewide
(B,F) - See Acadia Parish
TANGIPAHOA PARISH
(D)-See Statewide
(B,F) - See Acadia Parish
TENSAS PARISH
(D) See Statewide
(F)-See Acadia Parish
TERREBONNE PARISH
(D)-See Statewide
(B,F) - See Acadia Parish
UNION PARISH
(D)-See Statewide
(F)-See Acadia Parish
VERMILION PARISH
(D)-See Statewide
(B,F) - See Acadia Parish
VERNON PARISH
(D)-See Statewide
(F)-See Acadia Parish
WASHINGTON PARISH
(D)-See Statewide
(B,F) - See Acadia Parish
WEBSTER PARISH
(D)-See Statewide
(F)-See Acadia Parish
WEST BATON ROUGE PARISH
(D)-See Statewide
(B,F) - See Acadia Parish
WEST CARROLL PARISH
(D)-See Statewide
(F)-See Acadia Parish
WEST FELICIANA PARISH
(D)-See Statewide
(B,F) - See Acadia Parish
WINN PARISH
(D)-See Statewide
(F)-See Acadia Parish

MAINE

ANDROSCOGGIN COUNTY
None
AROOSTOOK COUNTY
None
CUMBERLAND COUNTY
Decision #AP-803 (D)
38 FR 10580 - 4/27/73
FRANKLIN COUNTY
None
HANCOCK COUNTY
(D) - See Cumberland County
KENNEBEC COUNTY
None
KNOX COUNTY
(D) - See Cumberland County
LINCOLN COUNTY
(D) - See Cumberland County
OXFORD COUNTY
None
PENOBSCOT COUNTY
None
PISCATAQUIS COUNTY
None
SAGADAHOC COUNTY
(D) - See Cumberland County
SOMERSET COUNTY
None
WALDO COUNTY
(D) - See Cumberland County
WASHINGTON COUNTY
(D) - See Cumberland County
YORK COUNTY
(D) - See Cumberland County

MARYLAND

ALLEGANY COUNTY
None
ANNE ARUNDEL COUNTY
Decision #AP-844 (D)
38 FR 15797 - 6/15/73
Decision #AP-842 (R,H,Hw)
38 FR 14503 - 6/1/73
Mod. #1 - 38 FR 15789 - 6/15/73
Mod. #2 - 38 FR 16585 - 6/22/73
BALTIMORE CITY & BALTIMORE COUNTY
Decision #AP-856 (B,H,Hw)
38 FR 16612 - 6/22/73
Decision #AM-1,846 (R)
36 FR 16249 - 8/20/71
Decision #AP-803 (D)
38 FR 10580 - 4/27/73
CALVERT COUNTY
(D)-See Anne Arundel County
CAROLINE COUNTY
None
CARROLL COUNTY
None
CECIL COUNTY
(R)-See Baltimore County
CHARLES COUNTY
(D)-See Anne Arundel County
DORCHESTER COUNTY
(D)-See Anne Arundel County
FREDERICK COUNTY
None
GARRETT COUNTY
None
HARFORD COUNTY
(R)-See Baltimore County
(D)-See Anne Arundel County
HOWARD COUNTY
(R)-See Baltimore County
KENT COUNTY
(D)-See Anne Arundel County

MARYLAND (cont'd)

MONTGOMERY COUNTY
Decision #AP-858 (B)
38 FR 17390 - 6/29/73
Decision #AP-450 (R)
37 FR 25117 - 11/25/72
PRINCE GEORGES COUNTY
(B)-See Montgomery County
(R)-See Montgomery County
(D)-See Anne Arundel County
QUEEN ANNES COUNTY
(D) - See Anne Arundel County
ST. MARYS COUNTY
(D) - See Anne Arundel County
SOMERSET COUNTY
(D)-See Anne Arundel County
TALBOT COUNTY
(D)-See Anne Arundel County
WASHINGTON COUNTY
None
WICOMICO COUNTY
(D)-See Anne Arundel County
WORCESTER COUNTY
(D)-See Baltimore County

MASSACHUSETTS

BARNSTABLE COUNTY
Decision #AP-811 - (B,H,Hw, & Marine)
38 FR 12539 - 5/11/73
Mod. #1-38 FR 14516 - 6/1/73
Mod. #2-38 FR 17342 - 6/29/73
Mod. #3-38 FR 18118 - 7/6/73
Decision #AP-803 - (D)
38 FR 10580 - 4/27/73
BERKSHIRE COUNTY
None
BRISTOL COUNTY
(D) - See Barnstable County
DUKES COUNTY
(D) - See Barnstable County
ESSEX COUNTY
Decision #AP-812 (B,H,Hw & Marine)
38 FR 12542 - 5/11/73
Mod. #1-38 FR 17344 - 6/29/73
Mod. #2-38 FR 18119 - 7/6/73
(D) - See Barnstable County
FRANKLIN COUNTY
None
HAMPDEN COUNTY
Decision #AP-813 (B,H,Hw)
38 FR 12546 - 5/11/73
Mod. #1 - 38 FR 15211 - 6/8/73
Mod. #2 - 38 FR 18119 - 7/6/73
Decision #AP-470 (R)
38 FR 4617 - 2/16/73
Mod. #1 - 38 FR 6523 - 3/9/73
Mod. #2 - 38 FR 9394 - 4/13/73

MASSACHUSETTS (cont'd)

HAMPSHIRE COUNTY
None
MIDDLESEX COUNTY
Decision #AP-814 (B,H,Hw & Marine)
38 FR 12550 - 5/11/73
Mod. #1 - 38 FR 14516 - 6/1/73
Mod. #2 - 38 FR 17346 - 6/29/73
Mod. #3 - 38 FR 18122 - 7/6/73
(d) - See Barnstable County
NANTUCKET COUNTY
(D) - See Barnstable County
NORFOLK COUNTY
(D) - See Barnstable County
PLYMOUTH COUNTY
(D) - See Barnstable County
SUFFOLK COUNTY
Decision #AP-815 (B,H,Hw, Marine & D)
38 FR 12554 - 5/11/73
Mod. #1 - 38 FR 17348 - 6/29/73
Mod. #2 - 38 FR 18122 - 7/6/73
WORCESTER COUNTY
Decision #AP-816 (B,H,Hw)
38 FR 12558 - 5/11/73
Mod. #1 - 38 FR 14516 - 6/1/73
Mod. #2 - 38 FR 17350 - 6/29/73
Mod. #3 - 38 FR 18123 - 7/6/73

MICHIGAN

ALCONA COUNTY
Decision #AP-4 (D)
37 FR 14670 - 7/21/72
Decision #AP-79 (Highway, Bridge, Airport & Sewer Cons, excl. of Bldgs.)
37 FR 28377 - 12/22/72
Mod. #1 - 38 FR 936 - 1/5/73
Mod. #2 - 38 FR 4629 - 2/16/73
ALGER COUNTY
(Hw) (D) - See Alcona County
ALLEGAN COUNTY
Decision #AP-80 (B,H)
37 FR 28822 - 12/29/72
Mod. #1 - 38 FR 5089 - 2/23/73
Decision #AM-398 (R)
36 FR 15891 - 8/18/71
Decision #AP-77 (Highway, Bridge, Airport & Sewer Cons, excl. of Bldg.)
37 FR 28374 - 12/22/72
Mod. #1 - 38 FR 4629 - 2/16/73
(D) - See Alcona County
ALPENA COUNTY
Decision #AP-81 (B,H)
37 FR 28825 - 12/29/72
Mod. #1 - 38 FR 5089 - 2/23/73
(Hw,D) - See Alcona County
ANTRIM COUNTY
(Hw,D) - See Alcona County
ARENAC COUNTY
(Hw,D) - See Alcona County
BARAGA COUNTY
Decision #AP-82 (B,H)
37 FR 28850 - 12/29/72
Mod. #1 - 38 FR 5090 - 2/23/73
(Hw,D) - See Alcona County
BARRY COUNTY
(Hw) - See Allegan County
BAY COUNTY
(D) - See Alcona County
(Hw) - See Allegan County

MICHIGAN (Cont'd)

BENZIE COUNTY
(D) - See Alcona County
(Hw) - See Alcona County
BERRIEN COUNTY
Decision # AP-83 (B,H)
37 FR 28828 - 12/12/72
Mod. #1 - 38 FR 5090 - 2/23/73
Decision #AM-399 (R)
36 FR 15892 - 8/18/71
(D) - See Alcona County
(Hw) - See Allegan County
BRANCH COUNTY
Decision #AM-401 (R)
36 FR 15894 - 8/18/71
(Hw) - See Allegan County
CALHOUN COUNTY
Decision #AP-84 (B,H)
37 FR 28831 - 12/29/72
Mod. #1 - 38 FR 5090 - 2/23/73
Decision #AM-400 (R)
36 FR 15892 - 8/18/71
(Hw) - See Allegan County
CASS COUNTY
(Hw) - See Allegan County
(R) - See Branch County
CHARLEVOIX COUNTY
Decision #AP-85 (B,H)
37 FR 28834 - 12/29/72
Mod. #1 - 38 FR 5091 - 2/23/73
(Hw,D) - See Alcona County
CHEBOYGAN COUNTY
(Hw,D) - See Alcona County
CHIPPEWA COUNTY
Decision #AP-86 (B,H)
37 FR 28837 - 12/29/72
Mod. #1 - 38 FR 5091 - 2/23/73
(Hw,D) - See Alcona County
CLARE COUNTY
(Hw) - See Alcona County
CLINTON COUNTY
(Hw) - See Allegan County

MICHIGAN (cont'd)

CRAWFORD COUNTY
(Hw) - See Alcona County
DELTA COUNTY
(Hw, D) - See Alcona County
DICKINSON COUNTY
(Hw) - See Alcona County
EATON COUNTY
Decision #AM-8041 (R)
36 FR 24027 - 12/17/71
(Hw) - See Allegan County
EMMET COUNTY
Decision #AP-87 (B, H)
37 FR 28839 - 12/29/72
Mod. #1 - 38 FR 5091 - 2/23/73
(Hw, D) - See Alcona County
GENESEE COUNTY
Decision #AP-88 (B, H)
37 FR 28870 - 12/29/72
Mod. #1 - 38 FR 5092 - 2/23/73
Decision AP-76 (Highway, Bridge, Airpost & Sewer Cons, excl. of Bldgs.)
37 FR 28372 - 12/22/72
Mod. #1 - 38 FR 4628 - 2/16/73
GLADWIN COUNTY
(Hw) - See Alcona County
GOGEBIC COUNTY
Decision #AP-89 (B, H)
37 FR 28844 - 12/29/72
Mod. #1 - 38 FR 5092 - 2/23/73
(Hw, D) - See Alcona County
GRAND TRAVERSE COUNTY
Decision #AP-90 (B,H)
37 FR 28873 - 12/29/72
Mod. #1 - 38 FR 5092 - 2/23/73
(Hw, D) - See Alcona County
GRATIOT COUNTY
(Hw) - See Allegan County
HILLSDALE COUNTY
(Hw) - See Allegan County
HOUGHTON COUNTY
(B, H) - See Baraga County
(Hw, D) - See Alcona County
HURON COUNTY
Decision #AP-91 (B, H)
37 FR 28879 - 12/29/72
Mod. #1 - 38 FR 5093 - 2/23/73
(D) - See Alcona County
(Hw) - See Allegan County
INGHAM COUNTY
Decision #AP-92 (B, H)
37 FR 28844 - 12/29/72
Mod. #1 - 38 FR 5093 - 2/23/73
(Hw) - See Allegan County
(R) - See Eaton County

MICHIGAN (cont'd)

IONIA COUNTY
(Hw) - See Allegan County
IOSCO COUNTY
(D & Hw) - See Alcona County
IRON COUNTY
(Hw) - See Alcona County
ISABELLA COUNTY
(Hw) - See Alcona County
JACKSON COUNTY
(Hw) - See Allegan County
KALAMAZOO COUNTY
Decision #AP-93 (B, H)
37 FR 28847 - 12-29-72
Mod. #1 - 38 FR 5093 - 2-23-73
(Hw) - See Allegan County
(R) - See Branch County
KALKASKA COUNTY
(Hw) - See Alcona County
KENT COUNTY
Decision #AP-23 (B,H)
37 FR 20443 - 9-29-72
Mod. #1 - 37 FR 22704 - 10-20-72
Decision #AM-402 (R)
36 FR 15895 - 8-18-71
KEWEENAW COUNTY
(B,H) - See Baraga County
(Hw) - See Alcona County
LAKE COUNTY
(Hw) - See Alcona County
LAPEER COUNTY
(Hw) - See Allegan County
LEELANAU COUNTY
(B,H) - See Grand Traverse County
(Hw) - See Alcona County
LENAWEE COUNTY
(Hw) - See Allegan County
LIVINGSTON COUNTY
(Hw) - See Allegan County
LUCE COUNTY
(Hw,D) - See Alcona County
MACKINAC COUNTY
(B,H) - See Chippewa County
(Hw) - See Alcona County
MACOMB COUNTY
Decision #AP-600 (B,H)
37 FR 28866 - 12-29-72
Mod. #1 - 38 FR 5096 - 2-23-73
(D) - See Alcona County
(Hw) - See Genessee County
Decision # AP-601 (R)
37 FR 28797 - 12-29-72
Mod. #1 - 38 FR 5096 - 2-23-73

MICHIGAN (cont'd)

MANISTEE COUNTY
(Hw, D) - See Alcona County
MARQUETTE COUNTY
Decision #AP-94 (B, H)
37 FR 28852 - 12/29/72
Mod. #1 - 38 FR 5094 - 2/23/73
(Hw, D) - See Alcona County
MASON COUNTY
Decision #AP-95 (B, H)
37 FR 28854 - 12/29/72
Mod. #1 - 38 FR 5094 - 2/23/73
(Hw, D) - See Alcona County
MECOSTA COUNTY
(Hw) - See Alcona County
MENOMINEE COUNTY
(D) - See Alcona County
(Hw) - See Alcona County
MIDLAND COUNTY
(Hw) - See Allegan County
MISSAUKEE COUNTY
(Hw) - See Alcona County
MONROE COUNTY
(D) - See Alcona County
(Hw) - See Genessee County
MONTCALM COUNTY
(Hw) - See Allegan County
(R) - See Kent County
MONTMORENCY COUNTY
(Hw) - See Alcona County
MUSKEGON COUNTY
Decision #AP-97 (B, H)
37 FR 28857 - 12/29/72
Mod. #1 - 38 FR 5094 - 2/23/73
Decision #AM-403 (R)
36 FR 15896 - 8/18/71
(D) - See Alcona County
(Hw) - See Allegan County
NEWAYGO COUNTY
(Hw) - See Alcona County
OAKLAND COUNTY
(B, H, R) - See Macomb County
(D) - See Alcona County
(Hw) - See Genessee County
OCEANA COUNTY
(B, H, R) - See Muskegon County
(D) - See Alcona County
(Hw) - See Allegan County
OGEMAW COUNTY
(Hw) - See Alcona County
ONTONAGON COUNTY
(B, H) - See Baraga County
(Hw, D) - See Alcona County
OSCEOLA COUNTY
(Hw) - See Alcona County

MICHIGAN (cont'd)

OSCODA COUNTY
(Hw) - See Alcona County
OTSEGO COUNTY
(Hw) - See Alcona County
OTTAWA COUNTY
(D) - See Alcona County
(Hw) - See Allegan County
(R) - See Allegan County
PRESQUE ISLE COUNTY
(D) - See Alcona County
(Hw) - See Alcona County
ROSCOMMON COUNTY
(Hw) - See Alcona County
SAGINAW COUNTY
Decision #AP-96 (B,H)
37 FR 28876 - 12/29/72
Mod. #1 - 38 FR 5095 - 2/23/73
(Hw) - See Allegan County
SAINT CLAIR COUNTY
Decision #AP-98 (B, H)
37 FR 28860 - 12/29/72
Mod. #1 - 38 FR 5095 - 2/23/73
(D) - See Alcona County
(Hw) - See Allegan County
SAINT JOSEPH COUNTY
(Hw) - See Allegan County
(R) - See Branch County
SANILAC COUNTY
(D) - See Alcona County
(Hw) - See Allegan County
SCHOOLCRAFT COUNTY
(D) - See Alcona County
(Hw) - See Alcona County
SHIAWASSEE COUNTY
(Hw) - See Allegan County
TUSCOLA COUNTY
(D) - See Alcona County
(Hw) - See Allegan County
VAN BUREN COUNTY
(D) - See Alcona County
(Hw) - See Allegan County
WASHTENAW COUNTY
Decision #AP-99 (B, H)
37 FR 28863 - 12/29/72
Mod. #1 - 38 FR 5095 - 2/23/73
(Hw) - See Genesee County
WAYNE COUNTY
(B, H, R) - See Macomb County
(D) - See Alcona County
(Hw) - See Genesee County
WEXFORD COUNTY
(Hw) - See Alcona County

MINNESOTA

AITKIN COUNTY
None
ANOKA COUNTY
Decision #AP-638 (B)
38 FR 6540 - 3/9/73
Mod. #1 - 38 FR 11213 - 5/4/73
Decision #AP-642 (H,Hw)
38 FR 6556 - 3/9/73
Mod. #1 - 38 FR 11225 - 5/4/73
Decision #AP-644 (R)
38 FR 6562 - 3/9/73
Mod. #1 - 38 FR 11227 - 5-4-73
BECKER COUNTY
Decision #AP-49 (Hw)
37 FR 25097 - 11/25/72
BELTRAMI COUNTY
None
BENTON COUNTY
None
BIG STONE COUNTY
Decision #AP-50 (Hw)
37 FR 25098 - 11/25/72
BLUE EARTH COUNTY
None
BROWN COUNTY
None
CARLTON COUNTY
None
CARVER COUNTY
Decision #AP-639 (B)
38 FR 6544 - 3/9/73
Mod. #1 - 38 FR 11216 - 5/4/73
Decision #AP-645 (R)
38 FR 6566 - 3/9/73
Mod. #1 - 38 FR 11230 - 5/4/73
(H,Hw) - See Anoka County

MINNESOTA (cont'd)

CASS COUNTY
(Hw) - See Becker County
CHIPPEWA COUNTY
(Hw) - See Big Stone County
CHISAGO COUNTY
None
CLAY COUNTY
(Hw) - See Becker County
CLEAR WATER COUNTY
None
COOK COUNTY
Decision #AP-643 (H,Hw)
38 FR 6559 - 3/9/73
Mod. #1 - 38 FR 11226 - 5/4/73
Decision #AP-4 - (D)
37 FR 14670 - 7/21/72
COTTONWOOD COUNTY
None
CROW WING COUNTY
None
DAKOTA COUNTY
Decision #AP-640 (B)
38 FR 6548 - 3/9/73
Mod. #1 - 38 FR 11219 - 5/4/73
Decision #AP-646 (R)
38 FR 6570 - 3/9/73
Mod. #1 - 38 FR 11233 - 5/4/73
(H,Hw) - See Anoka County

MINNESOTA (Cont'd)

DODGE COUNTY
None
DOUGLAS COUNTY
(Hw) - See Big Stone County
FAIRMAULT COUNTY
None
FILLMORE COUNTY
None
FREEBORN COUNTY
None
GOODHUE COUNTY
None
GRANT COUNTY
(Hw) - See Big Stone County
HENNEPIN COUNTY
(B, R) - See Carver County
(H, Hw) - See Anoka County
HOUSTON COUNTY
None
HUBBARD COUNTY
(Hw) - See Becker County
ISANTI COUNTY
None
ITASKA COUNTY
None
JACKSON COUNTY
None
KANABEC COUNTY
None
KANDIYOHI COUNTY
(Hw) - See Big Stone County
KITTSON COUNTY
None
KOOCHICHING COUNTY
None
LAC QUI PARLE COUNTY
(Hw) - See Big Stone County
LAKE COUNTY
(H)(Hw)-See Cook County
(D)-See Cook County
LAKE OF THE WOODS COUNTY
None
LE SUEUR COUNTY
None
LINCOLN COUNTY
None

MINNESOTA (cont'd)

LYON COUNTY
None
MCLEOD COUNTY
None
MAHNOMEN COUNTY
None
MARSHALL COUNTY
None
MARTIN COUNTY
None
MEEKER COUNTY
None
MILLE LACS COUNTY
None
MORRISON COUNTY
None
MOWER COUNTY
None
MURRAY COUNTY
None
NICOLLET COUNTY
None
NOBLES COUNTY
None
NORMAN COUNTY
None
OLMSTEAD COUNTY
None
OTTER TAIL COUNTY
(Hw) - See Becker County
PENNINGTON COUNTY
None
PINE COUNTY
None
PIPESTONE COUNTY
None
POLK COUNTY
None
POPE COUNTY
(Hw) - See Big Stone County
RAMSEY COUNTY
(R, B) - See Dakota County
(H, Hw) - See Anoka County

MINNESOTA (Cont'd)

RED LAKE COUNTY
None
REDWOOD COUNTY
None
RENVILLE COUNTY
None
RICE COUNTY
None
ROCK COUNTY
None
ROSEAU COUNTY
None
SAINT LOUIS COUNTY
(D)-See Cook County
(H)(Hw)-See Cook County
CITY OF DULUTH
Decision #AP-641 (B)
38 FR 6552 - 3/9/73
Mod. #1-38 FR 11222 - 5/4/73
Mod. #2-38 FR 13916 - 5/25/73
Mod. #3-38 FR 14516 - 6/1/73
Mod. #4-38 FR 15790 - 6/15/73
Decision #AP-647 (R)
38 FR 6574 - 3/9/73
Mod. #1-38 FR 11236 - 5/4/73
Mod. #2-38 FR 13916 - 5/25/73
Mod. #3-38 FR 14516 - 6/1/73
Mod. #4-38 FR 15790 - 6/15/73
SCOTT COUNTY
(H)(Hw)-See Anoka County
(B) - See Carver County
SHERBURNE COUNTY
None
SIBLEY COUNTY
None

MINNESOTA (cont'd)

STEARNS COUNTY
None
STEELE COUNTY
None
STEVENS COUNTY
(Hw) - See Big Stone County
SWIFT COUNTY
(Hw) - See Big Stone County
TODD COUNTY
(Hw) - See Becker County
TRAVERSE COUNTY
(Hw) - See Big Stone County
WABASHA COUNTY
None
WADENA COUNTY
(Hw) - See Becker County
WASECA COUNTY
None
WASHINGTON COUNTY
(b) - See Dakota County
(H, Hw) - See Anoka County
WATONWAN COUNTY
None
WILKIN COUNTY
(Hw) - See Becker County
WINONA COUNTY
None
WRIGHT COUNTY
None
YELLOW MEDICINE COUNTY
None

MISSISSIPPI

STATEWIDE
Decision #AM-8589 (D)
37 FR 5654 - 3/17/72
Mod. #1-37 FR 24506 - 11/17/72
Decision #AP-1107 (F)
38 FR 17358 - 6/29/73
ADAMS COUNTY
Decision #AP-166 (Hw)
38 FR 6582 - 3/9/73
(D) - See Statewide
(F) - See Statewide
ALCORN COUNTY
Decision #AP-162 (Hw)
38 FR 6578 - 3/9/73
(D) - See Statewide
(F) - See Statewide
AMITE COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Adams County
ATTALA COUNTY
Decision #AP-165 (Hw)
38 FR 6581 - 3/9/73
Mod. #1 - 38 FR 16586 - 6/22/73
(D) - See Statewide
(F) - See Statewide
BENTON COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Alcorn County
BOLIVAR COUNTY
Decision #AP-163 (Hw)
38 FR 6579 - 3/9/73
(D) - See Statewide
(F) - See Statewide
CALHOUN COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Alcorn County
CARROLL COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Bolivar County
CHICKASAW COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Alcorn County
CHOCTAW COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Alcorn County

MISSISSIPPI (cont'd)

CLAIBORNE COUNTY
Decision #AP-164 (Hw)
38 FR 6580 - 3/9/73
(D) - See Statewide
(F) - See Statewide
CLARKE COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Attala County
CLAY COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Alcorn County
COAHOMA COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Bolivar County
COPIAH COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Claiborne County
(R) - See Hinds County
COVINGTON COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Adams County
DE SOTO COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Bolivar County
FORREST COUNTY
Decision #AM-8264 (R)
37 FR 13017 - 6/30/72
(D) - See Statewide
(F) - See Statewide
(Hw) - See Adams County
FRANKLIN COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Adams County
GEORGE COUNTY
Decision #AP-167 (Hw)
38 FR 6583 - 3/9/73
(D) - See Statewide
(F) - See Statewide
(R) - See Harrison County
GREENE COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Adams County

MISSISSIPPI (cont'd)

GRENADA COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Bolivar County
HANCOCK COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See George County
(R) - See Harrison County
HARRISON COUNTY
Decision #AP-159 (B,H,Water & Sewer)
38 FR 4638 - 2/16/73
Mod. #1 - 38 FR 7196 - 3/16/73
Mod. #2 - 38 FR 16586 - 6/22/73
Decision #AP-174 (R)
38 FR 10584 - 4/27/73
(D,F) - See Statewide
(Hw) - See George County
Decision #AP-498 (R)
36 FR 16473 - 8/20/71
(D,F) - See Statewide
(Hw) - See Claiborne
HINDS COUNTY
Decision #AP-158 (B, H,)
38 FR 4636 - 2/16/73
Mod. #1 - 38 FR 7169 - 3/16/73
HOLMES COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Claiborne County
HUMPHREYS COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Claiborne County
ISSAQUENA COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Claiborne County
ITAWAMBA COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Alcorn County
JACKSON COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See George County
(R) - See Harrison County
JASPER COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Attala County
JEFFERSON COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Adams County

MISSISSIPPI (cont'd)

JEFFERSON DAVIS COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Adams County
JONES COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Adams County
(R) - See Forest County
KEMPER COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Attala County
LAFAYETTE COUNTY
(D) - See Statewide
(R) - See Statewide
(Hw) - See Alcorn County
LAMAR COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Adams County
LAUDERDALE COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Attala County
LAWRENCE COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Adams County
LEAKE COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Attalo County
LEE COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Alcorn County
LEFLORE COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Bolivar County
LINCOLN COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Adams County
LOWNDES COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Alcorn County
MADISON COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Claiborne County
(R) - See Hinds County

MISSISSIPPI (Cont'd)

MARION COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Adams County
MARSHALL COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Alcorn County
MONROE COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Alcorn County
MONTGOMERY COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Bolivar County
NESHOBA COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Attala County
NEWTON COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Attala County
NOXUBEE COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Attala County
OKTIBBEHA COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Alcorn County
PANOLA COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Bolivar County
PEARL RIVER COUNTY
(B, H) - See Harrison County
(D) - See Statewide
(F) - See Statewide
(Hw) - See Statewide
(R) - See Harrison County
PERRY COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Adams County
PIKE COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Adams County

MISSISSIPPI (Cont'd)

PONTOTOC COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Alcorn COunty
PRENTISS COUNTY
(D) - See Statewide
(F) - See Statewise
(Hw) - See Alcorn County
QUITMAN COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Bolivar County
RANKIN COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Claiborne County
(R) - See Hinds County
SCOTT COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Attala County
SHARKEY COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Claiborne County
SIMPSON COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Claiborne County
(R) - See Hinds County
SMITH COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Attala County
STONE COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Georgia County
(R) - See Harrison County
SUNFLOWER COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Bolivar County
TALLAHATCHIE COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Bolivar County

MISSISSIPPI (Cont'd)

TATE COUNTY
(D,F)-See Statewide
(Hw)-See Bolivar County
TIPPAH COUNTY
(D,F)-See Statewide
(Hw)-See Alcorn County
TISHOMINGO COUNTY
(D,F)-See Statewide
(Hw)-See Alcorn County
TUNICA COUNTY
(D,F)-See Statewide
(Hw)-See Bolivar County
UNION COUNTY
(D,F,)-See Statewide
(Hw)-See Alcorn County
WALTHALL COUNTY
(D,F)-See Statewide
(Hw)-See Adams County
WARREN COUNTY
(D,F)-See Statewide
(Hw)-See Claiborne County
WASHINGTON COUNTY
(D,F)-See Statewide
(Hw)-See Bolivar County
WAYNE COUNTY
(D,F)-See Statewide
(Hw)-See Adams
WEBSTER COUNTY
(D,F)-See Statewide
(Hw)-See Alcorn County
WILKINSON COUNTY
(D,F)-See Statewide
(Hw)-See Adams County
WINSTON COUNTY
(D,F)-See Statewide
(Hw)-See Attalo County
YALOBUSHA COUNTY
(D,F)-See Statewide
(Hw)-See Bolivar County
YAZOO COUNTY
(D,F)-See Statewide
(Hw)-See Claiborne County
(R)-See Hinds County

MISSOURI

ADAIR COUNTY
None
ANDREW COUNTY
None
ATCHISON COUNTY
None
AUDRAIN COUNTY
None
BARRY COUNTY
None
BARTON COUNTY
Decision #AP-509 (H-Hw)
37 FR 21783 - 10/13/72
BATES COUNTY
None
BENTON COUNTY
None
BOLLINGER COUNTY
None
BOONE COUNTY
None
BUCHANAN COUNTY
None
BUTLER COUNTY
None
CALDWELL COUNTY
None
CALLAWAY COUNTY
None
CAMDEN COUNTY
None
CAPE GIRARDEAU COUNTY
Decision #AP-602 (D)
38 FR 1433-1/12/73
CARROLL COUNTY
None
CARTER COUNTY
None

MISSOURI (Cont'd)

CASS COUNTY
Decision #AP-531 (B,H,Hw)
38 FR 13929 (5/25/73)
Mod. #1 - 38 FR 15210 - 6/8/73
Mod. #2 - 38 FR 16584 - 6/22/73
Mod. #3 - 38 FR 18117 - 7/6/73
Decision #AP-516 (R)
37 FR 26206 - 12/8/72
Mod. #1 - 38 FR 1435 - 1/12/73
Mod. #2- 38 FR 4078 - 2/2/73
Mod. #3 - 38 FR 12511 - 5/11/73
Mod. #4 - 38 FR 15210 - 6/8/73
CEDAR COUNTY
None
CHARITON COUNTY
None
CHRISTIAN COUNTY
None
CLARK COUNTY
None
CLAY COUNTY
(B,H,Hw) - See Cass County
(R) - See Cass County
CLINTON COUNTY
None
COLE COUNTY
None
COOPER COUNTY
None
CRAWFORD COUNTY
None
DADE COUNTY
None
DALLAS COUNTY
None
DAVIESS COUNTY
None
DE KALB COUNTY
None
DENT COUNTY
None
DOUGLAS COUNTY
None
DUNKLIN COUNTY
None
FRANKLIN COUNTY
None
GASCONADE COUNTY
None
GENTRY COUNTY
None
GREENE COUNTY
None
GRUNDY COUNTY
None
HARRISON COUNTY
None
HENRY COUNTY
None

MISSOURI (Cont'd)

HICKORY COUNTY
None
HOLT COUNTY
Decision #AP-506 (H-Hw)
37 FR 21774 - 10/13/72
HOWARD COUNTY
None
HOWELL COUNTY
None
IRON COUNTY
None
JACKSON COUNTY
(B-H-Hw) - See Cass County
(R) - See Cass County
JASPER COUNTY
None
JEFFERSON COUNTY
(D)-See Cape Girardeau County
JOHNSON COUNTY
None
KNOX COUNTY
None
LACLEDE COUNTY
(H-Hw) - See Barton County
LAFAYETTE COUNTY
None
LAWRENCE COUNTY
(H-Hw) - See Barton County
LEWIS COUNTY
None
LINCOLN COUNTY
None
LINN COUNTY
Decision #AP-508 (H-Hw)
37 FR 21779 - 10/13/72
Mod. #1-37 FR 23057 - 10/27/72
LIVINGSTON COUNTY
None
MC DONALD COUNTY
None
MACON COUNTY
None
MADISON COUNTY
None
MARIES COUNTY
None
MARION COUNTY
None
MERCER COUNTY
None
MILLER COUNTY
None

MISSOURI (Cont'd)

MISSISSIPPI COUNTY
(D)-See Cape Girardeau County
MONITEAU COUNTY
None
MONROE COUNTY
None
MONTGOMERY COUNTY
None
MORGAN COUNTY
None
NEW MADRID COUNTY
None
NEWTON COUNTY
None
NODAWAY COUNTY
None
OREGON COUNTY
None
OSAGE COUNTY
None
OZARK COUNTY
None
PEMISCOT COUNTY
None
PERRY COUNTY
(D)-See Cape Girardeau County
PETTIS COUNTY
(H-Hw) - See Linn County
PHELPS COUNTY
None
PIKE COUNTY
None
PLATTE COUNTY
(B-H-Hw) - See Cass County
(R) - See Cass County
POLK COUNTY
None
PULASKI COUNTY
None
PUTNAM COUNTY
None
RALLS COUNTY
None
RANDOLPH COUNTY
None
RAY COUNTY
(B, H, Hw, R) - See Cass County
REYNOLDS COUNTY
None
RIPLEY COUNTY
None

MISSOURI (Cont'd)

ST. CHARLES COUNTY
Decision #AP-534 (B,H,Hw)
38 FR 18141 - 7/6/73
Decision #AP-504 (R)
37 FR 17881 - 9/1/72
Mod. #1-38 FR 4078-2/9/73
Mod. #2 - 38 FR 6524 - 3/9/73
Mod. #3 - 38 FR 13917 - 5/25/73
Mod. #4 - 38 FR 18124 - 7/6/73
(D)-See Cape Girardeau County
ST. CLAIR COUNTY
None
ST. FRANCOIS COUNTY
None
ST. LOUIS COUNTY
(B-H-Hw-R) - See St. Charles County
(D) - See Cape Girardeau County
ST. LOUIS CITY
(B-H-Hw-R) - See St. Charles County
STE. GENEVIEVE COUNTY
(D)-See Cape Girardeau County
SALINE COUNTY
None
SCHUYLER COUNTY
None
SCOTLAND COUNTY
None
SCOTT COUNTY
Decision #AP-507 (H-Hw)
37 FR 21776 - 10/13/72
Mod. #1-37 FR 25109 - 11/25/72
(D)-See Cape Girardeau County
SHANNON COUNTY
None
SHELBY COUNTY
None
STODDARD COUNTY
None
STONE COUNTY
None
SULLIVAN COUNTY
None
TANEY COUNTY
None

MISSOURI (cont'd)

TEXAS COUNTY
None
VERNON COUNTY
None
WARREN COUNTY
None
WASHINGTON COUNTY
None
WAYNE COUNTY
None
WEBSTER COUNTY
None
WORTH COUNTY
None
WRIGHT COUNTY
None

MONTANA

STATEWIDE
Decision #AP-914 (H,Hw)
38 FR 17396 - 6/29/73
BEAVERHEAD COUNTY
Decision #AP-916 (B)
38 FR 17407 - 6/29/73
(H,Hw) - See Statewide
BIG HORN COUNTY
Decision #AP-917 (B)
38 FR 17415 - 6/29/73
(H,Hw) - See Statewide
BLAINE COUNTY
Decision #AP-910 (B)
38 FR 16615 - 6/22/73
(H,Hw) - See Statewide
BROADWATER COUNTY
(H,Hw) - See Statewide
CARBON COUNTY
(H,Hw) - See Statewide
CARTER COUNTY
(H,Hw) - See Statewide
CASCADE COUNTY
(B) - See Blaine County
(H,Hw) - See Statewide
CHATEAU COUNTY
(H,Hw) - See Statewide
(B) - See Blaine County
CUSTER COUNTY
(H,Hw) - See Statewide
(B) - See Big Horn County
DANIELS COUNTY
(H,Hw) - See Statewide
DAWSON COUNTY
(H,Hw) - See Statewide
(B) - See Big Horn County
DEERLODGE COUNTY
(B) - See Beaverhead County
(H,Hw) - See Statewide
FALLON COUNTY
(H,Hw) - See Statewide
FERGUS COUNTY
(H,Hw) - See Statewide
(B) - See Blaine County
FLATHEAD COUNTY
(H,Hw) - See Statewide
Decision #AP-913 (B)
38 FR 17392 - 6/29/73

MONTANA (Cont'd)

GALLATIN COUNTY
(S) - See Beaverhead County
(H,Hw) - See Statewide
GARFIELD COUNTY
(H,Hw) - See Blaine County
GLACIER COUNTY
(H,Hw) - See Statewide
(B) - See Blaine County
GOLDEN VALLEY COUNTY
(H,Hw) - See Statewide
GRANITE COUNTY
(H,Hw)- See Statewide
HILL COUNTY
(H,Hw) - See Statewide
(B) - See Blaine County
JEFFERSON COUNTY
(H,Hw) - See Statewide
JUDITH BASIN COUNTY
(H,Hw) - See Statewide
(B) - See Blaine County
LAKE COUNTY
(H,Hw) - See Statewide
(B) - See Flathead County
LEWIS & CLARK COUNTY
(H,Hw) - See Statewide
(B) - See Blaine County
LIBERTY COUNTY
(H,Hw) - See Statewide
(B) - See Blaine County
LINCOLN COUNTY
(H,Hw) - See Statewide
(B) - See Flathead County
MC CONE COUNTY
(H,Hw) - See Statewide
MADISON COUNTY
(H,Hw) - See Statewide
MEAGHER COUNTY
(H,Hw) - See Statewide
MINERAL COUNTY
(H,Hw) - See Statewide
MISSOULA COUNTY
(H,Hw) - See Statewide
(B) - See Flathead County
MUSSELSHELL COUNTY
(H,Hw) - See Beaverhead County
PARK COUNTY
(H,Hw) - See Statewide
PETROLEUM COUNTY
(H,Hw) - See Statewide
PHILLIPS COUNTY
(H,Hw) - See Statewide

MONTANA (Cont'd)

PONDERA COUNTY
(H,Hw) - See Statewide
(B) - See Blaine County
POWDER RIVER COUNTY
(H,Hw) - See Statewide
POWELL COUNTY
(H,Hw) - See Statewide
PRAIRIE COUNTY
(H,Hw) - See Statewide
RAVALLI COUNTY
(H,Hw) - See Statewide
RICHLAND COUNTY
(H,Hw) - See Statewide
(B) - See Big Horn County
ROOSEVELT COUNTY
(H,Hw) - See Statewide
(B) - See Big Horn County
ROSEBUD COUNTY
(H,Hw) - See Statewide
(B) - See Big Horn County
SANDERS COUNTY
(H,Hw) - See Statewide
SHERIDAN COUNTY
(H,Hw) - See Blaine County
SILVERBOW COUNTY
(B) - See Beaverhead County
Decision #AP-915 (R)
38 FR 17403 - 6/29/73
(H,Hw) - See Statewide
STILLWATER COUNTY
(H,Hw) - See Statewide
SWEETGRASS COUNTY
(H,Hw) - See Statewide
TETON COUNTY
(H,Hw) - See Statewide
(B) - See Blaine County
TOOLE COUNTY
(H,Hw) - See Statewide
(B) - See Blaine County
TREASURE COUNTY
(H,Hw) - See Statewide
VALLEY COUNTY
(B) - See Blaine County
(Hw, H) - See Statewide
WHEATLAND COUNTY
(H,Hw) - See Statewide
(B) - See Blaine County
WIBAUX COUNTY
(H,Hw) - See Statewide
YELLOW STONE COUNTY
(H,Hw) - See Statewide
(B) - See Big Horn County

NEBRASKA

ADAMS COUNTY
Decision #AP-525 (Hw)
38 FR 9413 - 4/13/73
Mod. #1 - 38 FR 13116 - 5/18/73
Mod. #2 - 38 FR 13917 - 5/25/73
Mod. #3 - 38 FR 18126 - 7/6/73
ANTELOPE COUNTY
(Hw) - See Adams County
ARTHUR COUNTY
(Hw) - See Adams County
BANNER COUNTY
(Hw) - See Adams County
BLAINE COUNTY
(Hw) - See Adams County
BOONE COUNTY
(Hw) - See Adams County
BOX BUTTE COUNTY
(Hw) - See Adams County
BOYD COUNTY
(Hw) - See Adams County
BROWN COUNTY
(Hw) - See Adams County
BUFFALO COUNTY
(Hw) - See Adams County
BURT COUNTY
(Hw) - See Adams County
BUTLER COUNTY
(Hw) - See Adams County
CASS COUNTY
(Hw) - See Adams County
CEDAR COUNTY
(Hw) - See Adams County
CHASE COUNTY
(Hw) - See Adams County
CHERRY COUNTY
(Hw) - See Adams County
CHEYENNE COUNTY
(Hw) - See Adams County
CLAY COUNTY
(Hw) - See Adams County
COLFAX COUNTY
(Hw) - See Adams County
CUMING COUNTY
(Hw) - See Adams County
CUSTER COUNTY
(Hw) - See Adams County
DAKOTA COUNTY
(Hw) - See Adams County

NEBRASKA (Cont'd)

DAWES COUNTY
(Hw) - See Adams County
DAWSON COUNTY
(Hw) - See Adams County
DEUEL COUNTY
(Hw) - See Adams County
DIXON COUNTY
(Hw) - See Adams County
DODGE COUNTY
(Hw) - See Adams County
DOUGLAS COUNTY
Decision #AP-526 (B,H,Hw)
38 FR 9937 - 4/20/73
Mod. #1 - 38 FR 11240 - 5/4/73
Mod. #2 - 38 FR 13116 - 5/18/73
Mod. #3 - 38 FR 13917 - 5/25/73
Mod. #4 - 38 FR 14534 - 6/1/73
Mod. #5 - 38 FR 16586 - 6/22/73
Decision #AP-524 (R)
38 FR 8861 - 4/6/73
Mod. #1 - 38 FR 11240 - 5/4/73
Mod. #2 - 38 FR 13116 - 5/18/73
Mod. #3 - 38 FR 16588 - 6/22/73
DUNDY COUNTY
(Hw) - See Adams County
FILLMORE COUNTY
(Hw) - See Adams County
FRANKLIN COUNTY
(Hw) - See Adams County
FRONTIER COUNTY
(Hw) - See Adams County
FURNAS COUNTY
(Hw) - See Adams County
GAGE COUNTY
(Hw) - See Adams County
GARDEN COUNTY
(Hw) - See Adams County
GARFIELD COUNTY
(Hw) - See Adams County
GOSPER COUNTY
(Hw) - See Adams County
GRANT COUNTY
(Hw) - See Adams County

NEBRASKA (Cont'd)

GREELEY COUNTY
(Hw) - See Adams County
HALL COUNTY
(Hw) - See Adams County
HAMILTON COUNTY
(Hw) - See Adams County
HARLAN COUNTY
(Hw) - See Adams County
HAYES COUNTY
(Hw) - See Adams County
HITCHCOCK COUNTY
(Hw) - See Adams County
HOLT COUNTY
(Hw) - See Adams County
HOOKER COUNTY
(Hw) - See Adams County
HOWARD COUNTY
(Hw) - See Adams County
JEFFERSON COUNTY
(Hw) - See Adams County
JOHNSON COUN T
(Hw) - See Adams County
KEARNEY COUNTY
(Hw) - See Adams County
KEITH COUNTY
(Hw) - See Adams County
KEYAPAHA COUNTY
(Hw) - See Adams County
KIMBALL COUNTY
(Hw) - See Adams County
KNOX COUNTY
(Hw) - See Adams County
LANCASTER COUNTY
Decision #AP-522 (B)
38 FR 8391 - 3/30/73
Mod. #1 - 38 FR 14534 - 6/1/73
Mod. #2 - 38 FR 16588 - 6/22/73
Decision #AM-6,140 (R)
36 FR 21736 - 11/12/71
LINCOLN COUNTY
(Hw) - See Admas County
LOGAN COUNTY
(Hw) - See Adams County
LOUP COUNTY
(Hw) - See Adams County
MC PHERSON COUNTY
(Hw) - See Admas County
MADISON COUNTY
(Hw) - See Adams County

NEBRASKA (Cont'd)

MERRICK COUNTY
(Hw) - See Adams County
MORRILL COUNTY
(Hw) - See Adams County
NANCE COUNTY
(Hw) - See Adams County
NEMAHA COUNTY
(Hw) - See Adams County
NUCKOLLS COUNTY
(Hw) - See Adams County
OTOE COUNTY
(Hw) - See Adams County
PAWNEE COUNTY
(Hw) - See Adams County
PERKINS COUNTY
(Hw) - See Adams County
PHELPS COUNTY
(Hw) - See Adams County
PIERCE COUNTY
(Hw) - See Adams County
PLATTE COUNTY
(Hw) - See Adams County
POLK COUNTY
(Hw) - See Adams County
RED WILLOW COUNTY
(Hw) - See Adams County
RICHARDSON COUNTY
(Hw) - See Adams County
ROCK COUNTY
(Hw) - See Adams County
SALINE COUNTY
(Hw) - See Adams County
SARPY COUNTY
(B-H-Hw) - See Douglas County
SAUNDERS COUNTY
(Hw) - See Adams County
SCOTTS BLUFF COUNTY
(Hw) - See Adams County
SEWARD COUNTY
(Hw) - See Adams County
SHERIDAN COUNTY
(Hw) - See Adams County
SHERMAN COUNTY
(Hw) - See Adams County
SIOUX COUNTY
(Hw) - See Adams County

NEBRASKA (Cont'd)

STANTON COUNTY
(Hw) - See Adams County
THAYER COUNTY
(Hw) - See Adams County
THOMAS COUNTY
(Hw) - See Adams County.
THURSTON COUNTY
(Hw) - See Adams County
VALLEY COUNTY
(Hw) - See Adams County
WASHINGTON COUNTY
(Hw) - See Adams County
WAYNE COUNTY
(Hw) - See Adams County
WEBSTER COUNTY
(Hw) - See Adams County
WHEELER COUNTY
(Hw) - See Adams County
YORK COUNTY
(Hw) - See Adams County

NEVADA

STATEWIDE (Excluding the Nevada Test Site & Tonopah Test Range)
Decision #AP-264 (H,Hw)
38 FR 6584 - 3/9/73
Mod. #1 - 38 FR 15212 - 6/8/73
Mod. #2- 38 FR 17351 - 6/29/73
CHURCHILL COUNTY
(H,Hw) - See Statewide
Decision #AP-907 (B)
38 FR 13941 - 5/25/73
Mod. #1 - 38 FR 15220 - 6/8/73
Mod. #2 - 38 FR 17352 - 6/29/73
CLARK COUNTY
Decision #AP-290 (R) (Excluding the Nevada Test Site)
38 FR 8914 - 4/6/73
Mod. #1 - 38 FR 17352 - 6/29/73
Decision #AP-266 (B) Excluding the Nevada Test Site)
38 FR 8395 - 3/30/73
Mod. #1 - 38 FR 17351 - 6/29/73
(H,Hw) - See Statewide
Decision #AP-912 (B,H,Hw) (Nevada Test Site including the Tonopah Test Range
38 FR 17421 - 6/29/73
DOUGLAS COUNTY
(H,Hw) - See Statewide
(B) - See Churchill County
ELKO COUNTY
(H,Hw) - See Statewide
(B) - See Churchill County
ESMERALDA COUNTY
(H,Hw) - See Statewide
EUREKA COUNTY
(H,Hw) - See Statewide

NEVADA (Cont'd)

HUMBOLDT COUNTY
(H-Hw) - See Statewide
LANDER COUNTY
(H-Hw) - See Statewide
LINCOLN COUNTY
(B) - See Clark County (AP-266)
(H-Hw) - See Statewide
LYON COUNTY
(H-Hw) - See Statewide
(B) - See Churchill County
MINERAL COUNTY
(H-Hw) - See Statewide
(B) - See Churchill County
NYE COUNTY
(B) - See Clark County (#AP-266)
(B,H,Hw) - See Clark County (#AP-282)
(H-Hw) - See Statewide
ORMSBY COUNTY
(B) - See Churchill County
(H,Hw) - See Statewide
PERSHING COUNTY
(H-Hw) - See Statewide
STOREY COUNTY
(H-Hw) - See Statewide
WASHAE COUNTY
Decision #AP-269 (R)
38 FR 7190 - 3/16/73
Mod. #1 - 38 FR 15216 - 6/8/73
Mod. #2 - 38 FR 17351 - 6/29/73
(H,Hw) - See Statewide
(B) - See Churchill County
WHITE PINE COUNTY
(H-Hw) - See Statewide

NEW HAMPSHIRE

BELKNAP COUNTY
None
CARROLL COUNTY
None
CHESHIRE COUNTY
None
COOS COUNTY
None
GRAFTON COUNTY
None
HILLSBORO COUNTY
Decision #AP-420 (B)
38 FR 7689 - 3/23/73
Mod. #1 - 38 FR 12513 - 5/11/73
Mod. #2 - 38 FR 16589 - 6/22/73
Decision #AP-498 (R)
38 FR 8853 - 4/6/73
Mod. #1 - 38 FR 12513 - 5/11/73
Mod. #2 - 38 FR 16590 - 6/22/73
MERRIMACK COUNTY
None
ROCKINGHAM COUNTY
Decision #AP-803 (D)
38 FR 10580 - 4/27/73
Decision #AP-806 (B)
38 FR 12503 - 5/11/73
Mod. #1 - 38 FR 16591 - 6/22/73
STRAFFORD COUNTY
None
SULLIVAN COUNTY
None

NEW JERSEY

ATLANTIC COUNTY
Decision #AP-809 (B,H,Hw)
38 FR 12561 - 5/11/73
Decision #AP-803 (D)
38 FR 10580 - 4/27/73
BERGEN COUNTY
Decision #AP-810 (B,H,Hw)
38 FR 12567 - 5/11/73
(D) - See Atlantic County
BURLINGTON COUNTY
Decision #AP-829 (B,H,Hw)
38 FR 13272 - 5/18/73
(D) - See Atlantic County
CAMDEN COUNTY
Decision #AP-836 (B,H,Hw)
38 FR 13951 - 5/25/73
(D) - See Atlantic County
CAPE MAY COUNTY
(B,H,Hw,D) - See Atlantic County
CUMBERLAND COUNTY
Decision #AP-837 (B,H,Hw)
38 FR 13957 - 5/25/73
(D) - See Atlantic County
ESSEX COUNTY
Decision #AP-826 (B,H,Hw)
38 FR 13252 - 5/18/73
GLOUCESTER COUNTY
(B,H,Hw) - See Camden County
(D) - See Atlantic County
HUDSON COUNTY
Decision #AP-828 (B,H,Hw)
38 FR 13265 - 5/18/73
Mod. #1 - 38 FR 18126 - 7/6/73
(D) - See Atlantic County
HUNTERDON COUNTY
None
MERCER COUNTY
Decision #AP-827 (B,H,Hw)
38 FR 13258 - 5/18/73
(D)-See Atlantic County

NEW JERSEY (Cont'd)

MIDDLESEX COUNTY
Decision #AP-838 (B,H,Hw)
38 FR 13963 - 5/25/73
(D) - See Atlantic County
MONMOUTH COUNTY
Decision #AP-839 (B,H,Hw)
38 FR 13971 - 5/25/73
(D) - See Atlantic County
MORRIS COUNTY
Decision #AP-840 (B,H,Hw)
38 FR 13978 - 5/25/73
(D) - See Atlantic County
OCEAN COUNTY
Decision #AP-841 (B,H,Hw)
38 FR 13985 - 5/25/73
(D) - See Atlantic County
PASSAIC COUNTY
Decision #AW-1,718 (B,H,Hw)
36 FR 14885 - 8/11/71
Mod. #1-36 FR 20080 - 10/15/71
Mod. #2-37 FR 971 - 1/21/72
Mod. #3 - 37 FR 5662 - 3/17/72
Mod. #4 - 37 FR 6137 - 3/24/72
(D) - See Atlantic County

NEW JERSEY (Cont'd)

SALEM COUNTY
(D) - See Atlantic County
SOMERSET COUNTY
Decision #AM-1,719 (B,H,Hw)
36 FR 14892 - 8/11/71
Mod. #1-36 FR 19285 - 10/1/71
Mod. #2-36 FR 20080 - 10/15/71
Mod. #3-37 FR 972 - 1/21/72
Mod. #4-37 FR 6137 - 3/24/72
(D) - See Atlantic County
SUSSEX COUNTY
None
UNION COUNTY
Decision #AF-846 (B,H,Hw)
38 FR 15333 - 6/8/73
(D) - See Atlantic County
WARREN COUNTY
None

NEW MEXICO

STATEWIDE
Decision #AP-737 (Streets, Highways, Utilities and Light Engineering Construction)
38 FR 18148 - 7/6/73
Decision #AP-740 (Building & Heavy Engineering Construction
38 FR 18148 - 7/6/73
BERNALILLO COUNTY
(B,HE,S,Hw,U,LE) - See Statewide
CATRON COUNTY
(B,HE,S,Hw,U,LE) - See Statewide
CHAVES COUNTY
(B,HE,S,Hw,U,LE) - See Statewide
COLFAX COUNTY
(B,HE,S,Hw,U,LE) - See Statewide
CURRY COUNTY
(B,HE,S,Hw,U,LE) - See Statewide

NEW MEXICO (Cont'd)

DE BACA COUNTY
(B,HE,S,Hw,U,LE)-See Statewide
DONA ANA COUNTY
(B,HE,S,Hw,U,LE)-See Statewide
Decision #AP-340 (R)
37 FR 19869-9/22/72
EDDY COUNTY
(B,HE,S,Hw,U,LE)-See Statewide
GRANT COUNTY
(B,HE,S,Hw,U,LE) - See Statewide
GUADALUPE COUNTY
(B,HE,S,Hw,U,LE) - See Statewide
HARDING COUNTY
(B,HE,S,Hw,U,LE)-See Statewide
HIDALGO COUNTY
(B,HE,S,Hw,U,LE)-See Statewide
LEA COUNTY
(B,HE,S,Hw,U,LE)-See Statewide
LINCOLN COUNTY
(B,HE,S,Hw,U,LE)-See Statewide
LOS ALAMOS COUNTY
(B,HE,S,Hw,U,LE)-See Statewide
LUNA COUNTY
(B,HE,S,Hw,U,LE)-See Statewide
McKINLEY COUNTY
(B,HE,S,Hw,U,LE)-See Statewide
MORAW COUNTY
(B,HE,S,Hw,U,LE)-See Statewide
OTERO COUNTY
(B,HE,S,Hw,U,LE)-See Statewide
QUAY COUNTY
(B,HE,S,Hw,U,LE)-See Statewide
RIO ARRIBA COUNTY
(B,HE,S,Hw,U,LE)-See Statewide
ROOSEVELT COUNTY
(B,HE,S,Hw,U,LE)-See Statewide
SANDOVAL COUNTY
(B,HE,S,Hw,U,LE)-See Statewide
SAN JUAN COUNTY
(B,HE,S,Hw,U,LE)-See Statewide
SAN MIGUEL COUNTY
(B,HE,S,Hw,U,LE)-See Statewide

NEW MEXICO (Cont'd)

SANTA FE COUNTY
(B,HE,S,Hw,U,LE)-See Statewide
SIERRA COUNTY
(B,HE,S,Hw,U,LE)-See Statewide
SOCORRO COUNTY
(B,HE,S,Hw,U,LE)-See Statewide
TAOS COUNTY
(B,HE,S,Hw,U,LE)-See Statewide
TORRANCE COUNTY
(B,HE,S,Hw,U,LE)-See Statewide
UNION COUNTY
(B,HE,S,Hw,U,LE) - See Statewide
VALENCIA COUNTY
(B,HE,S,Hw,U,LE) - See Statewide

NEW YORK

ALBANY COUNTY
Decision #AP-452 (H,B,Hw)
37 FR 26782 - 12/15/72
Mod. #1 - 38 FR 9397 - 4/13/73
ALLEGANY COUNTY
None
BRONX COUNTY
Decision #AP-487 (B,H,Hw)
38 FR 6608 - 3/9/73
Mod. #1 - 38 FR 8872 - 4/6/73
Mod. #2 - 38 FR 12514 - 5/11/73
Decision #AP-400 (R)
37 FR 13913 - 7/14/72
Mod. #1 - 37 FR 23510 - 11/3/72
Mod. #2 - 38 FR 5097 - 2/23/73
Mod. #3 - 38 FR 12514 - 5/11/73
Decision #AP-803 (D)
38 FR 10580 - 4/27/73
BROOME COUNTY
Decision #AP-469 (B,H,Hw)
Mod. #1 - 38 FR 9397 - 4/13/73
Mod. #2 - 38 FR 18126 - 7/6/73
CATTARAUGUS COUNTY
None
CAYUGA COUNTY
Decision #AP-4 (D)
37 FR 14670 - 7/21/72
CHAUTAUQUA COUNTY
(D) - See Cayuga County
CHEMUNG COUNTY
None
CHENANGO COUNTY
None

NEW YORK (Cont'd)

CLINTON COUNTY
None
COLUMBIA COUNTY
None
CORTLAND COUNTY
None
DELAWARE COUNTY
None
DUTCHESS COUNTY
Decision #AM-1,724 (B,H,Hw)
36 FR 14921 - 8/11/71,
Mod. #1-36 FR 19650 - 10/8/71
Mod. #2-37 FR 973 - 1/21/72
Mod. #3-37 FR 7029 - 4/7/72
(D) - See Bronx County
ERIE COUNTY
Decision #AP-800 (B,H,Hw)
38 FR 8404 - 3/30/73
Mod. #1 - 38 FR 9397 - 4/13/73
(D) - See Cayuga County
ESSEX COUNTY
None
FRANKLIN COUNTY
(D) - See Cayuga County
FULTON COUNTY
None
GENESSE COUNTY
None
GREENE COUNTY
None
HAMILTON COUNTY
None
HERKIMER COUNTY
None
JEFFERSON COUNTY
Decision #AP-807 (B,H,Hw)
38 FR 12582 - 5/11/73
(D) - See Cayuga County

NEW YORK (Cont'd)

KINGS COUNTY
(B,H,Hw,R,D) - See Bronx County
LEWIS COUNTY
None
LIVINGSTON COUNTY
None
MADISON COUNTY
None
MONROE COUNTY
Decision #AP-453 (B,H,Hw)
37 FR 28380-12/22/72
(D) - See Cayuga County
MONTGOMERY COUNTY
None
NASSAU COUNTY
Decision #AM-1,728 (B,H,Hw)
Mod. #1-36 FR 18988 - 9/24/71
Mod. #2-37 FR 973 - 1/21/72
Mod. #3-37 FR 1434 - 1/28/72
Mod. #4-37 FR 4021 - 2/25/72
Mod. #5-37 FR 6612 - 3/31/72
Mod. #6-37 FR 13018 - 6/30/72
(D) - See Bronx County
NEW YORK COUNTY
(B,H,Hw,R,D) - See Bronx County
NIAGARA COUNTY
Decision #AM-1,729 (B,H,Hw)
36 FR 14950 - 8/11/71
Mod. #1-36 FR 19651 - 10/8/71
Mod. #2-36 FR 20462 - 10/22/71
Mod. #3-37 FR 973 - 1/21/72
Mod. #4-37 FR 6612 - 3/31/72
(D) - See Cayuga County
ONEIDA COUNTY
Decision #AM-1,730 (B,H,Hw)
36 FR 14955 - 8/11/71
Mod. #1-36 FR 19651 - 10/8/71
Mod. #2-36 FR 20839 - 10/29/71
Mod. #3-37 FR 973 - 1/21/72
Mod. #4-37 FR 1434 - 1/28/72
Mod. #5-37 FR 6612 - 3/31/72

NEW YORK (Cont'd)

ONEIDA COUNTY
Decision #AP-844 (B,H,Hw) (Cont'd)
38 FR 15341 - 6/8/73
ONONDAGA COUNTY
Decision #AP-808 (B,H,Hw)
38 FR 12587 - 5/11/73
ONTARIO COUNTY
None
ORANGE COUNTY
Decision #AP-845 (B,H,Hw)
38 FR 15347 - 6/8/73
(D) - See Bronx County
ORLEANS COUNTY
(D) - See Cayuga County
OSWEGO COUNTY
(D) - See Cayuga County
OTSEGA COUNTY
None
PUTNAM COUNTY
None
QUEENS COUNTY
(B,H,Hw,R,D) - See Bronx County
RENSSELAER COUNTY
Decision #AP-860 (B,H,Hw)
38 FR 18160 - 7/6/73
RICHMOND COUNTY
(B,H,Hw,R,D) - See Bronx County
ROCKLAND COUNTY
(D) - See Albany County

NEW YORK (cont'd)

ST LAWRENCE COUNTY
(D)-See Cayuga County
SARATOGA COUNTY
Decision #AP-451 (B,H,Hw)
37 FR 25099 - 11/25/72
SCHENECTADY COUNTY
Decision #AP-859 (B,H,Hw)
38 FR 18156 - 7/6/73
SCHOHARIE COUNTY
None
SCHUYLER COUNTY
None
SENECA COUNTY
None
STEUBEN COUNTY
Decision #AP-486 (B,H,Hw)
38 FR 6516 - 3/9/73
SUFFOLK COUNTY
Decision #AM-1735 (B,H,Hw)
36 FR 14890 - 8/11/71
Mod. #1 - 36 FR 18988 - 9/24/71
Mod. #2 - 37 FR 4021 - 2/2 /72
Mod. #3 - 37 FR 22706 - 10/20/72
Mod. #4 - 37 FR 23973 - 11/10/72
(D)-See Bronx County
SULLIVAN COUNTY
None
TIOGA COUNTY
None
TOMPKINS COUNTY
None
ULSTER COUNTY
None
WARREN COUNTY
None
WASHINGTON COUNTY
None
WAYNE COUNTY
(D) - See Cayuga County
WESTCHESTER COUNTY
Decision #AM-1,736 (B,H,Hw)
36 FR 14985 - 8/11/71
Mod. #1-36 FR 19652 - 8/11/71
Mod. #2-36 FR 20463 - 10/22/71
Mod. #3-37 FR 974 - 1/21/72
Mod. #4-37 FR 6613 - 3/31/72
(D) - See Bronx County
WYOMING COUNTY
None
YATES COUNTY
None

NORTH CAROLINA

STATEWIDE
Decision #AM-1847 (Hw)
36 FR 16474 - 8/20/71
Decision #AP-156 (Sewer & Water)
38 FR 4618 - 2/16/73
ALAMANCE COUNTY
(Sewer & Water, Hw) - See Statewide
ALEXANDER COUNTY
(Sewer & Wager, Hw) - See Statewide
ALLEGHANY COUNTY
(Sewer & Water,Hw) - See Statewide
ANSON COUNTY
(Sewer & Water,Hw) - See Statewide
ASHE COUNTY
(Sewer & Water,Hw) - See Statewide
AVERY COUNTY
(Sewer & Water,Hw) - See Statewide
BEAUFORT COUNTY
Decision #AP-847 (D)
38 FR 15797 - 6/15/73
(Sewer & Water,Hw) - See Statewide
BERTIE COUNTY
(D) - See Beaufort County
(Sewer & Water,Hw) - See Statewide
BLADEN COUNTY
(Sewer & Water,Hw) - See Statewide
BRUNSWICK COUNTY
(Sewer & Water,Hw) - See Statewide
(D) - See Beaufort County
BUNCOMBE COUNTY
(Sewer & Water,Hw) - See Statewide
BURKE COUNTY
(Sewer & Water,Hw) - See Statewide
CABARRUS COUNTY
(Sewer & Water,Hw) - See Statewide
CALDWELL COUNTY
(Sewer & water,Hw) - See Statewide
CAMDEN COUNTY
(Sewer & Water,Hw) - See Statewide
CARTERET COUNTY
(D) - See Beaufort County
(Sewer & Water,Hw) - See Statewide
CASWELL COUNTY
(Sewer & Water,Hw) - See Statewide
CATAWBA COUNTY
(Sewer & Water,Hw) - See Statewide
CHATHAM COUNTY
(Sewer & Water,Hw) - See Statewide

NORTH CAROLINA (Cont'd)

CHEROKEE COUNTY
(Sewer & Water,Hw) - See Statewide
CHOWAN COUNTY
(Sewer & Water) - See Statewide
(D) - See Beaufort County
(Hw) - See Statewide
CLAY COUNTY
(Sewer & Water,Hw) - See Statewide
CLEVELAND COUNTY
(Sewer & Water,Hw) - See Statewide
COLUMBUS COUNTY
(Sewer & Water,Hw) - See Statewide
CRAVEN COUNTY
(Sewer & Water,Hw) - See Statewide
(D) - See Beaufort County
CUMBERLAND COUNTY
(Sewer & Water,Hw) - See Statewide
CURRITUCK COUNTY
(Sewer & Water,Hw) - See Statewide
(D) - See Beaufort County
DARE COUNTY
(Sewer & Water,Hw) - See Statewide
(D) - See Beaufort County
DAVIDSON COUNTY
(Sewer & Water,Hw) - See Statewide
DAVIE COUNTY
(Sewer & Water,Hw) - See Statewide
DUPLIN COUNTY
(Sewer & Water,Hw) - See Statewide
DURHAM COUNTY
(Sewer & Water,Hw) - See Statewide
EDGECOMBE COUNTY
(Sewer & Water,Hw) - See Statewide
FORSYTH COUNTY
(Sewer & Water,Hw) - See Statewide
FRANKLIN COUNTY
(Sewer & Water,Hw) - See Statewide
GASTON COUNTY
(Sewer & Water,Hw) - See Statewide
GATES COUNTY
(Sewer & Water,Hw) - See Statewide
(D) - See Beaufort County
GRAHAM COUNTY
(Sewer & Water,Hw) - See Statewide
GRANVILLE COUNTY
(Sewer & Water,Hw) - See Statewide
GREENE COUNTY
(Sewer & Water,Hw) - See Statewide
GUILFORD COUNTY
(Sewer & Water,Hw) - See Statewide

NORTH CAROLINA (Cont'd)

HALIFAX COUNTY
(Sewer & Water,Hw) - See Statewide
HARNETT COUNTY
(Sewer & Water,Hw) - See Statewide
HAYWOOD COUNTY
(Sewer & Water,Hw) - See Statewide
HENDERSON COUNTY
(Sewer & Water,Hw) - See Statewide
HERTFORD COUNTY
(Sewer & Water,Hw) - See Statewide
(D) - See Beaufort County
HOKE COUNTY
(Sewer & Water,Hw) - See Statewide
HYDE COUNTY
(Sewer & Water,Hw) - See Statewide
(D) - See Beaufort County
IREDELL COUNTY
(Sewer & Water,Hw) - See Statewide
JACKSON COUNTY
(Sewer & Water,Hw) - See Statewide
JOHNSTON COUNTY
(Sewer & Water,Hw) - See Statewide
JONES COUNTY
(Sewer & Water,Hw) - See Statewide
LEE COUNTY
(Sewer & Water,Hw) - See Statewide
LENOIR COUNTY
(Sewer & Water,Hw) - See Statewide
LINCOLN COUNTY
(Sewer & Water,Hw) - See Statewide
MCDOWELL COUNTY
(Sewer & Water,Hw) - See Statewide
MACON COUNTY
(Sewer & Water,Hw) - See Statewide
MADISON COUNTY
(Sewer & Water,Hw) - See Statewide
MARTIN COUNTY
(Sewer & Water,Hw) - See Statewide
MECKLENBURG COUNTY
Decision #AP-161 (B)
38 FR 5753 - 3/2/73
Mod. #1 - 38 FR 7166 - 3/16/73
(Sewer & Water,Hw) - See Statewide
MITCHELL COUNTY
(Sewer & Water,Hw) - See Statewide
MONTGOMERY COUNTY
(Sewer & Water,Hw) - See Statewide
MOORE COUNTY
(Sewer & Water,Hw) - See Statewide
NASH COUNTY
(Sewer & Water,Hw) - See Statewide

NORTH CAROLINA (CONT'D)

NEW HANOVER COUNTY
(D) - See Beaufort County
(Sewer & Water,Hw) - See Statewide
NORTHAMPTON COUNTY
(Sewer & Water,Hw) - See Statewide
ONSLOW COUNTY
(D) - See Beaufort County
(Sewer & Water,Hw) - See Statewide
ORANGE COUNTY
(Sewer & Water,Hw) - See Statewide
PAMLICO COUNTY
(D) - See Beaufort County
(Sewer & Water,Hw) - See Statewide
PASQUOTANK COUNTY
(D) - See Beaufort County
(Sewer & Water,Hw) - See Statewide
PENDER COUNTY
(D) - See Beaufort County
(Sewer & Water,Hw) - See Statewide
PERQUIMANS COUNTY
(D) - See Beaufort County
(Sewer & Water,Hw) - See Statewide
PERSON COUNTY
(Sewer & Water,Hw) - See Statewide
PITT COUNTY
(Sewer & Water,Hw) - See Statewide)
POLK COUNTY
(Sewer & Water,Hw) - See Statewide
RANDOLPH COUNTY
(Sewer & Water,Hw) - See Statewide
RICHMOND COUNTY
(Sewer & Water,Hw) - See Statewide
ROBESON COUNTY
(Sewer & Water,Hw) - See Statewide
ROCKINGHAM COUNTY
(Sewer & Water,Hw) - See Statewide
ROWAN COUNTY
(Sewer & Water,Hw) - See Statewide
RUTHERFORD COUNTY
(Sewer & Water,Hw) - See Statewide
SAMPSON COUNTY
(Sewer & Water,Hw) - See Statewide
SCOTLAND COUNTY
(Sewer & Water,Hw) - See Statewide
STANLEY COUNTY
(Sewer & Water,Hw) - See Statewide

NORTH CAROLINA (Cont'd)

STOKES COUNTY
(Sewer & Water,Hw) - See Statewide
SURRY COUNTY
(Sewer & Water,Hw) - See Statewide
SWAIN COUNTY
(Sewer & Water,Hw) - See Statewide
TRANSYLVANIA COUNTY
(Sewer & Water,Hw) - See Statewide
TYRRELL COUNTY
(D) - See Beaufort County
(Sewer & Water,Hw) - See Statewide
UNION COUNTY
(Sewer & Water,Hw) - See Statewide
VANCE COUNTY
(Sewer & Water,Hw) - See Statewide
WAKE COUNTY
(Sewer & Water,Hw) - See Statewide
WARREN COUNTY
(Sewer & Water,Hw) - See Statewide
WASHINGTON COUNTY
(D) - See Beaufort County
(Sewer & Water,Hw) - See Statewide
WATAUGA COUNTY
(Sewer & Water,Hw) - See Statewide
WAYNE COUNTY
(Sewer & Water,Hw) - See Statewide
WILKS COUNTY
(Sewer & Water,Hw) - See Statewide
WILSON COUNTY
(Sewer & Water,Hw) - See Statewide
YADKIN COUNTY
(Sewer & Water,Hw) - See Statewide
YANCEY COUNTY
(Sewer & Water,Hw) - See Statewide

NORTH DAKOTA

STATEWIDE
Decision #AP-267 (Hw)
38 FR 6612 - 3/9/73
Mod. #1 - 38 FR 9398 - 4/13/73
Mod. #2 - 38 FR 11243 - 5/4/73
Mod. #3 - 38 FR 17353 - 6/29/73
ADAMS COUNTY
(Hw) - See Statewide
BARNES COUNTY
(Hw) - See Statewide
BENSON COUNTY
(Hw) - See Statewide
BILLINGS COUNTY
(Hw) - See Statewide
BOTTINEAU COUNTY
(Hw) - See Statewide
BOWMAN COUNTY
(Hw) - See Statewide
BURKE COUNTY
(Hw) - See Statewide
BURLEIGH COUNTY
(Hw) - See Statewide
Decision #AP-268 (B)
38 FR 6615 - 3/9/73
Mod. #1 - 38 FR 9398 - 4/13/73
Mod. #2 - 38 FR 15791 - 6/15/73
CASS COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
CAVALIER COUNTY
(Hw) - See Statewide
DICKEY COUNTY
(Hw) - See Statewide
DIVIDE COUNTY
(Hw) - See Statewide
DUNN COUNTY
(Hw) - See Statewide
EDDY COUNTY
(Hw) - See Statewide
EMMONS COUNTY
(Hw) - See Statewide
FOSTER COUNTY
(Hw) - See Statewide
GOLDEN VALLEY COUNTY
(Hw) - See Statewide

NORTH DAKOTA (Cont'd)

GRAND FORKS COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
GRANT COUNTY
(Hw) - See Statewide
GRIGGS COUNTY
(Hw) - See Statewide
HETTINGER COUNTY
(Hw) - See Statewide
KIDDER COUNTY
(Hw) - See Statewide
LAMOURE COUNTY
(Hw) - See Statewide
LOGAN COUNTY
(Hw) - See Statewide
McHENRY COUNTY
(Hw) - See Statewide
McINTOSH COUNTY
(Hw) - See Statewide
McKENZIE COUNTY
(Hw) - See Statewide
McLEAN COUNTY
(Hw) - See Statewide
MERCER COUNTY
(Hw) - See Statewide
MORTON COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
MOUNTRAIL COUNTY
(Hw) - See Statewide
NELSON COUNTY
(Hw) - See Statewide
OLIVER COUNTY
(Hw) - See Statewide
PEMBINA COUNTY
(Hw) - See Statewide

NORTH DAKOTA (Cont'd)

RANSOM COUNTY
(Hw) - See Statewide
RENVILLE COUNTY
(Hw) - See Statewide
RICHLAND COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
ROLETTE COUNTY
(Hw) - See Statewide
SARGENT COUNTY
(Hw) - See Statewide
SHERIDAN COUNTY
(Hw) - See Statewide
SIOUX COUNTY
(Hw) - See Statewide
SLOPE COUNTY
(Hw) - See Statewide
STARK COUNTY
(Hw) - See Statewide
STEELE COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
STUTSMAN COUNTY
(Hw) - See Statewide
TOWNER COUNTY
(Hw) - See Statewide
TRAILL COUNTY
(Hw) - See Statewide
WALSH COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
WARD COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
WELLS COUNTY
(Hw) - See Statewide
WILLIAMS COUNTY
(Hw) - See Statewide

OHIO

ADAMS COUNTY
Decision #AP-602 (D)
38 FR 1433-1/12/73
ALLEN COUNTY
None
ASHLAND COUNTY
None
ASHTABULA COUNTY
Decision #AP-4 (D)
37 FR 14670 - 7/21/72
ATHENS COUNTY
(D) - See Adams County
AUGLAIZE COUNTY
None
BELMONT COUNTY
None
BROWN COUNTY
(D) - See Adams County
BUTLER COUNTY
Decision #AP-669 (B)(H,Hw)
38 FR 13991 - 5/25/73
Mod. #1 - 38 FR 14535 - 6/1/73
Decision #AP-683 (R)
38 FR 14049 - 5/25/73
CARROLL COUNTY
None
CHAMPAIGN COUNTY
None
CLARK COUNTY
Decision #AP-670 (B,H,Hw)
38 FR 13996 - 5/25/73
Mod. #1 - 38 FR 14535 - 6/1/73
Decision #AP-684 (R)
38 FR 14049 - 5/25/73
CLERMONT COUNTY
Decision #AM-685 (R)
38 FR 14050 - 5/25/73
(D) - See Adams County
CLINTON COUNTY
None
COLUMBIANA COUNTY
None
COSHOCTON COUNTY
None
CRAWFORD COUNTY
None
CUYAHOGA COUNTY
Decision #AP-671 (B,H,Hw)
38 FR 14000 - 5/25/73
Mod. #1 - 38 FR 14535 - 6/1/73
Decision #AP-686 (R)
38 FR 14050 - 5/25/73
Mod. #1 - 38 FR 14537 - 6/1/73

OHIO (Cont'd)

DARKE COUNTY
None
DEFIANCE COUNTY
None
DELAWARE COUNTY
Decision #AM-420 (R)
36 FR 15963 - 8/18/71
Mod. #1 - 38 FR 4630 - 2/16/73
ERIE COUNTY
(D) - See Ashtabula County
FAIRFIELD COUNTY
(R) - See Delaware County
FAYETTE COUNTY
None
FRANKLIN COUNTY
Decision #AP-672 (B,H,Hw)
38 FR 14004 - 5/25/73
Mod. #1 - 38 FR 14535 - 6/1/73
(R) - See Delaware County
FULTON COUNTY
None
GALLIA COUNTY
(D)-See Adams County
GEAUGA COUNTY
None
GREENE COUNTY
Decision #AP-673 (B,H,Hw)
38 FR 14008 - 5/25/73
Mod. #1 - 38 FR 14535 - 6/1/73
Decision #AM-422 (R)
36 FR 15965 - 8/18/71
Mod. #1-37 FR 8619 - 4/28/72
GUERNSEY COUNTY
None
HAMILTON COUNTY
Decision #AP-674 (B,H,Hw)
38 FR 14012 - 5/25/73
Mod. #1 - 38 FR 14535 - 6/1/73
(D)-See Adams County
(R) - See Clermont County
HANCOCK COUNTY
None
HARDIN COUNTY
None
HARRISON COUNTY
None
HENRY COUNTY
None

OHIO (Cont'd)

HIGHLAND COUNTY
None
HOCKING COUNTY
None
HOLMES COUNTY
None
HURON COUNTY
None
JACKSON COUNTY
None
JEFFERSON COUNTY
None
KNOX COUNTY
None
LAKE COUNTY
(D) - See Ashtabula County
LAWRENCE COUNTY
(D)-See Adams County
LICKING COUNTY
Decision #AP-675 (B,H,Hw)
38 FR 14017 - 5/25/73
Mod. #1-38 FR 14536 - 6/1/73
(R) - See Delaware County
LOGAN COUNTY
None
LORAIN COUNTY
(D) - See Ashtabula County
LUCAS COUNTY
Decision #AP-676 - (B,H,Hw)
38 FR 14021 - 5/25/73
Mod. #1 - 38 FR 14536 - 6/1/73
(D) - See Ashtabula County
MADISON COUNTY
(R) - See Delaware County
MAHONING COUNTY
Decision #AP-687 (R)
38 FR 13903 - 5/25/73
Decision #AP-677 (B,H,Hw)
38 FR 14026 - 5/25/73
MARION COUNTY
None
MEDINA COUNTY
None
MEIGS COUNTY
(D)-See Adams County
MERCER COUNTY
None

OHIO (Cont'd)

MIAMI COUNTY
(R) - See Greene County
MONROE COUNTY
(D)-See Adams County
MONTGOMERY COUNTY
(B)(H)(Hw) - See Greene County
(R) - See Greene County
MORGAN COUNTY
None
MORROW COUNTY
None
MUSKINGUM COUNTY
Decision #AP-678 (B,H,Hw)
38 FR 14029 - 5/25/73
Mod. #1 - 38 FR 14536 - 6/1/73
NOBLE COUNTY
None
OTTAWA COUNTY
(D) - See Ashtabula County
PAULDING COUNTY
None
PERRY COUNTY
None
PICKAWAY COUNTY
(B)(H)(Hw) - See Franklin County
(R) - See Delaware County
PIKE COUNTY
None
PORTAGE COUNTY
Decision #AP-679 (B,H,Hw)
38 FR 14033 - 5/25/73
Mod. #1 - 38 FR 14536 - 6/1/73
PREBLE COUNTY
(R) - See Greene County
PUTNAM COUNTY
None

OHIO (Cont'd)

RICHLAND COUNTY
None
ROSS COUNTY
None
SANDUSKY COUNTY
(D) - See Ashtabula County
SCIOTO COUNTY
(D)-See Adams County
SENECA COUNTY
None
SHELBY COUNTY
None
STARKE COUNTY
Decision #AP-680 (B,H,Hw)
38 FR 14038 - 5/25/73
Mod. #1-38 FR 14536 - 6/1/73
SUMMITT COUNTY
Decision #AP-681 (B,H,Hw)
38 FR 14042 - 5/25/73
Mod. #1-38 FR 14536 - 6/1/73
TRUMBULL COUNTY
Decision #AP-688 (R)
38 FR 13905 - 5/25/73
Decision #AP-682 (B,H,Hw)
38 FR 14047 - 5/25/73
Mod. #1 - 38 FR 15792 - 6/15/73
TUSCARAWAS COUNTY
None
UNION COUNTY
None
VAN WERT COUNTY
None
VINTON COUNTY
None
WARREN COUNTY
(R) - See Butler County
WASHINGTON COUNTY
(D)-See Adams County
WAYNE COUNTY
None
WILLIAMS COUNTY
None
WOOD COUNTY
None
WYANDOT COUNTY
None

OKLAHOMA

ADAIR COUNTY
Decision #AM-3603 (Hw)
36 FR 16761 - 8/25/71
ALFALFA COUNTY
DEcision #AM-3608 (Hw)
36 FR 16766 - 8/25/71
ATOKA COUNTY
Decision #AM-3604 (Hw)
36 FR 16763 - 8/25/71
BEAVER COUNTY
(Hw)-See Alfalfa County
BECKHAM COUNTY
DECISION #AM-3606 (Hw)
36 FR 16764 - 8/25/71
BLAINE COUNTY
(Hw)-See Beckham County
BRYAN COUNTY
(Hw)-See Atoka County
Decision #AP-341 (R)
37 FR 19870 - 9/22/72
CADDO COUNTY
Decision #AM- 3609 (hw)
36 FR 16767 - 8/25/71
CANADIAN COUNTY
Decision #AM-3607 (Hw)
36 FR 16765 - 8/25/71
(B) - See Oklahoma County
(R)-See Oklahoma County
CARTER COUNTY
(Hw)-See Caddo County
CHEROKEE COUNTY
(Hw)-See Adair County
CHOCTAW COUNTY
(hw)-See Atoka County
CIMARRON COUNTY
(Hw)-See Alfalfa County
CLEVELAND COUNTY
Decision #AM-3605 (Hw)
36 FR 16762 - 8/25/71
(R)-See Oklahoma County
(B) - See Oklahoma County
COAL COUNTY
(Hw)-See Cleveland County
COMANCHE COUNTY
(Hw)-See Caddo County
Decision #AP-741 (R)
COTTON COUNTY
(Hw)-See Caddo County
CRAIG COUNTY
Decision #AM-3610 (Hw)
36 FR 16768 - 8/25/72
CREEK COUNTY
(Hw)-See Canadian County
CUSTER COUNTY
(Hw)-See Beckham County

OKLAHOMA (cont'd)

DELAWARE COUNTY
(Hw) - See Craig County
DEWEY COUNTY
(Hw)-See Beckham County
ELLIS COUNTY
(Hw)-See Alfalfa County
GARFIELD COUNTY
(Hw)-See Canadian County
GARVIN COUNTY
(Hw)-See Cleveland County
GRADY COUNTY
(Hw)-See Caddo County
GRANT COUNTY
(Hw)-See Canadian County
GREER COUNTY
(Hw)-See Beckham County
HARMON COUNTY
(Hw)-See Beckham County
HARPER COUNTY
(Hw)-See Alfalfa County
HASKELL COUNTY
(Hw)-See Adair County
HUGHES COUNTY
(Hw)-See Cleveland County
JACKSON COUNTY
(Hw)-See Beckham County
JEFFERSON COUNTY
(Hw)-See Caddo County
JOHNSTON COUNTY
(Hw)-See Cleveland County
KAY COUNTY
(Hw)-See Canadian County
KINGFISHER COUNTY
(Hw)-See Canadian County
KIOWA COUNTY
(Hw)-See Beckham County
LATIMER COUNTY
(Hw)-See Atoka County
LEFLORE COUNTY
(Hw)-See Atoka County
LINCOLN COUNTY
(Hw)-See Canadian County)
(R)-See Oklahoma County
(B) - See Oklahoma County
LOGAN COUNTY
(Hw)-See Canadian County
LOVE COUNTY
(hw)-See Caddo County
MCCLAIN COUNTY
(Hw)-See Cleveland County
MCCURTAIN COUNTY
(Hw)-See Atoka County

OKLAHOMA (cont'd)

MCINTOSH COUNTY
(Hw)-See Adair County
MAJOR COUNTY
(Hw)-See Alfalfa County
MARSHALL COUNTY
(Hw)-See Atoka County
MAYES COUNTY
(Hw)- See Craig County
MURRAY COUNTY
(Hw)-See Cleveland County
MUSKOGEE COUNTY
(hw)-See Adair County
NOBLE COUNTY
(hw)-See Canadian County
NOWATA COUNTY
(Hw)-See Craig County
OKFUSKEE COUNTY
(hw)-See Cleveland County
OKLAHOMA COUNTY
Decision #AP-731 (B)
38 FR 12592 - 5/11/73
Mod. #1 - 38 FR 15792 - 6/15/73
Decision #AM-3612 (Hw)
36 FR 16770 - 8/25/71
Mod. #1 - 37 FR 1435 - 1/28/72
Decision #AP-304 (R)
37 FR 15789 - 8/4/72
Mod. #1-37 FR 28799-12/29/72
Mod. #2-38 FR 4078-2/9/73
OKMULGEE COUNTY
(Hw)-See Adair County
OSAGE COUNTY
(Hw) - See Craig County
(R) - See Tulsa County
OTTAWA COUNTY
(Hw) - See Craig County
PAWNEE COUNTY
(Hw) - See Craig County
PAYNE COUNTY
(Hw) - See Canadian County
PITTSBURG COUNTY
(Hw) - See Adair County

OKLAHOMA (Cont'd)

PONTOTOC COUNTY
(Hw) - See Cleveland County
POTTAWATOMIE COUNTY
(Hw) - See Cleveland County
(R) - See Oklahoma County
(B) - See Oklahoma County
PUSHMATAHA COUNTY
(Hw) - See Atoka County
ROGER MILLS COUNTY
(Hw) - See Beckham County
ROGERS COUNTY
(Hw) - See Craig County
SEMINOLE COUNTY
(Hw) - See Cleveland County
SEQUOYAH COUNTY
(Hw) - See Adair County
STEPHENS COUNTY
(Hw) - See Caddo County
TEXAS COUNTY
(Hw) - See Alfalfa County
TILLMAN COUNTY
(Hw) - See Beckham County
TULSA COUNTY
Decision #AP-364 (B)
37 FR 26249 - 12/8/72
Mod. #1-37 FR 28356-12/22/72
Mod. #2-38 FR 2010-1/19/73
Mod. #3-38 FR 13116 - 5/18/73
Decision #AM-3611 (Hw)
36 FR 16769 - 8/25/71
Mod. #1-37 FR 1435 - 1/28/72
Decision #AP-320 (R)
37 FR 17899 - 9/1/72
Mod. #1 - 38 FR 5099 - 2/23/73
WAGONER COUNTY
(Hw) - See Adiar County
WASHINGTON COUNTY
(Hw) - See Craig County
WASHITA COUNTY
(Hw) - See Beckham County
WOODS COUNTY
(Hw) - See Alfalfa County
WOODWARD COUNTY
(Hw) - See Alfalfa County

OREGON

STATEWIDE
Decision #AP-284 (B,H,Hw,D)
38 FR 8920 - 4/6/73
Mod. #1 - 38 FR 11241 - 5/4/73
Mod. #2- 38 FR 17353 - 6/29/73
BAKER COUNTY
(B,H,Hw,D) - See Statewide
BENTON COUNTY
(B,H,Hw,D) - See Statewide
CLACKAMAS COUNTY
(B,H,Hw,D) - See Statewide
CLATSOP COUNTY
(B,H,Hw,D) - See Statewide
COLUMBIA COUNTY
(B,H,Hw,D) - See Statewide
COOS COUNTY
(B,H,Hw,D) - See Statewide
CROOK COUNTY
(B,H,Hw,D) - See Statewide
CURRY COUNTY
(B,H,Hw,D) - See Statewide
DESCHUTES COUNTY
(B-H-Hw-D) - See Statewide
DOUGLAS COUNTY
(B-H-Hw-D) - See Statewide
GILLIAM COUNTY
(B-H-Hw-D) - See Statewide
GRANT COUNTY
(B-H-Hw-D) - See Statewide
HARNEY COUNTY
(B-H-Hw-D) - See Statewide
HOOD COUNTY
(B-H-Hw-D) - See Statewide
JACKSON COUNTY
(B-H-Hw-D) - See Statewide
JEFFERSON COUNTY
(B-H-Hw-D) - See Statewide
JOSEPHINE COUNTY
(B-H-Hw-D) - See Statewide
KLAMATH COUNTY
(B-H-Hw-D) - See Statewide
LAKE COUNTY
(B-H-Hw-D) - See Statewide
LANE COUNTY
(B-H-Hw-D) - See Statewide
LINCOLN COUNTY
(B-H-Hw-D) - See Statewide
LINN COUNTY
(B-H-Hw-D) - See Statewide

OREGON (cont'd)

MALHEUR COUNTY
(B-H-Hw-D) - See Statewide
MARION COUNTY
(B-H-Hw-D) - See Statewide
MORROW COUNTY
(B-H-Hw-D) - See Statewide
MULTNOMAH COUNTY
Decision #AP-277 (R)
38 FR 7692 - 3/23/73
Mod. #1 - 38 FR 8872 - 4/6/73
Mod. #2 - 38 FR 11241 - 5/4/73
Mod. #3 - 38 FR 16593 - 6/22/73
(B-H-Hw-D) - See Statewide
POLK COUNTY
(B-H-Hw-D) - See Statewide
SHERMAN COUNTY
(B-H-Hw-D) - See Statewide
TILLAMOOK COUNTY
(B-H-Hw-D) - See Statewide
UMATILLA COUNTY
(B-H-Hw-D) - See Statewide
UNION COUNTY
(B-H-Hw-D) - See Statewide
WALLOWA COUNTY
(B,H,Hw,D) - See Statewide
WASCO COUNTY
(B,H,Hw,D) - See Statewide
WASHINGTON COUNTY
(B,H,Hw,D) - See Statewide
WHEELER COUNTY
(B,H,Hw,D) - See Statewide
YAMHILL COUNTY
(B,H,Hw,D) - See Statewide

PENNSYLVANIA

ADAMS COUNTY
Decision #AP-489 (H,Hw)
38 fR 6622 - 3/9/73
ALLEGHENY COUNTY
Decision #AP-495 (B,H,Hw)
38 FR 7771 - 3/23/73
Mod. #1 38 FR 10578 - 4/27/73
Mod. #2 - 38 FR 13117 - 5/18/73
Mod. #3 - 38 FR 15794 - 6/15/73
ARMSTRONG COUNTY
Decision #AP-831 (H,Hw)
38 FR 14055 - 5/25/73
Mod. #1 - 38 FR 15793 - 6/15/73
BEAVER COUNTY
Decision #AP-467 (H,Hw)
38 FR 2618 - 1/26/73
Mod. #1 - 38 FR 7172 - 3/16/73
Mod. #2 - 38 FR 9399 - 4/13/73
Mod. #3 - 38 FR 10578 - 4/27/73
Mod. #4 - 38 FR 12515 - 5/11/73
Mod. #5 - 38 FR 15793 - 6/15/73
BEDFORD COUNTY
Decision #AP-832 (H,Hw)
38 FR 14058 - 5/25/73
BERKS COUNTY
Decision #AP-429 (B,H,Hw)
37 FR 21255 - 10/6/72
Mod. #1 - 38 FR 1436 - 1/12/73
Mod. #2 - 38 FR 2012 - 1/19/73
Mod. #3 - 38 FR 4079 - 2/9/73
Mod. #4 - 38 FR 5101 - 2/23/73
Mod. #5 - 38 FR 15792 - 6/15/73
BLAIR COUNTY
(H,Hw) - See Armstrong County
BRADFORD COUNTY
(H,Hw) - See Adams County
BUCKS COUNTY
Decision #AP-404 (R)
37 fR 15229 - 7/28/72
Mod. #1 - 38 FR 2012 - 1/19/73
Mod. #2 - 38 FR 4630 - 2/16/73
Mod. #3 - 38 FR 6526 - 3/9/73
Mod. #4 - 38 FR 15224 - 6/8/73
Decision #AP-817 (H,Hw)
38 FR 13279 - 5/18/73
BUTLER COUNTY
Decision #AP-830 (H,Hw)
38 FR 14053 - 5/25/73
Mod. #1 - 38 FR 15793 - 6/15/73
CAMBRIA COUNTY
(H,Hw) - See Butler County
CAMERON COUNTY
(H,Hw) - See Bedford County
CARBON COUNTY
(H,Hw) - See Adams County
CENTRE COUNTY
DEcision #AP-466 (H,Hw)
38 FR 2615 - 1/26/73
Mod. #1 - 38 FR 7172 - 3/16/73

PENNSYLVANIA (Cont'd)

CENTRE COUNTY
Decision #AP-466 (H,Hw) (Cont'd)
Mod. #2 - 38 FR 9399 - 4/13/73
Mod. #3 - 38 FR 10578 - 4/27/73
Mod. #4 - 38 FR 12515 - 5/11/73
Mod. #5 - 38 FR 15793 - 6/15/73
CHESTER COUNTY
(H,Hw) - See Bucks County
CLARION COUNTY
(H,Hw) - See Bedford County
CLEARFIELD COUNTY
(H,Hw) - See Centre County
CLINTON COUNTY
(H,Hw) - See Bedford County
COLUMBIA COUNTY
(H,Hw) - See Adams County
CRAWFORD COUNTY
(H,Hw) - See Armstrong County
CUMBERLAND COUNTY
Decision #AP-825 (B)
38 FR 13301 - 5/18/73
(Hw) - See Adams County
DAUPHIN COUNTY
Decision #AP-824 (B)
38 FR 13299 - 5/18/73
(Hw) - See Adams County
DELAWARE COUNTY
Decision #AP-821 (B,H,Hw)
38 FR 13292 - 5/18/73
Mod. #1 - 38 FR 15225 - 6/8/73
(R,H,Hw) - See Bucks County
ELK COUNTY
(H,Hw) - See Bedford County
ERIE COUNTY
Decision #AP-834 (H,Hw)
38 FR 14060 - 5/25/73
Mod. #1 - 38 FR 15794 - 6/15/73
FAYETTE COUNTY
(H,Hw) - See Butler County
FOREST COUNTY
(H,Hw) - See Bedford County
FRANKLIN COUNTY
Decision #AP-843 (B,H,Hw)
38 FR 15352 - 6/8/73
FULTON COUNTY
(H,Hw) - See Bedford County
GREENE COUNTY
(H,Hw) - See Centre County
HUNTINGDON COUNTY
(H,Hw) - See Bedford County

PENNSYLVANIA (Cont'd)

INDIANA COUNTY
(H,Hw) - See Armstrong County
JEFFERSON COUNTY
(H,Hw) - See Centre County
JUNIATA COUNTY
(H,Hw) - See Adams County
LACKAWANNA COUNTY
Decision #AP-488 (B)
38 FR 6620 - 3/9/73
LANCASTER COUNTY
(Hw) - See Adams County
LAWRENCE COUNTY
Decision #AP-822 (B,H,Hw)
38 FR 13295 - 5/18/73
Mod. #1 - 38 FR 14537 - 6/1/73
Mod. #2 - 38 FR 15225 - 6/8/73
Mod. #3 - 38 FR 15794 - 6/15/73
LEBANON COUNTY
(Hw) - See Adams County
LEHIGH COUNTY
Decision #AP-835 (B)
38 FR 14066 - 5/25/73
Mod. #1 - 38 FR 18128 - 7/6/73
(H,Hw) - See Adams County
LUZERNE COUNTY
Decision #AP-818 (B)
38 FR 13283 - 5/18/73
Mod. #1 - 38 FR 18127 - 7/6/73
(H,Hw) - See Adams County
LYCOMING COUNTY
(Hw) - See Adams County
MC KEAN COUNTY
(Hw) - See Adams County
MERCER COUNTY
Decision #AP-479 (B,H,Hw)
38 FR 5765 - 3/2/73
Mod. #1 - 38 FR 7172 - 3/16/73
Mod. #2 - 38 FR 8872 - 4/6/73
Mod. #3 - 38 FR 13117 - 5/18/73
Mod. #4 - 38 FR 15794 - 6/15/73
MIFFLIN COUNTY
(H,Hw) - See Adams County
MONROE COUNTY
(Hw, H) - See Adams County
MONTGOMERY COUNTY
Decision #AP-819 (B)
38 FR 13286 - 5/18/73
Mod. #1 - 38 FR 15225 - 6/8/73
(H,Hw) - See Bucks County
MONTOUR COUNTY
(H,Hw) - See Adams County
NORTHAMPTON COUNTY
Decision #AP-490 (B)
38 FR 6624 - 3/9/73
Mod. #1 - 38 FR 9399 - 4/13/73
Mod. #2 - 38 FR 10578 - 4/27/73

PENNSYLVANIA (Cont'd)

NORTHAMPTON COUNTY (Cont'd)
Decision #AP-490 (B)
38 FR 6624 - 3/9/73
Mod. #3 - 38 FR 14537 - 6/1/73
Mod. #4 - 38 FR 18127 - 7/6/73
(H,Hw) - See Adams County
NORTHUMBERLAND COUNTY
(Hw) - See Adams County
PERRY COUNTY
(Hw) - See Adams County
PHILADELPHIA COUNTY
Decision #AP-820 (B)
38 FR 13289 - 5/18/73
Mod. #1 - 38 FR 15225 - 6/8/73
Decision #AP-803 (D)
38 FR 10580 - 4/27/72
(H,Hw) - See Bucks County
PIKE COUNTY
(H,Hw) - See Adams County
POTTER COUNTY
(H,Hw) - See Bedford County
SCHUYKILL COUNTY
(H,Hw) - See Adams County
SNYDER COUNTY
(H,Hw) - See Adams County
SOMERSET COUNTY
(H,Hw) - See Butler County
SULLIVAN COUNTY
(H,Hw) - See Adams County
SUSQUEHANNA COUNTY
(H,Hw) - See Adams County
TIOGA COUNTY
(H,Hw) - See Adams County
UNION COUNTY
(H,Hw) - See Adams County
VENANGO COUNTY
(H,Hw) - See Armstrong County
WARREN COUNTY
(H,Hw) - See Armstrong County
WASHINGTON COUNTY
Decision #AP-481 (B,H,Hw)
38 FR 7757 - 3/23/73
Mod. #1 - 38 FR 10578 - 4/27/73
Mod. #2 - 38 FR 12518 - 5/11/73
Mod. #3 - 38 FR 13117 - 5/18/73
Mod. #4 - 38 FR 15794 - 6/15/73
WAYNE COUNTY
(H,Hw) - See Adams County
WESTMORELAND COUNTY
Decision #AP-482 (B,H,Hw)
38 FR 7764 - 3/23/73
Mod. #1 - 38 FR 10578 - 4/27/73
Mod. #2 - 38 FR 12518 - 5/11/73
Mod. #3 - 38 FR 13117 - 6/15/73
Mod. #4 - 38 FR 15794 - 6/15/73
WYOMING COUNTY
(H,Hw) - See Adams County
YORK COUNTY
(H,Hw) - See Adams County

PUERTO RICO

PUERTO RICO
Decision #AP-412 (B, H, Hw)
37 FR 16778 - 8/18/72

RHODE ISLAND

STATEWIDE
Decision #AP-803 (D)
38 FR 10580 - 4/23/73
BRISTOL COUNTY
(D) - See Statewide
Decision #AP-483 (B,H,Hw,Marine)
38 FR 7778 - 3/23/73
Mod. #1-38 FR 9921 - 4/20/73
Mod. #2-38 FR 12518 - 5/11/73
KENT COUNTY
(B,H,Hw,Marine) - See Bristol Co.
(D) - See Statewide
NEWPORT COUNTY
Decision #AP-484 (B,H,Hw, Marine)
38 FR 7199 - 3/16/73
Mod. #1-38 FR 9922 - 4/20/73
Mod. #2-38 FR 12518 - 5/11/73
(D) - See Statewide
PROVIDENCE COUNTY
Decision #AP-496 (R)
38 FR 8862 - 4/6/73
Mod. #1-38 FR 12519 - 5/11/73
(B,H,Hw,Marine) - See Bristol Cty.
(D) - See Statewide
WASHINGTON COUNTY
Decision #AP-497 (R)
38 FR 8864 - 4/6/73
Mod. #1-38 FR 12519 - 5/11/73
Decision #AP-485 (B,H,Hw,Marine)
38 FR 6626 - 3/9/73
Mod. #1 - 38 FR 9922 - 4/20/73
Mod. #2 - 38 FR 12519 - 5/11/73
(D) - See Statewide

SOUTH CAROLINA

STATEWIDE
Decision #AM-1867 (Hw)
36 FR 16475 - 8/20/71
Decision #AP-157 (Sewer & Water)
38 FR 4619 - 2/16/73
ABBEVILLE COUNTY
(Sewer & Water,Hw) - See Statewide
AIKEN COUNTY
(Sewer & Water,Hw) - See Statewide
ALLENDALE COUNTY
(Sewer & Water,Hw) - See Statewide
ANDERSON COUNTY
(Sewer & Water,Hw) - See Statewide
BAMBERG COUNTY
(Sewer & Water,Hw) - See Statewide
BARNWELL COUNTY
(Sewer & Water,Hw) - See Statewide
BEAUFORT COUNTY
Decision #AP-847 (D)
38 FR 15797 - 6/15/73
(Sewer & Water,Hw) - See Statewide
BERKELEY COUNTY
(D) - See Beaufort County
(Sewer & Water,Hw) - See Statewide
Decision #AP-114 (R)
37 FR 15794 - 8/4/72
CALHOUN COUNTY
(Sewer & Water,Hw) - See Statewide
CHARLESTON COUNTY
(D) - See Beaufort County
(Sewer & Water,Hw) - See Statewide
(R) - See Berkeley county
CHEROKEE COUNTY
(Sewer & Water,Hw) - See Statewide
CHESTER COUNTY
(Sewer & Water,Hw) - See Statewide
CHESTERFIELD COUNTY
(Sewer & Water,Hw) - See Statewide
CLARENDON COUNTY
(Sewer & Water,Hw) - See Statewide
COLLETON COUNTY
(D) - See Beaufort County
(Sewer & Water,Hw) - See Statewide
DARLINGTON COUNTY
(Sewer & Water,Hw) - See Statewide
DILLON COUNTY
(Sewer & Water,Hw) - See Statewide
DORECHESTER COUNTY
(Sewer & Water,Hw) - See Statewide
EDGEFIELD COUNTY
(Hw) - See Statewide
FAIRFIELD COUNTY
(Sewer & Water,Hw) - See Statewide
FLORENCE COUNTY
(Sewer & Water,Hw) - See Statewide

SOUTH CAROLINA (Cont'd)

GEORGETOWN COUNTY
(D) - See Beaufort
(Sewer & Water,Hw) - See Statewide
GREENVILLE COUNTY
(Sewer & Water,Hw) - See Statewide
GREENWOOD COUNTY
(Sewer & Water,Hw) - See Statewide
HAMPTON COUNTY
(Sewer & Water,Hw) - See Statewide
HORRY COUNTY
(D) - See Beaufort County
(Sewer & Water,Hw) - See Statewide
JASPER COUNTY
(D) - See Beaufort County
(Sewer & Water,Hw) - See Statewide
KERSHAW COUNTY
(Sewer & Water,Hw) - See Statewide
LANCASTER COUNTY
(Sewer & Water,Hw) - See Statewide
LAURENS COUNTY
(Sewer & Water,Hw) - See Statewide
LEE COUNTY
(Sewer & Water,Hw) - See statewide
LEXINGTON COUNTY
(Sewer & Water,Hw) - See Statewide
McCORMICK COUNTY
(Sewer & Water,Hw) - See Statewide
MARION COUNTY
(Sewer & Water,Hw) - See Statewide
MARLBORO COUNTY
(Sewer & Water,Hw) - See Statewide
NEWBERRY COUNTY
(Sewer & Water,Hw) - See Statewide
OCONEE COUNTY
(Sewer & Water,Hw) - See Statewide
ORANGEBURG COUNTY
(Sewer & Water,Hw) - See Statewide
PICKENS COUNTY
(Sewer & Water,Hw) - See Statewide
RICHLAND COUNTY
(Sewer & Water,Hw) - See Statewide
SALUDA COUNTY
(Sewer & Water,Hw) - See Statewide
SPARTANBURG COUNTY
(Sewer & Water,Hw) - See Statewide
SUMTER COUNTY
(Sewer & Water,Hw) - See Statewide
UNION COUNTY
(Sewer & Water,Hw) - See Statewide
WILLIAMSBURG COUNTY
(Sewer & Water,Hw) - See Statewide
YORK COUNTY
(Sewer & Water,Hw) - See Statewide

SOUTH DAKOTA

STATEWIDE
Decision #AP-908 (Hw)
38 FR 15807 - 6/15/73
AURORA COUNTY
(Hw) - See Statewide
BEADLE COUNTY
(Hw) - See Statewide
BENNETT COUNTY
(Hw) - See Statewide
BON HOMME COUNTY
(Hw) - See Statewide
BROOKINGS COUNTY
(Hw) - See Statewide
BROWN COUNTY
(Hw) - See Statewide
BRULE COUNTY
(Hw) - See Statewide
BUFFALO COUNTY
(Hw) - See Statewide
BUTTE COUNTY
(Hw) - See Statewide
CAMPBELL COUNTY
(Hw) - See Statewide
CHARLES COUNTY
(Hw) - See Statewide
CLARK COUNTY
(Hw) - See Statewide
CODINGTON COUNTY
(Hw) - See Statewide
CORSON COUNTY
(Hw) - See Statewide
CUSTER COUNTY
(Hw) - See Statewide
DAVISON COUNTY
(Hw) - See Statewide
DAY COUNTY
(Hw) - See Statewide
DEUEL COUNTY
(Hw) - See Statewide
DEWEY COUNTY
(Hw) - See Statewide
DOUGLAS COUNTY
(Hw) - See Statewide

SOUTH DAKOTA (Cont'd)

EDMUNDS COUNTY
(Hw) - See Statewide
FALL RIVER COUNTY
(Hw) - See Statewide
FAULK COUNTY
(Hw) - See Statewide
GRANT COUNTY
(Hw) - See Statewide
GREGORY COUNTY
(Hw) - See Statewide
HAAKON COUNTY
(Hw) - See Statewide
HAMLIN COUNTY
(Hw) - See Statewide
HAND COUNTY
(Hw) - See Statewide
HANSON COUNTY
(Hw) - See Statewide
HARDING COUNTY
(Hw) - See Statewide
HUGHES COUNTY
(Hw) - See Statewide
HUTCHINSON COUNTY
(Hw) - See Statewide
HYDE COUNTY
(Hw) - See Statewide
JACKSON COUNTY
(Hw) - See Statewide
JERAULD COUNTY
(Hw) - See Statewide
JONES COUNTY
(Hw) - See Statewide
KINGSBURY COUNTY
(Hw) - See Statewide
LAKE COUNTY
(Hw) - See Statewide
LAWRENCE COUNTY
(Hw) - See Statewide
LINCOLN COUNTY
(Hw) - See Statewide
LYMAN COUNTY
(Hw) - See Statewide
MC COOK COUNTY
(Hw) - See Statewide

SOUTH DAKOTA (Cont'd)

MC PHERSON COUNTY
(Hw) - See Statewide
MARSHALL COUNTY
(Hw) - See Statewide
MEADE COUNTY
Decision #AP-262 (B)
38 FR 4641 - 2/16/73
Mod. #1-38 FR 9401 - 4/13/73
MELLETTE COUNTY
(Hw) - See Statewide
MINER COUNTY
(Hw) - See Statewide
MINNEHAHA COUNTY
Decision #AM-6141 (R)
36 FR 21736 - 11/12/71
Decision #AP-253 (B)
37 FR 25147 - 11/25/72
(Hw) - See Statewide
MOODY COUNTY
(Hw) - See Statewide
PENNINGTON COUNTY
(B) - See Meade County
(Hw) - See Statewide
PERKINS COUNTY
(Hw) - See Statewide
POTTER COUNTY
(Hw) - See Statewide
ROBERTS COUNTY
(Hw) - See Statewide

SOUTH DAKOTA (Cont'd)

SANBORN COUNTY
(Hw) - See Statewide
SHANNON COUNTY
(Hw) - See Statewide
SPINK COUNTY
(Hw) - See Statewide
STANLEY COUNTY
(Hw) - See Statewide
SULLY COUNTY
(Hw) - See Statewide
TODD COUNTY
(Hw) - See Statewide
TRIPP COUNTY
(Hw) - See Statewide
TURNER COUNTY
(Hw) - See Statewide
UNION COUNTY
(Hw) - See Statewide
WALWORTH COUNTY
(Hw) - See Statewide
WASHABOUGH COUNTY
(Hw) - See Statewide
YANKTON COUNTY
(Hw) - See Statewide
ZIEBACH COUNTY
(Hw) - See Statewide

TENNESSEE

STATEWIDE
Decision #AP-1107 (F)
38 FR 17358 - 6/29/73
Decision #AM-504 (Hw)
36 FR 16493 - 8/20/71
Mod. #1-37 FR 246 - 1/7/72
Mod. #2-38 FR 939-1/5/73
ANDERSON COUNTY
Decision #AP-190 (B)
38 FR 14068 - 5/25/73
Mod. #1 - 38 FR 16595 - 6/22/73
Mod. #2 - 38 FR 18128 - 7/6/73
(Hw) - See Statewide
(F)-See Statewide
BEDFORD COUNTY
(F) - See Statewide
(Hw) - See Statewide
BENTON COUNTY
(F) - See Statewide
(Hw) - See Statewide
BLEDSOE COUNTY
(F) - See Statewide
(Hw) - See Statewide
BLOUNT COUNTY
(F) - See Statewide
BRADLEY COUNTY
(F)-See Statewide
(Hw)-See Statewide
CAMPBELL COUNTY
(F)-See Statewide
(Hw)-See Statewide
CANNON COUNTY
(F)-See Statewide
(Hw)-See Statewide
CARROLL COUNTY
Decision #AM-8589 (D)
37 FR 5654 - 3/17/72
Mod. #1 - 37 FR 24506 - 11/17/72
(F)-See Statewide
(Hw)-See Statewide
CARTER COUNTY
Decision #AP-104 (B)
37 FR 13915 - 7/14/72
(F)-See Statewide
(Hw)-See Statewide
CHEATHAM COUNTY
(F)-See Statewide
(Hw)-See Statewide
CHESTER COUNTY
(F)-See Statewide
(Hw)-See Statewide
CLAIBORNE COUNTY
(F)-See Statewide
(Hw)-See Statewide
CLAY COUNTY
(F)-See Statewide
(Hw)-See Statewide

TENNESSEE (Cont'd)

COCKE COUNTY
(F)-See Statewide
(Hw)-See Statewide
COFFEE COUNTY
(F)-See Statewide
(Hw)-See Statewide
CROCKETT COUNTY
(D)-See Carroll County
(F)-See Statewide
(Hw)-See Statewide
CUMBERLAND COUNTY
(F)-See Statewide
(Hw)-See Statewide
DAVIDSON COUNTY
Decision #AP-169 (B)
38 FR 7782 - 3/23/73
Decision #AM-505 (B)
36 FR 16494 - 8/20/72
Mod. #1-37 FR 21714 - 10/13/72
(F) - See Statewide
(Hw) - See Statewide
DECATUR COUNTY
(F) - See Statewide
(Hw) - See Statewide
DEKALB COUNTY
(F) - See Statewide
(Hw) - See Statewide
DICKSON COUNTY
(F) - See Statewide
(Hw) - See Statewide
(R) - See Davidson County
DYER COUNTY
(D) - See Carroll County
(F) - See Statewide
(Hw) - See Statewide
FAYETTE COUNTY
(D) - See Carroll County
(F) - See Statewide
(Hw) - See Statewide
FENTRESS COUNTY
(F) - See Statewide
(Hw) - See Statewide
FRANKLIN COUNTY
(F) - See Statewide
(Hw) - See Statewide
GIBSON COUNTY
(D) - See Carroll County
(F) - See Statewide
(Hw) - See Statewide
GILES COUNTY
(F) - See Statewide
(Hw) - See Statewide
GRAINGER COUNTY
(F) - See Statewide
(Hw) - See Statewide

TENNESSEE (Cont'd)

GREENE COUNTY
(F) - See Statewide
(Hw) - See Statewide
GRUNDY COUNTY
(F) - See Statewide
(Hw) - See Statewide
HAMBLEN COUNTY
(F) - See Statewide
(Hw) - See Statewide
HAMILTON COUNTY
Decision #AP-191 (B,H)
38 FR 14070 - 5/25/73
Mod. #1 - 38 FR 17353 - 6/29/73
(F) - See Statewide
(Hw) - See Statewide
HANCOCK COUNTY
(F)-See Statewide
(Hw)-See Statewide
HARDEMAN COUNTY
(D)-See Carroll County
(Hw)-See Statewide
(F)-See Statewide
HARDIN COUNTY
(F)-See Statewide
(Hw)-See Statewide
HAWKINS COUNTY
(F)-See Statewide
(Hw)-See Statewide
HAYWOOD COUNTY
(D)-See Carroll County
(F)-See Statewide
(Hw)-See Statewide
HENDERSON COUNTY
(F)-See Statewide
(Hw)-See Statewide
HENRY COUNTY
(D)-See Carroll County
(F)-See Statewide
(Hw)-See Statewide
HICKMAN COUNTY
(F)-See Statewide
(Hw)-See Statewide
HOUSTON COUNTY
(F)-See Statewide
(Hw)-See Statewide
HUMPHREYS COUNTY
(F)-See Statewide
(Hw)-See Statewide
JACKSON COUNTY
(F)-See Statewide
(Hw)-See Statewide

TENNESSEE (cont'd)

JEFFERSON COUNTY
(F)-See Statewide
(Hw)-See Statewide
JOHNSON COUNTY
(F)-See Statewide
(Hw)-See Statewide
KNOX COUNTY
Decision #AP-192 (B)
38 FR 14073 - 5/25/73
Mod. #1 - 38 FR 17353 - 6/29/73
(F)-See Statewide
(Hw)-See Statewide
LAKE COUNTY
(F)-See Statewide
(Hw)-See Statewide
LAUDERDALE COUNTY
(D)-See Carroll County
(F)-See Statewide
(Hw)-See Statewide
LAWRENCE COUNTY
(F)-See Statewide
(Hw)-See Statewide
(R)-See Davidson County
LEWIS COUNTY
(F)-See Statewide
(Hw)-See Statewide
LINCOLN COUNTY
(F)-See Statewide
(Hw)-See Statewide
LOUDON COUNTY
(F)-See Statewide
(Hw)-See Statewide
MC MINN COUNTY
(F)-See Statewide
(Hw)-See Statewide
MC NAIRY COUNTY
(F)-See Statewide
(Hw)-See Statewide
MACON COUNTY
(F)-See Statewide
(Hw)-See Statewide
MADISON COUNTY
(D)-See Carroll county
(F)-See Statewide
(Hw)-See Statewide
MARION COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Statewide
MARSHALL COUNTY
(F)-See Statewide
(Hw)-See Statewide
(R)-See Davidson County

TENNESSEE (cont'd)

MAURY COUNTY
(F)-See Statewide
(Hw)-See Statewide
(R)-See Davidson County
MEIGS COUNTY
(F)-See Statewide
(Hw)-See Statewide
MONROE COUNTY
(F)-See Statewide
(Hw)-See Statewide
MONTGOMERY COUNTY
(F)-See Statewide
(Hw)-See Statewide
MOORE COUNTY
(F)-See Statewide
(hw)-See Statewide
MORGAN COUNTY
(F)-See Statewide
(Hw)-See Statewide
OBION COUNTY
(D)-See Carroll County
(F)-See Statewide
(Hw)-See Statewide
OVERTON COUNTY
(F)-See Statewide
(Hw)-See Statewide
PERRY COUNTY
(F)-See Statewide
(Hw)-See Statewide
PICKETT COUNTY
(F)-See Statewide
(Hw)-See Statewide
POLK COUNTY
(F)-See Statewide
(Hw)-See Statewide
PUTNAM COUNTY
(F)-See Statewide
(Hw)-See Statewide
REEA COUNTY
(F)-See Statewide
(Hw)-See Statewide
ROANE COUNTY
(B)-See Anderson County
(F)-See Statewide
(Hw)-See Statewide

TENNESSEE (Cont'd)

ROBERTSON COUNTY
(F) - See Statewide
(Hw) - See Statewide
(R) - See Davidson County
RUTHERFORD COUNTY
(F) - See Statewide
(Hw) - See Statewide
(R) - See Davidson County
SCOTT COUNTY
(F) - See Statewide
(Hw) - See Statewide
SEQUATCHIE COUNTY
(F) - See Statewide
(Hw) - See Statewide
SEVIER COUNTY
(F) - See Statewide
(Hw) - See Statewide
SHELBY COUNTY
Decision #AP-193 (B,H,Utility)
38 FR 14075 - 5/25/73
Mod. #1 - 38 FR 18128 - 7/6/73
Decision #AP-152 (R)
38 FR 4176 - 2/9/73
(D) - See Carroll County
(Hw) - See Statewide
SMITH COUNTY
(F) - See Statewide
(Hw) - See Statewide
STEWART COUNTY
(F) - See Statewide
(Hw) - See Statewide
SULLIVAN COUNTY
Decision #AM-8623 (B)
37 FR 12013 - 6/16/72
Mod. # - 37 FR 23065 - 10/27/72
Decision #AP-137 (R)
37 FR 23051 - 10/27/72
(F) - See Statewide
(Hw) - See Statewide
SUMNER COUNTY
(F) - See Statewide
(Hw) - See Statewide
(R) - See Davidson County

TENNESSEE (cont'd)

TIPTON COUNTY
(D)-See Carroll County
(F)-See Statewide
(Hw)-See Statewide
TROUSDALE COUNTY
(F)-See Statewide
(Hw)-See Statewide
(R)-See Davidson County
UNICOI COUNTY
(F)-See Statewide
(Hw)-See Statewide
UNION COUNTY
(F)-See Statewide
(Hw)-See Statewide
VAN BUREN COUNTY
(F)-See Statewide
(Hw)-See Statewide
WARREN COUNTY
(F)-See Statewide
(Hw)-See Statewide
WASHINGTON COUNTY
Decision #AP-100 (S)
37 FR 13419 - 7/7/72
Mod. #1 - 37 FR 17316 - 8/25/72
Mod. #2 - 37 FR 22708 - 10/20/72
Decision #AP-136 (R)
37 FR 22702 - 10/20/72
(F)-See Statewide
(hw)-See Statewide
WAYNE COUNTY
(F)-See Statewide
(Hw)-See Statewide
WEAKLEY COUNTY
(D)-See Carroll County
(F)-See Statewide
WHITE COUNTY
(F)-See Statewide
(Hw)-See Statewide
WILLIAMSON COUNTY
(F)-See Statewide
(Hw)-See Statewide
(R)-See Davidson County
WILSON COUNTY
(F)-See Statewide
(Hw)-See Statewide
(R)-See Davidson County

TEXAS

ANDERSON COUNTY
Decision #AP-717 (Streets, Highways, Runways & Incidental Cons.
38 FR 9952 - 4/20/73
ANDREWS COUNTY
Decision #AP-707 (Streets, Highways, Runways, & Incidental Cons.
38 FR 9942 - 4/20/73
ANGELINA COUNTY
(S,Hw,R,I) - See Anderspn County
ARANSAS COUNTY
Decision #AP-711 (Streets, Highways, Runways & Incidental Cons.
38 FR 9946 - 4/20/73
Decision #AM-8589 (D)
37 FR 5654 - 3/17/72
Mod. #1 - 37 FR 24506 - 11/17/72
ARCHER COUNTY
Decision #AP-705 (Streets, Highways, Runways & Incidental Cons.)
38 FR 9940 - 4/20/73
ARMSTRONG COUNTY
Decision #AP-725 (B)
38 FR 10596 - 4/27/73
Mod. #1 - 38 FR 15795 - 6/15/73
Mod. #2 - 38 FR 18129 - 7/6/73
(S,Hw,R,I) - See Archer County
Decision #AP-346 (R)
37 FR 20497 - 9/29/72
Mod. #1 - 38 FR 4080 - 2/9/73
Mod. #2 - 38 FR 17354 - 6/29/73
Mod. #3 - 38 FR 18129 - 7/6/73
ATASCOSA COUNTY
Decision #AP-709 (Streets, Highways, Runways, Water, Sewer, & Incidental Construction)
38 FR 9944 - 4/20/73
AUSTIN COUNTY
Decision #AP-712 (Streets, Highways, Runways, Water, Sewer & Incidental Construction)
38 FR 9947 - 4/20/73
BAILEY COUNTY
Decision #AP-706 (Streets, Highways, Runways & Incidental Cons.)
38 FR 9941 - 4/20/73
Decision #AP-352 (R)
37 FR 21786 - 10/13/72
BANDERA COUNTY
(S,Hw,R,W,S,I) - See Atascosa County
BASTROP COUNTY
(S,Hw,R,W,S,I) - See Austin County
Decision #AM-7705 (R)
36 FR 22117 - 11/19/71
BAYLOR COUNTY
(S,Hw,R,I) - See Archer County
BEE COUNTY
(S,Hw,R,I) - See Aransas County

TEXAS (Cont'd)

BELL COUNTY
Decision #AP-713 (Streets, Highways, Runways & Incidental Cons.)
38 FR 9948 - 4/20/73
BEXAR COUNTY
Decision #AP-721 (B)
38 FR 10585 - 4/27/73
Mod. #1 - 38 FR 14539 - 6/1/73
Mod. #2 - 38 FR 16595 - 6/22/73
(S,Hw,R,I,W,S) - See Atascosa County
Decision #AM-3,554 (R)
36 FR 16771 - 8/25/71
Mod. #1 - 37 FR 3118 - 2/11/72
BLANCO COUNTY
(S,Hw,R,I,W,S) - See Austin County
(R) - See Bastrop County
BORDEN COUNTY
(S,Hw,R,I) - See Bailey County
BOSQUE COUNTY
(S,Hw,R,I) - See Bell County
BOWIE COUNTY
Decision #AP-716 (Streets, Highways, Runways, & Incidental Cons.)
38 FR 9951 - 4/20/73
BRAZORIA COUNTY
Decision #AP-719 (Streets, Highways, Runways, Water, Sewer, & Incidental Construction)
38 FR 9954 - 4/20/73
Decision #AM-7,488 (R)
36 FR 21737 - 11/12/71
Mod. #1 - 37 FR 10695 - 5/26/72
(D) - See Aransas County
BRAZOS COUNTY
Decision #AP-718 (Streets, Highways, Runways & Incidental Cons.)
38 FR 9953 - 4/20/73
BREWSTER COUNTY
Decision #AP-708 (Streets, Highways, Runways & Incidental Cons.)
38 FR 9943 - 4/20/73
BRISCOE COUNTY
(S,Hw,R,I) - See Archer County
BROOKS COUNTY
Decision #AP-710 (Streets, Highways, Runways & Incidental Cons.)
38 FR 9945 - 4/20/73
BROWN COUNTY
(S,Hw,R,I) - See Andrews County
BURLESON COUNTY
(S,Hw,R,I,W,S) - See Brazos County
BURNETT COUNTY
(S,Hw,R,I,W,S) - See Austin County

TEXAS (Cont'd)

CALDWELL COUNTY
(S,Hw,R,I,W,S) - See Austin County
(R) - See Bastrop County
CALHOUN COUNTY
(S,Hw,R,I) - See Aransas County
(D) - See Aransas County
CALLAHAN COUNTY
(S,Hw,R,I) - See Andrews County
CAMERON COUNTY
Decision #AP-396 (B)
38 FR 2646 - 1/26/73
Mod. #1 - 38 FR 16595 - 6/22/73
(D) - See Aransas County
(S,Hw,R,I) - See Brooks County
Decision #AP-369 (R)
37 FR 26775 - 12/15/72
CAMP COUNTY
(S,Hw,R,I) - See Bowie County
CARSON COUNTY
(B) - See Armstrong County
(S,Hw,R,I) - See Archer County
(R) - See Armstrong County
CASS COUNTY
(S,Hw,R,I) - See Bowie County
CASTRO COUNTY
(B) - See Armstrong County
(S,Hw,R,I) - See Archer County
(R) - See Armstrong County
CHAMBERS COUNTY
Decision #AP-720 (Streets, Highways, Runways & Incidental Cons.)
38 FR 9955 - 4/20/73
(D) - See Aransas County
CHEROKEE COUNTY
(S, Hw, R, I) - See Anderson County
CHILDRESS COUNTY
(B) - See Armstrong County
(S,Hw,R,I) - See Archer County
(R) - See Armstrong County
CLAY COUNTY
(S,Hw,R,I) - See Archer County
COCHRAN COUNTY
(S,Hw,R,I) - See Bailey County
(R) - See Bailey County

TEXAS (Cont'd)

COKE COUNTY
(S,Hw,R,I) - See Andrews County
COLEMAN COUNTY
(S,Hw,R,I) - See Andrews County
COLLIN COUNTY
Decision #AP-729 (B-excluding Dallas-Rort Worth Regional Airport)
38 FR 10609 - 4/27/73
Mod. #1 - 38 FR 18129 - 7/6/73
Decision #AP-715 (Streets,Highways, Runways, Water,Sewer, & Incidental Cons.) (excl. the Dallas-Fort Worth Regional Airport)
38 FR 9950 - 4/20/73
Mod. #1 - 38 FR 13918 - 5/25/73
Mod. #2 - 38 FR 18129 - 7/6/73
Decision #AM-7,487 (R)
36 FR 21736 - 11/12/71
COLLINGSWORTH COUNTY
(B) - See Armstrong County
(S,Hw,R,I) - See Archer County
(R) - See Armstrong County
COLORADO COUNTY
(S,Hw,R,W,S,I) - See Austin County
COMAL COUNTY
(S,Hw,R,W.S,I) - See Atascosa County
COMANCHE COUNTY
(S,Hw,R,I) - See Andrews County
CONCHO COUNTY
(S,Hw,R,I) - See Andrews County
COOKE COUNTY
Decision #AP-714 (Streets,Highways, Runways, & Incidental Construction) (excl. the Dallas-Fort Worth Regional Airport)
38 FR 9949 - 4/20/73
CORYELL COUNTY
(S,Hw,R,I) - See Bell County
COTTLE COUNTY
(S,Hw,R,I) - See Bailey County
CRANE COUNTY
(S,Hw,R,I) - See Andrews County
Decision #AP-347 (R)
37 FR 20499 - 9/29/72
CROCKETT COUNTY
(S,Hw,R,I) - See Andrews County

TEXAS (Cont'd)

CROSBY COUNTY
(R) (S,Hw,R,I) - See Bailey County
CULBERSON COUNTY
(S,Hw,R,I) - See Brewster County
DALLAM COUNTY
(R)(B) - See Armstrong County
(S,Hw,R,I) - See Archer County
DALLAS COUNTY
(B&R) (S,Hw,R,I,W&S) - See Collin County
DAWSON COUNTY
(S,Hw,R,I) - See Bailey County
DEAF SMITH COUNTY
(R) (B) - See Armstrong County
(S,Hw,R,I) - See Archer County
DELTA COUNTY
(S,Hw,R,I) - See Bowie County
DENTON COUNTY
(R) (B) - See Collin County
(S,Hw,R,I) - See Cooke County
DE WITT COUNTY
(S,Hw,R,I) - See Aransas County
DICKENS COUNTY
(S,Hw,R,I) - See Bailey County
DIMMIT COUNTY
(S,Hw,R,I,W,S) - See Atascosa County
DONLEY COUNTY
(R) (B) - See Armstrong County
(S,Hw,R,I) - See Archer County
DUVAL COUNTY
(S,Hw,R,I) - See Brooks County
EASTLAND COUNTY
(S,Hw,R,I)- See Andrews County
ECTOR COUNTY
(S,Hw,R,I) - See Andrews County
(R) - See Crane County

TEXAS (Cont'd)

EDWARDS COUNTY
(S,Hw,R,I,W,S) - See Atascosa County
ELLIS COUNTY
(B&R) (S,Hw,R,I,W,S) - See Collin County
EL PASO COUNTY
Decision #AP-727 (B)
38 FR 10603 - 4/27/73
Mod. #1 - 38 FR 13126 - 5/18/73
Mod. #2 - 38 FR 16595 - 6/22/73
(S,Hw,R,I) - See Brewster County
ERATH COUNTY
(S,Hw,R,I) - See Andrews County
FALLS COUNTY
(S,Hw,R,I) - See Bell County
FANNIN COUNTY
(S,Hw,R,I) - See Bowie County
FAYETTE COUNTY
(S,Hw,R,I,W,S) - See Austin County
(R) - See Bastrop County
FISHER COUNTY
(S,Hw,R,I) - See Bailey County
FLOYD COUNTY
(r) (S,Hw,R,I) - See Bailey County
FOARD COUNTY
(S,Hw,R,I) - See Bailey County
FORT BEND COUNTY
(R) (S,Hw,R,I,W,S) - See Brazoria County
FRANKLIN COUNTY
(S,Hw,R,I) - See Bowie County
FREESTONE COUNTY
(S,Hw,R,I) - See Bell County
FRIO COUNTY
(S,Hw,R,I,W,S) - See Atascosa County
GAINES COUNTY
(S,Hw,R,I) - See Bailey County

TEXAS (Cont'd)

GALVESTON COUNTY
Decision #AP-724 (B)
38 FR 10594 - 4/27/73
Mod. #1 - 38 FR 14540 - 6/1/73
(S,Hw,R,I,W,S) - See Brazoria County
Decision #AP-348 (R)
37 FR 20501 - 9/29/72
(D) - See Aransas County
GARZA COUNTY
(R) (S,Hw,R,I) - See Bailey County
GILLESPIE COUNTY
(S,Hw,R,I,W,S) - See Austin County
GLASSOCK COUNTY
(S,Hw,R,I) - See Andrews County
GOLIAD COUNTY
(S,Hw,R,I) - See Aransas County
GONZALES COUNTY
(S,Hw,R,I,W,S) - See Austin County
GRAY COUNTY
(R) (B) - See Armstrong County
(S,Hw,R,I) - See Archer County
GRAYSON COUNTY
(B)(S,Hw,R,I,W,S) - See Collin County
GREGG COUNTY
(S,Hw,R,I) - See Bowie County
GRIMES COUNTY
(S,Hw,R,I) - See Brazos County
GUADALUPE COUNTY
(S,Hw,R,I,W,S) - See Atascosa County
HALE COUNTY
(R)(S,Hw,R,I) - See Bailey County
HALL COUNTY
(S,Hw,R,I) - See Archer County
HAMILTON COUNTY
(S,Hw,R,I) - See Bell County
HANSFORD COUNTY
(R)(B) - See Armstrong County
(S,Hw,R,I) - See Archer County

TEXAS (Cont'd)

HARDEMAN COUNTY
(S,Hw,R,I) - See Archer County
HARDIN COUNTY
(S,Hw,R,I) - See Chambers County
HARRIS COUNTY
Decision #AP-722 (B)
38 FR 10588 - 4/27/73
Mod. #1 - 38 FR 14540 - 6/1/73
(R)(S,Hw,R,I,W,S) - See Brazoria County
(D) - See Aransas County
HARRISON COUNTY
(S,Hw,R,I) - See Bowie County
HARTLEY COUNTY
(R)(B) - See Armstrong County
(S,Hw,R,I) - See Archer County
HASKELL COUNTY
(S,Hw,R,I) - See Bailey County
HAYS COUNTY
(S,Hw,R,I,W,S) - See Austin County
(R) - See Bastrop County
HEMPHILL COUNTY
(R) (B) - See Armstrong County
(S,Hw,R,I) See Archer county
HENDERSON COUNTY
(S,Hw,R,I) - See Anderson County
HIDALGO COUNTY
(R)(B) - See Cameron County
(S,Hw,R,I) - See Brooks County
HILL COUNTY
(S,Hw,R,I) - See Bell County
HOCKLEY COUNTY
(R)(S,Hw,R,I) - See Bailey County
HOOD COUNTY
(B) - See Collin County
(S,Hw,R,I) - See Cooke County
Decision #AP-301 (R)
37 FR 15232 - 7/28/72
Mod. #1-37 FR 20395 - 9/29/72

TEXAS (Cont'd)

HOPKINS COUNTY
(S,Hw,R,I) - See Bowie County
HOUSTON COUNTY
(S,Hw,R,I) - See Anderson County
HOWARD COUNTY
(S,Hw,R,I) - See Andrews County
HUDSPETH COUNTY
(S,Hw,R,I) - See Brewster County
HUNT COUNTY
(R)(B) - See Collin County
(S,Hw,R,I) - See Bowie County
HUTCHINSON COUNTY
(R)(B) - See Armstrong County
(S,Hw,R,I) - See Archer County
IRION COUNTY
(S,Hw,R,I) - See Andrews County
JACK COUNTY
(S,Hw,R,I,W,S) - See Cooke County
JACKSON COUNTY
(D) (S,Hw,R,I) - See Aransas County
JASPER COUNTY
(S,Hw,R,I) - See Anderson County
JEFF DAVIS COUNTY
(S,Hw,R,I) - See Brewster County
JEFFERSON COUNTY
Decision #AP-738 (R)
38 FR 18164 - 7/6/73
(S,Hw,R,I) - See Chambers County
Decision #AP-739 (R)
38 FR 18167 - 7/6/73
(D) - See Aransas County
JIM HOGG COUNTY
(S,Hw,R,I) - See Brooks County
JIM WELLS COUNTY
(S,Hw,R,I) - See Aransas County
JOHNSON COUNTY
(B) - See Collin County
(S,Hw,R,I) - See Cooke County
(R) - See Hood County

TEXAS (Cont'd)

JONES COUNTY
(S,Hw,R,I) - See Bailey County
KARNES COUNTY
(S,Hw,R,I) - See Aransas County
KAUFMAN COUNTY
(R)(B) - See Collin County
(S,Hw,R,I) - See Bowie County
KENDALL COUNTY
(S,Hw,R,I,W,S) - See Atascosa County
KENEDY COUNTY
(S,Hw,R,I) - See Brooks County
(D) - See Aransas County
KENT COUNTY
(S,Hw,R,I) - See Bailey County
KERR COUNTY
(S,Hw,R,I,W,S) - See Atascosa County
KIMBLE COUNTY
(S,Hw,R,I) - See Andrews County
KING COUNTY
(S,Hw,R,I) - See Bailey County
KINNEY COUNTY
(S,Hw,R,I,W,S) - See Atascosa County
KLEBERG COUNTY
(D) (S,Hw,R,I) - See Aransas County
KNOX COUNTY
(S,Hw,R,I) - See Bailey County
LAMAR COUNTY
(S,Hw,R,I) - See Bowie County
LAMB COUNTY
(R) (S,Hw,R,I) - See Bailey County
LAMPASAS COUNTY
(S,Hw,R,I) - See Bell County
LA SALLE COUNTY
(S,Hw,R,I,W,S) - See Atascosa County
LAVACA COUNTY
(S,Hw,R,I) - See Aransas County

TEXAS (Cont'd)

LEE COUNTY
(S,Hw,R,I,W,S) - See Austin County
(R) - See Bastrop County
LEON COUNTY
(S,Hw,R,I) - See Brazos County
LIBERTY COUNTY
(S,Hw,R,I) - See Chambers County
LIMESTONE COUNTY
(S,Hw,R,I) - See Bell County
LIPSCOMB COUNTY
(S,Hw,R,I) - See Archer County
(B)(R) - See Armstrong County
LIVE OAK COUNTY
(S,Hw,R,I) - See Aransas County
LLANO COUNTY
(S,Hw,R,I,W,S) - See Austin County
LOVING COUNTY
(S,Hw,R,I) - See Andrews County
(R) - See Crane County
LUBBOCK COUNTY
Decision #AP-726 (B)
38 FR 10600 - 4/27/73
Mod. #1 - 38 FR 13126 - 5/18/73
Mod. #2 - 38 FR 13918 - 5/25/73
Mod. #3 - 38 FR 16595 - 6/22/73
(R)(S,Hw,R,I) - See Bailey County
LYNN COUNTY
(R)(S,Hw,R,I) - See Bailey County
MCCULLOCH COUNTY
(S,Hw,R,I) - See Andrews County
MCLENNAN COUNTY
(S,Hw,R,I) - See Bell County
MCMULLEN COUNTY
(S,Hw,R,I,W,S) - See Atascosa County
MADISON COUNTY
(S,Hw,R,I) - See Brazos County
MARION COUNTY
(S,Hw,R,I) - See Bowie County
MARTIN COUNTY
(S,Hw,R,I) - See Andrews County

TEXAS (Cont'd)

MASON COUNTY
(S,Hw,R,I.W,S) - See Austin County
MATAGORDA COUNTY
(R,S,Hw,R,I,W,S) - See Brazoria County
(D) - See Arnasas County
MAVERICK COUNTY
(S,Hw,R,I,W,S) - See Atascosa County
MEDINA COUNTY
(S,Hw,R,I,W,S) - See Atascosa County
MENARD COUNTY
(S,Hw,R,I) - See Andrews County
MIDLAND COUNTY
(S,Hw,R,I) - See Andrews County
(R) - See Crane County
MILAM COUNTY
(S,Hw,R,I) - See Brazos County
MILLS COUNTY
(S,Hw,R,I) - See Andrews County
MITCHELL COUNTY
(S,Hw,R,I) - See Andrews County
MONTAGUE COUNTY
(S,Hw,R,I) - See Archer County
MONTGOMERY COUNTY
(R,S,Hw,R,I,W,S) - See Brazoria County
MOORE COUNTY
(R) (B) - See Armstrong County
(S,Hw,R,I) - See Archer County
MORRIS COUNTY
(S,Hw,R,I) - See Bowie County
MOTLEY COUNTY
(S,Hw,R,I) - See Bailey County
NACOGDOCHES COUNTY
(S,Hw,R,I) - See Anderson County
NAVARRO COUNTY
(S,Hw,R,I) - See Bell County
NEWTON COUNTY
(S,Hw,R,I) - See Anderson County
NOLAN COUNTY
(S,Hw,R,I) - See Andrews County

TEXAS (Cont'd)

NUECES COUNTY
Decision #AP-728 (B)
38 FR 10606 - 4/27/73
Mod. #1 - 38 FR 13126 - 5/18/73
Mod. #2 - 38 FR 13918 - 5/25/73
Mod. #3 - 38 FR 15795 - 6/15/73
Mod. #4 - 38 FR 17354 - 6/29/73
(D)(S,Hw,R,I) - See Aransas County
OCHILTREE COUNTY
(R)(B) - See Armstrong County
(S,Hw,R,I) - See Archer County
OLDHAM COUNTY
(R)(B) - See Armstrong County
(S,Hw,R,I) - See Archer County
ORANGE COUNTY
(R)(B) - See Jefferson County
(S,Hw,R,I) - See Chambers County
(D) - See Aransas County
PALO PINTO COUNTY
(B) - See Collin County
(S,Hw,R,I) - See Cooke County
(R) - See Hood County
PANOLA COUNTY
(S,Hw,R,I) - See Anderson County
PARKER COUNTY
(B) - See Collin County
(S,Hw,R,I) - See Cooke County
(R) - See Hood County
PARMER COUNTY
(S,Hw,R,I) - See Archer County
PECOS COUNTY
(S,Hw,R,I) - See Brewster County
(R) - See Crane County
POLK COUNTY
(S,Hw,R,I) - See Anderson County
POTTER COUNTY
(S,Hw,R,I) - See Archer County
(B) (R) - See Armstrong County

TEXAS (Cont'd)

PRESIDIO COUNTY
(S,Hw,R,I) - See Brewster County
RAINS COUNTY
(S,Hw,R,I) - See Bowie County
RANDALL COUNTY
(S,Hw,R,I) - See Archer County
(B) (R) - See Armstrong County
REAGAN COUNTY
(S,Hw,R,I) - See Andrews County
REAL COUNTY
(S,Hw,R,I,W,S) - See Atascosa County
RED RIVER COUNTY
(S,Hw,R,I) - See Bowie County
REEVES COUNTY
(S,Hw,R,I) - See Brewster County
(R) - See Crane County
REFUGIO COUNTY
(D) (S,Hw,R,I) - See Aransas County
ROBERTS COUNTY
(S,Hw,R,I) - See Archer County
(B) (R) - See Armstrong County
ROBERTSON COUNTY
(S,Hw,R,I) - See Brazos county
ROCKWALL COUNTY
(S,Hw,R,I,W,S) (B) (R) - See Collin County
RUNNELS COUNTY
(S,Hw,R,I) - See Andrews County
RUSK COUNTY
(S,Hw,R,I) - See Bowie County
SABINE COUNTY
(S,Hw,R,I) - See Anderson County
SAN AUGUSTINE COUNTY
(S,Hw,R,I) - See Anderson County
SAN JACINTO COUNTY
(S,Hw,R,I) - See Anderson County
SAN PATRICIO COUNTY
(S,Hw,R,I) (D) - See Aransas County
SAN SABA COUNTY
(S,Hw,R,I) - See Andrews County
SCHLEICHER COUNTY
(S,Hw,R,I) - See Andrews County

TEXAS (Cont'd)

SCURRY COUNTY
(S,Hw,R,I) - See Bailey County
SHACKELFORD COUNTY
(S,Hw,R,I) - See Bailey County
SHELBY COUNTY
(S,Hw,R,I) - See Anderson county
SHERMAN COUNTY
(S,Hw,R,I) - See Archer County
(B)(R) - See Armstrong County
SMITH COUNTY
(S,Hw,R,I) - See Bowie County
SOMERVELL COUNTY
(S,Hw,R,I) - See Cooke County
STARR COUNTY
(S,Hw,R,I) - See Brooks County
(B) (R) - See Cameron County
STEPHENS COUNTY
(S,Hw,R,I) - See Bailey County
STERLING COUNTY
(S,Hw,R,I) - See Andrews County
STONEWALL COUNTY
(S,Hw,R,I) - See Bailey County
SUTTON COUNTY
(S,Hw,R,I) - See Andrews County
SWISHER COUNTY
(S,Hw,R,I) - See Archer County
(B)(R) - See Armstrong County
TARRANT COUNTY
(B) - See Collin County
(S,Hw,R,I) - See Cooke County
Decision #AM-11423 (R)
37 FR 11617 - 6/9/72
Mod. #1 - 37 FR 20394 - 9/29/72
TAYLOR COUNTY
(S,Hw,R,I) - See Andrews County
TERRELL COUNTY
(S,Hw,R,I) - See Brewster County
TERRY COUNTY
(S,Hw,R,I) - See Bailey County
(R) - See Bailey County
THROCKMORTON COUNTY
(S,Hw,R,I) - See Bailey County
TITUS COUNTY
(S,Hw,R,I) - See Bowie County
TOM GREEN COUNTY
(S,Hw,R,I) - See Andrews County

TEXAS (Cont'd)

TRAVIS COUNTY
Decision #AP-723 (B)
38 FR 10591 - 4/27/73
Mod. #1 - 38 FR 13126 - 5/18/73
Mod. #2 - 38 FR 15795 - 6/15/73
Mod. #3 - 38 FR 16595 - 6/22/73
Mod. #4 - 38 FR 17354 - 6/29/73
(R) - See Bastrop County
(S,Hw,R,I,W,S) - See Austin County
TRINITY COUNTY
(S,Hw,R,I) - See Anderson County
TYLER COUNTY
(S,Hw,R,I) - See Anderson County
UPSHUR COUNTY
(S,Hw,R,I) - See Bowie County
UPTON COUNTY
(S,Hw,R,I) - See Andrews County
(R) - See Crane County
UVALDE COUNTY
(S,Hw,R,I,W,S) - See Atascosa County
VAL VERDE COUNTY
(S,Hw,R,I,W,S) - See Atascosa County
VAN ZANDT COUNTY
(S,Hw,R,I) - See Bowie County
VICTORIA COUNTY
(S,Hw,R,I) - See Aransas County
(D) - See Aransas County
WALKER COUNTY
(S,Hw,R,I) - See Brazos County
(R) - See Brazoria County
WALLER COUNTY
(S,Hw,R,I,W,S) - See Brazoria County
WARD COUNTY
(S,Hw,R,I) - See Andrews County
(R) - See Crane County
WASHINGTON COUNTY
(S,Hw,R,I) - See Brazos County
WEBB COUNTY
(S,Hw,R,I) - See Brooks County
WHARTON COUNTY
(S,Hw,R,I,W,S) - See Brazoria County

TEXAS (Cont'd)

WHEELER COUNTY
(R)(B) - See Armstrong County
(S,Hw,R,I) - See Archer County
WICHITA COUNTY
(S,Hw,R,I) - See Archer County
WILBARGER COUNTY
(S,Hw,R,I) - See Archer County
WILLACY COUNTY
(R)(B) - See Cameron County
(S,Hw,R,I) - See Brooks County
(D) - See Aransas County
WILLIAMSON COUNTY
(S,Hw,R,I,W,S) - See Austin County
(R) - See Bastrop County
WILSON COUNTY
(S,Hw,R,I,W,S) - See Atascosa County
WINKLER COUNTY
(S,Hw,R,I) - See Andrews County
(R) - See Crane County
WISE COUNTY
(B) - See Collin County
(S,Hw,R,I) - See Cooke County
(R) - See Hood County
WOOD COUNTY
(S,Hw,R,I) - See Bowie County
YOAKUM COUNTY
(S,Hw,R,I)(R) - See Bailey County
YOUNG COUNTY
(S,Hw,R,I) - See Bailey County
ZAPATA COUNTY
(S,Hw,R,I) - See Brooks County
ZAVALA COUNTY
(S,Hw,R,I,W,S) - See Atascosa County

UTAH

STATEWIDE
Decision #AP-254 (B-H-Hw)
37 FR 26255 - 12/8/72
Mod. #1-38 FR 939-1/5/73
Mod. #2-38 FR 5763 - 3/2/73
Mod. #3-38 FR 11242 - 5/4/73
BEAVER COUNTY
(B, H, Hw) - See Statewide
BOX ELDER COUNTY
(B, H, Hw) - See Statewide
CACHE COUNTY
(B, H, Hw) - See Statewide
CARBON COUNTY
(B, H, Hw) - See Statewide
DAGGETT COUNTY
(B, H, Hw) - See Statewide
DAVIS COUNTY
(B, H, Hw) - See Statewide
DUCHESNE COUNTY
(B, H, Hw) - See Statewide
EMERY COUNTY
(B, H, Hw) - See Statewide
GARFIELD COUNTY
(B, H, Hw) - See Statewide
GRAND COUNTY
(B, H, Hw) - See Statewide
IRON COUNTY
(B, H, Hw) - See Statewide
JUAB COUNTY
(B, H, Hw) - See Statewide
KANE COUNTY
(B, H, Hw) - See Statewide
MILLARD COUNTY
(B, H, Hw) - See Statewide

UTAH (Cont'd)

MORGAN COUNTY
(B, H, Hw) - See Statewide
PIUTE COUNTY
(B, H, Hw) - See Statewide
RICH COUNTY
(B, H, Hw) - See Statewide
SALT LAKE COUNTY
(B, H, Hw) - See Statewide
SAN JUAN COUNTY
(B, H, Hw) - See Statewide
SANPETE COUNTY
(B, H, Hw) - See Statewide
SEVIER COUNTY
(B, H, Hw) - See Statewide
SUMMIT COUNTY
(B, H, Hw) - See Statewide
TOOELE COUNTY
(B, H, Hw) - See Statewide
UNITAH COUNTY
(B, H, Hw) - See Statewide
UTAH COUNTY
(B, H, Hw) - See Statewide
WASATCH COUNTY
(B, H, Hw) - See Statewide
WASHINGTON COUNTY
(B, H, Hw) - See Statewide
WAYNE COUNTY
(B, H, Hw) - See Statewide
WEBER COUNTY
(B, H, Hw) - See Statewide

VERMONT

STATEWIDE (Except Rutland Co.)
Decision #AP-857 (Hw)
38 FR 16623 - 6/22/73
ADDISON COUNTY
(Hw) - See Statewide
BENNINGTON COUNTY
(Hw) - See Statewide
CALEDONIA COUNTY
(Hw) - See Statewide
CHITTENDEN COUNTY
(Hw) - See Statewide
ESSEX COUNTY
(Hw) - See Statewide
FRANKLIN COUNTY
(Hw) - See Statewide
GRAND ISLE COUNTY
(Hw) - See Statewide

VERMONT (Cont'd)

LAMOILLE COUNTY
(Hw) - See Statewide
ORANGE COUNTY
(Hw) - See Statewide
ORLEANS COUNTY
(Hw) - See Statewide
RUTLAND COUNTY
None
WASHINGTON COUNTY
(Hw) - See Statewide
WINDHAM COUNTY
(Hw) - See Statewide
WINDSOR COUNTY
(Hw) - See Statewide

VIRGINIA

ACCOMACK COUNTY
Decision #AP-805 (Hw)
38 FR 11279 - 5/4/73
Mod. #1 - 38 FR 13127 - 5/18/73
Decision #AP-847 (D)
38 FR 15797 - 6/15/73
ALBERMARLE COUNTY
Decision #AM-1874 (Hw)
36 FR 16342 - 8/20/71
ALEXANDRIA CITY
Decision #AP-858 (B)
38 FR 17390 - 6/29/73
Decision #AP-450 (R)
37 FR 25117 - 11/25/72
(D) - See Accomack County
ALLEGHENY COUNTY
Decision #AM-1875 (Hw)
36 FR 16343 - 8/20/71
Mod. #1 - 37 FR 5169 - 3/10/72
AMELIA COUNTY
Decision #AM-1871 (Hw)
36 FR 16339 - 8/20/71
AMHERST COUNTY
Decision #AM-1870 (Hw)
36 FR 16338 - 8/20/71
APPOMATTOX COUNTY
(Hw) - See Amherst County
ARLINGTON COUNTY
(B) - See Alexandria City
(R) - See Alexandria City
(D) - See Accomack County
AUGUSTA COUNTY
Decision #AM-9320 (R)
37 FR 10267 - 5/19/72
(Hw) - See Allegheny County
BATH COUNTY
(Hw) - See Allegheny County
BEDFORD COUNTY
Decision #AM-1869 (Hw)
36 FR 16337 8/20/71
Mod. #1 - 36 FR 18274 - 9/10/71
BLAND COUNTY
Decision #AM-1868 (Hw)
36 FR 16336 - 8/20/71

VIRGINIA (Cont'd)

BOTECOURT COUNTY
(Hw) - See Bedford County
BRISTOL COUNTY
(Hw) - See Bland County
BRUNSWICK COUNTY
(Hw) - See Amelia County
BUCHANAN COUNTY
(Hw) - See Bland County
BUCKINGHAM COUNTY
(Hw) - See Amherst County
BUENA VISTA CITY
(Hw) - See Allegheny County
CAMPBELL COUNTY
(Hw) - See Amherst County
CAROLINE COUNTY
Decision #AM-1873 (Hw)
36 FR 16341 - 8/20/71
Mod. #1 - 37 FR 15238 - 7/28/72
CARROLL COUNTY
(Hw) - See Bedford County
CHARLES CITY COUNTY
(Hw) - See Amelia County
CHARLOTTE COUNTY
(Hw) - See Amherst County
CHARLOTTESVILLE CITY
(Hw) - See Albermarle County
CHESAPEAKE CITY
Decision #AP-833 (B)
38 FR 14078 - 5/25/73
Mod. #1 - 38 FR 17355 - 6/29/73
Decision #AP-494 (Hw)
38 FR 7693 - 3/23/73
(D) - See Accomack County
CHESTERFIELD COUNTY
(Hw) - See Amelia County
CLARKE COUNTY
Decision #AP-406 (R)
37 FR 15234 - 7/28/72
(Hw) - See Allegheny County
CLIFTON FORGE CITY
(Hw) - See Allegheny County
COLONIAL HEIGHTS CITY
(Hw) - See Amelia County
COVINGTON CITY
(Hw) - See Allegheny County
CRAIG COUNTY
(Hw) - See Bedford County

VIRGINIA (cont'd)

CULPEPER COUNTY
(Hw) - See Albemarle County
CUMBERLAND COUNTY
(Hw) - See Amherst County
DANVILLE CITY
(Hw) - See Amherst County
DICKERSON COUNTY
(Hw) - See Bland County
DINWIDDIE COUNTY
(Hw) - See Amelia County
ESSEX COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
FAIRFAX COUNTY
(B) - See Alexandria City
(R) - See Alexandria City
(D) - See Accomack County
FAIRFAX CITY
(B) - See Alexandria City
(R) - See Alexandria City
FALLS CHURCH CITY
(B) - See Alexandria City
(R) - See Alexandria City
FAUQUIER COUNTY
(Hw) - See Albemarle County
FLOYD COUNTY
(Hw) - See Bedford County
FLUVANNA COUNTY
(Hw) - See Albemarle County
FORT MONROE CITY
(Hw) - See Accomack County
FRANKLIN CITY
(Hw) - See Accomack County
FRANKLIN COUNTY
(Hw) - See Bedford County

VIRGINIA (cont'd)

FREDERICK COUNTY
(R) - See Clarke County
(Hw) - See Alleghany County
FREDERICKSBURG CITY
(Hw) - See Caroline County
GALAX CITY
(Hw) - See Bland County
GILES COUNTY
(Hw) - See Bedford County
GLOUCESTER COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
GOOCHLAND COUNTY
(Hw) - See Amelia County
GREENE COUNTY
(Hw) - See Albemarle County
GREENSVILLE COUNTY
(Hw) - See Accomack County
HALIFAX COUNTY
(Hw) - See Amherst County
HAMPTON CITY
(Hw) - See Chesapeake City
(D) - See Accomack County
HANOVER COUNTY
(Hw) - See Amelia County
HARRISONBURG CITY
(Hw) - See Alleghany County
HENRICO COUNTY
Decision #AP-499 (B)
38 FR 8410 - 3/30/73
Mod. #1-38 FR 11243 - 5/4/73
Mod. #2-38 FR 15795 - 6/15/73
Mod. #3-38 FR 17355 - 6/29/73
(Hw) - See Amelia County

VIRGINIA (cont'd)

HENRY COUNTY
(Hw) - See Bedford County
HIGHLAND COUNTY
(Hw) - See Alleghany County
HOPEWELL CITY
(Hw) - See Amelia County
ISLE OF WIGHT COUNTY
(Hw) - See Accomack County
(D) - See Accomack County
JAMES CITY COUNTY
Decision #AP-407 (R)
37 FR 15235 - 7/28/72
(Hw) - See Accomack County
(D) - See Accomack County
KING AND QUEEN COUNTY
(Hw) - See Caroline County
KING GEORGE COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
KING WILLIAM COUNTY
(Hw) - See Caroline County
LANCASTER COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
LEE COUNTY
(Hw) - See Bland County
LOUDOUN COUNTY
(Hw) - See Albemarle County
LOUISA COUNTY
(Hw) - See Albemarle County
LUNENBURG COUNTY
(Hw) - See Amelia County
LYNCHBURG CITY
(Hw) - See Amherst County

VIRGINIA (cont'd)

MADISON COUNTY
(Hw) - See Albemarle County
MARTINSVILLE CITY
(Hw) - See Bedford County
MATHEWS COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
MECKLENBURG COUNTY
(Hw) - See Amelia County
MIDDLESEX COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
MONTGOMERY COUNTY
(Hw) - See Bedford County
NANSEMOND COUNTY
(Hw) - See Accomack County
(D) - See Accomack County
NELSON COUNTY
(Hw) - See Amherst County
NEW KENT COUNTY
(Hw) - See Amelia County
NEWPORT NEWS CITY
(Hw) - See Chesapeake City
(D) - See Accomack County
NORFOLK CITY
(Hw,B) - See Chesapeake City
(D) - See Accomack County
NORTHAMPTON COUNTY
(Hw) - See Accomack County
(D) - See Accomack County
NORTON CITY
(Hw) - See Bland County

VIRGINIA (cont'd)

NORTHUMBERLAND COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
NOTTOWAY COUNTY
(Hw) - See Amelia County
ORANGE COUNTY
(Hw) - See Albermarle County
PAGE COUNTY
(Hw) - See Allegheny County
PATRICK COUNTY
(Hw) - See Bedford County
PETERSBURG COUNTY
(Hw) - See Amelia County
PITTSYLVANIA COUNTY
(Hw) - See Amherst County
PORTSMOUTH CITY
(Hw,B) - See Chesapeake City
(D) - See Accomack County
POWHATAN COUNTY
(Hw) - See Amelia County
PRINCE EDWARD COUNTY
(Hw) - See Amherst County
PRINCE GEORGE COUNTY
(Hw) - See Amelia County
PRINCE WILLIAM COUNTY
(Hw) - See Albermarle County
(D) - See Accomack County
PULASKI COUNTY
(Hw) - See Bedford County
RADFORD CITY
(Hw) - See Bedford County
RAPAHANNOCK COUNTY
(Hw) - See Albermarle County
RICHMOND CITY
(B) - See Henrico County
(Hw) - See Amelia County
RICHMOND COUNTY
(Hw) - See Caroline County
ROANOKE CITY
(Hw) - See Bedford County
ROANOKE COUNTY
(Hw) - See Bedford County
ROCKBRIDGE COUNTY
(Hw) - See Allegheny County

VIRGINIA (Cont'd)

ROCKINGHAM COUNTY
(R) - See Clarke County
(Hw) - See Alleghany County
RUSSELL COUNTY
(Hw) - See Bland County
SCOTT COUNTY
(Hw) - See Bland County
SHENANDOAH COUNTY
(Hw) - See Alleghany County
(R) - See Clarke County
SMYTH COUNTY
(Hw) - See Bland County
SOUTHAMPTON COUNTY
(Hw) - See Accomack County
SOUTH BOSTON CITY
(Hw) - See Amherst County
SPOTSYLVANIA COUNTY
(Hw) - See Caroline County
STAUNTON CITY
(Hw) - See Alleghany County
STAFFORD COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
SUFFOLK CITY
(Hw) - See Accomack County
SURRY COUNTY
(Hw) - See Accomack County
(D) - See Accomack County
SUSSEX COUNTY
(Hw) - See Accomack County
TAZEWELL COUNTY
(Hw) - See Bland County
VIRGINIA BEACH CITY
Decision #AM-9321 (R)
37 FR 10266 - 5/19/72
(Hw) - See Chesapeake City
(D) - See Accomack County
WARREN COUNTY
(R) - See Clarke County
(Hw) - See Alleghany County
WASHINGTON COUNTY
(Hw) - See Bland County
WAYNESBORO CITY
(Hw) - See Alleghany County
WESTMORELAND COUNTY
(Hw) - See Caroline County
(D) - See Accomack County

VIRGINIA (Cont'd)

WILLIAMSBURG CITY
(Hw) - See Accomack County
WINCHESTER CITY
(Hw) - See Alleghany County
WISE COUNTY
(Hw) - See Bland County
WYTHE COUNTY
(Hw) - See Bland County
YORK COUNTY
(R) - See James City County
(Hw) - See Accomack County
(D) - See Accomack County

WASHINGTON

STATEWIDE
Decision #AP-283 (B,H,Hw,D)
38 FR 8920 - 4/6/73
Mod. #1 - 38 FR 9922 - 4/20/73
Mod. #2 - 38 FR 11243 - 5/4/73
Mod. #3 - 38 FR 13127 - 5/18/73
Mod. #4 - 38 FR 15795 - 6/15/73
Mod. #5 - 38 FR 17355 - 6/29/73
ADAMS COUNTY
(B,H,Hw,D) - See Statewide
ASOTIN COUNTY
(B,H,Hw,D) - See Statewide
BENTON COUNTY
(B,H,Hw,D) - See Statewide
CHELAN COUNTY
(B,H,Hw,D) - See Statewide
CLALLAM COUNTY
(B,H,Hw,D) - See Statewide
CLARK COUNTY
(B,H,Hw,D) - See Statewide
COLUMBIA COUNTY
(B,H,Hw,D) - See Statewide
COWLITZ COUNTY
(B,H,Hw,D) - See Statewide
DOUGLAS COUNTY
(B,H,Hw,D) - See Statewide
FERRY COUNTY
(B,H,Hw,D) - See Statewide
FRANKLIN COUNTY
(B,H,Hw,D) - See Statewide
GARFIELD COUNTY
(B,H,Hw,D) - See Statewide
GRANT COUNTY
(B,H,Hw,D) - See Statewide
GRAYS HARBOR COUNTY
(B,H,Hw,D) - See Statewide
ISLAND COUNTY
Decision #AP-906 (R)
38 FR 13907 - 5/25/73
Mod. #1 - 38 FR 15225 - 6/8/73
(B,H,Hw,D) - See Statewide
JEFFERSON COUNTY
(B,H,Hw,D) - See Statewide

WASHINGTON (Cont'd)

KING COUNTY
(R) - See Island County
(B,H,Hw,D)-See Statewide
KITSAP COUNTY
(B,H,Hw,D)-See Statewide
KITTITAS COUNTY
(B,H,Hw,D)-See Statewide
KLICKITAT COUNTY
(B,H,Hw,D)-See Statewide
LEWIS COUNTY
(B,H,Hw,D)-See Statewide
LINCOLN COUNTY
(B,H,Hw,D)-See Statewide
MASON COUNTY
(B,H,Hw,D)-See Statewide
OKANOGAN COUNTY
(B,H,Hw,D)-See Statewide
PACIFIC COUNTY
(B,H,Hw,D)-See Statewide
PEND OREILLE COUNTY
(B,H,Hw,D)-See Statewide
PIERCE COUNTY
(R) - See Island County
(B,H,Hw,D)-See Statewide
SAN JUAN COUNTY
(B,H,Hw,D)-See Statewide
SKAGIT COUNTY
(B,H,Hw,D)-See Statewide
SKAMANIA COUNTY
(B,H,Hw,D)-See Statewide
SNOHOMISH COUNTY
(R) - See Island County
(B,H,Hw,D)-See Statewide
SPOKANE COUNTY
(B,H,Hw,D)-See Statewide
STEVENS COUNTY
(B,H,Hw,D)-See Statewide
THURSTON COUNTY
(B,H,Hw,D)-See Statewide
WAHKIAKUM COUNTY
(B,H,Hw,D)-See Statewide
WALLA WALLA COUNTY
(B,H,Hw,D)-See Statewide
WHATCOM COUNTY
(B,H,Hw,D)-See Statewide
WHITMAN COUNTY
(B,H,Hw,D)-See Statewide
YAKIMA COUNTY
(B,H,Hw,D)-See Statewide

WASHINGTON, D. C.

WASHINGTON, D. C.
Decision #AP-823 (B,Hw,Sewer & Water)
38 FR 13304 - 5/18/73
Mod. #1 - 38 FR 15796 - 6/15/73
Mod. #2 - 38 FR 16595 - 6/22/73
Mod. #3 - 38 FR 17357 - 6/29/73
Mod. #4 - 38 FR 18129 - 7/6/73
Decision #AP-450 (R)
37 FR 25117 - 11/25/72
Decision #AP-847 (D)
38 FR 15797 - 6/15/73

WEST VIRGINIA

STATEWIDE
Decision #AP-801 (H,Hw)
38 FR 9415 - 4/13/73
BARBOUR COUNTY
(H,Hw) - See Statewide
BERKELEY COUNTY
(H,Hw) - See Statewide
BOONE COUNTY
(H,Hw) - See Statewide
BRAXTON COUNTY
(H,Hw) - See Statewide
BROOKE COUNTY
(H,Hw) - See Statewide
CABELL COUNTY
Decision #AP-403 (B)
37 FR 14661 - 7/21/72
Mod. #1-37 FR 16722 - 8/18/72
Mod. #2-37 FR 21720 - 10/13/72
Mod. #3 - 38 FR 15226 - 6/8/73
Decision #AP-602 (D)
38 FR 1433 - 1/12/73
(H,Hw) - See Statewide
CALHOUN COUNTY
(H,Hw) - See Statewide
CLAY COUNTY
(H,Hw) - See Statewide
DODDRIDGE COUNTY
(H,Hw) - See Statewide
FAYETTE COUNTY
(H,Hw) - See Statewide
GILMER COUNTY
(H,Hw) - See Statewide
GRANT COUNTY
(H,Hw) - See Statewide
GREENBRIER COUNTY
(H,Hw) - See Statewide

WEST VIRGINIA (Cont'd)

HAMPSHIRE COUNTY
(H,Hw) - See Statewide
HANCOCK COUNTY
(H,Hw) - See Statewide
HARDY COUNTY
(H,Hw) - See Statewide
HARRISON COUNTY
(H,Hw) - See Statewide
JACKSON COUNTY
(D) - See Cabell County
(H,Hw) - See Statewide
JEFFERSON COUNTY
(H,Hw) - See Statewide
KANAWHA COUNTY
Decision #AP-402 (B)
37 FR 14659 - 7/21/72
Mod. #1 - 37 FR 20401 - 9/29/72
Mod. #2 - 37 FR 21720 - 10/13/72
Mod. #3 - 38 FR 4082 - 2/9/73
Mod. #4 - 38 FR 15226 - 6/8/73
Decision #AP-405 (R)
37 FR 15236 - 7/28/72
Mod. #1 - 37 FR 20401 - 9/29/72
Mod. #2 - 37 FR 21720 - 10/13/72
Mod. #3 - 38 FR 4082 - 2/9/73
Mod. #4 - 38 FR 15226 - 6/8/73

WEST VIRGINIA (Cont'd)

LEWIS COUNTY
(H,Hw) - See Statewide
LINCOLN COUNTY
(H,Hw) - See Statewide
LOGAN COUNTY
(H,Hw) - See Statewide
MC DOWELL COUNTY
(H,Hw) - See Statewide
MARION COUNTY
(H,Hw) - See Statewide
MARSHALL COUNTY
(H,Hw) - See Statewide
MASON COUNTY
(D) - See Cabell County
(H,Hw) - See Statewide
MERCER COUNTY
(H,Hw) - See Statewide
MINERAL COUNTY
(H,Hw) - See Statewide
MINGO COUNTY
(H,Hw) - See Statewide
MONOGALIA COUNTY
(H,Hw) - See Statewide
MONROE COUNTY
(H,Hw) - See Statewide
MORGAN COUNTY
(H,Hw) - See Statewide
NICHOLAS COUNTY
(H,Hw) - See Statewide
OHIO COUNTY
(H,Hw) - See Statewide
PENDLETON COUNTY
(H,Hw) - See Statewide
PLEASANT COUNTY
(D) - See Cabell County
(H,Hw) - See Statewide
PRESTON COUNTY
(H,Hw) - See Statewide

WEST VIRGINIA (Cont'd)

PUTNAM COUNTY
(H,Hw) - See Statewide
RALEIGH COUNTY
(H,Hw) - See Statewide
RANDOLPH COUNTY
(H,Hw) - See Statewide
RITCHIE COUNTY
(H,Hw) - See Statewide
ROANE COUNTY
(H,Hw) - See Statewide
SUMMERS COUNTY
(H,Hw) - See Statewide
TAYLOR COUNTY
(H,Hw) - See Statewide
TUCKER COUNTY
(H,Hw) - See Statewide
TYLER COUNTY
(H,Hw) - See Statewide
UPSHUR COUNTY
(H,Hw) - See Statewide
WAYNE COUNTY
(H,Hw) - See Statewide
WEBSTER COUNTY
(H,Hw) - See Statewide
WETZEL COUNTY
(D) - See Cabell County
(H,Hw) - See Statewide
WIRT COUNTY
(H,Hw) - See Statewide
WOOD COUNTY
(D) - See Cabell County
(H,Hw) - See Statewide
WYOMING COUNTY
(H,Hw) - See Statewide

WISCONSIN

ADAMS COUNTY
Decision #AP-72 (Hw)
37 FR 26273 - 12/8/72
Mod. #1-38 FR 2019 - 1/9/73
Mod. #2-38 FR 12524 - 5/11/73
ASHLAND COUNTY
Decision #AP-4 (D)
37 FR 14670 - 7/21/72
Decision #AP-70 (Hw)
37 FR 26269 - 12/8/72
Mod. #1-38 FR 2018 - 1/19/73
Mod. #2-38 FR 12523 - 5/11/73
BARRON COUNTY
Decision #AP-71 (Hw)
37 FR 26271 - 12/8/72
Mod. #1-38 FR 2018-1/19/73
Mod. #2-38 FR 12524 - 5/11/73
BAYFIELD COUNTY
(D) - See Ashland County
(Hw) - See Ashland County.
BROWN COUNTY
Decision #AP-53 (B)(H)(Hw)
37 FR 25643 - 12/1/72
Mod. #1-37 FR 28357-12/22/72
Mod. #2-38 FR 2015-1/19/73
Mod. #3-38 FR 5111-2/23/72
Mod. #4-38 FR 12520 - 5/11/73
(D) - See Ashland County
BUFFALO COUNTY
(Hw) - See Barron County
BURNETT COUNTY
(Hw) - See Ashland County
CALUMET COUNTY
Decision #AP-74 (Hw)
37 FR 26277 - 12/8/72
Mod. #1-38 FR 2019-1/19/73
Mod. #2-38 FR 12524 - 5/11/73
CHIPPEWA COUNTY
(Hw) - See Barron County
CLARK COUNTY
(Hw) - See Barron County
COLUMBIA COUNTY
Decision #AP-73 (Hw)
37 FR 26275 - 12/8/72
Mod. #1-38 FR 2019-1/19/73
Mod. #2-38 FR 12524 - 5/11/73
CRAWFORD COUNTY
(Hw) - See Columbia County
DANE COUNTY
Decision #AP-54 (B)(H)(Hw)
37 FR 25647 - 12/1/72
Mod. #1-37 FR 28357-12/22/72
Mod. #2-38 FR 2015-1/19/73
Mod. #3-38 FR 5111-2/23/73
Mod. #4-38 FR 12521 - 5/11/73

WISCONSIN (Cont'd)

DANE COUNTY (cont'd)
Decision #AP-65 (R)
37 FR 25606 - 12/1/72
Mod. #1 - 38 FR 28358 - 12/22/72
Mod. #2 - 38 FR 2018 - 1/19/73
Mod. #3 - 38 FR 5112 - 2/23/73
DODGE COUNTY
(Hw) - See Columbia County
DOOR COUNTY
(D) - See Ashland County
(Hw) - See Calumet County
DOUGLAS COUNTY
(D) - See Ashland County
(Hw) - See Ashland County
DUNN COUNTY
(Hw) - See Barron County
EAU CLAIRE COUNTY
Decision #AP-55 (B)(H)(Hw)
37 FR 25650 - 12/1/72
Mod. #1-38 FR 2016-1/19/73
Mod. #2-38 FR 5111-2/23/73
Mod. #3-38 FR 12521 - 5/11/73
FLORENCE COUNTY
(Hw) - See Calumet County
FOND DU LAC COUNTY
Decision #AP-75 (Hw)
37 FR 26279 - 12/8/72
Mod. #1-38 FR 2019-1/19/73
Mod. #2-38 FR 12524 - 5/11/73
FOREST COUNTY
(Hw) - See Ashland County
GRANT COUNTY
(Hw) - See Columbia County
GREEN COUNTY
(Hw) - See Columbia County
GREEN LAKE COUNTY
(Hw) - See Adams County
IOWA COUNTY
(Hw) - See Columbia County
IRON COUNTY
(D) - See Ashland County
(Hw) - See Ashland County
JACKSON COUNTY
(Hw) - See Columbia County
JEFFERSON COUNTY
(Hw) - See Columbia County
JUNEAU COUNTY
Decision #AP-56 (B)(H)(Hw)
37 FR 25654 - 12/1/72
Mod. #1-37 FR 28357-12/22/72
Mod. #2-38 FR 2016-1/19/73
Mod. #3-38 FR 5111-2/23/73
Mod. #4-38 FR 12521 - 5/11/73

WISCONSIN (Cont'd)

KENOSHA COUNTY
Decision #AP-57 (B,H,Hw)
37 FR 25658 - 12/1/72
Mod. #1-37 FR 28357 - 12/22/72
Mod. #2-38 FR 2016 - 1/19/73
Mod. #3-38 FR 12521 - 5/11/73
KEWAUNEE COUNTY
(D) - See Ashland County
(Hw) - See Calumet County
LA CROSSE COUNTY
Decision #AP-58 (B,H,Hw)
37 FR 25662 - 12/1/72
Mod. #1-37 FR 28357 - 12/22/72
Mod. #2-38 FR 2016 - 1/19/73
Mod. #3-38 FR 5112 - 2/23/73
Mod. #4-38 FR 12521 - 5/11/73
Decision #AP-66 (R)
37 FR 25609 - 12/1/72
Mod. #1 - 37 FR 28358 - 12/22/72
Mod. #2 - 38 FR 2018 - 1/19/73
Mod. #3 - 38 FR 5112 - 2/23/73
Mod. #4 - 38 FR 12523 - 5/11/73
LAFAYETTE COUNTY
(Hw) - See Columbia County
LANGLADE COUNTY
(Hw) - See Adams County
LINCOLN COUNTY
(Hw) - See Ashland County
MANITOWOC COUNTY
(D) - See Ashland County
(Hw) - See Calumet County
MARATHON COUNTY
Decision #AP-59 (B)(H)(Hw)
37 FR 25666 - 12/1/72
Mod. #1-38 FR 2017-1/19/73
Mod. #2-38 FR 5111-2/23/73
Mod. #3-38 FR 12522 - 5/11/73
MARINETTE COUNTY
(D) - See Ashland County
(Hw) - See Calumet County
MARQUETTE COUNTY
(Hw) - See Adams County
MENOMINEE COUNTY
(Hw) - See Adams County
MILWAUKEE COUNTY
Decision #AP-60 (B)(H)(Hw)
37 FR 25669 - 12/1/72
Mod. #1-37 FR 28357-12/22/72
Mod. #2-38 FR 2017-1/19/73
Mod. #3-38 FR 5111-2/23/73
Mod. #4-38 FR 12522 - 5/11/73
(D) - See Ashland County
Decision #AP-67 (R)
37 FR 25612 - 12/1/72
Mod. #1 - 37 FR 28358 - 12/22/72
Mod. #2 - 38 FR 5112 - 2/23/73

WISCONSIN (Cont'd)

MONROE COUNTY
(Hw) - See Columbia County
OCONTO COUNTY
(D) - See Ashland County
(Hw) - See Calumet County
ONEIDA COUNTY
(Hw) - See Ashland County
OUTAGAMIE COUNTY
(Hw) - See Calumet County
OZAUKEE COUNTY
(B,H,Hw) - See Milwaukee County
(D) - See Ashland County
(Hw) - See Fond du Lac County
(R) - See Milwaukee County
PEPIN COUNTY
(Hw) - See Barron County
PIERCE COUNTY
(Hw) - See Barron County
POLK COUNTY
Decision #AP-61 (B) (H) (Hw)
37 FR 25674 - 12/1/72
Mod. #1-38 FR 2017 - 1/9/72
Mod. #2- 38 FR 12522 - 5/11/73
PORTAGE COUNTY
(Hw) - See Adams County
PRICE COUNTY
(Hw) - See Ashland County
RACINE COUNTY
Decision #AP-62 (B,H,Hw)
37 FR 25678 - 12/1/72
Mod. #1-37 FR 28357 - 12/22/72
Mod. #2-38 FR 2017 - 1/19/73
Mod. #3-38 FR 12522 - 5/11/73
(D) - See Ashland County
RICHLAND COUNTY
(Hw) - See Columbia County
ROCK COUNTY
Decision #AP-63 (B,H,Hw)
37 FR 25682 - 12/1/72
Mod. #1-37 FR 28358 - 12/22/72
Mod. #2-38 FR 2018 - 1/19/73
Mod. #3-38 FR 5111 - 2/23/73
Mod. #4-38 FR 12523 - 5/11/73
RUSK COUNTY
(Hw) - See Ashland County
SAINT CROIX COUNTY
(Hw) - See Barron County
SAUK COUNTY
(Hw) - See Columbia County
SAWYER COUNTY
(Hw) - See Ashland County

WISCONSIN (Cont'd)

SHAWANO COUNTY
(Hw) - See Adams County
SHEBOYGAN COUNTY
(D) - See Ashland County
(Hw) - See Fond du Lac County
TAYLOR COUNTY
(Hw) - See Ashland County
TREMPEALEAU COUNTY
(Hw) - See Barron County
VERNON COUNTY
(Hw) - See Columbia County
VILAS COUNTY
(Hw) - See Ashland County
WALWORTH COUNTY
(Hw) - See Fond du Lac County
WASHBURN COUNTY
(Hw) - See Ashland County
WASHINGTON COUNTY
(B,H,Hw) - See Milwaukee County
(Hw) - See Fond du Lac County
(R) - See Milwaukee County
WAUKESHA COUNTY
(B,H,Hw) - See Milwaukee County
(R) - See Milwaukee County
WAUPACA COUNTY
(Hw) - See Adams County
WAUSHARA COUNTY
(Hw) - See Adams County
WINNEBAGO COUNTY
Decision #AP-64 (B,H,Hw)
37 FR 25686 - 12/1/72
Mod. #1-37 FR 28358 - 12/22/72
Mod. #2 - 38 FR 2018 - 1/19/73
Mod. #3 - 38 FR 5112 - 2/23/73
Mod. #4 - 38 FR 12523 - 5/11/73
WOOD COUNTY
(Hw) - See Adams County

WYOMING

STATEWIDE
Decision #AM-2,476 (Hw)
36 FR 17159 - 8/27/71
Mod. #1-37 FR 4470 - 3/3/72
Mod. #2-37 fR 28805 - 12/29/72
Mod. #3-38 FR 2020 - 1/19/73
ALBANY COUNTY
(Hw) - See Statewide
BIG HORN COUNTY
(Hw) - See Statewide
CAMPBELL COUNTY
(Hw) - See Statewide
CARBON COUNTY
(Hw) - See Statewide
CONVERSE COUNTY
(Hw) - See Statewide
CROOK COUNTY
(Hw) - See Statewide
FREMONT COUNTY
(Hw) - See Statewide
GOSHEN COUNTY
(Hw) - See Statewide
HOT SPRINGS COUNTY
(Hw) - See Statewide
JOHNSON COUNTY
(Hw) - See Statewide
LARAMIE COUNTY
Decision #AP-250 (B,H,Hw)
37 FR 24011 - 11/10/72
Mod. #1 - 38 FR 940 - 1/5/73
Mod. #2 - 38 FR 2021 - 1/19/73
LINCOLN COUNTY
(Hw) - See Statewide
NATRONA COUNTY
(Hw) - See Statewide
NIOBRARA COUNTY
(Hw) - See Statewide
PARK COUNTY
(Hw) - See Statewide
PLATTE COUNTY
(Hw) - See Statewide
SHERIDAN COUNTY
(Hw) - See Statewide
SUBLETTE COUNTY
(Hw) - See Statewide

WYOMING (Cont'd)

SWEETWATER COUNTY
(Hw) - See Statewide
TETON COUNTY
(Hw) - See Statewide
UINTA COUNTY
(Hw) - See Statewide
WASHAKIE COUNTY
(Hw) - See Statewide
WESTON COUNTY
(Hw) - See Statewide
YELLOWSTONE NATIONAL PARK COUNTY
(Hw) - See Statewide

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