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PART I



HIGHLIGHTS OF THIS ISSUE

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

SAFETY AND HEALTH PROGRAMS FOR FEDERAL AGENCIES—Labor Department proposals; comments by 10-18-73	27070
FLAMMABLE AND COMBUSTIBLE LIQUIDS—OSHA revises definitions	27047
ASBESTOS PARTICLES—FDA proposal on adulteration of food and drugs; comments by 12-27-73	27076
FARM LOANS—USDA amends regulations	27055
RICE—USDA announces determinations for 1974 crop; comments by 10-15-73	27068
MEAT AND POULTRY—USDA proposes sanitation requirements for conveyances used for transportation; comments by 12-7-73	27069
FOOD ADDITIVES—FDA permits residues of benzene hexachloride in imported paprika	27046
DRIVER'S LOG—DOT revises form	27049
PNEUMATIC TIRES—DOT revises performance requirements; effective 3-29-74	27050
IDENTIFICATION REQUIREMENTS—FCC amends rules for ships and survival craft engaged in public correspondence	27052
CIVIL WORKS PROJECTS—Department of the Army notice on responsibility for costs in highway and housing relocations	27098
SECURITIES ACCOUNTING— SEC proposals on disclosure of income tax expense; comments by 10-31-73	27088
SEC proposals relating to life insurance companies; comments by 11-1-73	27090
SITUATION INFORMATION ON ENTRIES, WITHDRAWALS, AND INVOICES—Treasury Department proposes to amend customs regulations; comments by 10-29-73	27094
MEETINGS— FDA: Advisory committee meetings for October	27102
SEC: Broker-Dealer Model Compliance Program Advisory Committee, 10-5-73	27115
HEW: National advisory committees, October meetings	27105

PART II:

MINIMUM WAGE—Labor Department determinations and monthly index for federally assisted construction	27141
--	-------

REMINDERS

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

Rules Going Into Effect Today

NOTE: There were no items published after October 1, 1972, that are eligible for inclusion in the list of RULES GOING INTO EFFECT TODAY.

	page no. and date
September 29	
INTERIOR DEPARTMENT—Migratory bird hunting; open seasons, bag limits, and possession of certain migratory game birds.....	23524; 8-31-73
DOT—Shipment of hazardous materials.	
September 30	
20083; 7-27-73	
—Shipping container regulations.	21989; 8-15-73
—Hazardous materials; editorial changes.....	23791; 9-30-73

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Contents

AGRICULTURAL MARKETING SERVICE

Rules and Regulations	
Lemons grown in California and Arizona; limitation of handling	27052
Milk in the Central Illinois Marketing area; order amending order	27053
Olives grown in California; expenses, rate of assessment, and carryover of unexpended funds	27053

Proposed Rules

Standards for grades of canned apricots and canned solid-pack apricots; correction	27068
Grapefruit grown in Arizona and designated part of California; limitation of handling	27068

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

Proposed Rules	
Rice; determinations to be made regarding marketing quotas, National, State, and county acreage allotments, etc.	27068

Notices

Sugarbeet producing area; hearings on wages and prices, and designation of presiding officers	27100
---	-------

AGRICULTURE DEPARTMENT

See Agricultural Marketing Service; Agricultural Stabilization and Conservation Service; Animal and Plant Health Inspection Service; Farmers Home Administration; Soil Conservation Service.	
--	--

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

Proposed Rules	
Meat and poultry inspection; added assurance against adulteration	27069

ARMY DEPARTMENT

See Engineers Corps.	
----------------------	--

ATOMIC ENERGY COMMISSION

Proposed Rules	
Public records; changes for processing request	27096

Notices

Duke Power Co.; order extending completion date	27106
Florida Power & Light Co.; receipt of application for construction permit and availability of environmental report	27106

CIVIL AERONAUTICS BOARD

Notices	
Hearings, etc.:	
Alaska Airlines, Inc.	27107
Interstate and Intrastate fares in California and Texas as markets	27107

COMMERCE DEPARTMENT

See also Social and Economic Statistics Administration.	
---	--

Notices

Tariff schedules, general statistical headnote 1; collection of F.O.B. and C.I.F. data on imports	27101
---	-------

COMMITTEE FOR PURCHASE OF PRODUCTS AND SERVICES OF THE BLIND AND OTHER SEVERELY HANDICAPPED

Notices

Procurement List 1973:	
Addition	27107
Proposed additions	27107

CUSTOMS SERVICE

Proposed Rules

Statistical headnote to tariff schedules; statistical information on entries, withdrawals, and invoices	27094
---	-------

DEFENSE DEPARTMENT

See Engineers Corps.	
----------------------	--

EMPLOYMENT STANDARDS ADMINISTRATION

Notices

Minimum wages for Federal and federally assisted construction; general wage determination decisions and supersedeas decisions	27141
---	-------

ENGINEERS CORPS

Notices

Highway and housing relocations; responsibility for costs of improved standards	27098
---	-------

ENVIRONMENTAL PROTECTION AGENCY

Notices

State of Washington; public hearing and request for approval of State program	27107
---	-------

FARMERS HOME ADMINISTRATION

Rules and Regulations

Farm purchases and developmental loans to individuals; farm ownership loan policies, procedures, and authorizations	27055
---	-------

FEDERAL AVIATION ADMINISTRATION

Rules and Regulations

Additional control area; designation	27046
--------------------------------------	-------

Airworthiness directives:

Beech models 19, 23, and 24 series airplanes	27045
--	-------

Bell model 206 series helicopters	27045
-----------------------------------	-------

Cessna model R172E aircraft	27045
-----------------------------	-------

Restricted area, continental control area, transition area, and control zone; alteration	27046
--	-------

Proposed Rules

Area high route; alteration	27081
-----------------------------	-------

VOR Federal airways; alteration	27081
---------------------------------	-------

FEDERAL COMMUNICATIONS COMMISSION

Rules and Regulations

Stations on shipboard in the maritime services; deferral of identification requirement for ships and survival craft	27052
---	-------

Proposed Rules

Ascertainment of community problems by broadcast applicants; order extending time to file reply comments	27087
--	-------

FM broadcast stations; table of assignments	27086
---	-------

Land mobile service; incorporation of additional material and extension of time for comments	27082
--	-------

Notices

Common carrier services information; domestic public radio services applications accepted for filing	27108
--	-------

International Record Carriers; memorandum opinion and order regarding oral argument en banc	27110
---	-------

FEDERAL HIGHWAY ADMINISTRATION

Rules and Regulations

Hours of service of drivers; revision of specimen driver's log	27049
--	-------

FEDERAL POWER COMMISSION

Notices

Hearings, etc.:	
Kansas Power & Light Co.	27111
Michigan Wisconsin Pipe Line Co	27113

Texas Gas Transmission Corp. and Gibson County Utility District	27113
---	-------

FEDERAL RESERVE SYSTEM

Notices

Acquisitions of banks:	
First at Orlando Corp.	27114
Indian Head Banks, Inc.	27114
Southeast Banking Corp.	27115
Wyoming Bancorporation	27115
Northwest Bancorporation; order denying acquisition of bank	27114

FISH AND WILDLIFE SERVICE

Rules and Regulations

Hunting; Columbian White-Tailed Deer National Wildlife Refuge, Washington	27052
---	-------

FOOD AND DRUG ADMINISTRATION

Rules and Regulations

Food additives; benzene hexachloride	27046
--------------------------------------	-------

Proposed Rules

Asbestos particles in food and drugs; prohibition of adulteration	27076
---	-------

(Continued on next page)

27041

CONTENTS

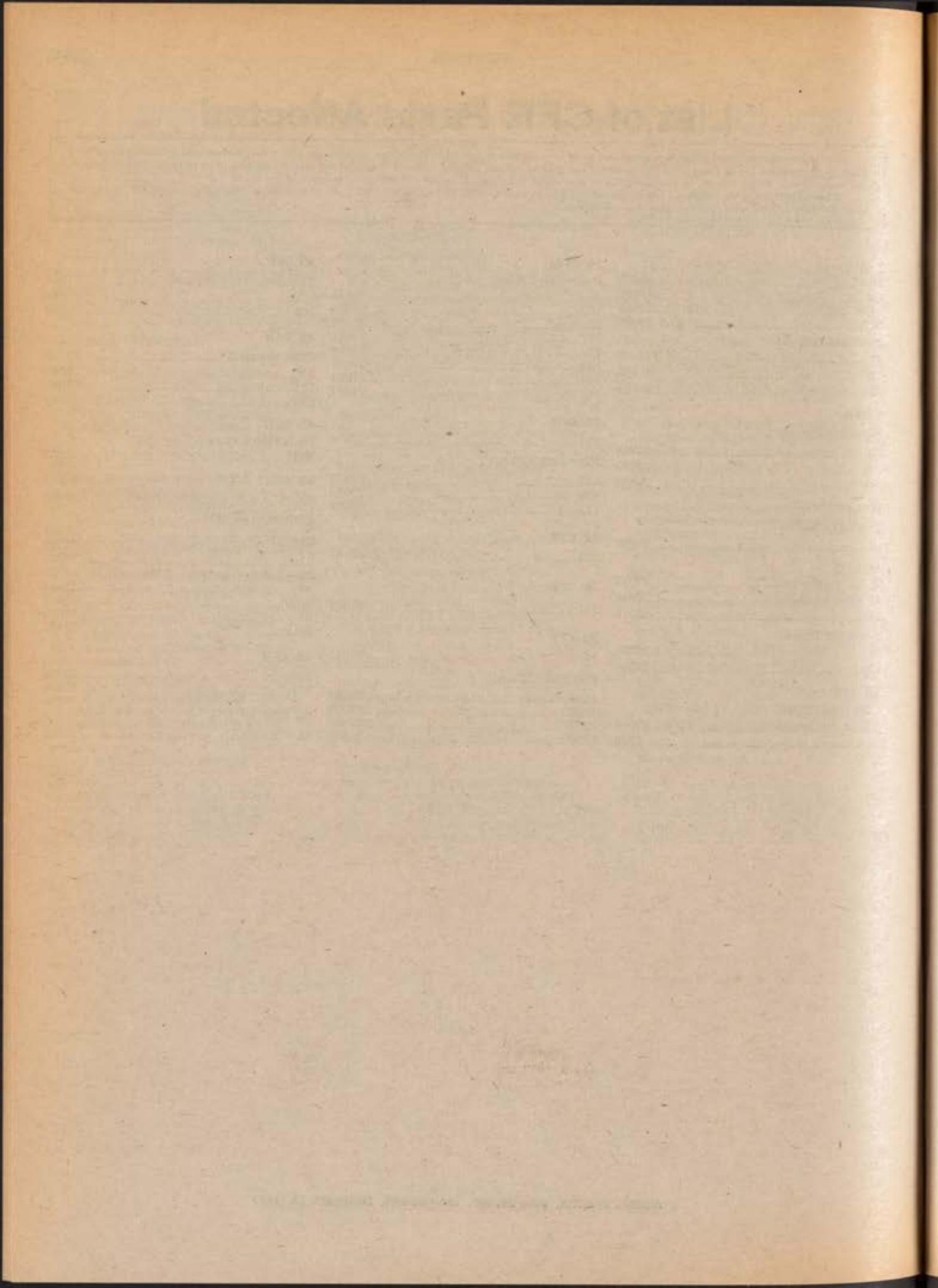
Notices		Notices	
Advisory committees; meetings	27102	Broker-Dealer Model Compliance Program Advisory Committee; public meeting	27115
Agreement with EPA; matters of mutual responsibility; amendment; correction	27102		
HEALTH, EDUCATION, AND WELFARE DEPARTMENT		SELECTIVE SERVICE SYSTEM	
See Food and Drug Administration; Health Resources Administration; Social and Rehabilitation Service; National Institutes of Health.		Notices	
HEALTH RESOURCES ADMINISTRATION		Registrants Processing Manual	27115
Notices		SOCIAL AND ECONOMIC STATISTICS ADMINISTRATION	
National advisory bodies; meetings	27105	Notices	
		Annual surveys in manufacturing area; consideration	27101
INTERIOR DEPARTMENT		SOCIAL AND REHABILITATION SERVICE	
Notices		Proposed Rules	
Hungry Horse Cloud Seeding Program; availability of draft environmental statement	27099	Service programs for families, and children, aged, blind, or disabled individuals; correction	27081
Tulalip Indian Reservation, Washington; ordinance legalizing the introduction, sale, or possession of intoxicants	27099		
INTERNAL REVENUE SERVICE		SOIL CONSERVATION SERVICE	
Rules and Regulations		Notices	
Procedure and administration; CFR correction	27047	Red Boiling Springs Watershed Project, Tennessee; availability of environmental statement	27100
INTERSTATE COMMERCE COMMISSION		STATE DEPARTMENT	
Notices		Rules and Regulations	
Assignment of hearings	27121	Disposal of surplus; property located in foreign areas; cross reference	27047, 27049
Fourth section applications for relief	27122		
Motor Carrier Board transfer proceedings	27122	TARIFF COMMISSION	
Motor carrier temporary authority applications	27123	Notices	
LABOR DEPARTMENT		Tariff schedule, general statistical headnote 1; collection of F.O.B. and C.I.F. data on imports	27100
See Employment Standards Administration; Occupational Safety and Health Administration.		TRANSPORTATION DEPARTMENT	
LAND MANAGEMENT BUREAU		See Federal Aviation Administration; Federal Highway Administration; National Highway Traffic Safety Administration.	
Notices		TREASURY DEPARTMENT	
Chief, Division of Technical Services and Chief, Branch of Cadastral Survey; redelegation of authority	27099	See also Customs Service; Internal Revenue Service.	
		Notices	
		Tariff schedule, general statistical headnote 1; collection of F.O.B. and C.I.F. data on imports	27098

List of CFR Parts Affected

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

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

7 CFR		19 CFR		36 CFR
910	27052	PROPOSED RULES:		Title heading changed
932	27053	4	27094	27049
1050	27053	10	27094	27049
1821	27055	19	27094	27049
PROPOSED RULES:		25	27094	44 CFR
52	27068	141	27094	Title vacated
730	27068	143	27094	27049
909	27068	144	27094	308
		145	27094	27049
9 CFR		21 CFR		501
PROPOSED RULES:		121	27046	502
308	27069	PROPOSED RULES:		45 CFR
325	27069	121	27076	PROPOSED RULES:
381	27069	128	27076	221
10 CFR		133	27076	47 CFR
PROPOSED RULES:		22 CFR		83
9	27096	133	27047	PROPOSED RULES:
14 CFR		26 CFR		2
39 (3 documents)	27045	301	27047	27082
71 (2 documents)	27046	29 CFR		18
73	27046	1910	27047	27082
PROPOSED RULES:		PROPOSED RULES:		21
71	27081	1201	27088	73 (3 documents)
75	27081	1203	27088	27082, 27086, 27087
17 CFR		1207	27088	74
PROPOSED RULES:		1960	27070	89
210 (2 documents)	27088, 27090			91
249	27090			93
				49 CFR
				395
				571
				50 CFR
				32
				27052



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 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 73-CE-13-AD; Amdt. 39-1728]

PART 39—AIRWORTHINESS DIRECTIVES

Beech Models 19, 23 and 24 Series Airplanes

There have been reports of cracked or fractured brackets or frames of the fuselage structure at the forward wing attachment point on Beech Models 19, 23 and 24 series airplanes. This condition is due to overload, possibly initiated by hard landings, contact with ground objects, or other operational overloads, and could endanger wing integrity. Since the condition described herein exists and could develop in other airplanes of the same type design, an Airworthiness Directive (AD) is being issued requiring repetitive inspections of the forward wing attach brackets on Beech Models 19, 23 and 24 series airplanes for cracks or damage and the repair thereof where necessary in accordance with Beechcraft Service Instructions 0042-031.

Since a situation exists which requires expeditious adoption of the amendment, notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than thirty (30) days. In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator 14 CFR 11.89 (31 FR 13697), § 39.13 of the Federal Aviation Regulations is amended by adding the following new AD.

BEECH. Applies to all Models 19, 23, 24 and 24R series airplanes.

Compliance: Required as indicated.

To detect cracks or other structural damage to the forward wing attach point brackets (P/N 169-400013-3 and -5(LH) and 169-400013-4 and -6 (RH)), within the next 25 hours' time in service after the effective date of this AD unless previously accomplished on airplanes having more than 100 hours' time in service and thereafter at each normal annual, progressive or 100 hour inspection interval as required by FAR 91.169, accomplish the following:

(A) Remove the seats and sidepanels and the forward wing attach bolt and visually inspect the forward wing attach brackets, P/N 169-400013-3 and -5(LH) and 169-400013-4 and -6 (RH), to determine if cracks or other structural damage exists in the area around the attach bolt hole. This inspection is to be performed in accordance with Beech Service Instruction 0042-031.

(B) If as a result of any inspection required herein cracks or other structural damage is discovered, prior to further flight repair the forward wing attach brackets in accordance

with Beechcraft Service Instructions 0042-031, or later FAA-approved revisions, or any other repair approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region. To accomplish the repair required herein the aircraft may be flown in accordance with FAR 21.197 to a base where the repair may be performed.

(C) The inspection intervals required in this AD may be adjusted $15 \pm$ hours where required to fit users maintenance cycles if authorized by an FAA flight Standards Inspector.

This amendment becomes effective October 5, 1973.

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

Issued in Kansas City, Missouri, on September 21, 1973.

A. L. COULTER,

Director, Central Region.

[FR Doc. 73-20699 Filed 9-27-73; 8:45 am]

[Airworthiness Docket No. 73-SW-39; Amdt. 39-1727]

PART 39—AIRWORTHINESS DIRECTIVES

Bell Model 206 Series Helicopters

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring a daily inspection for cracks in certain tall rotor blades on Bell Model 206 Series and 47 Series helicopters was published in 38 FR 20097.

Interested persons have been afforded an opportunity to participate in the making of the amendment. One letter was received that objected to the proposed inspection on the Model 47 tall rotor blades since the tall rotor blade, P/N 47-642-117, has not been subject to skin cracks. After reviewing the design features of such blades and finding no reports of cracks occurring in the skin of this type blade, the agency has determined that the proposed inspections for the tall rotor blade, P/N 47-642-117, is not a mandatory requirement. Therefore, the applicability statement has been revised to delete the Model 47 Series helicopter tall rotor blades, P/N 47-642-117.

However, the agency desires to emphasize the importance of continuing the voluntary daily inspections specified in Bell Helicopter Company Technical Bulletin No. 206-08-73-2, 47-05-73-1 dated May 3, 1973 and in the pertinent Model Maintenance and Overhaul Information Manual for the Model 47 tall rotor blades.

The manufacturer advised the agency that Model 206 tall rotor blade, P/N 206-010-750, serial numbers TKL5000 and

subsequent and TLL8000 and subsequent have new design features. The FAA believes these features should preclude the occurrence of skin cracks in these tall rotor blades; however, in the interest of safety the adopted rule has not been changed to exclude these particular Model 206 tall rotor blades.

In consideration of the foregoing, the adopted rule is published with the noted changes that impose no additional burden on any person. Notice and public procedure hereon of these changes are unnecessary and the amendment may be made effective on October 29, 1973.

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

BELL. Applies to Model 206 Series helicopters, certificated in all categories, equipped with rotor blades, P/N 206-010-750. Compliance required as indicated.

To prevent failure of tall rotor blades due to fatigue cracks, accomplish the following:

(a) Before the first flight of each day after the effective date of this A.D., visually check for cracks in the tall rotor blade in an area approximately seven inches outboard from the butt end of the blade and approximately 1.5 inches aft of the leading edge, using a three-power or higher magnifying glass.

(b) If a crack is found, remove and replace the tall rotor blade before further flight.

(c) If no cracks are found, continue the repetitive inspections specified above.

(d) The check in (a) may be performed by a pilot.

NOTE.—For requirements regarding listing of compliance and method of compliance with this A.D. in the aircraft permanent maintenance record, see § 91.173, Federal Aviation Regulations.

(Bell Helicopter Company Technical Bulletin No. 206-05-73-2, 47-05-73-1, dated May 3, 1973, pertains to this subject.)

This amendment becomes effective November 4, 1973.

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

Issued in Fort Worth, Texas, on September 19, 1973.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc. 73-20698 Filed 9-27-73; 8:45 am]

[Docket No. 73-CE-14-AD; Amdt. 39-1726]
PART 39—AIRWORTHINESS DIRECTIVES

Cessna Model R172E Aircraft

A recent accident involving a Cessna Model R172E civil aircraft (a military surplus T-41B), which was caused by

RULES AND REGULATIONS

engine power loss that occurred when the electric fuel boost pump was placed in the "High" position, and flight test findings by the manufacturer indicate that improper use of the fuel boost pump can result in total engine power loss. Although manufacturer's instructions contained in flight handbooks supplied with R172E (T-41B) aircraft caution against the improper use of the fuel boost pump, pilots are not following these instructions. Therefore, the manufacturer has issued Service Letter No. SET2-24 and Service Kit No. SK172-43 pertaining to modification of the engine fuel boost pump electrical circuit and installation of a switch and placard containing instructions for the operation of the system. Since the condition described herein is likely to exist or develop in other airplanes of the same type design, an Airworthiness Directive (AD) is being issued making compliance with the aforementioned Service Letter and Service Kit mandatory. Since all civil model R172E aircraft are surplus military T-41B aircraft, this AD is applicable to all R172E aircraft.

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

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

Cessna. Applies to Model R172E (T-41B) (Serial Numbers R172-0001 through R172-0256) airplanes.

Compliance: Within 50 hours' time in service after the effective date of this AD, unless already accomplished.

To prevent complete loss of engine power when using the fuel boost pump, accomplish the following:

Modify the fuel boost pump electrical circuit by installing a new boost pump switch, electrical resistors, and placard in accordance with Cessna Service Letter No. SET3-24, dated August 24, 1973, and Service Kit SK172-43, or later FAA-approved revision, or any equivalent method approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

This amendment becomes effective October 3, 1973.

(Secs. 313(a), 601 and 603, Federal Aviation Act of 1958 (49 U.S.C. 1348(a), 1421 and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c))).

Issued in Kansas City, Missouri, on September 18, 1973.

A. L. COULTER,
Director, Central Region.

[FR Doc. 73-20701 Filed 9-27-73; 8:45 am]

[Airspace Docket No. 72-WE-21]

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

Designation of Additional Control Area

On July 2, 1973, a notice of proposed rulemaking (NPRM) was published in

the **FEDERAL REGISTER** (38 FR 17510) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a new additional control area within part of the offshore airspace adjacent to the state of California.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., December 6, 1973, as hereinafter set forth.

In § 71.163 (38 FR 344) the following additional control area is added:

SAN FRANCISCO, CALIFORNIA

That airspace extending upward from 5,000 feet MSL bounded on the north by the Seattle ARTCC flight advisory area, on the east by the west edge of V-27W and V-199 to a point 3 nautical miles offshore, then via a line 3 nautical miles west of and parallel to the shoreline, on the south by the Santa Barbara Control Area and on the west by the Oakland Oceanic CTA/FIR boundary.

(Sec. 307(a) and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1510); Executive Order 10854 (24 FR 9505); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c))).

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

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

[FR Doc. 73-20702 Filed 9-27-73; 8:45 am]

[Airspace Docket No. 73-EA-85]

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

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area, Continental Control Area, Transition Area, and Control Zone

The purpose of these amendments to Parts 71 and 73 of the Federal Aviation Regulations is to alter Restricted Area R-6606, Pendleton, Va., by assigning it a controlling agency, changing its time of designation and modifying the title of its designated using agency. The amendments will also add R-6606 to the continental control area and delete the current exclusion of R-6606 from both the Virginia Transition Area and the Oceana, Va., Control Zone.

These amendments are in response to a Department of the Navy request. They allow R-6606 to be made available for public use when it is not required by the using agency and they provide better identification of the designated using agency. They also reduce the time of designation for R-6606 by eliminating the "continuous" designation currently assigned to part of the restricted area from the surface to 1,000 feet MSL.

These amendments reduce a restriction upon the public and they are minor

amendments upon which the public would have no particular reason to comment. Therefore, notice and public procedure thereon are deemed unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing, Parts 71 and 73 of the Federal Aviation Regulations are amended, effective 0901 G.m.t., December 6, 1973, as hereinafter set forth.

1. In § 71.151 (38 FR 341) the following restricted area is added: R-6606 Pendleton, Va.

2. In § 71.171 (38 FR 351) the Oceana, Va., Control Zone is amended by deleting the words "of ALP Fentress excluding the portion within R-6606." and substituting "of ALP Fentress." therefor.

3. In § 71.181 (38 FR 435) the Virginia Transition Area is amended by deleting the words "excluding that airspace within Control 1149, W-50, R-6602 and R-6606." and substituting "excluding that airspace within Control 1149, W-50 and R-6602." therefor.

4. In § 73.66 (38 FR 673) the description of Restricted Area R-6606 Pendleton, Va., is amended to read as follows:

R-6606 PENDLETON, VA.

Boundaries. Beginning at Lat. 36°50'41" N., Long. 75°54'40" W.; thence 3 nautical miles from and parallel to the shoreline to Lat. 36°34'33" N., Long. 75°48'40" W.; to Lat. 36°45'03" N., Long. 75°56'12" W.; to Lat. 36°44'45" N., Long. 75°57'05" W.; to Lat. 36°44'39" N., Long. 75°58'00" W.; to Lat. 36°47'00" N., Long. 75°58'45" W.; to Lat. 36°47'18" N., Long. 75°56'54" W.; to the point of beginning.

Designated altitudes. Surface to and including 51,000 feet MSL.

Time of designation. 0800-1700 hours local time, Monday through Friday. Other times by NOTAM issued 48 hours in advance.

Controlling agency. Federal Aviation Administration, Washington ARTC Center.

Using agency. Virginia Capes Operating Area Coordinator (VCOAC) COMNAVAIR LANT, NAS Oceana, Virginia Beach, Va.

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

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

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

[FR Doc. 73-20700 Filed 9-27-73; 8:45 am]

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

Subpart D—Food Additives Permitted in Food for Human Consumption

BENZENE HEXACHLORIDE

A petition (FAP 4H5042) was filed by American Spice Trade Association, 580 Sylvan Avenue, Englewood Cliffs, NJ 07632, in accordance with Provisions of

the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 348), proposing establishment of an interim food additive tolerance (21 CFR Part 121) of 7 parts per million for residues of the insecticide BHC (benzene hexachloride) in imported paprika.

The interim tolerance is requested to cover residues of BHC in imported paprika being detained by the Food and Drug Administration and in expected imports of the production from the 1973 crop year.

The Reorganization Plan No. 3 of 1970, published in the *FEDERAL REGISTER* of October 6, 1970 (35 FR 15623), transferred (effective December 2, 1970) to the Administrator of the Environmental Protection Agency the functions vested in the Secretary of Health, Education, and Welfare for establishing tolerances for pesticide chemicals under sections 406, 408, and 409 of the Federal Food, Drug, and Cosmetic Act, as amended (21 U.S.C. 346, 346a, and 348).

Having evaluated the data submitted in the petition and other relevant material, it is concluded that the interim tolerance should be established.

Therefore, pursuant to provisions of the act (sec. 409(c)(1), (4), 72 Stat. 1787; 21 U.S.C. 348(c)(1)(4)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 FR 9038), Part 121 is amended by adding the following new section to Subpart D:

§ 121.1255 BHC.

An interim tolerance of 7 parts per million is established for residues of the insecticide BHC (benzene hexachloride) in imported paprika. This interim tolerance expires December 31, 1974.

Any person who will be adversely affected by the foregoing order may by October 29, 1973, file with the Hearing Clerk, Environmental Protection Agency, Room 1019E, 4th & M Streets SW., Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date.—This order shall become effective on its date of publication in the *FEDERAL REGISTER*.

(Sec. 409(c)(1), (4), 72 Stat. 1786; 21 U.S.C. 348(c)(1), (4).)

Dated September 24, 1973.

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

[FR Doc. 73-20739 Filed 9-27-73; 8:45 am]

Title 22—Foreign Relations

CHAPTER I—DEPARTMENT OF STATE

SUBCHAPTER N—MISCELLANEOUS

PART 133—DISPOSAL OF SURPLUS

Property Located in Foreign Areas

CROSS REFERENCE: For transfer of Part 308 of Chapter II of Title 44 to this Title see the editorial note to Title 44 on page 27049 of this issue.

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

PART 301—PROCEDURE AND ADMINISTRATION

CFR Correction

In the April 1, 1973, edition of 26 CFR Parts 300-499, the following should be added to § 301.6103(a)-1 immediately after paragraph (a)(3)(i):

(ii) **Other terms.** Any word or term used in this section, other than the word "return", which is defined in any chapter of the Code shall be given the definition contained in the chapter which is applicable to the particular return made.

Title 29—Labor

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

PART 1910—OCCUPATIONAL SAFETY AND HEALTH STANDARDS

Definitions of "Flammable Liquid" and "Combustible Liquid;" Determination of Flashpoints

On June 15, 1972, a notice was published in the *FEDERAL REGISTER* (37 FR 11901) of proposed amendments regarding the definitions of "flammable liquid" and "combustible liquid," and the procedure for determining flashpoints in 29 CFR 1910.106. The other proposed amendments to §§ 1910.106 and 1910.108 concerned conforming changes to preserve the requirements of the existing standards.

After the receipt of several comments and a request for a hearing, a notice of informal hearing was published in the *FEDERAL REGISTER* on August 15, 1972 (37 FR 16507) with a list of the following issues:

(1) Whether the procedure described in proposed § 1910.106(a)(14)(i) is reliable and suitable for determining the flashpoints of the liquids defined therein;

(2) Whether the procedure described in proposed § 1910.106(a)(14)(ii) is (a) reliable and suitable for any of the liquids defined therein, and (b) is reliable and suitable for all the liquids defined therein;

(3) Whether the procedure described in proposed § 1910.106(a)(14)(iii) is reliable and suitable for determining the flashpoint of the mixtures of compounds defined therein;

(4) Whether proposed paragraph (a)(18) and (19) of § 1910.106, would, if adopted, cause a significant change in present requirements; whether such changes are reasonably necessary or appropriate to assure a safe place of em-

ployment; and whether the proposed "99 percent" provision is adequate; and

(5) Any other issue closely related to the objections raised, and within the scope of the proposal.

An informal legislative hearing was held on November 8, 1972, before Administrative Law Judge Samuel A. Chaitovitz, for the purpose of receiving oral data, views, and arguments concerning the issues. The certified record includes the prehearing written comments, the transcript of the oral presentations made at the hearing, exhibits received during the course of the hearing, and further comments received before the close of the record on December 5, 1972.

The primary contentions concern the procedures specified in the Standard Method of Test for Flashpoint by Tag Closed Tester (ASTM D 56-70) and the Standard Method of Test for Flashpoint by Pensky-Martens Closed Tester (ASTM D 93-71).

The objections relate to a controversy concerning the comparative reliability, suitability, and reproducibility of the "open" and the "closed" test procedures.

It is to be noted that the proposed amendments related solely to an up-dating of the closed test procedures already required, and not to a change from an "open" procedure to a "closed" procedure. Even so, it is worthwhile to state that the closed-cup method has been accepted, due to its greater reliability, by the National Fire Protection Association, the National Academy of Sciences, the United Nations Intergovernmental Maritime Consultative Organization (IMCO), and many western European industrial countries, including Great Britain, France, West Germany, Sweden, and the Netherlands. See 37 FR 11899.

The essential changes concerning test procedures for determining flashpoints were (1) in § 1910.106(a)(14)(i), from the Standard Method of Test for Flashpoint by the Tag Closed Tester, ASTM D-56-69, to the updated version of the same method, ASTM D-56-70, and (2) in § 1910.106(a)(14)(ii), from the Standard Method of Test for Flashpoint by the Pensky-Martens Closed Tester, ASTM D-93-69, to the updated version of the same method, ASTM D-93-71.

The argument was presented during the proceeding that a class of material does not lend itself to flashpoint testing, and that, in fact, such testing might cause an explosion even before a flashpoint could be determined. The comments have been assimilated, and provision for organic peroxides, which undergo autoaccelerating thermal decomposition, has been made in § 1910.106(a)(14)(iv) by excluding such substances from any of the flashpoint determination methods.

The point was raised during the proceeding that a special note is made in ASTM D-93-71, Standard Method of Test for Flashpoint by Pensky-Martens Closed Tester (Note 1), providing for different test methods for the determination of the flashpoint of drying oils, solvent-type liquid waxes, and cut-back asphalts or bitumens. The amended § 1910.106(a)(14)(ii) provides for the use

RULES AND REGULATIONS

of such alternate test methods as specified in Note 1 of ASTM D-93-71.

A possible limitation of the exclusive utilization of the closed-cup testing procedures was presented in the written comments and at the oral hearing. This pertains to the reliability of the flashpoint value obtained when the substance is a mixture of compounds of differing volatilities. In recognition of the inherent problems with such mixtures, a second test, in addition to those specified in paragraph (a)(14) (i) and (ii), is provided for in the new paragraph (a)(14)(iii). The second test allows for a partial evaporation before testing and thus is similar to an open-cup procedure. The lower of the two values obtained by the separate tests is considered the flashpoint of the substance. Therefore, if the two values are within the same class range, there is no difference as to the applicable requirements. If the values fall within different class ranges, the lower figure must be taken as the value for the substance, because the more conservative value will insure greater safety.

The proposed changes in § 1910.106(a) (18) and (19) are not substantive, but concern the definitions of "combustible liquid" and "flammable liquid."

The issues discussed above are believed to be the major issues raised in this rule-making proceeding.

Accordingly, after consideration of all the materials and data presented and pursuant to section 6(b) of the Williams-Steiger Occupational Safety and Health Act of 1970 (29 U.S.C. 655), Secretary of Labor's Order No. 12-71 (36 FR 8754) and 29 CFR 1910.4, 29 CFR 1910.106 and 1910.108 are amended as follows:

1. Paragraph (a) of § 1910.106 is amended by revising subparagraphs (14), (18), and (19), and by adding new subparagraphs (37) and (38) to read as follows:

§ 1910.106 Flammable and combustible liquids.

(a) Definitions. • • •

(14) "Flashpoint" means the minimum temperature at which a liquid gives off vapor within a test vessel in sufficient concentration to form an ignitable mixture with air near the surface of the liquid, and shall be determined as follows:

(i) For a liquid which has a viscosity of less than 45 SUS at 100°F. (37.8°C.), does not contain suspended solids, and does not have a tendency to form a surface film while under test, the procedure specified in the Standard Method of Test for Flashpoint by Tag Closed Tester (ASTM D-56-70) shall be used.

(ii) For a liquid which has a viscosity of 45 SUS or more at 100°F. (37.8°C.), or contains suspended solids, or has a tendency to form a surface film while under test, the Standard Method of Test for Flashpoint by Pensky-Martens Closed Tester (ASTM D-93-71) shall be used, except that the methods specified in Note 1 to section 1.1 of ASTM D-93-71 may be used for the respective materials specified in the Note.

(iii) For a liquid that is a mixture of compounds that have different volatilities and flashpoints, its flashpoint shall be determined by using the procedure specified in paragraph (a)(19) (i) or (ii) of this section on the liquid in the form it is shipped. If the flashpoint, as determined by this test, is 100°F. (37.8°C.) or higher, an additional flashpoint determination shall be run on a sample of the liquid evaporated to 90 percent of its original volume, and the lower value of the two tests shall be considered the flashpoint of the material.

(iv) Organic peroxides, which undergo autoaccelerating thermal decomposition, are excluded from any of the flashpoint determination methods specified in this subparagraph.

(18) "Combustible liquid" means any liquid having a flashpoint at or above 100°F. (37.8°C.). Combustible liquids shall be divided into two classes as follows:

(i) "Class II liquids" shall include those with flashpoints at or above 100°F. (37.8°C.) and below 140°F. (60°C.), except any mixture having components with flashpoints of 200°F. (93.3°C.) or higher, the volume of which make up 99 percent or more of the total volume of the mixture.

(ii) "Class III liquids" shall include those with flashpoints at or above 140°F. (60°C.). Class III liquids are subdivided into two subclasses:

(a) "Class IIIA liquids" shall include those with flashpoints at or above 140°F. (60°C.) and below 200°F. (93.3°C.), except any mixture having components with flashpoints of 200°F. (93.3°C.), or higher, the total volume of which make up 99 percent or more of the total volume of the mixture.

(b) "Class IIIB liquids" shall include those with flashpoints at or above 200°F. (93.3°C.). This section does not cover Class IIIB liquids. Where the term "Class III liquids" is used in this section, it shall mean only Class IIIA liquids.

(iii) When a combustible liquid is heated for use to within 30°F. (16.7°C.) of its flashpoint, it shall be handled in accordance with the requirements for the next lower class of liquids.

(19) "Flammable liquid" means any liquid having a flashpoint below 100°F. (37.8°C.), except any mixture having components with flashpoints of 100°F. (37.8°C.) or higher, the total of which make up 99 percent or more of the total volume of the mixture. Flammable liquids shall be known as Class I liquids. Class I liquids are divided into three classes as follows:

(i) Class IA shall include liquids having flashpoints below 73°F. (22.8°C.) and having a boiling point below 100°F. (37.8°C.)

(ii) Class IB shall include liquids having flashpoints below 73°F. (22.8°C.) and having a boiling point at or above 100°F. (37.8°C.).

(iii) Class IC shall include liquids having flashpoints at or above 73°F. (22.8°C.) and below 100°F. (37.8°C.).

(37) "SUS" means Saybolt Universal Seconds as determined by the Standard Method of Test for Saybolt Viscosity (ASTM D-88-56), and may be determined by use of the SUS conversion tables specified in ASTM Method D2161-66 following determination of viscosity in accordance with the procedures specified in the Standard Method of Test for Viscosity of Transparent and Opaque Liquids (ASTM D445-65).

(38) "Viscous" means a viscosity of 45 SUS or more.

2. In Table H-12—Maximum Allowable Size of Containers and Portable Tanks, in § 1910.106, the heading "Flammable liquids" is amended so as to cover only "Class IA," "Class IB," and "Class IC," and the heading "Combustible liquids" is amended so as to cover both "Class II" and "Class III."

3. In Table H-14—Indoor Container Storage and Table H-15—Indoor Portable Tank Storage, in § 1910.106, the columns under the headings "Class liquid" are amended by striking "Combustible" and inserting in lieu thereof "III."

4. In Table H-16—Outdoor Container Storage and Table H-17—Outdoor Portable Tank Storage, in § 1910.106, the columns under the headings "Class" are amended by striking "Combustible" and inserting in lieu thereof "III."

5. Paragraph (d) of § 1910.106 is amended by revising subparagraphs (1)(ii), (3)(i), (5)(iv)(b), and (7), to read as follows:

§ 1910.106 Flammable and combustible liquids.

(d) Container and portable tank storage. • • •

(1) Scope. • • •

(ii) *Exceptions.* This paragraph shall not apply to the following:

(a) Storage of containers in bulk plants, service stations, refineries, chemical plants, and distilleries;

(b) Class I or Class II liquids in the fuel tanks of a motor vehicle, aircraft, boat, or portable or stationary engine;

(c) Flammable or combustible paints, oils, varnishes, and similar mixtures used for painting or maintenance when not kept for a period in excess of 30 days;

(d) Beverages when packaged in individual containers not exceeding 1 gallon in size.

(3) *Design, construction, and capacity of storage cabinets.* (i) *Maximum capacity.* Not more than 60 gallons of Class I or Class II liquids, nor more than 120 gallons of Class III liquids may be stored in a storage cabinet.

(5) *Storage inside buildings.* • • •

(iv) *Mercantile occupancies and other retail stores.* • • •

RULES AND REGULATIONS

(b) Where the aggregate quantity of additional stock exceeds 60 gallons of Class IA, or 120 gallons of Class IB, or 180 gallons of Class IC, or 240 gallons of Class II, or 500 gallons of Class III liquids, or any combination of Class I and Class II liquids exceeding 240 gallons, it shall be stored in a room or portion of the building that complies with the construction provisions for an inside storage room as prescribed in subparagraph (4) of this paragraph. For water miscible liquids, these quantities may be doubled.

(7) *Fire control*—(i) *Extinguishers*. Suitable fire control devices, such as small hose or portable fire extinguishers, shall be available at locations where flammable or combustible liquids are stored.

(a) At least one portable fire extinguisher having a rating of not less than 12-B units shall be located outside of, but not more than 10 feet from, the door opening into any room used for storage.

(b) At least one portable fire extinguisher having a rating of not less than 12-B units must be located not less than 10 feet, nor more than 25 feet, from any Class I or Class II liquid storage area located outside of a storage room but inside a building.

(ii) *Sprinklers*. When sprinklers are provided, they shall be installed in an approved manner.

(iii) *Open flames and smoking*. Open flames and smoking shall not be permitted in flammable or combustible liquid storage areas.

(iv) *Water reactive materials*. Materials which will react with water shall not be stored in the same room with flammable or combustible liquids.

6. Section 1910.108 is amended by revising paragraph (h) (4) (i) to read as follows:

§ 1910.108 Dip tanks containing flammable or combustible liquids.

(h) *Special dip tank applications*. . . .

(4) *Roll coating*. (i) The processes of roll coating, spreading, and impregnating, in which fabrics, paper, or other materials are passed directly through a tank or through containing flammable or combustible liquids, or over the surface of a roller that revolves partially submerged in a Class I or Class II liquid, as these terms are defined in § 1910.106 (a), shall conform to the applicable requirements of paragraphs (a) through (g) of this section, and in addition shall conform to subdivision (ii) of this subparagraph.

(Sec. 6, 84 Stat. 1593 (29 U.S.C. 655); Secretary of Labor's Order No. 12-71, 36 FR 8754.)

Signed at Washington, D.C., this 24th day of September 1973.

JOHN H. STENDER,
Assistant Secretary of Labor.

[FR Doc. 73-20706 Filed 9-27-73; 8:45 am]

Title 36—Parks, Forests, and Public Property

CHANGE IN TITLE HEADING

EDITORIAL NOTE: As of September 28, 1973, Title 36, Code of Federal Regulations, is retitled to read as set forth above.

CHAPTER VII—LIBRARY OF CONGRESS

PART 701—PROCEDURES AND SERVICES

PART 702—CONDUCT ON LIBRARY PREMISES

Transfer of Regulations

Chapter VII, Library of Congress, is added to Title 36 of the Code of Federal Regulations. The regulations formerly codified as Parts 501 and 502 of 44 CFR, Chapter V, are redesignated as Parts 701 and 792 of 36 CFR, Chapter VII. All references within the text to former Parts 501 and 502 are renumbered 701 and 702, respectively.

This transfer of regulations is effected on request of the Director of the Office of the Federal Register pursuant to his authority to assure orderly development of the Code of Federal Regulations (1 CFR 8.2).

Because this document involves only a redesignation of existing regulations, it is effective on September 29, 1973.

[SEAL] L. QUINCY MUMFORD,
Librarian of Congress.

[FR Doc. 73-20745 Filed 9-27-73; 8:45 am]

Title 44—Public Property and Works

VACATION OF TITLE

EDITORIAL NOTE: Title 44 of the Code of Federal Regulations is vacated by transferring existing regulations as follows:

1. Chapter III, Department of State, consisting of Part 308, Disposal of Surplus Property located in Foreign Areas, is transferred to Title 22 CFR Chapter I, Department of State, as Part 133.

2. Chapter V, Library of Congress, consisting of Part 501, Procedures and Services, and Part 502, Conduct on Library Premises, is transferred to Title 36, Chapter VII by FR Doc. 73-20745 published on page 27049 of this issue.

This transfer of regulations is made pursuant to 1 CFR 8.2 which authorizes the Director of the Federal Register to rearrange existing assignments in the Code of Federal Regulations in order to provide for its orderly development.

Title 49—Transportation

CHAPTER III—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER B—MOTOR CARRIER SAFETY REGULATIONS

[Notice No. 73-25]

PART 395—HOURS OF SERVICE OF DRIVERS

Revision of Specimen Driver's Log

The Director of the Bureau of Motor Carrier Safety is revising the specimen driver's daily log immediately preceding the note following § 395.8 of the Motor Carrier Safety Regulations. This is not a change in the form of driver's daily log. It is a change in the sample, filled-in version of the log that appears in the Regulations for the purpose of showing drivers, motor carriers, and other interested persons how a properly-prepared log should look.

In the present version of the specimen, the hypothetical driver has noted both an accident and a breakdown in the "Remarks" section. It is proper to do so, but notations of those incidents are not mandatory. Some persons, seeing the specimen, have concluded that a notation of this type must appear on the log when it is properly completed. That is not the case, and the specimen is being changed to eliminate this source of confusion.

In consideration of the foregoing, the specimen daily completed log form preceding the note to § 395.8 of the Motor Carrier Safety Regulations (Subchapter B of Chapter III in Title 49, CFR) is revised to read as set forth below.

Since the specimen daily log is included in the Regulations for interpretive purposes and the substantive rules in § 395.8 are not being amended, notice and public procedure are unnecessary with respect to this amendment, and it is effective upon the date of issue set forth below.

(Sec. 204, Interstate Commerce Act, as amended, 49 U.S.C. 304; sec. 6, Department of Transportation Act, 49 U.S.C. 1655; delegations of authority by the Secretary of Transportation and the Federal Highway Administrator at 49 CFR 1.48 and 389.4.)

Issued on September 21, 1973.

ROBERT A. KAYE,
Director, Bureau of
Motor Carrier Safety.

RULES AND REGULATIONS

Form MDS-55-Prepared by the U.S. Department of Transportation Federal Highway Administration Rev-67			DRIVER'S DAILY LOG (One calendar day - 24 hours)																						
May 1, 1973 440 (Month) (Day) (Year) (Total mileage today)			Tractor #12-Trailer #12A Vehicle numbers - (Show each unit)																						
270 (Total miles driving today)			I certify these entries are true and correct: John E. Doe (Driver's signature in full) W.R. Smith (Name of company) Richmond, Va. (Home Terminal Address)																						
Washington Transportation Company (Name of Motor Carrier) Washington, D.C. (Main Office Address)																									
1: OFF DUTY	Mid-Night	1	2	3	4	5	6	7	8	9	10	11	NOON	1	2	3	4	5	6	7	8	9	10	11	Total Hours
	Mid-Night	1	2	3	4	5	6	7	8	9	10	11	NOON	1	2	3	4	5	6	7	8	9	10	11	7
	2: SLEEPER	1	2	3	4	5	6	7	8	9	10	11	NOON	1	2	3	4	5	6	7	8	9	10	11	5
	3: DRIVING	1	2	3	4	5	6	7	8	9	10	11	NOON	1	2	3	4	5	6	7	8	9	10	11	8
	4: ON DUTY (Not Driving)	1	2	3	4	5	6	7	8	9	10	11	NOON	1	2	3	4	5	6	7	8	9	10	11	4
REMARKS	Trip Manifest #1673 1674 Richmond, Va. Fredericksburg, Va. Baltimore, Md. Newark, N.J. Hartford, Conn.																								24
Shipping document, manifest number, or name of a shipper and community. Information derived by Section 395.4(a). Check the time and name of place you reported and where released from work and when and where each change of duty occurred. Explain excess hours—Section 395.4(a).																									
FROM: Richmond, Va. (Starting point or place) TO: Boston, Mass. (Destination or turn-around point or place)																									
USE TIME STANDARD AT HOME TERMINAL																									

[FR Doc. 73-20679 Filed 9-27-73; 8:45 am]

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 71-10; Notice 3]

PART 571—MOTOR VEHICLE SAFETY STANDARDS

New Pneumatic Tires; Revised Performance Requirements

This notice amends the requirements for high speed performance and endurance applicable to passenger car tires in Motor Vehicle Safety Standard No. 109, "New Pneumatic Tires", by adding additional criteria to the description of tire failure. A notice of proposed rulemaking on which this amendment is based was published September 20, 1972 (37 FR 19381). That notice proposed to modify the criteria for tire failure in both Standard No. 109 and Standard No. 117, "Retreaded Pneumatic Tires". As the tests for high speed performance and endurance have been revoked in Standard No. 117, this amendment affects only the requirements of Standard No. 109.

The proposal of September 20, 1972, was designed to expand the description of tire failure to include certain characteristics which had appeared in tires tested by NHTSA, and which were considered to be evidence of potential in-service tire failure, but which were not specifically prohibited by the existing language of the standard. These conditions included tread-groove cracking, deep sidewall separations, and damage to areas such as the tire innerliner. Standard No. 109 presently prohibits tires tested to the high speed performance and endurance tests of the standard from exhibiting "tread, ply, cord, or bead separation, chunking, or broken cords". The proposal would have prohibited, as a result of either of the two tests, the displacement of any tire component from its design position, includ-

ing partial or complete separation of any component from any other component, but would not have prohibited exposure of chafer fabric and surface cracking that did not expose ply cord or belt cord. Any crack in a tread groove that exceeded three-sixteenths of an inch in length would, however, have also been prohibited. The proposal also contained an "air-loss" test, which would have required the tire to retain at least 95 percent of its initial inflation pressure when measured immediately after each performance test.

Numerous comments were received in response to the proposal. While most were in agreement with its general purpose, to provide a more inclusive definition of tire failure, almost all disagreed with the method proposed. The principal objection, raised by the Rubber Manufacturers' Association and major tire companies, was that the proposed language was too broad: That it included within the concept of tire failure many conditions that were in no way detrimental to tire performance. It was pointed out that many such conditions might exist in tires before laboratory wheel tests had been conducted and were considered by industry to be no more than inconsequential manufacturing imperfections. The comments argued that such conditions included cracking at an innerliner splice, innerliner blisters, innerliner folds, mold off-register, sidewall blisters, light tread, tearing or chipping of tread element, cord impression in the bead area, light bead, and bead cracks at the toe. The comments suggested as an alternative to the proposed language that the requirements be revised to specifically include the problem conditions that NHTSA testing had produced, and provided possible definitions to describe these conditions.

The NHTSA has determined that this suggested approach will satisfy the purpose of the proposal, and adopts it essentially as suggested by the domestic tire industry. Prohibitions against sidewall and innerliner separation, cracking, and open splices will be added to the standard. New definitions, for "innerliner" and "innerliner separation", "cracking", "open splice", and "sidewall separation" are added to the standard. These definitions are essentially as suggested by the Rubber Manufacturers' Association, with the exception of "innerliner separation". The suggested definition would have limited tire failures involving innerliner separation to those demonstrating air loss. The NHTSA has not adopted this air-loss restriction for the following reasons. First, the NHTSA is of the opinion that innerliner separation exhibited on a "hot tire", one having just completed either of the laboratory wheel tests, is evidence of potential in-service tire failure, irrespective of whether actual air loss has occurred at that point. Second, the air-loss test adopted for the standard, and discussed in greater detail below, measures only a gross, or substantial air loss occurring during the test, and not the type of lesser air-loss that might result from an innerliner separation.

The standard is presently silent with respect to the method for determining whether the prohibited tire conditions exist. Several comments proposed that the failure modes be determined "visually". One comment suggested that touch, or X-rays, be specified. As amended, the standard specifies that prohibited conditions will, consistently with the larger body of opinion, be determined visually. This method is that used by NHTSA in past testing, and it has proven satisfactory. It is specifically included in the standard for purposes of clarification, but is not intended to preclude the use of simple hand magnification.

The standard is likewise silent on the issue of a given tire's condition before the running of the two laboratory wheel tests. The position taken by NHTSA in its enforcement of this standard up to now is that the specified laboratory tests are not required to be performed in order for a tire to be considered a failure, when the tire evidences any of the prohibited conditions before it is subjected to either test. The Rubber Manufacturers' Association submission to this docket implicitly reflects this point of view. The substance of that submission was that the proposed language would have categorized as failures certain conditions which appear in untested, newly manufactured tires. The NHTSA is specifically amending Standard No. 109 in this issuance to reflect past agency interpretation and enforcement practice, by adding to the general requirements language prohibiting any tire before test from exhibiting those characteristics prohibited after either of the laboratory wheel tests.

One comment requested that a minor loss of tread resulting from the microscraping process should not be considered a failure, despite the fact that this condition arguably comes within the prohibitory language. The position of the NHTSA is that microscraping should be treated similarly to any other manufacturing process. Consequently, the removal of very small tread section during microscraping, which is part of the manufacturing process, will not be considered a nonconformity. However, where the chunking of tread occurs as a result of the specified laboratory wheel tests, it will be considered a failure regardless of its amount.

One comment argued that the proposed test procedure, calling for a test rim that undergoes no permanent deformation, was not reflective of actual conditions. It argued that such a rim would have to be of massive construction, and suggested alternatively the continued use of existing test rims. The comment misunderstands the purpose of the procedure. The condition precluding any permanent deformation of the rim is intended only to ensure, together with the other language regarding air loss, that any air leaks will result necessarily from the tire, and not the test device. In other words, the provision is inserted to ensure that the tire will not be "blamed" for any air loss due to rim deformation. The condition that the rim undergo no permanent deformation is not intended to require the manufacture of a new genre of test rims; in practice, test rims currently in use do not deform significantly during the laboratory wheel test procedures, and the amended regulation will not prevent their continued use.

Many comments objected to the proposed air loss test, requiring the tire to have at least 95 percent of its original cold inflation pressure when tested immediately after both the high speed and endurance tests. The comments argued that conducting an air-pressure reading immediately after the running of the tests was potentially hazardous to persons conducting the test. In addition, certain comments argued that the 95 percent air-retention requirement was inadequate, in that the test called for the measurement to be made on a "hot" tire, and the pressure would be significantly less if the tire were first allowed to cool.

The NHTSA has retained in the amendment both an air-loss test, and the requirements that the measurement be made, as proposed, immediately after both the high speed and endurance tests are completed. The NHTSA believes that inspection of the tire to determine if any prohibited conditions exist should be made when the tire is still at the higher temperatures created during the laboratory tests. As tires do increase in temperature during actual use, the inspection of tested tires at higher temperatures provides a more realistic environment for

the discovery of conditions that can result in failure. Thus, it becomes mandatory to conduct the air-loss test immediately after the tire has been subjected to the laboratory wheel tests in order that the inside of the tire can be examined for failure modes while the tire is still at higher temperatures.

The NHTSA does not consider an objection to a test requirement on the basis that it may present a hazard to testing personnel to have merit. Test laboratories are places where products are subjected to extreme, often destructive, processes under controlled conditions by trained technicians using whatever equipment and safeguards are necessary, in order to assure the safety of the public that must use those products under uncontrolled conditions without comparable training or safeguards. The NHTSA is not indifferent to the safety of test technicians. On the contrary, it urges those in charge of test laboratories to take all necessary steps to assure the safety and health of their employees. But if a particular method of running a regulatory test such as the one in question here is found hazardous to test personnel, the proper remedy is not to change the regulation, but to devise methods and equipment to perform the test process safely. The NHTSA is confident that modern technology and the testing profession are equal to the task.

The argument that the proposed test allowed a significant air loss to occur is meritorious. The NHTSA has modified the proposal by restricting the allowable air loss to not less than the tire's inflation pressure at the beginning of the tests. Admittedly, this modification is not fully responsive to the comments, for this requirement permits as well a rather significant air loss. However, the air loss test is designed to prevent only gross, exaggerated air loss, and not instances of slow air leaks. Moreover, while tire inflation pressure will increase under test, it appears that the amount of increase may vary greatly from test to test. Variables such as tire expansion may also affect any increase in inflation pressure. Consequently, it is difficult to establish a value, in excess of the original pressure, that can accurately indicate a condition of air loss. The NHTSA has determined, therefore, to require only that the tire, when hot, have at least its initial cold inflation pressure. This lowers the amount of permissible air loss from that proposed, prohibits the exaggerated air loss which is NHTSA's primary concern, and still takes into account the variations in inflation pressure increase that may occur.

In light of the above, Motor Vehicle Safety Standard No. 109, "New Pneumatic Tires," appearing at 49 CFR 571.109, is amended as set forth below.

1. Paragraph S3., *Definitions*, is amended by revising the definition of "chunking", and adding new definitions for "cracking", "innerliner", "innerliner

separation", "open splice", and "sidewall separation", as follows:

"Chunking" means the breaking away of pieces of the tread or sidewall.

"Cracking" means any parting within the tread sidewall, or innerliner of the tire extending to cord material.

"Innerliner" means the layer forming the inside surface of a tubeless tire that contains the inflating medium within the tire.

"Innerliner separation" means the parting of the innerliner from the carcass.

"Open splice" means any parting at any junction of tread, sidewall, or innerliner that extends to cord material.

"Sidewall separation" means the parting of the rubber compound from the cord material in the sidewall.

2. A new subparagraph (e) is added to paragraph S4.2.1, to read as follows:

(e) It shall, before being subjected to either the endurance test procedure specified in S5.4 or the high speed performance procedure specified in S5.5, exhibit no visual evidence of tread, sidewall, ply, cord, innerliner, or bead separation, chunking, broken cords, cracking, or open splices.

3. Paragraph S4.2.2.5, *Tire endurance*, and S4.2.2.6, *High speed performance* are amended to read:

S4.2.2.5 *Tire endurance*. When the tire has been subjected to the laboratory endurance test specified in S5.4, using a test rim that undergoes no permanent deformation and allows no loss of air through the portion that it comprises of the tire-rim pressure chamber:

(a) There shall be no visual evidence of tread, sidewall, ply, cord, innerliner, or bead separation, chunking, broken cords, cracking, or open splices.

(b) The tire pressure at the end of the test shall be not less than the initial pressure specified in S5.4.1.1.

S4.2.2.6 *High speed performance*. When the tire has been subjected to the laboratory high speed performance test specified in S5.5, using a test rim that undergoes no permanent deformation and allows no loss of air through the portion that it comprises of the tire-rim pressure chamber, the tire shall meet the requirements set forth in S4.2.2.5(a) and (b).

4. Two identical paragraphs, S5.4.2.4 and S5.5.5, are added to read:

Immediately after running the tire the required time, measure the inflation pressure. Remove the tire from the test rim, and inspect the tire.

Effective date.—March 29, 1974.

(Secs. 103, 119, 201, and 202 Public Law 89-563, 80 Stat. 718, 15 U.S.C. 1392, 1407, 1421, and 1422; delegation of authority at 49 CFR 1.51.)

Issued on September 24, 1973.

JAMES B. GREGORY,
Administrator.

[FR Doc. 73-20677 Filed 9-27-73; 8:45 am]

RULES AND REGULATIONS

Title 50—Wildlife and Fisheries

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

PART 32—HUNTING

Columbian White-Tailed Deer National Wildlife Refuge, Washington

The following special regulation is issued and is effective on September 28, 1973.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

WASHINGTON

COLUMBIAN WHITE-TAILED DEER NATIONAL WILDLIFE REFUGE

Migratory game birds, except doves and pigeons, may be hunted on the refuge.

General conditions: Hunting shall be in accordance with applicable State regulations. Portions of refuge which are open to hunting are designated by signs and/or delineated on maps. No vehicle travel is permitted except on maintained roads and trails. Special conditions applying to this refuge are listed on the reverse side of map available at refuge headquarters, Route 1, Box 376C, Cathlamet, Washington 98612, and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, P.O. Box 3737, 1500 Northeast Irving Street, Portland, Oregon 97208.

L. EDWARD PERRY,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 21, 1973.

[F.R. Doc. 73-20698 Filed 9-27-73; 8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19776; F.C.C. 73-970]

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

Deferral of Identification Requirement for Ships and Survival Craft

Report and order. In the matter of amendment of §§ 83.326(a) and 83.364(a)(3) to allow ships and survival craft engaged in public correspondence to defer the 15-minute identification requirement until the end of a message or the end of a telephone conversation; Docket No. 19776.

1. On July 2, 1973, we released a Notice of Proposed Rulemaking in this docket to amend the rules as indicated in the caption above. That notice was published on July 9, 1973, in the *FEDERAL REGISTER* (38 FR 18256) and provided for the filing of comments and reply comments on August 13, 1973, and August 22, 1973, respectively. The time for filing com-

ments and reply comments has expired, and only one comment was filed. That comment was by the American Institute of Merchant Shipping and supported the proposed rule changes. We conclude, therefore, that the rules should be changed as proposed.

2. *Accordingly, it is ordered*, That Part 83 of the rules is amended as indicated below, effective November 2, 1973. Authority for the promulgation of these rules is contained in section 4(i) and section 303(e), (f) and (r) of the Communications Act of 1934, as amended.

3. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1063; 47 U.S.C. 154, 303.)

Adopted September 19, 1973.

Released September 24, 1973.

FEDERAL COMMUNICATIONS COMMISSION.

VINCENT J. MULLINS,
Acting Secretary.

Part 83 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

1. Section 83.326(a) is amended to read as follows:

§ 83.326 Identification of stations.

(a) All radiotelegraph emissions of a ship station or a survival craft station shall be clearly identified by transmission therefrom of the official call letters assigned to that station for telegraphy by the Commission. These call letters shall be transmitted by telegraphy in accordance with § 83.325 and the procedure set forth in the International Radio Regulations and by means of the class of emission normally used by the station for telegraphy: Provided, That they shall be transmitted at intervals not exceeding 15 minutes whenever transmission is sustained for a period exceeding 15 minutes, except when a ship station is engaged in transmitting public correspondence communications the identification may be deferred until completion of each communication with any other station.

2. Section 83.364(a)(3) is amended to read as follows:

§ 83.364 Identification of station.

(a) *

(3) At intervals not exceeding 15 minutes whenever transmission is sustained for a period exceeding 15 minutes, except when a ship station is engaged in transmitting public correspondence communications in which case the identification may be deferred until completion of each communication with any other station.

[F.R. Doc. 73-20714 Filed 9-27-73; 8:45 am]

* Commissioner Robert E. Lee absent.

Title 7—Agriculture

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

[Lemon Regulation 606]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

PREAMBLE

This regulation fixes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period September 30-October 6, 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.

§ 910.906 Lemon Regulation 606.

(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.

(1) The committee has submitted its recommendation with respect to the quantity of lemons it deems advisable to be handled during the ensuing week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the demand for lemons has eased because of start of cool Fall weather, except in the South, and competition from Florida lemons. Sales volume is expected to drop about 17 percent and average f.o.b. price about 62 cents per carton this week. Average f.o.b. price was \$7.62 per carton the week ended

September 22, 1973, compared to \$8.06 per carton the previous week. Track and rolling supplies at 102 cars were down 22 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 September 25, 1973.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period September 30, 1973, through October 6, 1973, is hereby fixed at 215,000 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 September 26, 1973.

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

[PR Doc.73-20819 Filed 9-27-73;8:45 am]

PART 932—OLIVES GROWN IN CALIFORNIA

Expenses, Rate of Assessment, and Carryover of Unexpended Funds

This document authorizes \$825,000 of Olive Administrative Committee expenses, under Marketing Order No. 932, for the 1973-74 fiscal year and fixes the rate of assessment at \$15.00 per ton of regulated olives to be paid to the committee by each first handler as his pro rata share of such expenses. It also authorizes the carryover, as a committee reserve, of unexpended assessment income from fiscal 1972-73 and prior years.

On September 11, 1973, notice of rule making was published in the *FEDERAL REGISTER* (38 FR 24910) regarding proposed expenses and the related rate of assessment for the fiscal year ending August 31, 1974, pursuant to the marketing agreement, as amended, and Order No. 932, as amended (7 CFR Part 932), which regulate the handling of olives grown in California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). This notice allowed interested persons 9 days during which they could submit written data, views, or arguments pertaining to the proposal. None were submitted. After consideration of all relevant matter presented, including the proposals set forth in such notice which were submitted by the Olive Administrative Committee established pursuant to said marketing agreement and order, it is hereby found and determined that:

S 932.210 Expenses, rate of assessment, and carryover of unexpended funds.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Olive Administrative Committee during the period September 1, 1973, through August 31, 1974, will amount to \$825,000.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each first handler in accordance with § 932.39, is fixed at \$15.00 per ton of olives.

(c) *Reserve.* Unexpended assessment funds in excess of expenses incurred during the fiscal year ended August 31, 1973, and prior years shall be carried over as a reserve in accordance with the applicable provisions of § 932.40.

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

It is hereby further found that good cause exists for not postponing the effective date hereof October 29, 1973 (5 U.S.C. 553) in that (1) the relevant provisions of said marketing agreement and this part require that the rate of assessment fixed for a particular fiscal year shall be applicable to all assessable olives from the beginning of such year; and (2) such year began on September 1, 1973, and the rate of assessment herein fixed will automatically apply to all assessable olives beginning with such date.

Dated September 25, 1973.

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

[PR Doc.73-20708 Filed 9-27-73;8:45 am]

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

[Milk Order No. 50; Docket No. AO 355-A13]

PART 1050—MILK IN THE CENTRAL ILLINOIS MARKETING AREA

Order Amending Order

Findings and determinations. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of

RULES AND REGULATIONS

milk in the Central Illinois marketing area.

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act:

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

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

(1) The refusal or failure of handlers (excluding cooperative associations specified in sec. 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Central Illinois marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

1. Paragraphs (c) and (d) of § 1050.9 are revised.

2. Paragraph (d) of § 1050.14 is revised.

1. Section 1050.7 is revised to read as follows:

§ 1050.7 Producer.

"Producer" means any person, other than a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority, and whose milk is (a) received at a pool plant, (b) diverted as producer

milk pursuant to § 1050.14, or (c) accounted for by a cooperative association pursuant to § 1050.14(b).

2. In § 1050.9, paragraphs (c) and (d) are revised to read as follows:

§ 1050.9 Handler.

(c) Any cooperative association with respect to milk of producers it diverts from a pool plant to a nonpool plant pursuant to § 1050.14;

(d) Any cooperative association with respect to milk it receives for its account from the farm of a producer in a tank truck owned and operated by, or under the control of, such association, for delivery to a pool plant(s);

3. In § 1050.12, paragraph (a) (1) and (2) is revised to read as follows:

§ 1050.12 Pool plant.

(a) * * *

(1) Disposition of fluid milk products, except filled milk, in the marketing area on routes is 10 percent or more of its Grade A receipts from dairy farmers, handlers described in § 1050.9(d), and other pool plants, such receipts to be exclusive of fluid milk products (except filled milk) transferred without specific Class II designation to other pool plants described in this paragraph, or from which an average of not less than 7,000 pounds per day of fluid milk products, except filled milk, is distributed on routes in the marketing area; and

(2) Total disposition of fluid milk products, except filled milk, on routes is 50 percent or more of its Grade A receipts from dairy farmers, handlers described in § 1050.9(d), and other pool plants, such receipts to be exclusive of fluid milk products (except filled milk) transferred without specific Class II designation to other pool plants described in this paragraph, during the months of August through February and 40 percent during all other months;

4. Section 1050.14 is revised to read as follows:

§ 1050.14 Producer milk.

Except for milk received at a pool plant by diversion from a plant at which such milk is fully subject to the pricing and pooling provisions of this or any other order issued pursuant to the Act, "producer milk" means all skim milk and butterfat contained in milk from producers that is:

(a) Received at a pool plant from producers or from a handler described in § 1050.9(d);

(b) Represented by the difference between the quantity of milk received by a handler described in § 1050.9(d) at producers' farms and the quantity of such milk delivered to pool plants. For the purposes of §§ 1050.53 and 1050.81, such milk shall be deemed to have been received by such handler at the pool plant to which all other producer milk in the same tank truck was delivered;

(c) Diverted by a handler from a pool plant for the account of the plant operator to another pool plant(s) for not more days of production of such producer's milk than is physically received at a pool plant(s) from which diverted. For pricing purposes such diverted milk shall be deemed to be received by the diverting handler at the location of the plant to which diverted;

(d) Diverted from a pool plant to a nonpool plant that is not an other order plant or a producer-handler plant, or to a nonpool plant that is an other order plant if diverted as Class II milk, subject to the conditions of this paragraph. For pricing purposes, milk so diverted shall be deemed to be received at the plant from which diverted, unless the plant to which the milk is diverted is located more than 110 miles from the city hall in Peoria, Ill. (by shortest highway distance as determined by the market administrator) in which case the milk shall be deemed to be received by the diverting handler at the location of the plant to which diverted:

(1) During May, June and July the operator of a pool plant or a cooperative association may divert the milk production of a producer on any number of days;

(2) Subject to the conditions set forth in paragraph (d) (4) of this section, during the months of August through April the operator of a pool plant may divert the milk of a producer for not more days of production of such producer's milk than it is physically received at the pool plant from which diverted: *Provided*, That the total quantity of producer milk diverted does not exceed 35 percent of the physical receipts of producer milk at the handler's pool plant during the month, exclusive of milk of producers who are members of a cooperative association that is diverting milk and the milk of other producers that is diverted pursuant to paragraph (d) (3) of this section;

(3) Subject to the conditions set forth in paragraph (d) (4) of this section, during the months of August through April a cooperative association may divert the milk of producers for not more days of production of each producer's milk than is physically received at a pool plant: *Provided*, That the total quantity of producer milk does not exceed 35 percent of (i) its member milk physically received at pool plants during such month and (ii) other producer milk for which the cooperative association is the handler pursuant to § 1050.9(d) during such month;

(4) In the case where a cooperative association has notified the market administrator and the handler in writing prior to the first day of the month that milk of specified member producers will not be diverted by the cooperative and is not to be included in computing the cooperative association's diversion percentage for the month, milk of such producers shall be deducted from the cooperative's total receipts of member

milk for the purposes specified in paragraph (d) (3) of this section and added to the total milk receipts included in computing the diversions of the pool plant handler who receives their milk for the purposes specified in paragraph (d) (2) of this section;

(5) When milk is diverted in excess of the limits specified in paragraph (d) (2) and (3) of this section, eligibility as producer milk under this section shall be forfeited on the excess quantity. In such event the diverting handler shall specify the dairy farmers whose milk is ineligible as producer milk. If a handler fails to designate such dairy farmers whose milk is ineligible, producer milk status shall be forfeited with respect to all milk diverted to nonpool plants by such handler; and

(6) Milk diverted to an other order plant under the conditions specified in this section shall be producer milk pursuant to this section only if it is not producer milk under such other order.

5. In § 1050.41, paragraph (b) (7) (iii) and (vi) is revised to read as follows:

§ 1050.41 Classes of utilization.

(b) * * *

(7) * * *

(iii) One and one-half percent of milk received in bulk from handlers described in § 1050.9(d); plus

(vi) One and one-half percent of bulk transfers of milk to a pool plant of another handler; less

6. In § 1050.80, paragraphs (b) and (d) are revised to read as follows:

§ 1050.80 Time and method of payment for producer milk.

(b) Payments required in paragraph (a) of this section for milk caused to be delivered to such handler by a cooperative association qualified under § 1050.5 shall be made to such association, or its duly authorized agent, which the market administrator determines is authorized by such producers to collect payment for their milk and which has so requested the handler in writing. Such handler shall, on or before the 18th day of the following month, pay the cooperative association for milk received during the month from producers at the direction of such association as determined by the market administrator an amount equal to not less than the amounts due such producers as determined pursuant to paragraph (a) of this section, less any deductions authorized in writing by such association: *Provided*. That the association has provided the handler with a written promise to reimburse the handler the amount of any actual loss incurred by such handler because of any improper claim on the part of the cooperative association;

(d) On or before the 18th day of the following month, each handler, in his

capacity as the operator of a pool plant, who receives milk for which a cooperative association is the handler pursuant to § 1050.9(d), including the milk of producers who are not members of such association, and who the market administrator determines have authorized such cooperative association to collect payment for their milk, shall pay such cooperative for such milk at the uniform price adjusted by applicable butterfat and location adjustments.

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

Effective date.—November 1, 1973.

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

JAMES H. LAKE,
Deputy Assistant Secretary

[FPR Doc.73-20733 Filed 9-27-73;8:45 am]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

**SUBCHAPTER B—LOANS AND GRANTS
PRIMARILY FOR REAL ESTATE PURPOSES**

[FHA Instruction 443.1]

PART 1821—FARM PURCHASE AND DEVELOPMENT LOANS TO INDIVIDUALS

Subpart A—Farm Ownership Loan Policies, Procedures and Authorizations

Subpart A of Part 1821, Title 7, Code of Federal Regulations (37 FR 7482) currently in effect under §§ 1821.1 to 1821.26, is amended to update and clarify initial and subsequent Farm Ownership loan processing and loan making procedures and to implement portions of the Rural Development Act of 1972 (Public Law 92-419) and the Agriculture and Consumer Protection Act of 1973 (Public Law 93-86). The major changes as set forth below are being published in accordance with 5 U.S.C. 553. However, the amendments are being published without proposed rulemaking, which is unnecessary since existing Farm Ownership loan policies and procedures and authorizations now in effect are similar to the new amended policies and procedures which contain editorial clarification and changes and new authorizations from the Rural Development Act of 1972 and the Agriculture and Consumer Protection Act of 1973. These amendments are effective on date of publication. Nevertheless, it is the policy of this Department that rules relating to public property, loans, grants, benefits, or contracts shall be published for comment. Interested parties may submit written comments, suggestions, data, or arguments to the Office of the Deputy Administrator Comptroller, Farmers Home Administration, U.S. Department of Agriculture, Room 5007, South Building, Washington, D.C. 20250, on or before October 29, 1973. Material thus submitted will be evaluated and acted upon in the same manner as if this document were a proposal. However, this subpart shall remain effective until it is amended, in order to permit the public business to proceed expeditiously.

1. Section 1821.6(d) has been amended to require that the applicant must rely on farm income in order to have a reasonable standard of living, as determined by the County Committee.

2. Section 1821.7(i) has been amended to provide for authority to include in the loan the payment of the first year's premium for required insurance.

3. Section 1821.8(b) (4) has been amended to provide that debts known at the time of writing the farm and home plan including those for construction work started should be considered for refinancing under § 1821.11(e) at the time the plan is developed.

4. A new § 1821.10(b) (4) has been added to provide for making FO loans of \$5,000 or less without title clearance or legal services provided a real estate mortgage can be given and the loan is not being made simultaneously with that of another lender or other existing FHA liens would cause the total to be more than \$5,000.

5. Section 1821.11(a) has been amended to provide that suitable rented buildings will not meet the requirements for an FO loan unless the applicant has a long-term lease on them or they are owned by relatives and he will eventually inherit them or be permitted to purchase them, and the buildings are adjacent to or near the farm. Mobile homes are not considered adequate dwellings for FO farms.

6. A new subparagraph has been added under § 1821.13(b) to provide that an appraisal for loans of \$5,000 or less normally will not be necessary. However, the County Supervisor will indicate his estimate of market value of the real estate security on a separate sheet of paper.

7. Section 1821.20 (a) and (b) have been amended to show that the loan approval authority applies to FHA liens against the security, but does not consider other lender liens as long as the total debts against the security do not exceed \$225,000 or the market value, whichever is less.

8. Section 1821.22(a) has been amended to provide that the County Supervisor or his delegate may request the loan check at the time of loan approval if he receives adequate assurance, verbally or in writing that satisfactory title evidence can be provided.

As amended, Subpart A of Part 1821 reads as follows:

Sec.	
1821.1	General.
1821.2	Objectives.
1821.3	Supervisory assistance.
1821.4	Definitions.
1821.5	Preference.
1821.6	Eligibility requirements.
1821.7	Loan purposes.
1821.8	Loan limitations.
1821.9	Terms of loans.
1821.10	Security requirements.
1821.11	Special requirements.
1821.12	Suitability of farm for the FO program.
1821.13	Technical and legal services.
1821.14	Mineral rights.
1821.15	Optioning of land.
1821.16	Deferred payments.

RULES AND REGULATIONS

Sec.	
1821.17	Junior mortgage loan.
1821.18	Certification by County Committee.
1821.19	Preparation and distribution of loan docket.
1821.20	Loan approval.
1821.21	Requesting title service and accepting option.
1821.22	Actions subsequent to loan approval.
1821.23	Loan closing actions.
1821.24	Subsequent FO loans.
1821.25	Reamortization of existing FHA debt(s).
1821.26	Nondiscrimination poster.

AUTHORITY.—7 U.S.C. 1880, 42 U.S.C. 1480, delegation of authority by the Sec. of Agric., 38 FR 14944, 14948, 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 38 FR 14952, 7 CFR 2.70.

Subpart A—Farm Ownership Loan Policies, Procedures, and Authorizations

§ 1821.1 General.

This subpart outlines the policies, procedures, and authorizations for making initial and subsequent Farm Ownership (FO) loans on family farms, under the Consolidated Farm and Rural Development Act of 1972. This subpart is supplemented by parts 1816, 1890c, 1890d, 1890f, 1890p, and 1890r of this chapter. Loans to eligible homestead and desertland entrymen on public lands and on reclamation projects will be handled in accordance with guidelines available in all FHA offices.

(a) *Loan funds.* Each State Director is responsible for assuring that loans approved in his State do not exceed the amount of loan funds distributed to his State.

(b) *Insured loans.* The credit needs of an applicant will be met with an insured loan.

§ 1821.2 Objectives.

The basic objectives of the Farmers Home Administration (FHA) in making FO loans are to assist eligible farmers and ranchers to become owner-operators of family farms, to make efficient use of their land, labor, and other resources, to carry on sound and successful operations on the farm, and to afford the family an opportunity to have a reasonable standard of living. The operations include establishment or enlargement of nonfarm enterprises to supplement the farm income. These objectives will be accomplished through the extension of credit and supervisory assistance.

§ 1821.3 Supervisory assistance.

Supervision will be provided borrowers to the extent necessary to achieve the objectives of the loan and to protect the interests of the Government in accordance with subpart A of part 1802 of this chapter. Such assistance consists of farm, home, and nonfarm planning, record-keeping, analyzing the farm and any nonfarm business, and giving management advice.

§ 1821.4 Definitions.

(a) *Farm.* The term "farm" includes a tract or tracts of land, improvements, and other appurtenances considered to

be farm property and owned or to be acquired by the applicant, used or to be used in the production of crops or livestock including the production of fish under controlled conditions. The term "farm" also includes any such land and improvements and facilities used in a nonfarm enterprise.

(b) *Family farm.* A family farm is defined as one that will produce agricultural commodities for sale in sufficient quantities so that it is recognized as a farm rather than a rural residence; one that will provide substantial income by itself and which together with any other dependable income will enable the family to pay necessary family and other operating expenses, including maintenance of essential chattel and real property and pay debts; and one for which the operator and his immediate family provide the management and are actively engaged in the operation by providing a major amount of the farm and any nonfarm enterprise labor. A reasonable amount of hired labor may be used during seasonal peakload periods. This is not intended to prohibit the financing of an established family farm operation within FHA loan limits where there are sufficient children at home to perform the work even though the family labor is beyond the equivalent of two full-time workers.

(c) *Mortgage.* The term "mortgage" includes any form of real estate security, interest, or lien upon any rights or interests in real property of any kind.

(d) *Security.* The term "security" includes any rights or interests in property of any kind subject to a real or personal property lien.

(e) *Insured loan.* The term "insured loan" means a loan made from funds furnished by lenders and insured by the Government at the time of loan closing, or a loan made from the Agricultural Credit Insurance Fund (ACIF). The term "private lender" means any source of insured funds other than the ACIF.

(f) *Nonfarm enterprise (FO-NFE).* This is any business enterprise which supplements farm income. It must provide goods or services for which there is a need and a reasonably reliable market. A nonfarm enterprise includes recreation items for which FO funds may be used.

§ 1821.5 Preference.

Preference will be given to: (a) Veterans, as defined in subpart A of part 1801 of this chapter. The applications on hand from veterans will be given preference over applications of nonveterans on file at the same time.

(b) Applicants who are:

- (1) Married or have dependent families.
- (2) Owners of livestock and farm implements necessary to successfully carry on farming operations.
- (3) Able to make downpayments.

§ 1821.6 Eligibility requirements.

To be eligible for an FO loan each applicant must:

- (a) Be a citizen of the United States.
- (b) Possess legal capacity to incur the obligations of the loan.

(c) Be an individual who has:

- (1) Farm experience or farm training sufficient to assure reasonable prospects of success in the proposed farming operation, and

(2) Other training or experience when nonfarm enterprises are involved to assure success with such proposed operation.

(d) Be an individual who must rely on farm income in order to have a reasonable standard of living, as determined by the County Committee. The County Committee will consider in making this determination the amount of farm income in relation to the off-farm income, the level of income obtained by reasonably successful family farmers and rural residents in the community and the size of the family. This is not intended to prevent making of an FO loan under the following conditions:

(1) When the County Supervisor and the County Committee are reasonably certain an applicant will not engage in other employment after the planned farm operation is fully developed except to the extent necessary for his family to have sufficient income for a reasonable standard of living.

(2) When an applicant is a farm tenant, sharecropper or farm laborer and is otherwise eligible and the loan is to establish him as a farmowner.

(e) Possess the character, ability, and industry necessary to carry out the proposed operation and honestly endeavor to carry out the undertakings and obligations required of him in connection with the loan.

(f) Be unable with his own resources, or be unable to obtain sufficient credit elsewhere, to finance his actual needs at rates and terms he could reasonably expect to fulfill, taking into consideration prevailing private and cooperative rates and terms in the community in or near which he resides for loans for similar purposes and periods of time.

(g) After the loan is made, be the owner-operator of a family farm which will produce not less than a substantial portion of his total income.

§ 1821.7 Loan purposes.

Loans that are consistent with environmental quality requirements as set forth in § 1821.11(m) (2).

(a) Purchase or enlarge a farm, including any land for recreation or other nonfarm enterprise, which is or will not be larger than a family farm. This may include:

(1) An applicant's portion of the cost of a large tract of land which is being subdivided.

(2) Downpayments on the purchase of land under the following conditions:

(i) A deed is obtained by the borrower secured by a note and prior mortgage or a purchase contract or similar instrument is used.

(ii) Terms are adequate and long enough for the applicant and the FHA

to have reasonable assurance that the borrower's obligations can be met under such terms.

(iii) The conditions and the requirements of prior mortgage or contract meet the FO security requirements for taking a junior lien.

(iv) The purchaser under a purchase contract which obligates him to pay the purchase price, gives him the rights of present possession, control, and beneficial use of the property, and entitles him to a deed upon paying all or a specific part of the purchase price.

(b) Construct or improve buildings and facilities on the applicant's farm, including:

(1) The construction of essential but modest farm dwelling and service buildings, including facilities and structures for nonfarm enterprise uses or fish farming such as docks, fish hatcheries, shooting blinds, refreshment or marketing stands, processing or assembly plants, sales buildings, repair shops, lodging facilities, trailer parks, picnic areas, target ranges, tennis courts, shuffleboard courts, golf driving ranges, campsites, and modest rental housing.

(2) The improvement, alteration, repair, replacement, relocation, or purchase and transfer of such essential dwellings and service buildings, facilities, and structures.

(3) The purchase and/or installation of domestic water and sewage systems, other equipment or facilities necessary to the effective operation of a farm including nonfarm enterprises, provided the items upon installation become part of the real estate or customarily pass with the farm when it is sold.

NOTE.—In order to conserve FO insured funds when major building development is planned, Rural Housing (RH) loans will be processed simultaneously with the FO docket in accordance with Subpart A of Part 1822 of this Chapter for RH authorized purposes and conditions for making RH loans on farms. An FO loans can be made simultaneously with a long-term farm real estate loan from a private lender.

(c) Provide land and water development, acquisition of water supplies, rights, use and conservation essential to the operation of the farm, and any nonfarm enterprise facilities. This includes fencing, land clearing, forestry purposes, establishment of approved forestry practices, establishment and improvement of permanent hay or pasture, drainage and irrigation facilities, basic application of lime and fertilizer, fish ponds, trails, and lakes. The funds for land and water development may include the costs of machinery and equipment for doing the development when the total cost of the development and machinery or equipment would not exceed the cost if the same amount of development was contracted. Also loan funds may be used to pay that part of the cost of facilities, improvements and practices which is to be earned by participation in the Agricultural Conservation or Great Plains programs only when such costs cannot be covered by purchase orders or assign-

ments to material suppliers or contractors. If loan funds are advanced and the portion of the payment for which the funds were advanced likely will exceed \$500, the applicant will assign the payment to the FHA.

(d) Refinance secured and unsecured debts as provided in § 1821.11(e).

(e) Pay expenses incident to obtaining plans and making the loan such as fees for legal, architectural, and other technical services, which are required to be paid by the borrower and which he cannot pay from other funds. Loan funds also may be used to pay the borrower's share of Social Security taxes for labor hired by the borrower in connection with making the planned building improvements.

(f) Pay costs incident to land and water development, use and conservation essential to the borrower's farm or nonfarm enterprise operation on land not owned by him or on land with defective title as defined in § 1821.10(b)(1), provided the amount loaned for such improvements does not exceed \$2,500.

(g) Finance a nonfarm enterprise when it will provide another source of necessary income even though the owned or purchased acreage for such enterprise is not usually considered to be a part of the farm.

(h) An eligible applicant for any purpose authorized in this Subpart to enable a dependent in his immediate family to initiate, develop, or carry on a farm or nonfarm enterprise in connection with his or her participation in youth organizations such as Future Farmers of America, Future Homemakers, 4-H Club, or approved vocational training course.

(i) Pay when the borrower cannot pay from personal funds interest on insured loans for the initial installment or any approved deferment period, and the first year premium for insurance required in accordance with § 1821.23(h) of this subpart.

§ 1821.8 Loan limitations.

(a) An FO loan will not be approved if:

(1) The borrower's unpaid principal balance plus any past due interest against his farm or other security or both plus the amount of the loan will exceed \$225,000 or the unpaid principal balance on FO, Soil and Water, Recreation, or Land Conservation and Development loans, or any combination thereof, plus the amount of the FO loan exceeds \$100,000. The total indebtedness includes all FHA and other lender principal and past due interest on existing and proposed security.

(2) The amount of the loan and the unpaid principal balance plus any past due interest on other liens against the farm will exceed the market value of the farm and, when applicable, the market value of any other security, as determined by the loan approval official, or the loan exceeds the amount certified by the County Committee.

(3) The noncontiguous character of a farm containing two or more tracts is such that an efficient farming operation and nonfarm enterprise cannot be conducted due to the distance or inadequate rights-of-way or public roads between the tracts.

(b) Loan funds may not be used for the following purposes:

(1) To purchase items not considered to be a part of the farm such as farm machinery and equipment, appliances, livestock, construction and maintenance tools, automobiles, trucks, boats, and nonfarm enterprise equipment that would not be considered real estate except as authorized in § 1821.7(c).

(2) To acquire land or develop a farm which is in an area designated for retirement from agriculture by Federal, State or local agencies.

(3) To refinance any FHA debts owed by the applicant without prior consent of the National Office. Ordinarily, FHA debts will not be refinanced even though the borrower is delinquent. Consent will be granted in an exceptional case only when it is not possible to service the loan or otherwise accomplish the objectives of the loan on a sound basis without refinancing the existing debt(s). In each such case the narrative justification and the case file will be sent to the National Office prior to development of the loan docket.

(4) To pay debts incurred prior to the closing of an FO loan, except fees for legal, architectural, and other technical services and except as authorized in § 1821.11(e). However, debts known at the time of writing the farm and home plan including those for any development work started should be considered for refinancing in accordance with § 1821.17(e) or this subpart at the time the plan is developed. The County Supervisor, not later than the time of planning farm or nonfarm improvements will advise each applicant that development work must not be started and that debts for such work or materials must not be incurred before the loan is closed. If, nevertheless, the applicant incurs debts for development before the loan is closed, the County Supervisor, or the Assistant County Supervisor in connection with loans for which he had delegated authority to approve, may authorize the use of FO funds to pay such debts only upon documentation of the facts in the case and when he finds that all of the following conditions exist (in a questionable case the County Supervisor will submit the complete facts to the State Office for advice before taking action):

(i) The debts were incurred after approval of the loan, except that in the case of a subsequent loan to complete improvements previously planned, the debts were incurred after the initial loan was closed.

(ii) The applicant is unable to pay such debts from his own resources or to obtain credit from other sources and failure to authorize the use of FO funds to pay such debts would impair the applicant's financial position.

RULES AND REGULATIONS

(iii) The debts were incurred for authorized FO loan purposes.

(iv) The construction or repair work conforms to that shown on Form FHA 424-1, "Development Plan."

(5) To acquire land when a major part of the cropland on the farm will be in the Agricultural Stabilization and Conservation Service (ASCS) program or other type of crop adjustment program for two or more full crop years after the date of loan approval, unless the State Director determines that the applicant will be able to conduct at least a farming operation on the land not included in such program which will produce not less than a substantial part of the total income.

§ 1821.9 Terms of loans.

(a) *Amortization period.* Each loan will be scheduled for repayment over a period not to exceed 40 years from the date of the note or such shorter period as may be necessary to assure that the loan will be adequately secured, taking into account the probable depreciation of the security, except that a loan of \$2,500 or less not secured by a real estate mortgage will be scheduled for payment over a period not to exceed 10 years from the date of the note.

(b) *Interest, annual charge, and repurchase agreement.* The interest rate to the borrower will be 5 percent per year on the unpaid balance of the loan. For insured loans, the terms to the insured lender will be governed by subpart A of part 1810 of this chapter.

(c) *Interest credits.* Interest credits provided in § 1822.7 of this chapter may be applicable when an RH loan is made along with an FO loan to the same borrower but only to the RH portion.

§ 1821.10 Security requirements.

(a) *General.* Each FO loan will be adequately secured to protect the interest of the Government.

(1) Any loan of more than \$2,500 and any loan to be paid in more than 10 years from the date of the note will be secured by a mortgage on the applicant's entire farm, except as provided in paragraph (b) (1) of this section. Usually loans of more than \$2,500 will be secured only by real estate. When necessary to supplement the applicant's equity in the farm or to facilitate servicing the loan, a lien also may be taken on nonfarm real estate or on personal property owned by the applicant. However, nonreal estate may not be relied on for more than \$2,500 of a loan; except that in the State of Texas, because of unusual homestead and lien laws, upon prior National Office approval of a State regulation, the nonreal estate portion of the loan may exceed \$2,500.

(2) A loan of not more than \$2,500 to be paid in not more than 10 years from the date of the note may be secured by one or a combination of:

(i) Real estate or equipment and livestock, or

(ii) Other security that cannot be converted to cash without jeopardizing the borrower's farming operations or means

of livelihood. Examples of other security are: Cash value of life insurance policies, cooperative memberships, income-producing leases, or water stocks which are transferable and have security value.

(3) Whenever both real estate and personal property are taken as security for an FO loan and the payment period of the loan will exceed the maximum period for which the personal property lien may be valid under State law, the loan approval official will determine whether the real estate security will be adequate to secure the scheduled unpaid balance of the loan when the personal property lien expires.

(b) *Real estate.* (1) When the loan is to be secured by real estate, a mortgage on the entire farm (including any necessary assignments) owned by the applicant will be obtained, except as provided in paragraph (b) (1) and (b) (1) (i) of this section. If the applicant's title to any part of the farm is defective (either in the sense that it is not "good title marketable in fact," as defined in Part 1807 of this Chapter or that the State law will not recognize a mortgage upon it or will not permit such a mortgage to be recorded) and cannot be cured at reasonable cost, the loan may nevertheless be made if the part of the applicant's farm to which title is not defective is large enough to qualify as a family farm, and the value of such part of the farm and the value of necessary and available additional security is adequate to secure the loan.

(1) Any part of the farm to which title is defective may be omitted from the mortgage if the loan approval official with the advice of the Office of the General Counsel (OGC) determines that the applicant's interest is of such a nature that it is not mortgageable or that to include it would unduly complicate loan servicing or liquidation.

(ii) The part of the farm to which title is defective will be excluded from consideration in the appraisal of the farm. If the appraisal report was prepared before discovery of the title defect, the farm will be reappraised to show the value of the part of the farm to which title is not defective, and the appraisal report and other loan papers will be revised accordingly.

(2) A junior mortgage may be taken as security for a loan, provided: (i) The prior mortgage(s) or lien(s) do not contain provisions for future advances, summary forfeiture or cancellation or other provisions that may jeopardize the Government's security position or the borrower's ability to pay the FO loan, such as payment schedules involving installments that the borrower cannot pay in an orderly manner, for example, a payment schedule with a balloon payment payable in less than 20 years; or

(ii) Such provisions of the prior mortgage(s) or lien(s) are satisfactorily limited, modified, waived, or subordinated; or

(iii) The provisions of § 1821.11(d) (2) are met in the case of simultaneous loans with other lenders.

(3) When a life estate is involved, a loan may be made to the life estate holder and the remaindermen jointly where both have a legal right to occupy, operate, and share in the profits, and both are otherwise eligible and join in executing the note and mortgage. However, where a remainderman or life estate holder is a minor or otherwise legally incompetent, if the loan approval official determines, with the advice of the OGC, that a sound and proper FO loan could be made to the other party and the necessary security obtained, narrative justification may be sent to the National Office prior to the development of the loan docket. The National Office will decide whether to authorize the making of the loan.

(4) A loan of \$5,000 or less will be secured by the best real estate lien obtainable without the title clearance or legal services required in part 1807 of this chapter provided the County Supervisor believes from a search of the county records that the applicant can give a mortgage on his farm. Any equipment, personal property or fixtures purchased with loan funds will be included in security instruments for the loan regardless of the amount. Exceptions to the above regarding real estate security are:

(1) When the loan is being made simultaneously with that of another lender.

(ii) When land is to be purchased.

(c) *Personal property security.* When authorized by paragraph (a) of this section, a lien may be taken on selected items of personal property if such a lien will not interfere with the applicant's obtaining needed operating credit.

(1) Whenever a lien is taken on personal property as security for a loan, it ordinarily will be a first lien. In an exceptional case, a lien subject to the lien held by another creditor or the PHA may be taken on personal property provided the applicant clearly has sufficient equity in the personal property to provide the necessary security.

(2) When the loan includes funds for items of equipment upon which a security agreement or equivalent is necessary to adequately secure the loan, a severance or subordination agreement will be obtained, when appropriate.

(3) When a lien on equipment, other personal property, or fixtures is necessary to adequately secure the loan, it will be taken and kept effective as notice to a third party in accordance with subpart B of part 1831 of this chapter and related State issuances.

(d) *Miscellaneous security items.* Ordinarily, the applicant's farm is considered to include the land, buildings, fences, water, water stock, water facilities, and any other improvements and easements, rights-of-way or other appurtenances which by custom pass with farms in the change of ownership. However, in some instances certain improvement items or facilities which usually pass with the farm in a change of ownership are considered personal property and would not be conveyed to the purchaser. In other instances, items not

generally considered to be a part of the real estate pass with the farm in a change of ownership. When the loan approval official determines the items involved in either case are a part of the farm and necessary for its efficient operation, funds may be included in the FO loan to purchase such items. The County Supervisor, with the advice of the designated attorney, title insurance company, or the OGC, will ascertain that such items are free from any liens or encumbrances and are specifically included in the proper security instruments.

§ 1821.11 Special requirements.

(a) *Dwellings and other essential buildings.* Buildings adequate for the planned operation of the farm including any nonfarm enterprise must be available. The necessary buildings will be located on the applicant's farm. However, if the applicant owns suitable buildings which are not considered a part of his farm and ordinarily would not pass with the farm in a change of ownership, duplicate buildings on the farm need not be required if the State Director authorizes retention of such buildings under paragraph (j) of this section. The buildings must be of such type and condition and so located that the applicant could operate his farm successfully. When an applicant depends on owned buildings not considered to be a part of the farm, it must be determined that those buildings will be available under ownership for the period of the loan. To assure this, the best lien obtainable without requiring a legal title search should be taken on such buildings and site. In an unusual case an exception to this requirement may be made when the applicant has a long-term lease on acceptable rented buildings that are adjacent to or near the farm or the applicant occupies suitable buildings of relatives that he will eventually inherit or be permitted to purchase. Mobile homes are not considered adequate dwellings for FO farms.

(b) *Land and facility development.* Adequate development to place the farm and any nonfarm enterprise in condition for a successful operation will be provided at the outset in connection with each loan. To the extent practicable, recommendations of representatives of the Forest Service, Soil Conservation Service, State Agricultural Extension Service and State Planning and Development Agency or local planning groups should be included in the development plan as well as the farm and home plan. In planning such development with the applicant, the County Supervisor will encourage him to use any cost-sharing assistance consistent with his plans that may be available to him through any source including the Agricultural Stabilization and Conservation Service (ASCS) programs.

(c) *Planning and performing farm development.* The development work will be planned and completed in accordance with subpart A of part 1804 of this chapter. The provisions of parts 1890p and 1816 of this chapter will be met in con-

nection with FO loans involving recreational enterprises and the construction of buildings.

(d) *Relationships with other lenders.* Maximum use will be made of other credit when a workable arrangement is possible. County Supervisors will keep real estate lenders and building suppliers currently informed concerning FHA policies with respect to loan making, security requirements, supervision and servicing, distribution of income available for debt payments, and graduation of borrowers. FHA employees may not guarantee personally or on behalf of FHA, repayment of advances from other credit sources. However, they may assure that lien priorities will be respected and releases will be made in accordance with the current Form FHA 431-2, "Farm and Home Plan," as agreed with the borrower.

(1) *Determining eligibility.* In determining the eligibility of an applicant if it appears that he may be able to obtain part or all the credit from other sources to meet his needs, the County Supervisor will require him to make a diligent effort to obtain such other credit.

(i) Applicants will be expected to seek credit from lenders who extend long-term credit in the area.

(ii) Applicants should be advised to request lenders to indicate the amount and terms of credit they might be willing to extend.

(iii) The County Supervisor should check on any evidence presented by an applicant that he cannot obtain other credit.

(iv) Letters or other evidence indicating credit is not available from other sources serving the area will be included in the loan docket.

(v) In no case will a loan be made to an applicant that could obtain the credit he needs elsewhere on terms he can reasonably be expected to pay.

(2) *FHA loans simultaneous with other lenders.* A "Memorandum of Understanding Between the Farmers Home Administration and the Farm Credit Administration," will serve as a guide in processing FO loans to be made simultaneously with loans by Federal Land Banks to common applicants. The State Director may work out agreements for simultaneous loans by long-term lenders other than Federal Land Banks for eligible FO purposes. Such an agreement should prohibit future advances by the first mortgage holder except for taxes, property insurance, reasonable maintenance expenditures, and reasonable foreclosure costs, but should not prohibit subsequent FHA loans. It should also cover items such as appraisal methods, title clearance, loan closing, the disbursement of funds, and where appropriate, advance notices of foreclosure. It may also cover other items considered necessary or advisable for a sound FHA second mortgage loan. See Appendix I, "Memorandum of Understanding," of this subpart which is used as a guide in processing FO loans to be made simultaneously with loans by Federal Land Banks to common applicants.

(i) The County Supervisor and the local representative of another lender should maintain a close relationship in processing loans to mutual applicants or borrowers. A realistic determination must be made on the extent to which the FHA and the other lender can assist the applicant or borrower before either lender makes a firm commitment on the assistance that can be given. The following determinations must be made before the County Supervisor and representative of the other lender are able to determine the amount of each loan: Eligibility, applicant's total real estate needs, market value of the property, and the applicant's ability to pay his total obligations.

(ii) When an initial FO loan is made at the same time as a loan from another lender, that lender's lien will have priority over the FHA lien unless otherwise agreed upon. The lender's priority of lien can cover in addition to principal and interest, the following: Advances for payment of taxes, property insurance, reasonable maintenance to protect his interest, and reasonable foreclosure costs including attorney's fees.

(3) *Evidence not required.* In any case in which a County Supervisor determines there is no possibility of a feasible arrangement to obtain part or all of the applicant's needs from an uninsured other lender, he will not require evidence from that applicant. The County Supervisor will record his conclusion and the basis for it in the loan docket.

(e) *Refinancing of debts.* (1) When an applicant's request includes the use of loan funds for the refinancing of debts, it must be determined before a loan is made that his present creditors will not give him rates and terms on the existing debts that he reasonably could be expected to meet, before refinancing any debt, the County Supervisor will:

(i) Discuss with the applicant the possibility of obtaining the needed credit from the applicant's present creditors or other sources. He will request the applicant to contact his present creditors to explain his credit needs and to determine if the creditor will renew, extend, change, or reduce the present debts as appropriate. He will also advise the applicant of other credit sources available in the area which might assist him with his credit needs and request that he contact such credit sources. If the applicant is unsuccessful in his efforts to obtain credit or to get a revision of the rates and terms of his indebtedness, the County Supervisor will obtain from the applicant the reasons given by the present creditors and other sources for not assisting the applicant and document such information in the running record.

(ii) If the County Supervisor is notified by the applicant that his negotiations with the present creditors or other sources were unsuccessful, he will determine, on the basis of the applicant's financial statement, planned income and expenses, estimated amount available for debt payment and any additional factors presented by the applicant, whether it

RULES AND REGULATIONS

appears necessary to refinance the debt(s) or any portion of the debt(s) or obtain a change in the rates and terms. When it is determined that refinancing may be necessary, the County Supervisor will contact in person, when practicable, each secured creditor and each unsecured creditor to whom substantial debts are owed for the purposes of verifying the necessity for refinancing. If the loan is to be processed, a statement of each secured account showing the final due date, interest rate, annual installment, amount of principal and interest delinquent, unpaid principal, and accrued interest will be obtained. If all, or a portion of the accounts are to be refinanced, the appropriate amount necessary to settle the account in full or to bring the account current will be obtained. In any case in which a mortgage is to be taken junior to another creditor's lien, such as the Federal Land Bank or an insurance company, the County Supervisor will obtain early in the loan processing the creditor's determination with respect to furnishing the applicant the additional credit that he needs.

(2) Debts secured by real estate liens will not be refinanced if a part of the are against the farm on which a mortgage will be taken under § 1821.10(b) (1).

(3) Ordinarily, loans will not be made to refinance long-term real estate loans of the type generally made by lenders such as the Federal Land Banks or insurance companies. When it is necessary to refinance such debts, the total debt will not be refinanced if a part of the debt can be refinanced on a sound basis with the lender's agreement. The part of the debt to be refinanced will not include more than existing delinquencies plus the next installment to become due that the borrower will be unable to pay.

(4) When nonreal estate debts are being refinanced, preference will be given to paying those that will be most helpful to the applicant in carrying on farm and home operations. Ordinarily, in the case of old unsecured debts or inadequately secured debts, the applicant will be requested to contact his creditor(s) and attempt to obtain a substantial reduction of such debts.

(f) *Income from other than the owned acreage.* In any case in which the soundness of the loan depends on income from the farm and other sources, the County Supervisor must determine that income from other sources, in addition to the income from the land the applicant owns will likely be available to him on a continuing basis.

(1) When the applicant must depend on income from land in addition to that which he owns, the County Supervisor will determine that such land or other land of similar quantity and quality likely will be available during the period of the loan or if other land should not be available there is a likelihood that off-farm employment is available to provide the income needed.

(2) When the applicant must depend on income from off-farm employment it

must be determined that the off-farm income will probably materialize and continue in the amount anticipated, taking into consideration the nature of the proposed employment and, where possible, the actual employment for the past 2 or 3 years, and the time required for the off-farm work, together with that required for the farm, is possible of accomplishment by the applicant and his immediate family, taking into consideration hired labor for seasonable peak-load periods.

(g) *Income from nonfarm enterprises.* Income from nonfarm enterprises, is considered to be "other income" rather than farm income. The farm and home plan will have sufficient information attached to determine the feasibility and soundness of the applicant's request for FHA assistance in conducting nonfarm enterprise in conjunction with his farming operation. Such information will indicate whether the enterprise provides sufficient income to meet its operating expenses, depreciation, proportionate share of the debt, and make reasonable contribution to the family's income.

(h) *Supplementary payment agreement.* Form FHA 440-9, "Supplementary Payment Agreement," should be used for each applicant who regularly (such as weekly, monthly, or quarterly) receives substantial income from an off-farm source, a nonfarm enterprise, or from farming. It also should be used for other applicants when needed to facilitate servicing of the account.

(i) *Farm or residence situated in different counties.* If a farm is situated in more than one state, parish, locality, or county, the loan will be processed and serviced in the state, county, parish, or locality in which the borrower's residence on the farm is located. However, if the borrower's residence is not part of his farm, the FO loan will be serviced by the County Office serving the county in which the farm or a major portion of the farm is located unless otherwise approved by the State Office because of transportation difficulties for FHA employees.

(j) *Other real estate.* The State Director may permit an applicant to retain real estate that will not be a part of the farm provided such real estate furnishes the applicant employment or income which together with farm income is essential to his success, it provides the residence for the applicant, or a sale of property would not materially reduce the applicant's need for a real estate loan or for operating credit; and provided further that the retention of such real estate will not cause a borrower to operate larger than a family farm or to own a farm for rental for agricultural purposes in addition to the farm he operates. Otherwise, a loan may be made to an applicant who owns real estate which will not be a part of the farm only if he disposes of the property before or simultaneously with the closing of the loan, or if this is not feasible, agrees to dispose of it as promptly as possible, but in no instance later than two years after the date of loan closing. The applicant

must use the net proceeds to pay essential farm and home expenses, to make necessary capital purchases, or to reduce his debts. The applicant's agreement for disposal of the real estate and use of the proceeds will be obtained through the use of Form FHA 443-17, "Agreement to Sell Nonessential Real Estate." This form will be executed by the applicant and his wife at the time of loan closing. The security instrument taken in connection with the loan will not include real estate to be sold.

(k) *Joint ownership and joint farming operations.* (1) Whenever it is not feasible to divide the land into family farms with individual ownership, a loan may be made to two applicants constituting a family group that owns or will own a farm jointly and conduct a joint operation if each of the applicants is individually eligible and the family group likewise meets all eligibility requirements, provided that the total operation will not be larger than a family farming operation. A family group would consist of relationships such as father-son, mother-son, or grandfather-grandson in which the younger member of the group would take over the operation as the older member becomes less active in conducting the farming operations. It is anticipated that this transition period would take place and be completed within a few years after the loan is made. The participation of a member of such family in the operation without an ownership interest in the farm is not prohibited, but in such case, the responsibility of management must be in the owner or owners. In any case, it must be determined that because of previous experience in working together, such a family group likely will succeed in the proposed joint farming operation. All joint owners of the land will execute the application, payment authorization, if any, note and mortgage, as well as other loan docket forms.

(2) *Separate ownership of the farm and joint operations.* A loan may be made to an eligible applicant who will own a farm which is not larger than a family farm and will conduct a joint operation with another individual or individuals provided:

(i) Not more than three individuals are interested in the operation;

(ii) That, because of previous experience in working together as farmers, they will likely succeed in the proposed joint operation; and

(iii) The joint operation will not be larger than the equivalent of a family operation for each full-time operator involved. However, such operation will not exceed a single family farm operation, whenever the individual who has an interest in the applicant's operation does not personally perform labor in an amount at least equal to his respective interest in the operation.

(l) *Debt-settlement cases.* A loan will not be made to an applicant whose debts have been settled pursuant to part 1864 of this chapter, as reflected by the

County Office records, or where settlement under such regulations is contemplated, unless the applicant's failure to pay his loan indebtedness was the result of circumstances beyond his control, the conditions which necessitated the debt settlement or release, other than weather hazards, disasters, or price fluctuations, have been or will be removed by the making of the loan, and the borrower's operations will be sound and afford him a reasonable prospect of repaying the loan and meeting his other obligations. Before requesting an appraisal or causing the applicant to incur any expense in connection with the loan, the County Supervisor, if he determines that the applicant should be considered for a loan, should complete Form FHA 431-2 and send it, together with the application, any available case folders, and his recommendation to the State Office for a determination as to whether to proceed with development of the loan docket.

(m) *Compliance with special laws and regulations.* (1) Applicants will be required to comply with Federal, State, and local laws and regulations governing diverting, appropriating, and using water including use for domestic or non-farm enterprise purposes, installing facilities for draining land, and making changes in the use of land affected by zoning regulations. The applicant should also comply with any such laws, special licenses, and regulations pertaining to nonfarm or fish farming enterprises. Requirements set forth by the State Director will be issued to advise County Supervisors as to the action to be taken by applicants in order to comply with this policy. In any State where there are no special laws or regulations to comply with, special regulations may be needed to advise how to make sound loans under such conditions. For example, evidence may be needed to determine the effect that diverting water from a stream might have on other users or their legal rights as well as the manner in which other users or their legal rights affect the borrower's use of the water. Furthermore, even though there are no specific requirements to be met, it may be possible to file with the appropriate State authority the facts concerning the borrower's use of water from a stream in order that he might have some priority rights in case laws or regulations are made that will affect the use of water.

(2) For any reasonably large scale animal, fish or poultry feedlots or holding facilities which are likely to have an effect on the environment for which an FO or FO-NFE loan is being developed, the County Supervisor will complete Form FHA 440-46, "Environmental Impact Assessment." Additionally, Form FHA 440-46 will need to be completed on a smaller scale operation involving feedlots and holding facilities in a densely populated rural or urban area. The completed form, a copy of the application, and any additional comments the County Supervisor believes relevant to environmental considerations, will be

forwarded by the County Supervisor to the State Director. Based on this submittal and any additional material the State Director may have concerning the proposed operations, the State Director will determine whether an environmental impact statement should be prepared. In making this determination and proceeding with subsequent steps, the State Director will follow the provisions of part 1824 of this chapter to the extent applicable to loans being made under this instruction.

(n) *Area determinations.* It will be the responsibility of the State Director to determine if there are any areas in the State where the development of ground water for irrigation purposes or the drainage of farmland is not recommended. The State Director will make this determination with the advice of the State Conservationist for the Soil Conservation Service, and the State Geologist or Engineer, or officials of the U.S. Geological Survey, School of Mines, or any State Water Board, State Agency, or person having official functions relating to use of water or drainage of farmland. Requirements set forth by the State Director will be issued specifying the area in which available information indicates that the further development of ground water or drainage is not advisable without a further analysis of pertinent economic and physical data.

(1) If such areas exist, the State requirement will limit the making of FO loans within the areas to the repair or rehabilitation of existing irrigation facilities which will not result in the development of additional ground water in excess of the amount previously used, or contain such other restrictions as the State Director determines to be necessary.

(2) If such areas do not exist, there will be included in the State requirement the determination that there are no areas in the State where the development of ground water for irrigation purposes or the drainage of farmland is not recommended. In any event, the State Director may require a test well prior to the time the applicant incurs costs for drilling a well.

(o) *Liens junior to the FHA lien.* A loan will not be approved if a lien junior to the FHA lien likely will be taken simultaneously with or immediately subsequent to the closing of the loan to secure any debt the borrower may have at the time of loan closing or any indebtedness he may incur in connection with the FO loan, such as for a portion of the purchase price of the farm or money borrowed from others for payments on debts against the farm, unless the total debt against the security would be within the \$225,000 debt limit or the market value of the security, whichever is less.

(p) *Public liability and property damage insurance.* Applicants receiving loans for nonfarm enterprises will be advised of the possibilities of incurring liability and encouraged to obtain public liability and property damage insurance.

(q) *Subdivision of large tracts of farmland into family farm units.* County Supervisors should investigate any large tract that is offered for sale to determine the feasibility of making FO loans to several applicants to acquire the tract. In considering the feasibility of a tract for subdivision into family farms, the following are some of the factors that must be considered.

(1) Productivity of the land and its suitability for operation as a family farm;

(2) Cost of the land and improvements included or necessary;

(3) Accessibility to roads, markets, schools, and other services;

(4) Disposition or omission of any portion of the tract that is not suitable; and

(5) The number of eligible applicants in the area.

(r) *Refinancing of FO loan.* If, at any time, it appears that the borrower may be able to obtain a loan from a cooperative or private credit source at reasonable rates and terms for loans for similar purposes and periods of time prevailing in the areas, to refinance his loan, the borrower will, upon request, apply for and accept such refinancing.

§ 1821.12 Suitability of farm for the FO program.

(a) *Responsibility for determining suitability of farms.* The County Supervisor is responsible for making a preliminary determination as to whether a loan can be made on the farm. This determination will be based on a personal inspection of the farm and the consideration of such factors as productivity of the land; location, condition, and adequacy of the buildings; approximate value of the farm; approximate amount of funds required for land purchase; boundaries of the farm; roads, schools, markets, or other community facilities; tax rates; and adequacy of the water supply. He also will determine the suitability of the farm for a nonfarm enterprise facility or fish farming.

(b) *Development of loan docket and plans.* Farm and home plans will be prepared in accordance with subpart B of part 1802 of this chapter. Plans for a nonfarm enterprise will be developed on Form FHA 431-4, "Business Analysis—Nonagricultural Enterprises," in accordance with acceptable business practices for the enterprise. If there is a State Planning and Development Agency or other recognized competent planning and development source that will assist in such plans, its services will be used to the extent feasible. The farm development plan will be prepared in accordance with subpart A of part 1804 of this chapter. When the farm and home plan including any plans for a nonfarm enterprise, and the farm development plan have been prepared and real estate is to be taken as security for the loan, and the appraisal is to be made by other than authorized personnel in that County Office, the services of an appraiser will be requested. In any case, if it appears that

RULES AND REGULATIONS

a loan cannot be made, the County Supervisor will promptly notify the applicant of the specific reasons for the decision. If the applicant is dissatisfied with the decision and requests further consideration, the County Supervisor may ask the County Committee or the State Office for an opinion.

§ 1821.13 Technical and legal services.

(a) *Technical assistance.* Applicants are responsible for obtaining technical assistance necessary to plan, construct, or establish the improvement or facility to be financed with the loan or other technical service required in connection with the loan.

(b) *Appraisal.*

(1) When real estate will be taken as security for the loan, the real estate will be appraised by an FHA employee authorized to appraise farms in accordance with subpart A of part 1809 of this chapter and paragraph (b) (2) of this section.

(2) For a loan not exceeding \$5,000 an appraisal of the farm to be given as security will not be made unless the County Supervisor or loan approval official is uncertain as to the adequacy of the security. If in such a case an appraisal is not made, the County Supervisor will indicate on a separate sheet his estimate of the market value of the real estate to be given as security.

(3) When nonreal estate items will be taken as security for a loan, a list of such items will be made on Form FHA 440-21, "Appraisal of Chattel Property," or State form, if such a form has been developed, with an estimate of the market value of the security. In determining the market value of personal property security, the County Supervisor will take into consideration the length of time the property will serve as security and the useful life of such security. In the case of other security, the County Supervisor will include a supporting statement with his estimated value of such security. Such a statement will include a narrative description of the security, its current cash value, the relative stability of the value of the security, and how the property is to be given as security.

(c) *Title clearance and legal services.* (1) When real estate is taken as security, title clearance and legal services for making and closing the loan will be provided in accordance with part 1807 of this chapter. The applicant will be requested to furnish title evidence as soon as the County Supervisor determines the loan probably will be made. If the County Supervisor is doubtful whether the loan will be approved, he will not require the applicant to furnish title evidence until after the loan approval.

(2) When no real estate is taken as security, the applicant will be required to submit the original or a certified or photostatic copy of his deed, purchase contract, or other instrument evidencing ownership. Whenever the County Supervisor is uncertain as to whether or not the applicant is the owner of a family farm, the County Supervisor will take such actions as he considers necessary,

such as requiring the applicant to furnish additional information or obtaining the opinion of the OGC as to the evidence of ownership of the farm and his advice as to any further information or action that may be needed.

(3) When personal property is taken as security, a lien search will be obtained in accordance with subpart B of part 1831 of this chapter.

§ 1821.14 Mineral rights.

Borrowers should obtain to the extent practicable all the mineral rights in any land being acquired. When mineral reservations appear to make it questionable whether a sound loan can be made on property with all or part of the mineral rights held by a third party, the County Supervisor will obtain the advice of the State Director before proceeding with development of the loan.

§ 1821.15 Optioning of land.

When land is to be purchased, the applicant will be responsible for selecting the land he intends to purchase and for obtaining an option on such land. The County Supervisor should, if possible, prior to the applicant's selection of the land to be purchased, advise him with respect to the approximate size and quality of farms which are generally considered suitable for the FO program. Also, the County Supervisor will advise the applicant that the farm must be located on a public road or have a right-of-way or easement for a useable access road to a public road. Such advice, together with the consideration of the applicant's eligibility before the land is selected, will save the applicant's time in looking for farms and will reduce the number of options taken on farms which are obviously too small, too large, or too unproductive to qualify for the FO program. A determination should be made that a loan can likely be processed before the applicant is requested to obtain an option. Form FHA 440-34, "Option to purchase Real Property," will be given to the applicant with an explanation of the provisions of the Form and how it will be completed. Generally, Form FHA 440-34 should be used; however, other option forms may be used if their provisions are acceptable.

(a) The County Supervisor is responsible for examining each completed option to determine if it is acceptable. When the County Supervisor is doubtful as to whether the option is acceptable due to questions, such as the effect of mineral or other reservations on the applicant's or the Government's interest, or unusual conditions or alterations of Form FHA 440-34 or other option form, if used, he will forward the option to the State Office with a memorandum indicating the extent to which the exceptions are or may be objectionable and request the advice of the State Director. The State Director will contact the OGC when legal advice is needed.

(b) The County Supervisor will also determine that:

(1) At least one dollar is actually paid to the seller by the applicant and the receipt for this amount is acknowledged in the option.

(2) The option is recorded, if necessary. Recordation fees will be paid by the applicant.

(c) When a tract of land is to be optioned and subdivided, the applicant in whose name the option is to be taken must be advised by the County Supervisor that the applicant will not receive any remuneration for assigning interest in the option to other applicants. The County Supervisor is responsible for explaining to the seller and the applicant in whose name the option is taken, the terms and conditions of the option including the provision that the seller will provide an accurate survey, if required by the Government.

(1) The County Supervisor will discuss any proposed subdivision with the County Committee and the District Supervisor before any definite commitments are made to the prospective seller with respect to utilizing a tract for subdivision purposes. He will also obtain the assistance of the employee authorized to appraise farms in making a thorough study of the tract and in plotting the units to show whether it is practicable to subdivide the tract into adequate farms.

(2) If the tract is determined to be suitable, an option will be taken on Form FHA 443-2, "Option for Purchase of Farmland to be Subdivided." The tract will be subdivided into units, each unit will be surveyed, and the applicant, in whose name the tract is optioned, with guidance of the County Supervisor, will execute Form FHA 443-3, "Assignment of Interest in Option (Land to be Subdivided)," with each applicant who is to receive one of the units. If it becomes necessary for the State Director to designate an applicant as assignee of an interest in the option, Form FHA 443-4, "Designation of Assignee of Interest in Option (Land to be Subdivided)," will be used.

§ 1821.16 Deferred payments.

The principal payments may be deferred until the end of the second full crop year from the date of the loan. Such payments may be deferred only when the farm and home plan covering the first full crop year indicates that there will be insufficient income to meet a regular annual installment on the loan after operating, family living, and other essential expenses are paid during the first or first and second full crop years. Further, in the judgment of the loan approval official, there must be adequate evidence that income in subsequent years will be sufficient to meet the requirements of the loan. Deferred payments should not be used to permit the accelerated repayment of other debts or to purchase an unusually large amount of capital goods. Deferment will be justified only when adequate returns will be delayed one or two full crop years and:

(a) A substantial reorganization of the farming system and any nonfarm enterprise is being made; or

(b) A new system of farming or non-farm enterprise is being established that will require substantial improvements, such as land clearing, draining, leveling, irrigating, basic fertilizing, seeding, or other land development, soil improvement, and extensive nonfarm facilities.

§ 1821.17 Junior mortgage loan.

When a loan is to be secured by a junior mortgage, the following items will apply:

(a) *Agreements with prior lienholders.* Agreements with prior lienholders regarding enforcement of objectionable provisions of their liens or giving notice of foreclosure or assignment of their liens, or both, will be obtained in accordance with § 1807.2(f)(5) of this chapter, except as modified by the Memorandum of Understanding with the Farm Credit Administration set forth in Appendix I.

(b) *Items for docket.* The applicant will be required to furnish the County Supervisor before the docket is assembled, a copy of each mortgage held by the prior lienholder(s) and, if available, a copy of the note or other obligation so that a proper determination can be made as to whether it should be refinanced. In addition, the County Supervisor will be furnished a current statement from the mortgage showing the amount of unpaid principal secured by the mortgage(s), the amount of any accrued interest, whether the account(s) is current or the amount of any delinquency with principal and interest shown separately, and if a copy of the note(s) is not provided, its maturity date, repayment schedule, interest rate, and a summary of any other provisions of the note. This information will be included in the docket for the information of the loan approval official. Any cost incidental to obtaining the information will be paid by the applicant.

§ 1821.18 Certification by County Committee.

Before an FO loan is approved, the County Committee will make its certifications with respect to the eligibility of the applicant and the maximum amount of the loan on Form FHA 440-2, "County Committee Certification or Recommendation." The amount certified by the County Committee may be greater but not less than the amount of the loan. Since this is an administrative determination, the applicant will not be notified of the certified amount. Members of the County Committee may interview the applicant and/or see the farm before making their recommendations.

(a) The loan docket may be developed and submitted to the County Committee for certification, if the County Supervisor during his investigation of the application finds no information which would likely cause the County Committee to take unfavorable action on the applicant's eligibility. The amount of the

loan certified by the County Committee will be based on the completed docket. It may also be certified from a reasonably accurate estimate of the amount needed, supported by the appraisal report and appropriate plans and complete information about the applicant.

(b) If the County Supervisor has any question concerning the applicant's eligibility, he will have the application considered by the County Committee prior to developing a loan docket. If favorable action is given by the County Committee, the docket will be completed and returned to the Committee for its final certification.

(c) If the County Committee rejects the application, reasons for unfavorable action will be given in the space provided on Form FHA 440-2 above their signature.

(d) When a loan cannot be processed promptly, a decision will be made on the eligibility of the applicant in accordance with subpart A of part 1801 of this chapter. He must be notified in writing of the initial action taken by the County Committee; and then a loan docket should be processed and submitted to the Committee for disposition. Ordinarily, the amount of the loan plus any other debts against the security will not be in excess of the recommended market value of the security as shown on the appraisal report(s). A loan docket will not be developed when a loan plus any other debts against the security will be significantly in excess of the recommended market value of the security. In an unusual case when the amount of a loan needed for success plus other debts that will be against the security is slightly above the recommended market value of the security and the County Committee and the County Supervisor believe that the loan should be made, Form FHA 440-2 may be completed. In such a case, the completed loan docket will be submitted to the State Office for a determination as to whether it is feasible to establish the market value of the security above the appraiser's recommended market value. If the loan approval official determines that the market value is in excess of the appraiser's recommended market value, he will record his determination of the market value of the security on Form FHA 440-3, "Record of Actions." Federal Land Bank Association stock required to be purchased by Federal Land Bank Association borrowers is usually not assignable but it does have security value. Therefore, when FHA and Federal Land Bank simultaneous loans are being made, the loan approval official may find the market value of the total security to be equal to the market value of the real estate plus the value of the FLB Association stock. He will record his determination of the market value of the security in such a case on Form FHA 440-3.

§ 1821.19 Preparation and distribution of loan docket.

(a) *Checking docket forms.* When the loan docket forms have been completed,

they will be checked thoroughly to determine that the proposed loan conforms to the applicable loan limits, each form is prepared correctly, and items such as names, addresses, and the amount of the loan are the same on all forms in which such items appear. Any loans that require State Office approval will be submitted to that office as soon as the docket is completed.

(b) *Verification for veterans' preference.* If the applicant has checked the veteran block, the County Supervisor, or other County Office employee will review the applicant's evidence of discharge or release to determine whether the applicant is entitled to veterans' preference.

(c) *Information on the availability of other credit.* The County Supervisor will record in the Running Case Record the pertinent information concerning the negotiations made by the applicant and the discussions by the FHA Personnel with the applicant's creditors and other lenders.

(1) Documentation of the investigation of other credit required by § 1821.11 (e) must be sufficiently clear and adequate to establish that other credit is not available.

(2) Any letters from lenders or other evidence which may have been obtained indicating that the applicant is unable to obtain satisfactory terms with present creditors or credit elsewhere will be included in the loan docket.

(d) *Distribution of docket forms.* The loan docket will include the forms and documents listed in regulations available in all FHA Offices.

§ 1821.20 Loan approval.

(a) *Application of authority.* The State Director's authority to approve FO loans as outlined in subpart B of part 1810 of this chapter, permits approval of initial or subsequent FO loans when the amount of the loan plus unpaid principal balance and any past-due interest on debts against the security for the loan will not exceed \$225,000, or the market value of the security whichever is less. Debts against nonessential real estate an applicant owns or against real estate in which he has an undivided interest are not included in the \$225,000 debt limitation unless the property will be security for the loan. The dollar amount of loan approval authority granted in a State Requirement by the State Director to a qualified State Office employee includes the amount of the FO, SW, RL, or Land Conservation and Development (LCD) indebtedness but does not include any other principal balance and any past-due interest on debts to remain against the security. Loans may not be approved by such delegate if the total indebtedness against the property is in excess of the \$225,000 or the market value, whichever is less.

(1) An employee is not authorized to approve an FO loan made in connection with the property he has appraised.

(2) An Assistant County Supervisor may not approve a loan on property appraised by the County Supervisor in the same County Office unit.

RULES AND REGULATIONS

(b) *Limitations.* The authority granted to District, County, and Assistant County Supervisors as shown in subpart B of part 1810 of this chapter is limited to cases in which:

(1) The proposed loan will not exceed the loan limitation specified for the respective supervisor in subpart B of part 1810 of this chapter and the proposed loan plus the total unpaid principal balance and any past-due interest on debts against the security will not exceed \$100,000 for a County or Assistant County Supervisor and \$160,000 for a District Supervisor, or the market value of the property, whichever is less.

(2) No significant changes have been made in the development plan considered by the appraiser when real estate will be taken as security.

(c) *Loan approval action.*

(1) *Examination of loan.* The loan approval official is responsible for reviewing the docket to determine that the proposed loan complies with established policies and all pertinent regulations and insured or direct loan funds are available for the loan. When reviewing the docket the loan approval official will determine that the Committee certification has been properly completed and signed by at least two Committee members; the applicant is eligible; funds are requested for authorized purposes only; the proposed loan is sound; the security is adequate; necessary supervision is planned, and all other pertinent requirements are met or will be met before loan closing.

(2) *Approval or disapproval of a loan.* When a loan is approved, the loan approval official will:

(i) Indicate on all copies of Form FHA 440-3 any conditions not required by FHA instructions that must be met before the loan is closed and specify the special requirements, such as conditions under which a prior lien may remain outstanding, the kind of additional security required, and so forth. If title evidence is required in accordance with part 1807 of this chapter or in accordance with any special requirements for the loan but is not included in the docket, the loan may be approved subject to the applicant's furnishing the required title evidence. When the applicant furnishes satisfactory title evidence, the County Supervisor will proceed with processing the loan except that in those cases in which the title evidence does not comply with the conditions specified by the approval official, the docket will be reconsidered by the loan approval official.

(ii) Sign the approval certification on the original of Form FHA 440-3 and insert his title in the space provided.

(iii) Sign the original and one copy of Form FHA 440-1 for an insured loan from the ACIF.

(iv) If the loan is disapproved after the loan docket is developed, the loan approval official will explain on Form FHA 440-3 the reasons therefore and initial and date the original. The County Supervisor will notify the applicant, giving the reasons for the disapproval of the

loan. If the notice was not in writing the County Supervisor will record in the running record a brief summary of discussion with the applicant. He should also advise the County Committee of the action taken on the loan.

(d) *Distribution of docket forms and loan approval.* The applicable docket forms will be distributed as outlined below by the loan approval official after the loan is approved.

(1) *To the Finance Office.* Form FHA 440-3 (original and copy). After Form FHA 440-3 is processed in the Finance Office a conformed copy will be returned to the County Office.

Form FHA 443-12 (original)
Form FHA 440-1 for an insured loan made from the ACIF.
Form FHA 492-19 (original) when required.

(2) *To the County Office.* One conformed copy of Form FHA 440-3 and the remainder of the loan docket. In the case of an insured loan to be made by a private lender, the lender's name and complete mailing address will be inserted on Form FHA 440-3; also a copy of Form FHA 492-19 when required.

(3) *To the State Office.* If a loan is approved in the State Office, a copy of Form FHA 440-3 and a copy of Form FHA 443-12 will be retained. If the loan is approved in the County Office, a conformed copy of Form FHA 440-3 and a copy of Form FHA 443-12 will be sent to the State Office for retention; also copy of Form FHA 492-19 when required.

(4) *To the borrower.* A signed copy of Form FHA 440-1 will be sent to borrower on the date of loan approval.

§ 1821.21 Requesting title service and accepting option.

When the loan is approved, the County Supervisor will see that title is requested in accordance with part 1807 of this chapter, if this has not already been done, and where land is being acquired also see that Form FHA 440-35, "Acceptance of Option," is completed, signed, and mailed to the seller; however, in connection with acceptance of option on a subdivision, Form FHA 443-10, "Acceptance of Option by Assignee (Land to be Subdivided)," and Form FHA 443-11, "Acceptance of Option by Buyer (Land to be Subdivided)," will be used, as appropriate. When the acceptance of option letter has been mailed to the seller, the borrower will arrange with the seller, in consultation with the County Supervisor to occupy and operate the farm as soon as practicable. Agreements will be in writing and cover such subjects as disposition of growing crops, rentals, payment of maintenance cost, and other pertinent points. The following forms will be used for this purpose, as appropriate:

Form FHA 443-5, "Short-Term Lease of Optioned Land."
Form FHA 443-6, "Short-Term Lease (Between Purchaser and Seller)."
Form FHA 443-7, "Temporary Cropping License."
Form FHA 443-8, "Agreement (Between Seller, Purchaser, and Tenant)."

§ 1821.22 Actions subsequent to loan approval.

(a) *Requesting check.* When the loan has been approved, approval conditions can be met, necessary curative actions have been taken to provide a satisfactory title to any real estate security, and a date has been set for loan closing, the County Supervisor or his delegate in writing will order the loan check. However, the check may be requested at the time of loan approval if real estate will not be taken as security or, if real estate is taken as security and the designated attorney or title insurance company assures the County Supervisor, verbally or in writing prior to loan approval, that satisfactory title evidence can be provided.

(1) For an insured loan from the ACIF if the check is to be ordered at the time of loan approval, the County Supervisor will check the block on the original in Form FHA 440-3 for issuance of the check and sign and date the portion of the form to request the check. If the check is not ordered at the time of loan approval, a copy of Form FHA 440-3 will be completed after loan approval to request the check in sufficient time to obtain the check prior to the loan closing date.

(2) For an insured loan by a private lender, the County Supervisor will request the check in accordance with part 1812 of this chapter.

(b) *Handling loan checks.* (1) If the loan check is to be deposited in a supervised bank account, this will be done on the date of loan closing in accordance with part 1803 of this chapter, after it has been determined that the loan can be closed, but in no case later than the first banking day following date of loan closing.

(2) When a private lender issues a loan check payable jointly to the borrower(s) and the Farmers Home Administration as a precaution against loss of funds, the County Supervisor is authorized to endorse the check on behalf of the Farmers Home Administration at the time of loan closing as follows:

Endorsed without recourse:
Farmers Home Administration
By _____
Title _____

The State Director also is authorized to endorse such a check in the same manner. Authority to endorse such checks in no way relates to or modifies the regulations contained in part 1862 of this chapter regarding collection items or the endorsement of such items.

(3) If a loan check other than a check from a private lender is received and the loan cannot be closed within a reasonable amount of time, no more than 30 days from the date of the check, the County Supervisor will return the check by Memorandum to the Disbursing Center, U.S. Treasury Department, Post Office Box 2509, Kansas City, Missouri 64142.

(4) For an insured loan made by a private lender, if the loan cannot be

closed on the date planned as indicated to the lender, and the loan is to be closed, the lender will be notified immediately of the reasons for the delay. If it is determined that an insured loan cannot be closed, the check will be returned immediately to the lender with a request for cancellation. In no case may a lender's check be retained more than 21 days from the date of the check. When a loan check is lost, mutilated, or destroyed, the County Supervisor will immediately notify the lender and, if the borrower still desires to close the loan, the lender will be requested to issue a new check. When a check is returned and the loan will be closed at a subsequent date, another check will be requested in the usual manner.

(c) *Cancellation of loan.* Loans may be canceled before loan closing as follows:

(1) The County Supervisor will notify the State Office and Finance Office of a loan cancellation by use of Form FHA 440-10, "Cancellation of Loan or Grant Check and/or Obligation." The County Office will send a copy of Form FHA 440-10 to the Designated Attorney, Regional Attorney, or the title insurance company representative providing loan closing instructions to indicate that the loan has been canceled.

(2) For an insured loan from the ACIF, if a check is received in the County Office, the County Supervisor will return it to the Disbursing Center, U.S. Treasury Department, Post Office Box 2509, Kansas City, Missouri 64142, with a copy of Form FHA 440-10.

(3) For an insured loan by a private lender, any check advanced will be returned promptly to the lender with an explanatory letter.

(4) Interested parties will be notified of the cancellation as provided in part 1807 of this chapter.

(d) *Increase or decrease in amount of loan.* If it becomes necessary that the amount of the loan be increased or decreased prior to loan closing, the County Supervisor will request that all distributed docket forms be returned to the County Office and reprocessed unless the change is minor and replacement forms can readily be completed and submitted. In the latter case, a memorandum to that effect will be attached to the revised forms for referral to the Finance Office. A new Committee certification will not be necessary unless the revised loan amount is higher than the original certification.

§ 1821.23 Loan closing actions.

When a loan closing date has been agreed upon, the County Supervisor will notify the borrower and seller, if any, of the loan closing date. The following appropriate actions will be taken in connection with and after loan closing:

(a) *Real estate mortgage loans.* When a loan is to be secured by a real estate mortgage, it will be closed in accordance with the applicable provisions of part 1807 of this chapter except as modified for loans of \$5,000 or less in § 1821.10(b) (4).

(b) *Loans involving chattel or other non-real estate security.* Form FHA 440-15 (State), "Security Agreement (Insured Loans to Individuals)," or appropriate chattel mortgage for Louisiana, will be used for insured loans. The instrument will be obtained and handled in accordance with the applicable parts of subpart B of part 1831 of this chapter. If for any reason Form FHA 440-15 cannot be used as developed in any State other than Louisiana, the State Director will advise the National Office of the reasons it cannot be used and recommend any necessary changes to comply with State law. If modification of the form is approved in the National Office, a State form will be used in lieu of Form FHA-440-15.

(c) *Applicant's financial condition.* The County Supervisor will review with the applicant the financial statement which was prepared at the time the docket was developed. If there have been significant changes in his financial conditions, the financial statement will be revised and initialed by the borrower and the County Supervisor. When an applicant's financial condition has changed to the extent that it appears that the loan would be unsound or improper the loan will not be closed. If a revised loan docket can be developed and if the County Supervisor is not authorized to approve the loan, it will be submitted to the loan approval official for reconsideration.

(d) *Loan approval conditions.* If there are any loan approval conditions which the applicant must meet before the loan is closed, the County Supervisor will call these conditions to the applicant's attention at the time he notifies him of the loan closing date. If an applicant will not comply with the loan approval conditions, the loan cannot be closed.

(e) *Change in use of funds planned for refinancing.* (1) In cases where funds are included in the loan to refinance debts, the County Supervisor is authorized to transfer funds planned for refinancing between debts, provided all debts for which loan funds were planned are paid and the amount of loan funds to be used for refinancing does not exceed the amount planned for such purpose; except that the County Supervisor is authorized to use funds planned for other purposes to pay small deficiencies in estimates of the amount needed for refinancing, if he determines that sufficient funds will remain available to complete the planned farm development or land purchase.

(2) When the total amount of debts planned to be paid have increased so that they cannot be met within the authorities in the above paragraph or the applicant desires to transfer funds to pay debts for which loan funds were not planned, a revised loan docket will be developed and, if the County Supervisor is not authorized to approve the loan, it will be submitted to the loan approval official for reconsideration. If Form FHA 443-12 has been revised and the loan is

approved, the loan approval official will send a copy of the revised form to the Finance Office. If the total amount of the loan will be increased, the docket will be processed in accordance with § 1821.22 (d) of this chapter.

(f) *Assignment of income from real estate to be mortgaged.* Unless otherwise authorized by the State Director in an individual case, income to be received by the borrower from royalties, leases, or other existing agreements under which the value of the real estate security will be depreciated will be assigned and disposed of in accordance with subpart A of part 1872 of this chapter, including provisions for written consent of any prior lienholder. Authorization may be given by the State Director to refrain from taking an assignment of such income in cases in which the security is otherwise adequate, payment of the loan is reasonably assured from other sources, and the income has already been committed for other purposes or must be relied on by the applicant for essential living or operating expenses. When the County Supervisor deems it advisable, assignments also may be taken on all or a portion of income to be derived from nondepleting transactions such as income from bonus payments or annual delay rentals which will be assigned and disposed of in accordance with subpart A of part 1872 of this chapter.

(1) For assignment of income, Form FHA 443-16, "Assignment of Income from Real Estate Security," will be used, except that if the form is legally inadequate in a particular State it may be adapted with the approval of the OGC.

(2) The County Supervisors, upon the advice of the designated attorney, title insurance company, or OGC, as appropriate, may require acknowledgment and recordation of the assignment. Any cost incident thereto will be paid by the borrower.

(3) At the time Form FHA 443-16 is executed, appropriate notations will be made on Form FHA 405-1, "Management System Card—Individual," to insure that the proceeds, or the specified portion of the proceeds assigned to the FHA from the transactions are remitted at the proper time.

(g) *Preparation and endorsement of note.* Form FHA 440-16, "Promissory Note (Insured Loan)," for insured loans will be prepared and completed at the time of loan closing. If insured RH funds are advanced simultaneously the RH loan will be evidenced by a separate insured note on the proper form as provided in subpart A of part 1822 of this chapter; however, both the insured FO note and the insured RH note will be described in the same mortgage. In addition, when an insured SW loan is being made at the same time as an FO loan, both insured notes will be described in the same mortgage. Care will be taken to assure that the borrower's name, case number, address when living on the farm securing the loan, and all other entries are typed in correctly on the note.

RULES AND REGULATIONS

(1) When determining the amount of the first installment, the County Supervisor will consider the borrower's financial circumstances and the extent to which he will receive income from the farm or other source during the calendar year in which the loan is closed. The amount of the first installment may be less but not more than a regular annual installment. The amount of the first installment may not be less than the amount equal to interest on the loan from the date of loan closing to February 1 of the next calendar year, unless the lender has agreed to a lesser amount.

(2) The regular amortized installment will be determined in accordance with the instructions for the preparation of the note. The amount of such installment will be the amount of principal and interest which, if paid annually, will retire the full amount of the note plus interest within the amortization period of the loan.

(3) When a loan is closed between December 1 and January 1, the first installment will be collected at the time of loan closing unless deferment is approved. Also, funds included in the loan for payment of interest will be collected on date of loan closing. The receipt should indicate "For deferred installment interest."

(4) The promissory note will be signed by the borrower and his or her spouse, if married, unless under the provisions of part 1807 of this chapter the spouse's signature is unnecessary.

(5) For insured loans, other than those made from the ACIF, the promissory note will be assigned to the lender in accordance with part 1812 of this chapter.

(6) Each County Supervisor and each State Director is authorized to sign the endorsement on the reverse of the note and to execute Form 440-30, "Insurance Endorsement (Insured Loan)." The insurance endorsement constitutes the Government's contract of insurance of the loan.

(h) *Obtaining insurance.* Buildings on the property which are to be taken as security for the FO loan will be insured in accordance with part 1806 of this chapter. When a loan is secured by chattels, and the loss of such chattels jeopardize the interests of the Government, the County Supervisor may require the borrower to insure the chattels against hazards customarily covered by insurance in the area. Borrowers eligible for insurance under the National Flood Insurance Act of 1968 will be advised of its availability.

(1) *Loan closing.* (1) Before closing the loan, the County Supervisor will determine that the corresponding entries on the note and mortgage are identical.

(2) Immediately after loan closing, for an insured loan by a private lender, the original Forms FHA 440-30 and FHA 440-16 will be sent to the lender and conformed copies will be sent to the Finance Office; and from the ACIF, the original and a conformed copy of Form FHA 440-16 will be sent to the Finance Office.

(3) In case of an insured loan by a private lender, if it is not possible for the

same County Supervisor who signed Form FHA 440-7, "Request for Check," to endorse the note and sign the insurance endorsement, the original of the completed note and insurance endorsement will be sent to the State Office instead of directly to the lender. In such case, the State Director or other authorized State Office official, will attest on Form FHA 440-30 the signature of the different County Supervisor before sending the note and insurance endorsement to the lender. This will not be necessary when a local lender has no objection to a different signature on the endorsement of the note and on the insurance endorsement than that which appeared on Form FHA 440-7.

(4) When the mortgage is returned by the recording official, the original mortgage will be retained in the borrower's case folder unless the original is retained by the recording official for the County records. If the original is retained by the recording official a conformed copy including the recording date showing the date and place of recordation and the book and page number will be prepared and filed in the borrower's case folder. A conformed copy of the mortgage will be sent to a prior lienholder if a substantial interest is held by that lienholder or it is a working agreement provision with that lender.

(5) The original deed of conveyance, if any, and a copy of the mortgage will be delivered to the borrower.

(6) If the borrower secures an owner's policy of title insurance and it is sent to the County Office it will be delivered to the borrower as soon as it is received from the title insurance company.

(j) *Effective time of loan closing.* An FO loan is considered closed when the mortgage is filed for record.

(k) *Water stock certificates or similar collateral.* When water stock certificates or similar collateral is a part of the security, it will be retained in the County Office. A notation will be made on Form FHA 405-1 showing that such security has been retained.

(l) *Abstract of title.* Any abstract of title will be delivered to the borrower for safekeeping except when an abstract is obtained from a third party with the understanding it will be returned; such abstract will be sent directly to the third party. When the abstract is delivered to the borrower, Form FHA 140-4, "Transmittal of Documents," will be prepared and a receipt obtained. When the abstract is delivered to a third party, a memorandum receipt will be obtained.

§ 1821.24 Subsequent FO loans.

A subsequent FO loan is a loan made to a borrower who currently owes an FO debt.

(a) A subsequent loan may be made for the same purposes and under the same conditions as an initial loan.

(b) The subsequent loan will be processed in the same manner as an initial loan except that a new appraisal of real estate will be required only when real estate is taken as security and one or more of the following exists:

(1) Subsequent loan funds will be used to purchase land or the mortgage will include additional land that is not presently covered by the FHA real estate mortgage.

(2) The County Supervisor or loan approval official requests a new appraisal report.

(3) The latest appraisal report on the farm is over two years old.

(4) The physical characteristics of the farm have changed significantly.

(5) The subsequent loan will be over \$5,000.

§ 1821.25 Reamortization of existing FHA debt(s).

In connection with making or insuring an FO loan to a borrower currently indebted for an FO, RH, or SW loan, such existing loans may be reamortized with the prior approval of the District Supervisor for loans approved by the County Supervisor or by the loan approval official when the loan is approved in the State Office. In any such case, the reamortization of each existing loan may be made only within the remaining period of that loan. Authority to reamortize an account will be granted in those cases in which the District Supervisor determines that the borrower cannot reasonably be expected to meet installments due unless the account is reamortized. When a loan is reamortized, it will be processed in accordance with subpart A of part 1861 of this chapter.

§ 1821.26 Nondiscrimination poster.

Recipients of FO loans to improve or install recreational facilities which are subject to Title VI of the Civil Rights Act of 1964 must display the nondiscrimination poster, "And Justice for All."

Appendix I (Referred to in FHA Offices as Exhibit A of FHA Instruction 443.1)

MEMORANDUM OF UNDERSTANDING BETWEEN THE FARMERS HOME ADMINISTRATION AND THE FARM CREDIT ADMINISTRATION

I. *Introduction.* The capital requirements in agriculture in the future necessitate finding every means possible to provide adequate credit for farmers—particularly young farmers—many of whom are now unable to obtain long-term real estate loans. The Farmers Home Administration over the years has broadened its farm ownership loan policies so that private or cooperative lenders and the Farmers Home Administration can make loans to the same borrower on the same security. The experience of the Farmers Home Administration (FHA) and the Federal Land Bank (FLB) has been favorable when FHA farm ownership loans have been made to farmers and ranchers on liens junior to long-term real estate loans held by the FLBs. A thorough understanding by all the principals involved of the lending policies and objectives of the FHA, FLB and Federal Land Bank Association (FLBA) is essential to better serve farmers and ranchers who seek agricultural credit. Many farm families are unable to obtain adequate credit because of the general tightening of availability of long-term real estate loans. The demand for long-term, low equity loans far exceeds the supply of funds available.

The Farmers Home Administration and the Farm Credit Administration hereby agree that FLBs and FHA State Directors may enter into memorandums of understanding concerning the simultaneous processing of initial farm ownership loans by the FHA and

long-term real estate loans by the FLB to a mutual borrower. It is further agreed that the FLB will make first lien loans on farm real estate which it considers sound to farmers who are or will be FHA borrowers. The FHA will subordinate its mortgage to the FLB lien when the FLB loan is made for purposes which are authorized for FHA real estate loans. It is agreed that in such cases of loans by each lender, neither lender will make future advances to the borrower without the consent of the other lender, except that advances may be made by the FLB as are necessary for the payment of taxes, insurance, necessary repairs to the secured property, and reasonable foreclosure costs including attorney's fees. If such advances are made, the FHA will not assert the priority of its lien over such advances on the ground that the FHA mortgage was definite and fixed before the additional advance or advances were made by the land bank. Each lender, of course, will make only those loans which are within its existing laws and regulations.

II. Policies. The basic policies of each lender will continue to apply when processing each individual loan except as modified in paragraph I. When these policies preclude making individual loans simultaneously to a mutual borrower, the appropriate lender will provide the financing needed when practical.

(a) **Eligibility determination must be made by each lender.** (1) Applications filed with FHA will be analyzed to determine whether there is a possibility of participating with the FLB and other lenders. The County Supervisor will review with the local FLBA manager or other private lender any application that might appear to be suitable for participation.

(2) Applications filed with the FLBA will be analyzed by the manager for possible FHA assistance when it is agreeable with the applicant.

(b) **Loan processing.** (1) An FHA representative will make the appraisals for FHA farm ownership loans.

(2) An appraiser designated by the FLB will make the appraisals for land bank loans.

(3) Each lender will determine the applicant's ability to repay his total indebtedness as part of its loan approval.

(4) The borrower will be required to meet the minimum legal and regulatory requirements of each lender. This includes stock ownership and membership in the FLBA, property insurance, etc.

(c) **Loan closing.** (1) The FHA and the FLB will agree on the method and the period to be covered by the title search. If there are any deviations from either lender's regulations, such deviations must be approved by the appropriate supervisory officials.

(2) The FHA and FLB representatives will mutually approve any land and building development plans when the improvements are to be projected in loan values. Each will supervise the disbursement of its share of funds for these items.

(3) The representative(s) to be present for loan closing will be by mutual agreement.

(4) The standard loan mortgage forms used by the FHA and the FLB will be exchanged by the local representatives. Any additional covenants or deviations in individual cases will be called to the attention of the local representatives before the loan is closed.

(d) **Supervision.** FHA's policy of supervision and counseling will be carried out in accordance with current policy.

(1) The loan(s) made by each lender will be serviced in the usual manner by its respective representative unless special problems develop that require consideration by both representatives.

(2) A spirit of mutual cooperation will be followed in servicing each loan in the interests of the borrower, the FLB and the Government.

(e) **Graduation.** It will be the policy to continue to emphasize the graduation policy of the FHA to encourage borrowers to use non-FHA credit as soon as possible.

III. Administration. (a) Special initial sessions will be held by State FHA and FLB regional representatives with FHA field staffs and FLBA personnel concerning this program to clearly outline the objectives of joint participation in making loans.

(b) Subsequently periodic meetings will be held to assure uniformity of policy and practices.

(c) **Other considerations:**

(1) Informal visits between field personnel to discuss problems, applications, serv-

icing of loans and graduation should be made periodically.

(2) Occasional joint field visits to borrower's farms would establish a basis for observing the practical application of policies and practices of each lender.

(3) Each lender should advise the other of basic policy changes to guide FHA County Supervisors and FLBA managers in reviewing applications.

(4) County Supervisors and FLBA managers should exchange the names of FHA County Committeemen and FLBA Directors for their respective areas as sources for references for applications being considered.

(5) Whenever there is a substantial adverse change in the credit position of the mutual borrower, the FHA County Supervisor and FLBA manager will need to discuss the new developments to determine the effect on both loans.

(6) The acceptability of property insurance policies will be in accordance with each lender's requirements and mutually agreed upon by representatives of both lenders. The use of any loss proceeds will be in accordance with lien priorities and requirements of each agency for essential buildings. If any buildings are not to be replaced or repaired and the proceeds are not required to be applied on the FLB lien, FHA will have the responsibility for determining the use of the loss proceeds from essential or non-essential buildings.

(7) Each lender will notify the other in ample time if it becomes necessary to foreclose its mortgage. This notification will replace the individual requirement of signing the notice of foreclosure agreement when the loans are closed.

(8) Each applicant is privileged to select the long-term private lender he prefers to have join with FHA in making his real estate loan when his need exceeds the amount a private lender (FLB or other) will make.

Dated September 21, 1973.

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

[FR Doc.73-20737 Filed 9-27-73; 8:45 am]

Proposed Rules

This section of the **FEDERAL REGISTER** contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 52]

STANDARDS FOR GRADES OF CANNED APRICOTS AND CANNED SOLID-PACK APRICOTS

Second Notice of Proposed Rulemaking Correction

In FR Doc. 73-17373 appearing at page 22654 in the issue of Thursday, August 23, 1973, make the following change: In the table to § 52.2647 between the 8th and 9th lines under "Whole unpeeled—fill weight values" add a new center heading reading "Whole peeled—Fill weight values".

[7 CFR Part 909]

GRAPEFRUIT GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Proposed Limitation of Handling

This notice provides interested persons an opportunity to comment upon a proposal submitted by the Grapefruit Administrative Committee. The proposal is that the Department issue a regulation which during the period October 14, 1973, through August 31, 1973, would limit the handling of fresh grapefruit to those grading a modified U.S. No. 2 grade, and sizing not less than 3 1/8 inches in diameter (size 48's) when shipped to points in the States of California, Arizona, Florida, Texas, Washington, Oregon, Montana, Idaho, Wyoming, Nevada, and Utah. There would be no minimum size requirement for grapefruit shipped to all other States and to export markets.

Consideration is being given to the following proposal submitted by the Administrative Committee, established pursuant to Marketing Order No. 909, as amended (7 CFR Part 909), regulating the handling of fresh grapefruit grown in Arizona and designated part of California. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

All persons who desire to submit written data, views, or arguments in connection with the proposal should file the same in quadruplicate with the Hearing Clerk, Room 112A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than October 5, 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 Administrative Committee on September 13, 1973, held a meeting to consider the need for regulation during the current season. The recommendations of the committee reflect its appraisal of the crop and current and prospective market conditions. Seasonal shipments of grapefruit from the production area in volume are expected to begin in early November 1973. Grapefruit is reported to be of good quality this year, and sizes are smaller than last year. The committee believes regulation is desirable during the period October 14, 1973, through August 31, 1974, to prevent the handling on and after October 14, 1973, of any grapefruit of lower grades and smaller sizes than those herein specified, so as to provide consumers with fruit of acceptable quality, consistent with (1) the overall quality of the crop, and (2) improve returns to producers pursuant to the declared policy of the act.

Such proposal reads as follows:

§ 909.339 Grapefruit Regulation 39.

(a) *Order.* (1) Except as otherwise provided in subparagraph (2) of this paragraph, during the period October 14, 1973, through August 31, 1974, no handler shall handle from the State of California or the State of Arizona to any point outside thereof except Mexico:

(i) Any grapefruit which do not meet the requirements for the U.S. No. 2 grade which for purpose of this section shall include the requirement that the grapefruit be fairly well colored, instead of slightly colored, and including as a part of the fairly well formed requirement, the requirement that the fruit be free from peel that is more than 1 inch in thickness at the stem end (measured from the flesh to the highest point of the peel): *Provided*, That in lieu of the tolerances provided for the U.S. No. 2 grade, the following tolerances, by count, shall be allowed for the defects listed:

(a) 10 percent for fruit which is not at least fairly well colored;

(b) 10 percent for defects other than color, but not more than one-twentieth of this amount, or one-half of 1 percent shall be allowed for decay and not more than one-half, or 5 percent, shall be allowed for any single defect caused by broken skins, sunburn, scars, or peel that is more than 1 inch in thickness at the stem end; or

(ii) Any grapefruit which measure less than 3 1/8 inches in diameter, except that a tolerance of 5 percent, by count, for grapefruit smaller than 3 1/8 inches shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerance specified in the revised United States

Standards for Grapefruit (California and Arizona), 7 CFR 51.925-51.955: *Provided*, That in determining the percentage of grapefruit in any lot which are smaller than 3 1/8 inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size 3 1/8 inches in diameter and smaller.

(2) Subject to the requirements of subparagraph (1) (1) of this paragraph, any handler may, but only as the initial handler thereof, handle grapefruit smaller than 3 1/8 inches in diameter directly to a destination in Zone 5 or Zone 6.

(b) As used herein, "handler", "grapefruit", "handle", "Zone 5", and "Zone 6" shall have the same meaning as when used in said amended marketing order; the terms "U.S. No. 2", "fairly well colored", "slightly colored", and "fairly well formed" shall have the same meaning as when used in the aforesaid revised United States Standards for Grapefruit; and "diameter" shall mean the greatest dimension measured at right angles to a line from the stem to the blossom end of the fruit.

Dated September 25, 1973.

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

[FR Doc. 73-20709 Filed 9-27-73; 8:45 am]

Agricultural Stabilization and Conservation Service

[7 CFR Part 730]

RICE

Notice of Determinations To Be Made With Respect to Marketing Quotas, National, State, and County Acreage Allotments, County Normal Yields, and a Period for Conducting a Referendum on Marketing Quotas for the 1974 Crop

Pursuant to the authority contained in applicable provisions of the Agricultural Adjustment Act of 1938, as amended, (7 U.S.C. 1301, 1352, 1353, and 1354), the Secretary of Agriculture is preparing to determine whether marketing quotas are required to be proclaimed for the 1974 crop of rice; to determine and proclaim the national acreage allotment for the 1974 crop of rice; to apportion among States and counties the national acreage allotment for the 1974 crop of rice; to establish county normal yields for the 1974 crop of rice; and to establish a period for conducting a referendum on marketing quotas in the event quotas are proclaimed for the 1974 crop of rice.

Section 354 of the act provides that whenever in the calendar year 1973 the Secretary determines that the total supply of rice for the 1973-74 marketing year will exceed the normal supply for such marketing year, the Secretary shall, not later than December 31, 1973, proclaim such fact and marketing quotas shall be in effect for the crop of rice produced in 1974. Within 30 days after the issuance of such proclamation, the Secretary shall conduct a referendum by secret ballot of farmers engaged in the production of the immediately preceding crop of rice to determine whether farmers are in favor of or opposed to such quotas.

Section 352 of the act, as amended, provides that the national acreage allotment of rice for 1974 shall be that acreage which the Secretary determines will, on the basis of the national average yield of rice for the 5 calendar years 1969 through 1973, produce an amount of rice adequate, together with the estimated carryover from the 1973-74 marketing year, to make available a supply for the 1974-75 marketing year not less than the normal supply. The Secretary is required under this section of the act to proclaim such national acreage allotment not later than December 31, 1973.

Section 353(c)(6) of the act, as amended, provides that the national acreage allotment of rice for 1974 shall be not less than the national acreage allotment for 1956, including the 13,512 acres apportioned to States pursuant to paragraph (5) of section 353(c) of the act. Under this provision, the national acreage allotment of rice for 1974 will be not less than 1,652,596 acres.

As defined in section 301 of the act, for purposes of these determinations, "total supply" for any marketing year is the carryover of rice for such marketing year, plus the estimated production of rice in the United States during the calendar year in which such marketing year begins and the estimated imports of rice into the United States during such marketing year; "normal supply" for any marketing year is the estimated domestic consumption of rice for the marketing year ending immediately prior to the marketing year for which normal supply is being determined, plus the estimated exports of rice for the marketing year for which normal supply is being determined, plus 10 per centum of such consumption and exports, with adjustments for current trends in consumption and for unusual conditions as deemed necessary; and "marketing year" for rice is the period August 1-July 31.

Sections 353(a) and (c)(6) of the act requires that the national acreage allotment of rice for the 1974 crop, less a reserve of not to exceed 1 per centum thereof for apportionment to farms receiving inadequate allotments because of insufficient State or county allotments or because rice was not planted on the farm during all the years of the base period, be apportioned among the several States in which rice is produced in the same proportion that they shared in the total acreage allotted to States in 1956 (State

acreage allotments, plus the additional acreage allocated to States under Section 353(c)(5) of the act as amended).

The State acreage allotment of rice for the 1974 crop would be apportioned to producers in "producer States" and to farmers in "farm States" in accordance with the Regulations for Determination of Acreage Allotments for 1969 and Subsequent Crops of Rice (§§ 730.61 to 730.87; 33 FR 14520, 17764; 34 FR 3733, 5629; 35 FR 5995, 11454; 36 FR 1465, 3253, 11849).

Section 301(b)(13)(D) of the act provides that the "normal yield" of rice for 1974 for any county shall be the average yield per acre of rice for the county during the 5 calendar years 1969 through 1973 adjusted for abnormal weather conditions and trends in yields. Provision is made therein that if for any such year data are not available, or there is no actual yield, an appraised yield for such year, determined in accordance with regulations of the Secretary, taking into consideration the yields obtained in surrounding counties during such year and the yield in years for which data are available, shall be used as the actual yield for such year.

Section 301(b)(13)(F) of the act provides that if on account of drought, flood, insect pests, plant disease, or other uncontrollable natural cause, the yield for any county for any year during the years 1969 through 1973 is less than 75 per centum of the average, 75 per centum of such average shall be substituted therefor in calculating the normal yield per acre; and if on account of abnormally favorable weather conditions, the yield for any county for any year during the years 1969 through 1973 is in excess of 125 per centum of the average, 125 per centum of such average shall be substituted therefor in calculating the normal yield per acre.

Prior to making any of the foregoing determinations with respect to marketing quotas and national, State, and county acreage allotments, and county normal yields for the 1974 crop of rice, including national, State and county reserves, and announcing the period of the referendum, if marketing quotas are required, consideration will be given to data, views, and recommendations pertaining thereto which are submitted in writing to the Director, Cotton, Rice, and Oilseeds Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, Washington, D.C. 20250. All written submissions must be postmarked not later than October 15, 1973, to be sure of consideration. All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

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

GLENN A. WEIR,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 73-20736 Filed 9-27-73; 8:45 am]

Animal and Plant Health Inspection Service

[9 CFR Parts 308, 325, 381]

MEAT AND POULTRY INSPECTION

Proposal Regarding Added Assurance Against the Adulteration

Statement of considerations. Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553 that the Animal and Plant Health Inspection Service of this Department is considering amending Parts 308 and 325 of the meat inspection regulations (9 CFR 308.12, 325.1) and Part 381 of the poultry products inspection regulations (9 CFR 381.190), pursuant to the authority contained in sections 21 and 24 of the Federal Meat Inspection Act, as amended (21 U.S.C. 621, 624), and in section 14 of the Poultry Products Inspection Act, as amended (21 U.S.C. 463), to provide added assurance against possible adulteration of otherwise wholesome meat, meat food products and poultry products as a result of transportation in unsanitary or otherwise unsuitable trucks or other means of conveyance. Federal inspectors have always rejected vehicles that were improperly cleaned or had some potential for adulterating meat or poultry. There is ample authority in the Federal meat and poultry inspection laws to support this action; however, the regulations are not clear in this respect. The proposed amendments would clarify this matter and place the regulated industry on notice of its responsibility to prevent adulteration of meat, meat food products and poultry products during transportation of such products from official establishments. Therefore, Parts 308 and 325 of the meat inspection regulations and Part 381, Subpart S, of the poultry products inspection regulations would be amended as set forth below.

1. The Table of Contents of Part 325 would be amended to reflect a new heading for § 325.1, and § 325.1 would be amended by adding a new paragraph (c) as follows:

§ 325.1 Transactions in commerce prohibited without official inspection legend or certificate; exceptions; and vehicle sanitation requirements.

(c) No person, engaged in the business of buying, selling, freezing, storing, or transporting, in or for commerce, meat or meat food products capable of use as human food, or importing such articles, shall transport, offer for transportation, or receive for transportation, in commerce or in any State designated under § 331.2 of this subchapter, any product which is capable of use as human food unless the railroad car, truck, or other means of conveyance in which the product is contained or transported is adequately closed, so constructed and in such condition as to prevent entry of outside air or dust while in transit, reasonably free of foreign matter (such as dust, dirt, rust, or other articles or residues), and free of chemical residues, so that product

PROPOSED RULES

placed therein will not become adulterated. Any cleaning compound, lye, soda solution, or other chemical used in cleaning the means of conveyance must be thoroughly removed. Such means of conveyance at official establishments shall be subject to inspection by an inspector prior to or during loading. The type and extent of such inspection shall be at the Program's discretion and shall be adequate to determine that product moved in such conveyance will not become adulterated. Any means of conveyance found upon such inspection to be in such condition that product placed therein would become adulterated shall not be used. Product placed in any means of conveyance that is found by the inspector to be in such condition that the product may have become adulterated shall be removed from the means of conveyance and handled in accordance with § 381.145(b) of this Part.

§ 308.12 [Amended]

2. The Table of Contents would be amended to reflect the new section heading for § 308.12 to read as follows: *§ 308.12 Second-hand tubs, barrels, and other containers.*

3. Paragraph (b) of § 308.12 would be revoked, and the "(a)" designation would be deleted from the present paragraph (a).

4. The Table of Contents of Part 381, Subpart S, would be amended to reflect a new heading for § 381.190, and § 381.190 would be amended by adding a new paragraph (c) as follows:

§ 381.190 Transactions in slaughtered poultry and other poultry products restricted; vehicle sanitation requirements.

(c) No person, engaged in the business of buying, selling, freezing, storing, or transporting, in or for commerce, poultry products capable of use as human food, or importing such articles, shall transport, offer for transportation, or receive for transportation in commerce or in any State designated under § 381.221 of this Part, any poultry product which is capable of use as human food unless the railroad car, truck, or other means of conveyance in which the product is contained or transported is adequately closed, so constructed and in such condition as to prevent entry of outside air or dust while in transit, reasonably free of foreign matter (such as dust, dirt, rust, or other articles or residue), and free of chemical residues, so that poultry product placed therein will not become adulterated. Any cleaning compound, lye, soda solution, or other chemical used in cleaning the means of conveyance must be thoroughly removed. Such means of conveyance at official establishments shall be subject to inspection by an inspector prior to or during loading. The type and extent of such inspection shall be at the Inspection Service's discretion and shall be adequate to determine that poultry product moved in such conveyance will not become adulterated. Any means of conveyance found upon such inspection to be in such condition that

poultry product placed therein would become adulterated shall not be used. Poultry product placed in any means of conveyance that is found by the inspector to be in such condition that the poultry product may have become adulterated shall be removed from the means of conveyance and handled in accordance with § 381.145(b) of this Part.

Any person wishing to submit written data, views, or arguments concerning the proposed amendments may do so by filing them in duplicate with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by December 7, 1973.

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

All written submissions and records of oral views made pursuant to this notice will be made available for public inspection in the Office of the Hearing Clerk during regular hours of business, unless the person makes the submission to the Staff identified in the preceding paragraph and requests that it be held confidential. A determination will be made whether a proper showing in support of the request has been made on grounds that its disclosure could adversely affect such person by disclosing information in the nature of trade secrets or commercial or financial information obtained from any person and privileged or confidential. If it is determined that a proper showing has been made in support of the request, the material will be held confidential; otherwise, notice will be given of denial of such request and an opportunity afforded for withdrawal of the submission. Requests for confidential treatment will be held confidential (7 CFR 1.27(c)).

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

Done at Washington, D.C., on September 21, 1973.

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

[FR Doc. 73-20734 Filed 9-27-73; 8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health
Administration

[29 CFR Part 1960]

SAFETY AND HEALTH PROVISIONS FOR
FEDERAL EMPLOYEESProposed Rules for Safety and Health
Programs for Federal Agencies

Pursuant to section 33 of the Federal Employees' Compensation Act, as

amended (39 Stat. 749; 5 U.S.C. 7902(b)-(e)); sections 8(g)(2) and 19 of the Occupational Safety and Health Act of 1970 (84 Stat. 1600, 1609; 29 U.S.C. 657(g)(2), 668); section 2(a) of Executive Order No. 11612 (36 FR 13891); and Secretary of Labor's Order No. 12-71 (36 FR 8754), it is proposed to promulgate (1) record-keeping and reporting regulations for all Federal agencies similar to the record-keeping and reporting procedures required of other employers under 29 CFR Part 1904; and (2) regulatory guidelines for Federal agency internal evaluation, inspection, and processing of complaints by Federal employees. The following proposed rules are intended to implement sections 19(a) and 24(a) of the Occupational Safety and Health Act of 1970, section 7902(b), (d), and (e) of the Federal Employees' Compensation Act, and section 2(a) (1) and (3) of Executive Order No. 11612.

Interested persons are invited to submit in writing comments, suggestions or objections on the proposed rules no later than October 18, 1973. Comments should be directed to the Office of Federal Agency Safety Programs, Occupational Safety and Health Administration, Room 409, 400 First Street NW., Washington, D.C. 20210. Copies of the comments which are received will be available for public inspection at this address. Changes may be made in the proposed rules in light of any comments received.

It is proposed that the new part 1960 shall read as follows:

PART 1960—FEDERAL EMPLOYEES

Subpart A—General

Sec.	
1960.1	Purpose and scope of this part.
1960.2	Definitions.

Subpart B—Recording and Reporting Federal
Occupational Injuries, Illnesses and Accidents

1960.3	Purpose and scope.
1960.4	Record or log of Federal occupational injuries and illnesses.
1960.5	Supplementary record.
1960.6	Quarterly and annual summaries.
1960.7	Quarterly and annual summaries of Federal occupational accidents.
1960.8	Period covered.
1960.9	Retention of records.
1960.10	Access to records.
1960.11	Reporting of serious accidents.
1960.12	Plan of action.

Subpart C—Agency Organization and Standard
Setting

1960.13	Purpose and scope.
1960.14	Designation of safety and health official.
1960.15	Safety and health committees.
1960.16	Posting of notice; availability of Act, regulations, description of the agency safety and health program and applicable standards.
1960.17	Duties of heads of agencies and employees.
1960.18	OSHA standards and special standards.

Subpart D—Procedures for Inspections and
Employee Complaints

1960.19	Safety and health inspectors; frequency of inspection.
1960.20	Conduct of inspections.
1960.21	Advance notice of inspections.
1960.22	Representatives of officials in charge and representatives of employees.
1960.23	Consultation with employees.

Sec.
 1960.24 Complaints by employees.
 1960.25 Imminent danger.
 1960.26 Notices of hazards.
 1960.27 Correction of hazards.

Subpart E—Federal Agency Internal Evaluation
 1960.28 Duties of Federal agencies.

AUTHORITY: Sec. 33(c), 39 Stat. 749, as amended; (5 U.S.C. 7902(b)–(e)) and secs. 8(g)(2), 19, 84 Stat. 1600, 1609; (29 U.S.C. 657(g)(2), 668).

Subpart A—General

§ 1960.1 Purpose and scope of this part.

(a) The purpose of this part is to implement the provisions of section 33 of the Federal Employees Compensation Act, 5 U.S.C. 7902, section 19 of the Occupational Safety and Health Act of 1970, 29 U.S.C. 668, and Executive Order No. 11612 (36 FR 13891).

(b) The purpose of subpart B of this part is to implement the recordkeeping and reporting requirements of the applicable statutory provisions and the Executive Order.

(1) The Compensation Act requires that each agency keep a record of occupational injuries, illnesses and accidents to its employees, and also requires that each agency "shall *** make such statistical or other reports on such forms as the Secretary of Labor may prescribe by regulations." See 5 U.S.C. 7902(e).

(2) Section 19 of the Occupational Safety and Health Act of 1970 requires the head of each agency to keep adequate records of all occupational accidents and illnesses, to consult with the Secretary of Labor on the form and content of such records, and to provide the Secretary of Labor access to such records. It also provides that the head of each agency shall make an annual report to the Secretary of Labor with respect to occupational accidents and injuries.

(3) Executive Order No. 11612 requires the head of each agency to cooperate with and assist the Secretary of Labor in the performance of his duties, and to submit to him an annual report containing any report required under the Compensation Act and such other information as may be requested by the Secretary.

(4) The provisions of subpart B of this part prescribe a uniform recordkeeping and reporting system for Federal agencies, and the Secretary of Labor has determined that the requirements of the provisions of Subpart B are necessary to the performance of his occupational safety and health duties in the federal sector. These provisions provide for a recordkeeping and reporting system compatible with that required of employers in the private sector under part 1904 of this chapter, and these provisions also take into account the reporting procedures developed prior to the promulgation of this part.

(c) The purposes of subparts C, D and E of this part are to provide guidance to the heads of agencies to assist them in fulfilling their occupational safety and health responsibilities.

(1) The Compensation Act requires that: "The head of each agency shall develop and support organized safety promotional programs to reduce accidents and injuries among employees of his agency, encourage safe practices and eliminate work hazards and health risks" (5 U.S.C. 7902(d)).

(2) Section 19 of the Occupational Safety and Health Act of 1970 states: "It shall be the responsibility of the head of each Federal agency to establish and maintain an effective and comprehensive occupational safety and health program which is consistent with the standards promulgated under section 6 (of this Act)" (29 U.S.C. 668). Section 19 also requires that the head of each agency shall consult with the representatives of the employees thereof in the establishment and operation of such program, and that he shall make an annual report to the Secretary of Labor with respect to the agency's occupational safety and health program.

(3) Executive Order No. 11612 provides that the head of each agency shall establish an occupational safety and health program in compliance with the requirements of these statutes; that he shall designate a qualified official to be responsible for the management of the program within his agency; that he shall provide an organization and a set of procedures to implement the program; that he shall provide for periodic inspections of workplaces to ensure compliance with standards, and that he shall correct conditions that do not meet safety and health standards. It also provides that the head of each agency shall establish plans and procedures for evaluating the effectiveness of the occupational safety and health program within his agency.

(4) Executive Order No. 11612 requires the Secretary of Labor to issue regulations to provide guidance to the heads of agencies in fulfilling their safety and health responsibilities. The purposes of subparts C, D and E of this Part are to provide guidelines both to enable each agency head to carry out his safety and health responsibilities and to provide for as much consistency as is possible considering the different safety and health needs of the many and varied Federal agencies.

(5) The regulatory guidelines of subparts C, D and E are as similar to the regulations set forth in this Chapter (for the establishment of standards and their enforcement in the private sector) as the applicable statutory provisions permit, and each section of these regulatory guidelines is considered necessary by the Secretary of Labor in carrying out the requirements of the applicable statutes and the Executive Order. However since section 19 of the Occupational Safety and Health Act of 1970 places the final responsibility for the establishment and operation of the agency safety and health program upon the agency head, the procedures set forth in these regulatory guidelines may be modified in specific circumstances where the head of

the agency or his designee determines that an alternative means would be at least as effective as that provided by the provisions of this Part, provided that the requirements of the applicable statutory provisions and the Executive Order are observed, and provided that the Secretary of Labor is informed of the procedures adopted. Furthermore, these regulatory guidelines do not affect in any way any collective bargaining agreement in effect prior to the promulgation of this part, nor do they affect in any way the authority of the agency and its employees to engage in collective bargaining as to safety and health matters, provided that the requirements set forth in the applicable statutory provisions and the Executive Order are observed.

(d) The Secretary of Labor may at any time waive any of the provisions of this part if he determines that such waiver will promote the purposes of this part. Prior to issuing such a waiver, the Secretary will publish notification of his intent in the *FEDERAL REGISTER*, and will request comments in writing to be submitted within 20 days.

(e) The Secretary of Labor shall to the extent feasible provide consultation services to the agencies to assist them in implementing safety and health programs.

(f) Any agency which is reorganized may consult with the Secretary of Labor in making the necessary adjustments to its safety and health program.

(g) As stated more fully in § 1975.3 of this Chapter, the purpose of the Occupational Safety and Health Act of 1970 is to require every employer to provide safe and healthful working conditions for his employees. Federal contractors are directly subject to the provisions of the Act, since they do not fall within the coverage of section 19. Therefore, this part applies only to employees employed by the Federal agencies and does not apply to employees of Federal contractors, except as provided in § 1960.11 for reporting of serious accidents.

§ 1960.2 Definitions.

(a) "Act" means the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1590 et seq. (29 U.S.C. 651 et seq.)).

(b) The term "Agency" for the purposes of this Part means any employing unit or authority of the government of the United States.

(c) The term "employee" as used in this Part means any person employed by an "agency" as the latter term is defined in § 1960.2(b) unless excluded by the Secretary of Labor by regulation, decision or otherwise.

(d) The term "establishment" means a single physical location where business is conducted or where services or operations are performed. (For example: installation, building, facility, warehouse, cafeteria, building maintenance areas.) Where distinctly separate activities are performed at a single physical location, each activity shall be treated as a separate establishment.

PROPOSED RULES

(e) The term "reporting unit" means an establishment, except as otherwise agreed between the agency and the Office of Federal Agency Safety Programs. Any such agreement in effect prior to the promulgation of this part shall remain in effect unless either party desires modification.

(f) The term "designated safety and health official" means the individual who is responsible for the management of the safety and health program within his agency and is designated or appointed by the head of the agency under § 1960.14 of subpart C.

(g) The term "safety and health professional" means a person or persons who meet the Civil Service standards for Safety Manager/Specialist GS-018, Safety Engineer GS-803, Fire Protection Engineer GS-804, Industrial Hygienist GS-690, Fire Protection Specialist/Marshall GS-081, Health Hygienist GS-1306, or the military equivalent.

(h) The term "safety and health inspector" means a safety and health professional or other person authorized pursuant to § 1960.19 of this part to carry out inspections for the purposes of subpart D of this part.

(i) The term "working days" means Mondays through Fridays (excluding Federal holidays) or other appropriate authorized shift.

(j) "Recordable occupational injuries or illnesses" are any occupational injuries or illnesses which result in:

(1) Fatalities, regardless of the time between the injury and death, or the length of the illness; or

(2) Lost workday cases, other than fatalities, that result in lost workdays; or

(3) Nonfatal cases without lost workdays which result in transfer to another job or termination of employment, or require medical treatment (other than first aid), or involve loss of consciousness or restriction of work or motion. This category also includes any diagnosed occupational illnesses which are reported to the employer but are not classified as fatalities or lost workday cases.

(k) "Medical treatment" includes treatment administered by a physician or by registered professional personnel under the standing orders of a physician. Medical treatment does not include first-aid treatment even though provided by a physician or registered professional personnel.

(l) "First Aid" is any one-time treatment, and any followup visit for the purpose of observation, of minor scratches, cuts, burns, splinters, and so forth, which do not ordinarily require medical care. Such one-time treatment, and followup visit for the purpose of observation, is considered first aid even though provided by a physician or registered professional personnel.

(m) "Lost workdays:" The number of days the employee would have worked but could not because of occupational injury or illness. The number of lost workdays should not include the day of injury. The number of days includes all

days (consecutive or not) on which, because of the injury or illness:

(1) The employee would have worked but could not, or

(2) The employee was assigned to a temporary job, or

(3) The employee worked at a permanent job less than full time, or

(4) The employee worked at a permanently assigned job but could not perform all duties normally assigned to it.

For employees not having a regularly scheduled shift, i.e., certain truck drivers, construction workers, part-time employees, etc., it may be necessary to estimate the number of lost workdays. Estimates of lost workdays shall be based on prior work history of the employee and days worked by employees, not ill or injured, working in the agency and/or occupation of the ill or injured employee.

Subpart B—Recording and Reporting Federal Occupational Injuries, Illnesses and Accidents

§ 1960.3 Purpose and scope.

(a) The purposes of this subpart B are set forth in § 1960.1(b) of this part.

(b) Section 24(a) of the Occupational Safety and Health Act of 1970 requires that: "In order to further the purposes of this Act, the Secretary *** shall develop and maintain an effective program of collection, compilation, and analysis of occupational safety and health statistics." This program encompasses federal employment; and, as in the private sector, the statistical program is based upon the records kept of occupational accidents, illnesses and injuries. The recordkeeping provisions of this subpart must therefore be comprehensive so that the Secretary of Labor can effectively carry out his duties pursuant to section 24 of the Act.

(c) The records and reports required by this subpart may be used by the Secretary of Labor in the preparation of reports which he is required to submit to the President and to the Congress. The reports will also be used in the development of information regarding the prevention of occupational injuries, illnesses and accidents.

(d) (1) For agencies engaged in activities such as agriculture, construction, transportation, communications, and electric, gas and sanitary services, which may be physically dispersed, records required to be maintained by this subpart at each establishment may be maintained at a place to which employees report each day.

(2) Records for personnel who do not primarily report or work at a single establishment, and who are generally not supervised in their daily work, such as traveling employees, technicians, engineers, etc., shall be maintained at the location from which they are paid or the base from which personnel operate to carry out their activities.

(e) Information required to be submitted to the Occupational Safety and Health Administration (OSHA) by this subpart may be submitted on media

processable by electronic data processing equipment provided that such media comply with the requirements of the Bureau of Labor Statistics, Office of Data Collection and Survey Operations, U.S. Department of Labor.

§ 1960.4 Record or log of Federal occupational injuries and illnesses.

(a) Each Federal agency shall maintain a record or log of all recordable occupational injuries and illnesses at each establishment. For reasons of efficient administration or practicality, the records or log may be maintained at a location other than the establishment. Where both civilian and military employees are employed at a single establishment, separate records or logs shall be maintained for each category.

(b) Within 6 working days after receiving information of a recordable occupational injury or illness, appropriate information concerning such injury or illness shall be entered on the record or log. For this purpose, OSHA Form No. 100F, or its equivalent, shall be used and shall be completed in the detail required by that form and the instructions contained therein.

§ 1960.5 Supplementary record.

In addition to the record or log of Federal occupational injuries and illnesses provided for under § 1960.3, each Federal agency shall maintain at each establishment a supplementary record of occupational injuries and illnesses. The record shall be completed within 6 working days after the receipt of information that a recordable injury or illness has occurred. For this purpose, OSHA Form No. 101F, Bureau of Employees' Compensation Forms or other equivalent forms may be used. OSHA Form No. 101F, or its equivalent, shall be completed in the detail required by the form and the instructions contained therein.

§ 1960.6 Quarterly and annual summaries.

(a) Each Federal agency shall compile an annual summary of occupational injuries and illnesses for each establishment, and shall compile both a quarterly and annual summary of occupational injuries and illnesses for each reporting unit. The summaries shall be based on the record or log of Federal occupational injuries and illnesses maintained pursuant to § 1960.3. OSHA Form No. 102F shall be used for these purposes and shall be completed in the form and detail required by that form and the instructions contained therein.

(b) Each establishment will post a copy of its annual summary no later than 45 calendar days after the close of the calendar year. Copies of the summary required to be posted under this section will be posted for a minimum of 30 consecutive days in a conspicuous place or places in the establishment where notices to employees are customarily posted. Where establishment activities are physically dispersed, the notice may be posted at the location to which

employees report each day. Where employees do not primarily work at or report to a single location, the notice may be posted at the location from which the employees operate to carry out their activities. Each Federal agency will take any necessary steps to insure that such summary is not altered, defaced, or covered by other material.

(c) Each agency shall furnish OSHA with a copy of its quarterly and annual summaries compiled on the basis of reporting units. Each quarterly summary shall be completed and forwarded to OSHA no later than 45 calendar days after the end of each calendar quarter. The annual summary shall be completed and forwarded to OSHA no later than 45 calendar days after the close of the calendar year.

§ 1960.7 Quarterly and annual summaries of Federal occupational accidents.

(a) Each Federal agency shall compile quarterly summaries of Federal occupational accidents and an annual summary of Federal occupational accidents. OSHA Form No. 102FF shall be used for this purpose and shall be completed in the form and in the detail required by that form and the instructions contained therein.

(b) Each quarterly summary and the annual summary of Federal occupational accidents should be completed and forwarded to OSHA no later than 45 calendar days after the close of the applicable reporting period.

§ 1960.8 Period covered.

All records, reports and summaries required by §§ 1960.3 through 1960.7 shall be established on a calendar year basis.

§ 1960.9 Retention of records.

Records required to be maintained under the provisions of this subpart shall be retained by each Federal agency for 5 years following the end of the calendar year to which they relate.

§ 1960.10 Access to records.

(a) The records required to be maintained under the provisions of this subpart shall be available and made accessible to the Secretary of Labor or his authorized representative unless such records are specifically required by Executive Order to be kept secret in the interest of national defense or foreign policy, in which case the Secretary shall have access to such information as will not jeopardize national defense or foreign policy. The Secretary of Labor or his authorized representative will request access to such records from the head of the agency prior to examination.

(b) Information concerning injuries, illnesses or accidents which in the interest of national defense or foreign policy must be kept secret, shall be recorded on separate forms pursuant to the requirements of this subpart. Such records shall not be submitted to the U.S. Department of Labor, but shall be used by the appropriate Federal agency in eval-

uating the agency's program to reduce occupational injuries, illnesses and accidents.

(c) Each employee shall have access to his injury, illness or accident records in accordance with Civil Service rules, and representatives of employees shall have access to such records with the permission of affected employees.

§ 1960.11 Reporting of serious accidents.

Within two working days after the occurrence of an employment accident which is fatal to one or more employees, which results in the hospitalization of five or more employees, or which involves property damage of \$100,000 or more, or within two working days after the occurrence of a death which is the result of an employment accident, the head of the Federal agency shall report the accident either by telephone or by telegraph to the Office of Federal Agency Safety Programs, OSHA, U.S. Department of Labor. The report shall relate the circumstances of the accident, any actions taken by the agency regarding the accident, the number of fatalities, and the extent of any injuries. The agency head shall also report any employment accident involving both Federal and non-Federal employees which results in a fatality or the hospitalization of five or more such employees, notwithstanding the provision in § 1960.1 making this part applicable only to Federal employees and inapplicable to employees of Federal contractors. The Director of the Office of Federal Agency Safety Programs may require such additional reports, in writing or otherwise, as he deems necessary.

§ 1960.12 Plan of action.

If it has not already done so by the effective date of this part, each Federal agency now in existence shall submit the following information to OSHA no later than November 30, 1973, and at such other times as changes occur:

(a) A list of the names and addresses of each Federal reporting unit which will be covered in the records and reports required by this subpart.

(b) The average number of full-time and part-time personnel employed in each reporting unit for which separate records and reports will be maintained.

(c) A brief description of any differences between an agency's internal recording and reporting system and the recording and reporting system provided by this subpart.

Any Federal agency created or reorganized after the effective date of this part shall submit an appropriate plan within three months of commencement of operations as a new entity.

Subpart C—Agency Organization and Standards Setting

§ 1960.13 Purpose and scope.

The purpose of subpart C, generally set forth in § 1960.1(c), is to provide guidelines for the establishment of an organizational structure within each

Federal agency for the conduct of its safety and health program to set forth the respective duties of agency and employee in the successful implementation of such a program and to provide for the promulgation of specific safety and health standards appropriate to the working conditions of each agency. As stated in § 1960.1(c) in more detail, the provisions of this subpart do not affect collective bargaining practices and arrangements.

§ 1960.14 Designation of safety and health officials.

The head of each Federal agency shall designate an official who shall be responsible for the management of the safety and health program within the agency and to whom safety and health professionals will report directly. The official shall be of the rank of Assistant Secretary, or of equivalent rank or equivalent degree of responsibility. Such official will have sufficient professional staff to carry out his functions under this part.

§ 1960.15 Safety and health committees.

The head of each agency will provide for the establishment of agency safety and health committees, composed of representatives of management and representatives of the employees, at the headquarters level, at the regional or comparable level, and at the establishment level, for the purpose of advising the agency with respect to its responsibilities under this part. For the purposes of this section, the term "establishment level" means an establishment, as defined in § 1960.2(d), and, except as otherwise agreed between an agency and the Office of Federal Agency Safety Programs, where 10 or more employees report to work. This limitation is not intended in any way to preclude the employees of any size establishment from advising the agency as to safety and health hazards present in such establishments, or from utilizing other procedures provided by this part.

§ 1960.16 Posting of notice; availability of Act, regulations, description of the agency safety and health program and applicable standards.

(a) Each Federal agency will post and keep posted a notice or notices informing employees of the protections and obligations provided for in the Act. The Office of Federal Agency Safety Programs will furnish a uniform poster to those agencies who wish to use it. Each agency will add to this uniform poster, or include in its notice or notices, the details of the agency's complaint procedures and the location where employees will be able to obtain information about the agency's safety program, including specific safety and health standards. Such notice or notices will be posted by the agency in each establishment in a conspicuous place or places where notices to employees are customarily posted. Each agency will take steps to insure that such notices are not altered, defaced, or covered by other material.

PROPOSED RULES

(b) Copies of the Act, Executive Order, regulations published in the part, details of the agency-safety program and applicable safety and health standards, or summaries of any of the foregoing items, will be made available upon request to employees or their authorized representative for review in the establishment where the employees are employed as soon as practicable and at a time mutually convenient to the employees or their authorized representative and the agency.

§ 1960.17 Duties of heads of agencies and employees.

(a) The head of each Federal agency shall furnish to each of his employees employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to his employees and shall comply with occupational safety and health standards and supplementary standards adopted pursuant to § 1960.18 of this part.

(b) Each Federal employee who exercises any supervisory functions will comply with occupational safety and health standards and special standards and all rules, regulations, and orders issued pursuant to this part.

(c) Each Federal employee will comply with occupational safety and health standards and special standards and all rules, regulations, and orders issued pursuant to this part which are applicable to his own actions and conduct.

(d) The head of each agency will ensure that each official in charge of the establishment, supervisor, or employee is recognized for excellent performance in carrying out his or her safety and health program responsibilities and conversely is disciplined in accordance with agency rules which are consistent with Civil Service rules where there is a culpable failure to carry out his or her safety and health program responsibilities.

§ 1960.18 OSHA standards and special standards.

(a) The head of each Federal agency shall adopt occupational safety and health standards promulgated by the Secretary of Labor pursuant to section 6 of the Occupational Safety and Health Act to the extent that such standards are in the judgment of the agency head, and after consultation with the Secretary of Labor, applicable to the working conditions of the particular agency. The head of each agency may, after consultation with the Secretary of Labor, adopt any different or supplementary occupational safety and health standards consistent with section 6 standards as special standards for specialized application to particular working conditions and other related needs of the agency. For the purposes of adopting any standards, the head of each agency shall establish procedures under which all interested and affected employees or their representatives shall be afforded the opportunity to submit written data, views and comments prior to the adoption of the stand-

ards. In such procedures the head of each agency may provide for a hearing if requested by any representative of employees. To the extent deemed appropriate by the head of the agency, the labor-management safety and health committees established under § 1960.15 of this part will be utilized as the forum for procedures relating to the adoption of any standards or the modification of or revocation of any special standards.

(b) The head of each agency may revise, modify, or revoke any special standard, provided that the procedures in paragraph (a) of this section are invoked for such purposes.

(c) Copies of all standards adopted for the agency safety and health program shall be made accessible to the Secretary of Labor. Copies of any revision, modification, or revocation of any adopted special standard shall also be made accessible to the Secretary of Labor. Each agency shall notify the Secretary of Labor of the final adoption, revision, modification, or revocation of any special standard within 30 days following such final action.

(d) Where any incorporation by reference is involved in promulgating, revising or modifying any special standard pursuant to this section, each agency shall follow the rules set forth in 1 CFR 51.6, 51.7 and 51.8, unless the Secretary of Labor waives such rules for a particular agency. In considering a request for a waiver under this subsection, the Secretary of Labor shall consult with the Director of the Federal Register.

Subpart D—Procedures for Inspections and Employee Complaints

§ 1960.19 Safety and health inspectors; frequency of inspection.

(a) Each agency will utilize safety health inspectors to conduct inspections of workplaces. For establishments where particularly hazardous work is performed, such as chemical or machine processes or material-handling or loading operations, inspections will be made by a safety and health professional. For less hazardous establishments the designated safety and health official may utilize as inspectors persons who do not meet the specific qualifications as set forth in § 1960.02 of this part defining the term "safety and health professional."

(b) As authorized by the designated safety and health official, safety and health inspectors may utilize the services of additional technical and professional personnel to aid them to evaluate safety and health hazards while conducting an inspection. Furthermore, all safety and health inspectors will be provided with technical test equipment where appropriate.

(c) Each agency which has areas containing information classified in the interest of national security will provide access to safety and health inspectors who have obtained the appropriate security clearance.

(d) All establishments, including offices, will be inspected at least once an-

nually. For all establishments where particularly hazardous work is performed, inspections will be conducted more frequently, as determined by the designated safety and health official based upon degree of risk and extent of hazard involved.

(e) Pursuant to Executive Order 11612, the Secretary of Labor shall seek the consent of agencies to conduct such investigations as he deems necessary.

§ 1960.20 Conduct of inspection.

(a) For the purpose of assuring safe and healthful working conditions for employees of agencies, safety and health inspectors will be authorized to enter without delay and at reasonable times any building, installation, facility, construction site, or other area, workplace or environment where work is performed by employees of the agency; to inspect and investigate during regular working hours and at other reasonable times, and within reasonable limits and in a reasonable manner, any such place of employment, and all pertinent conditions, structures, machines, apparatus, devices, equipment and materials therein; and to question privately any employee or any official in charge of an establishment, or both. Subject to these provisions, and to the provisions of § 1960.19, inspections will take place at such times and in such establishments as the designated safety and health official of the agency directs.

(b) Safety and health inspectors will have authority to take environmental samples, to take or obtain photographs related to the purpose of the inspection, and to employ other reasonable techniques of inspection.

(c) Safety and health inspectors of the agencies will comply with all safety and health rules and practices at the establishment being inspected, and they will wear and use appropriate protective clothing and equipment.

(d) The conduct of inspections will be such as to preclude unreasonable disruption of the operations of the establishment.

(e) At the conclusion of an inspection, the safety and health inspector will confer with the official in charge of the establishment or his representative and informally advise him of any apparent safety or health hazards disclosed by the inspection. During such conference, the official in charge of the establishment will be afforded an opportunity to bring to the attention of the safety and health inspector any pertinent information regarding conditions in the workplace.

§ 1960.21 Advance notice of inspections.

(a) Advance notice of inspections will not be given to the official in charge of an establishment, except in the following situations: (1) In case of apparent imminent danger, to enable the official in charge of an establishment to abate the danger as quickly as possible; (2) in circumstances where the inspection can most effectively be conducted after regular business hours or where special preparations are necessary for an inspection;

and (3) where necessary to assure the presence of representatives of the official in charge of the establishment and employees or the appropriate personnel needed to aid in the inspection.

(b) In the situations described in paragraph (a) of this section, advance notice of inspections will be given only if authorized by the designated safety and health official, except that in cases of apparent imminent danger, advance notice may be given by the safety and health inspector without such authorization if the designated safety and health official is not immediately available. When advance notice is given, it will be the responsibility of the official in charge of the establishment to notify promptly the authorized representative of employees of the inspection, if the identity of such representative is known to the official in charge. (See § 1960.22(b) as to the situations where there is no authorized representative of employees of the inspection.) Advance notice in any of the situations described in paragraph (a) of this section should not be given more than 24 hours before the inspection is scheduled to be conducted, except in apparent imminent danger situations and in other unusual circumstances.

§ 1960.22 Representatives of officials in charge and representatives of employees.

(a) Safety and health inspectors will be in charge of inspections and questioning of persons. A representative of the official in charge of an establishment and a representative authorized by employees under his supervision will be given an opportunity to accompany the safety and health inspector during the physical inspection of any workplace for the purpose of aiding such inspection. A safety and health inspector will permit additional representatives of the official in charge and additional representatives authorized by employees to accompany him where he determines that such additional representatives will further aid the inspection. A different representative of the official in charge and a different representative authorized by employees may accompany the safety and health inspector during each different phase of an inspection. In establishments where inspections are made on a high frequency basis, such as daily or weekly, the designated safety and health official of the agency may determine that accompanying representatives would unduly restrict the inspections. In such cases the right of accompaniment on physical inspection of the workplace may be withheld.

(b) Safety and health inspectors will be authorized to deny the right of accompaniment under this section to any person whose participation interferes with a fair and orderly inspection. With regard to information classified in the interest of national security, only persons authorized to have access to such information will accompany a safety and health inspector in areas containing such information.

§ 1960.23 Consultation with employees.

Safety and health inspectors will consult with employees concerning matters of occupational safety and health to the extent the inspectors deem necessary for the conduct of an effective and thorough inspection. During the course of an inspection, any employee will be afforded an opportunity to bring any hazard which he has reason to believe exists in the workplace to the attention of the safety and health inspector.

§ 1960.24 Complaints by employees.

(a) Any employee or representative of employees who believes that a safety or health hazard exists in any workplace where such employee is employed may request an inspection of such workplace by giving notice of the hazard to the designated safety and health official within that agency. Any such notice will be reduced to writing; will set forth with reasonable particularity the grounds for the notice; and may be signed by the employee or representative of employees. Upon the request of the person giving such notice, his name and the names of individual employees referred to therein shall not be disclosed to anyone other than the designated safety and health official and authorized representatives of the Secretary of Labor, except as provided in paragraph (b) of this section.

(b) The designated safety and health official will consider the complaint and determine within 5 working days whether there are reasonable grounds to believe that the alleged safety or health hazard exists. If he does so determine, he will cause an inspection to be made to determine if such alleged hazard exists. If the inspector is unable to locate the alleged hazard without the assistance of the complainant, the designated safety and health official may give the inspector the name of the employee notwithstanding the provisions of paragraph (a) of this section, provided that the inspector respect the request of the complainant that his name and the name of individual employees referred to in the complaint not be disclosed. In the event the employee complaint describes a hazard presenting imminent danger to the safety or health of employees, the designated safety and health official will make an immediate determination as to whether there are reasonable grounds to believe that the alleged hazard exists. If he does so determine, he will cause an immediate inspection to be made. Employee complaints alleging imminent danger situations will be made first by telephone or telegraph and reduced to writing as soon as practicable thereafter.

(c) Inspections initiated pursuant to this section will not be limited to matters referred to in the complaint. Furthermore, prior to or during any inspection of a workplace initiated pursuant to this section, any employee employed in such workplace or representative of employees, will be permitted to notify the safety and health inspector

of any hazard which he has reason to believe exists in such workplace.

(d) If the designated safety and health official determines that there are no reasonable grounds to believe a hazard exists or if an inspection is made on the basis of a complaint but no hazard is determined to exist, the employee or representative of employees who filed the complaint will be entitled to an informal review of such determination and a written statement by the designated safety and health official of the reasons for the final disposition of the complaint.

(e) The agency may use a board of investigation procedure or investigational hearing in lieu of the procedures described in this section, provided that the substituted procedure will to the extent applicable include the essential elements of employee and employee representative involvement in the complaint procedures set forth in this section.

(f) If the employee or representative of employees who filed the complaint is dissatisfied with the final disposition, such person may contact, in writing, the Office of Federal Agency Safety Programs, describing in detail the entire processing of the complaint. The Office of Federal Agency Safety Programs may request the agency head to submit a report on its investigation, or the Office of Federal Agency Safety Programs may itself investigate the entire proceeding. Pursuant to negotiation between the Secretary and the agency head under § 1960.19(d), such investigation may include inspection of the alleged hazard. Each agency shall maintain its complaint files intact for five years after the closing of an investigation.

(g) Section 11(c)(1) of the Occupational Safety and Health Act provides: "No person shall discharge or in any manner discriminate against any employee because such employee has filed any complaint or instituted or caused to be instituted any proceeding under or related to this Act or has testified or is about to testify in any such proceeding or because of the exercise by such employee on behalf of himself or others of any right afforded by this Act." The head of the agency will include in the agency safety and health program needed safeguards to insure that no employee is discriminated against in violation of the provisions of section 11(c)(1) of the Occupational Safety and Health Act. These safeguards will, to the extent applicable, be consistent with any regulations of the Civil Service Commission and with those of the agency involved, dealing with employee discrimination.

§ 1960.25 Imminent danger.

Whenever and as soon as a designated safety and health official concludes on the basis of an inspection that conditions or practices exist in any place of employment which could reasonably be expected to cause death or serious physical harm immediately or before the imminence of such danger can be eliminated through

PROPOSED RULES

the enforcement procedures otherwise provided, he shall inform the affected employees and official in charge of the establishment of the danger and require immediate abatement, including withdrawal of employees from the dangerous circumstances.

§ 1960.26 Notices of hazards.

(a) Each agency will establish a procedure for issuing notices of hazards discovered upon inspection. Notices will describe with particularity the nature of the hazard, including a reference to the standard or other requirement involved. The notice will also fix a reasonable time for the abatement of the hazard. A copy of the notice will be sent to the official in charge of the establishment.

(b) If a notice of hazard is issued as a result of a request for inspection under § 1960.24(a) or a notification of hazard under § 1960.24(c), a copy of the notice of hazard will also be sent to the employee or representative of employees who made such request or notification.

(c) Upon receipt of any notice of hazard, the official in charge of an establishment will immediately post such notice, or a copy thereof, unedited, at or near each place a hazard referred to in the notice occurred, except as provided below. Where, because of the nature of the establishment operations, it is not practicable to post the notice at or near each place of hazard, such notice will be posted, unedited, in a prominent place where it will be readily observable by all affected employees. For example, where establishment activities are physically dispersed, the notice may be posted at the location to which employees report each day. Where employees do not primarily work at or report to a single location, the notice may be posted at the location from which the employees operate to carry out their activities. The official in charge of an establishment will take steps to ensure that the notice is not altered, defaced, or covered by other material.

(d) Each notice of hazard, or a copy thereof, will remain posted until the hazard has been abated, or for 3 working days, whichever is later.

§ 1960.27 Correction of hazards.

(a) The procedures for correcting hazards will include reinspection by the office of the designated safety and health official to determine whether the correction was made. If upon reinspection the correction was not made, the designated safety and health official shall make this fact known to the head of the agency for appropriate action.

(b) If in the judgment of the designated safety and health official abatement of a safety or health hazard will not be possible within 30 working days, the official in charge of the establishment will submit an abatement plan to the designated safety and health official with a copy thereof to the head of the agency and to the Secretary of Labor. Such plan will contain an explanation of the circumstances of the delay in abatement, a proposed timetable for the abate-

ment, and a summary of steps being taken in the interim to protect employees from being injured by the hazard. A copy of the plan will be sent to the safety and health committee of the agency for appropriate comment. The head of each agency will inform the Secretary of Labor at regular intervals to be determined by the Secretary as to the progress made in carrying out the abatement plan. Any changes in the abatement plan will require the submission of a new plan in accordance with the provisions of this section.

Subpart E—Federal Agency Internal Evaluation

§ 1960.28 Duties of Federal agencies.

Each agency shall conduct an annual detailed internal evaluation of its occupational safety and health program. Basic guidelines for this evaluation will be issued periodically by the Office of Federal Agency Safety Programs. These internal evaluations shall be utilized by each agency for the purposes set forth in the applicable statutes and Executive Order No. 11612, as described in § 1960.1, and shall be maintained and made available by each agency for review by the Office of Federal Agency Safety Programs.

Signed at Washington, D.C., this 24th day of September 1973.

JOHN H. STENDER,
Assistant Secretary of Labor.

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**DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE**

Food and Drug Administration
[21 CFR Parts 121, 128, 133]

ASBESTOS PARTICLES IN FOOD AND DRUGS

Notice of Proposed Rulemaking

The Commissioner of Food and Drugs has received a petition from the Center for Science in the Public Interest, 1779 Church Street NW, Washington, D.C. 20036, and the Environmental Defense Fund, 1525 18th Street NW, Washington, D.C. 20036, requesting promulgation of regulations under the Federal Food, Drug, and Cosmetic Act to prohibit the adulteration of food and drugs with asbestos. Petitioners request that the Commissioner publish in the *FEDERAL REGISTER* "immediately (within 30 days)" the following proposed regulations:

1. Subpart F of Part 121 is amended by adding the following section:

§ 121.— Filters containing asbestos.

"Foods that have come into contact with filters made wholly or partially of asbestos may reasonably be expected to become contaminated with asbestos particles which may be injurious to health when ingested. Accordingly, any food or food additive produced, manufactured, processed or prepared using a filter made wholly or partially of asbestos shall be deemed to be adulterated in violation of section 402(a) of the Act."

2. Part 133 is amended by adding the following sections:

§ 133.— Filters containing asbestos.

Drugs passed through filters made wholly or partially of asbestos may reasonably be expected to become contaminated with asbestos particles which may be injurious to health when injected or ingested. Accordingly, any drug or drug component produced, manufactured, processed or prepared using a filter made wholly or partially of asbestos shall be deemed to be adulterated in violation of section 401(a) of the Act.

§ 133.— Talc containing asbestos.

Talc is a naturally occurring hydrous magnesium silicate which may reasonably be expected to be contaminated with asbestos particles. Asbestos particles may be injurious to health when ingested or injected. Accordingly, it is not considered good manufacturing practice to add talc, directly or indirectly, as a component in the production, manufacture, processing or preparation of any drug, unless the manufacturer or processor of the drug first demonstrates by appropriate tests that the talc so used is free of asbestos particles. Any drug or drug component containing talc which has not been demonstrated to be free of asbestos particles shall be deemed to be adulterated in violation of section 501(a) of the Act.

Petitioners also request that the Commissioner "immediately (within 30 days from the receipt of this petition)" promulgate as a final regulation a zero tolerance for asbestos particles in talc intended for use as a food additive, pursuant to the proposal published in the *FEDERAL REGISTER* of August 12, 1972 (37 FR 16407), and take whatever other action the Commissioner deems necessary to eliminate contamination of food and drugs with asbestos.

A complete copy of the petition and its attachments may be reviewed at the office of the Hearing Clerk, Food and Drug Administration, Rm. 6-86, 5600 Fishers Lane, Rockville, MD 20852, during working hours, Monday through Friday.

The Commissioner has carefully reviewed the petition, its attachments, and other available information, and has reached the following conclusions. Each conclusion indicates the source reference upon which the conclusion is based and copies of all referenced material are available from the office of the Hearing Clerk.

"Asbestos" is a generic term for a number of hydrated silicates that, when crushed or processed, separate into flexible fibers made up of fibrils. Although there are many asbestos minerals, only six are of commercial importance. Chrysotile, a tubular serpentine mineral, accounts for 95 percent of the world's production. The others, all amphiboles (crystals with 3 groups of metal ions), are amosite, crocidolite, anthophyllite, tremolite and actinolite. These asbestos minerals differ in their metallic elemental content, range of fiber diameters, flexibility, harshness, tensile strength, surface properties, and other attributes that determine their industrial uses and which may affect their respirability, deposition, retention, translocation and biologic reactivity (Ref. 1).

Many products such as cement, flooring, shingles, pipes, filters, textiles, etc., contain asbestos of one kind or another.

There are great variations among such products with respect to the chances of fiber release during the use of the product. The likelihood of such fiber release depends predominantly on the ease with which the fibers can be dislodged and on the degree to which the use of the product destroys the fibers. Almost all asbestos fiber used in the United States for manufacturing products becomes tightly bound within the products and usually undergoes little actual abrasion or wear before being discarded. Asbestos cement products (accounting for most of the asbestos used in the United States), shingles and floor tiles are in this category. Some asbestos-containing products, such as brake linings, are subjected to great friction; their rate of wear is considerable, and at times they are almost completely worn away. In the case of brake linings, the application of force is so intense and the heat created so great that most chrysotile fibers are destroyed by being converted into another substance which is non-fibrous. Nevertheless, an appreciable percentage (1 to 3 percent) remains as fibrous asbestos, and fiber release from products such as asbestos cloth, paper and sprayed fire-proofing materials is a serious source of emission. This usually occurs in densely populated areas. Most of the pipes delivering drinking water are of a mixture of cement and asbestos.

Solid wastes produced during manufacture of asbestos-containing products, use of such products, and demolition can be emission sources. These waste materials are usually disposed of without regard to their potential as emission sources. Alternate methods of disposal often result in commingling of asbestos-containing wastes with municipal wastes in open dumps and thus create a long-term emission source.

Asbestos fibers thus are ubiquitous in air, water and a large percentage of the earth's crust. The amount of this material which additionally is added to the environment and to food and drugs by the use of asbestos filters is not known. Therefore it is obvious that the presence of asbestos in these products is only one small source of exposure.

Asbestos inhalation has been known to be an occupational hazard in workers in asbestos mines. The asbestos is inhaled and lodges in the lungs causing the development of a fibrotic disease known as "asbestosis." Asbestosis, or asbestos pneumoconiosis, was the first clearly demonstrated adverse effect of asbestos in man. It is characterized by a pattern of roentgenographic changes in the lung consistent with diffuse interstitial fibrosis of variable degree and at times with fibrosis and calcification of the pleura; clinical changes that include fine rales, finger clubbing and shortness of breath, each of which may be absent in an individual case; and physiologic changes consistent with a restrictive lung disorder (Refs. 2 through 8).

In these workers in asbestos mines, malignancies of the lung and of the body lining tissues, namely lung cancer and

mesothelioma, occur at rates greater than in persons not so occupationally exposed. There is a 5 to 7 fold increase in lung cancer in asbestos workers which is noted as early as 10 to 14 years after onset of exposure and is significant at 20 years (Refs. 9 through 15). Seven percent of deaths in asbestos workers are caused by pleural and peritoneal mesothelioma (Refs. 16 through 33). This is a marked increase since this tumor is extremely rare in the general population. There is suggestive evidence concerning an increase in the rate of gastrointestinal malignancies in asbestos workers (Ref. 34).

There is considerable evidence that most human lungs harbor thousands or millions of asbestos fibers although most people do not have asbestosis (Refs. 35 through 37). This is due to the ubiquity of the substance. Some of these fibers are chrysotile asbestos, and amphiboles are probably present also. This number of fibers is relatively small in most persons not occupationally exposed to asbestos compared with the numbers found in the occupationally exposed. The systematic application of quantitative techniques, measuring both coated and uncoated fibers, is needed to define a gradient of accumulated fibers for correction with incidence of disease, on the one hand, and history of environmental exposure, on the other.

The methodology for quantification of asbestos fibers of varying sizes is such that the results obtained in one laboratory may vary substantially from those in another. An inter-agency governmental task force together with other scientists working in this field is currently attempting to develop standard technology which can be applied to the identification and qualification of asbestos fibers. The Environmental Protection Agency is currently investigating four separate techniques in order to establish the best method for identification, quantification, sizing and typing of asbestos particles and fibers. At present, the National Institute for Occupational Safety and Health (NIOSH) recommends, as a technique for sampling of air, a method based on counting fibers greater than 5 microns in length using phase contrast illumination at 430x magnification with a 4 millimeter objective (Refs. 38 and 39). This technique is currently recommended for liquid materials until more accurate and sensitive practical methods are developed. However, as indicated below, another method is proposed for analysis of asbestos fibers in a material such as talc.

The evidence concerning the possible hazard from ingestion of asbestos particles is contradictory and inconclusive:

In an unpublished study by L. M. Swinburn (Ref. 40), asbestos particles were fed once a week to SPF Wistar rats for 16 and 18 weeks. The material was administered in butter. Although the particles were of the size range known to produce tumors by other modes of administration, no tumorigenic effect was noted. With a single large dose, the fibers

were totally cleared by the gastrointestinal tract in 48 hours and no asbestos was detected in the animal tissues at the end of 1 week. The gastrointestinal tract of the rat seemed to provide an effective barrier to penetration.

In a published study by W. E. Smith, et al. (Ref. 41), hamsters maintained on a diet of 1 percent chrysotile or amosite through life had no gastrointestinal tumors.

A report by Westlake, Sjut and Smith (Ref. 42) indicates that the rat colonic mucosa is penetrated by chrysotile after feeding a diet containing 5 percent asbestos for 3 months.

Cunningham and Pontefract (Ref. 43 and 44) injected chrysotile fibers (9.4 and 94 x 10⁶) directly into stomachs of rats. Fibers were found in blood and other organs, 2-4 days after treatment. Control rats, although having no asbestos in blood, also had high levels of asbestos in tissues.

These workers found that, whereas the tap water in Ottawa (having a filter plant) contained about 2 million fibers per liter, the quality of fibers in soft drinks and alcoholic beverages purchased in the Ottawa area ranged from 1 to 12 million fibers per liter. Even with the technical problems of methodology, this seems to indicate that in some beverages the asbestos content may be about the same as in water, whereas, in others, it may be increased. Thus, it is reasonable to conclude that water and many other beverages for human consumption contain substantial amounts of asbestos fibers.

There is some evidence that asbestos filters may remove some asbestos material. In a preliminary experiment performed by the Food and Drug Administration, asbestos was added to distilled water and dispersed evenly by the action of an ultrasonic generator. Electron microscopy of this material clearly showed large numbers of asbestos fibers. This material was then filtered through an asbestos filter, and electron microscopic examination of the filtered material showed a reduction in the number of asbestos fibers.

Nicholson and his colleagues (Ref. 45) investigated a number of samples of parenteral drugs and found asbestos fibers. Based on their report a study was undertaken by the Food and Drug Administration concerning contamination of parenteral drugs with asbestos. Although the data are still preliminary, the following observations are pertinent. Parenteral drug samples were collected from a number of firms. Based on phase contrast microscopy, 11 of 13 samples had clear-cut evidence of the presence of asbestos, one sample was questionably positive, and one was negative. The number of fibers ranged from 2 to 27 in the positive specimens of variable sample size. Using electron microscopy, 12 of the 12 samples examined were positive. Quantitation is not yet complete.

In this survey, seven of 13 manufacturers of parenteral drugs do not use asbestos filters; four firms use such filters

PROPOSED RULES

followed by final membrane type filters (one of these uses asbestos filters for its rinse water without final filtration of such water); and two firms use asbestos filters only for their rinse water, without final filtration.

The preliminary report of these studies is on display at the Office of the Hearing Clerk. Any other scientific data in this regard should be submitted to the Hearing Clerk.

Certain parenteral drugs, such as blood fractionation products, may be filtered several times through asbestos filters. Thus far, it is not known with certainty whether the more viscous products could be successfully processed through terminal membrane filters without compromising safety, identity, strength, quality or purity. The precise effect of asbestos pad filtration on removal of pyrogens (Ref. 46 and 47) is not completely known at the present time. Currently the Food and Drug Administration is surveying the industry for information concerning the use of asbestos filters. Results of this survey will be incorporated in the public record.

Although the major experimental studies of asbestos have involved inhalation of fibers so as to simulate occupational exposure, several studies have been performed to investigate the effect of parenteral inoculation of asbestos fibers. In 1958, Schmähl (Ref. 48) reported that implantation of asbestos fibers and crumbs in either the subcutaneous tissue or in the peritoneum lead to the development of malignant tumors (sarcomas) in 11 of 30 rats which survived longer than 15 months after such implantation. Roe and his colleagues (Ref. 49, 50, 51) have performed a number of studies in which asbestos fibers were injected subcutaneously (Ref. 49) into the flanks of mice. In the first experiments, crocidolite, amosite and chrysotile asbestos fibers were used and each animal was injected twice subcutaneously in both flanks with 10 milligrams of fibers in saline with an interval of five weeks between the injections. Seven of seventy-one mice which survived 40 weeks or more developed injection site tumors. In addition, one mouse developed a mesothelioma of the peritoneum underlying the injection site. The injection site sarcomas were produced by all three types of fibers. In addition, Roe *et al* (Ref. 49) showed that the asbestos fibers were widely disseminated from the local injection sites being deposited rather selectively on the serosal surfaces of the abdominal organs and the retroperitoneal structures as well as on the pericardium, diaphragm, pleura and adjacent parts of the lungs and heart. These serosal surfaces reacted vigorously to the presence of the asbestos fibers and in 10 of 71 mice, malignant mesotheliomas of the thorax and/or abdomen developed. In a later study (Ref. 51) Kanazawa *et al* showed that, after subcutaneous injection of asbestos fibers in mice, fibers could be found to have disseminated to regional and distant lymph nodes, spleen,

kidneys and occasionally to brain tissue suggesting that some asbestos may enter the circulation.

Thus, there is experimental evidence that parenteral administration of asbestos fibers may lead to wide dissemination of such fibers in animals and to the development of local malignant tumors as well as malignant mesotheliomas of the pleura and peritoneum similar to those that occur after inhalation of asbestos fibers.

The problem of asbestos in the total environment, to which the worldwide scientific community is addressing itself, is very complex. The Environmental Protection Agency has published in the *FEDERAL REGISTER* of April 6, 1973 (38 FR 8820) national emission standards for asbestos milling and manufacturing based on the determination that asbestos is a hazardous air pollutant. This standard has been developed despite the fact the EPA also recognizes that a "standardized reference method has not been developed to quantitatively determine the content of asbestos in a material."

The present status of this problem is summarized by the report of a committee prepared subsequent to a meeting sponsored by the International Agency for Research on Cancer (Ref. 52). The Food and Drug Administration's review of this report indicates the following areas of further research are necessary:

(1) Further epidemiology, particularly with respect to past exposure to asbestos and cancer of sites other than lung, pleura, and peritoneum.

(a) Assessment of excess cancer risks following exposure to only one type of fiber.

(b) Investigation of whether reduction of asbestos exposure in lungs below those causing asbestosis abolishes excess risk of carcinoma.

(c) Investigation of evidence of an increased risk of cancer resulting from asbestos in water, beverages, food, or liquids used for the administration of drugs.

(2) Development of methods of quantitative assessment, size analysis and characterization of particles and fibers.

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The Commissioner recognizes that it is not possible to eliminate all sources of asbestos contact with food and drugs. Asbestos is used in virtually all pipes carrying drinking water, in buildings in which food and drugs are manufactured, and in many filtering systems used in the manufacture of food and drugs, and is found in some substances, notably water and talc, used in the manufacture and processing of food and drugs. Nevertheless, the Commissioner also recognizes that asbestos fibers perform no functional purpose in talc and are an unnecessary contaminant. It is therefore reasonable to require precautions to be taken in the manufacture of food and drugs, as part of good manufacturing practices, to assure that the amount of asbestos fibers in any food or drug is reduced to the minimum feasible level. Accordingly, the Commissioner has concluded to take the following action:

1. In view of the demonstrated hazard in animals from injection of asbestos fibers, the Commissioner is proposing that the good manufacturing practice (GMP) regulations for drugs be amended to require that filtration procedures for parenteral drugs shall utilize either a non-asbestos-containing or non-fiber-releasing filter such as a membrane filter or, if an asbestos-containing filter is necessary, shall also utilize an additional non-asbestos-containing or non-fiber-releasing filter such as a membrane filter to reduce asbestos fiber content to the minimum level feasible unless such a subsequent filter will compromise the safety, identity, strength, quality or purity of the product.

2. The Commissioner intends to promulgate a final regulation for talc under § 121.2006 as soon as a method for determining asbestos fibers in food-grade talc is validated. Such a method is proposed below, as part of a republication of the earlier proposal in which no methodology was specified. The Commissioner concludes that a final regulation for talc under Part 121 cannot be promulgated until a reproducible and accurate method can be specified for compliance purposes.

3. The Commissioner is also proposing that any talc used in the manufacture or processing of drugs meet the specifications for this substance that will be imposed by § 121.2006.

4. The Commissioner realizes that the issues raised in this notice are complex and have widespread ramifications. Comment is requested on all aspects of the public health significance of ingestion and injection of asbestos fibers. Since adoption of any new filtration requirements may require use of additional equipment, comment on the availability of appropriate equipment, the need for use of asbestos-containing filters as contrasted with filters which contain no asbestos, and the time needed to obtain and begin using non-asbestos-containing final filters such as mem-

brane filters, is also requested. Finally, comment on methods of quantitative assessment, size analysis, and characterization of particles and fibers, is essential in order to develop final methods on which accurate and fair compliance can be based.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 402, 502, 701, 52 Stat. 1046-1047, as amended, 1050-1051, as amended, 1055-1056, as amended; 21 U.S.C. 342, 352, 371) and under authority delegated to him (21 CFR 2.120), the Commissioner of Food and Drugs proposes to amend Title 21 of the Code of Federal Regulations as follows:

1. In Part 121 by amending § 121.101 (d) (8) by alphabetically adding to the table a new item and in paragraphs (h) and (i) by revising the entry for "talc", to read as follows:

§ 121.101 Substances that are generally recognized as safe.

(d)	Product	Tolerance	Limitations or restrictions
(8) Miscellaneous and/or general purpose food additives.	•	•	•
Talc (free of asbestos fibers as determined in § 121.2006).	•	•	In chewing gum base and as an antisticking agent in forms used in molding food shapes.
(h)	•	•	Talc (free of asbestos fibers as determined in § 121.2006).
(i)	•	•	Talc (free of asbestos fibers as determined in § 121.2006).
2. In Part 121 by amending Subpart E by adding the following new section:	•	•	•
§ 121.2006 Talc.	•	•	•
(a) Talc is a naturally occurring hydrous magnesium silicate subject to a prior sanction for use in coating polished rice. It is found in natural deposits that may be contaminated with asbestos fibers.	•	•	•
(b) Good manufacturing practice requires that talc be free from asbestos fibers to the maximum extent practicable. Accordingly, any food or food-packaging material containing talc that is not free from asbestos fibers as determined by the method set out in paragraph (c) shall be deemed to be adulterated in violation of section 402(a)(1) of the act.	•	•	•
(c) The following method shall be used to determine compliance with this section:	•	•	•

PROPOSED RULES

(1) The various kinds of asbestos are distinguished from talc and from each other by their refractive indices, other optical crystallographic properties, and morphology as determined with a polarizing microscope (Methods of the Association of Official Analytical Chemists, 11th Ed., 1970, Sections 36.541-36.543, p. 717-721).¹ Talc occurs mainly in the form of thin plates, which may appear fibrous when seen edgewise in microscopic view. Beta and gamma indices of talc vary from about 1.575 to 1.590, beta being very close to gamma. All of the principal refractive indices of chrysotile are less than 1.590. Chrysotile asbestos is therefore distinguishable from fibrous looking talc particles in a 1.574 refractive index liquid and the other five amphibole types of fibrous asbestos from talc in a 1.590 refractive index liquid. The table of optical crystallographic properties for talc and the asbestos minerals in subparagraph (3) shows refractive indices which are usually encountered in these minerals, but occasional samples may have indices which are somewhat higher or lower. For practical measurement of optical properties shown in the table, particles identified by this method should be at least 5 μm or longer.

(2) Weigh out 1 milligram of a representative portion of talc on each of two microscope slides. Mix the talc with a needle to spread evenly over the suitable area on one slide with a drop of 1.574 refractive index liquid, and then the other with 1.590 liquid, and place on each a square or rectangular cover glass sufficiently large so that the liquid will not run out from the edge (ca. 18 mm. square) and will provide a uniform particle distribution. Fibers counted by this method should meet the following criteria: (i) Length to width ratio of 3 or greater (ii) length of 5 μm or greater (iii) width of 5 μm or less. Count and record the number of asbestos fibers found in each 1 milligram as determined from a scan of both slides with a polarizing microscope at a magnification of approximately 400 X. In the 1.574 refractive index liquid, chrysotile fibers with indices less than 1.574 in both extinction positions may be present; in the 1.590 refractive index liquid, the other five amphibole types of asbestos fibers with indices exceeding 1.590 in both extinction positions may be present. Check the extinction and sign of elongation for tentative identification. For specific identification of asbestos fibers, make additional mounts in appropriate refractive index liquids, and refer to the optical crystallographic data in the table. A count of not more than 1000 amphibole types of asbestos fibers and not more than 100 chrysotile asbestos fibers per milligram-slide constitutes the maximum

limit for the presence of these asbestos fibers in talc. These limits assure a purity of talc at least 99.9 percent free of amphibole types of asbestos fibers and

at least 99.99 percent free of chrysotile asbestos fibers.

(3) Optical crystallographic characteristics of asbestos minerals and talc:

EXAMPLES OF REFRACTIVE INDICES (n)

Substance	n _o	n _s	n _g	Extinction	Elongation
Actinolite	1.614	1.630	1.641	Inclined	Positive.
	1.615-1.665	1.625-1.665	1.64-1.68		
Amosite	1.663		1.680		
	1.675		1.702		
Anthophyllite	1.608	1.623		Parallel	Positive.
	1.508-1.674	1.605-1.685	1.615-1.697		
	1.608		1.631		
	1.619	1.630	1.640		
	1.619-1.633	1.630-1.642	1.640-1.657		
	1.629	1.635	1.640		
	1.633	1.638	1.652		
Chrysotile	1.493	1.504	1.517	Parallel	Positive.
	1.508	1.512	1.522		
	1.529-1.559	1.530-1.564	1.537-1.567		
	1.53	1.54	1.54-1.55		
	1.542		1.555		
	1.542	1.543 (ecl.)	1.555		
	1.546	1.550	1.557		
	1.546	1.557	1.557		
	1.548	1.560	1.560		
Crocidolite	1.605			Parallel	Negative.
	1.603	1.605	1.607		
	1.607	1.700	1.703		
Talc	1.538-1.545		1.575-1.590	Parallel or 2° or 3°	Positive.
	1.539	1.589	1.589		
	1.539	1.589	1.589		
	1.540	nearly-n	1.575		
	1.541	1.585	1.585		
	1.544	1.592	1.592		
	1.545	1.594	1.594		
Tremolite	1.589	1.613	1.625	Inclined	Positive.
	1.599	1.613	1.625		
	1.600	1.616	1.627		
	1.602	1.614	1.635		
	1.602	1.618	1.631		
	1.602-1.623	1.613-1.638	1.624-1.650		
	1.604	1.612	1.628		
	1.604	1.617	1.630		
	1.609	1.622	1.636		
	1.609	1.623	1.636		
	1.613	1.621	1.634		

¹n+n.²

3. In Part 133 by adding the following new paragraph (i) to § 133.6 to read as follows:

§ 133.6 Components.

(i) Talc is a naturally occurring hydrous magnesium silicate which may reasonably be expected to contain asbestos fibers which may be injurious to health. Current methodology cannot assure the absence of asbestos in talc. Accordingly, any drug, drug ingredient, or drug packaging material containing talc that fails to meet the specifications of paragraph (c) of § 121.2006 of this chapter as determined by the method set out in that paragraph shall be deemed to be adulterated in violation of section 501(a) of the Act.

4. By adding the following new paragraph (j) to § 133.8 to read as follows:

§ 133.8 Production and control procedures.

(j) Use of asbestos-containing filters: Filters used in the manufacture of a parenteral drug or parenteral drug ingredient shall not release fibers into such products. No asbestos-containing or fi-

ber-releasing filter may be used in the manufacture of a parenteral drug or parenteral drug ingredient unless it is not possible to manufacture that drug or drug ingredient without the use of such a filter. If use of such a filter is required, an additional non-asbestos-containing or non-fiber-releasing filter such as a membrane filter shall subsequently be used to reduce the content of any asbestos-form particles in the drug or drug ingredient. Evidence for reduction shall be based on the use of the methods described in "Criteria for a Recommended Standard—Occupational Exposure to Asbestos," Report of Review Committee, National Institute for Occupational Safety and Health, Publication No. HSM 72-10267 (1972).¹ Use of an asbestos-containing filter without subsequent use of an additional non-asbestos-containing membrane filter is permissible only upon submission of proof to the Food and Drug Administration that use of a non-asbestos-containing membrane

¹Copies may be obtained from: Superintendent of Documents U.S. Government Printing Office Washington, DC 20402

¹Copies may be obtained from: Association of Official Analytical Chemists P.O. Box 540, Benjamin Franklin Station Washington, DC 20044

filter will, or is likely to, compromise the safety or effectiveness of the drug.

Interested persons may, on or before December 27, 1973, file with the Hearing Clerk, Food and Drug Administration, Rm. 6-86, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding the petition and the Commissioner's proposal. Comments may be accompanied by a memorandum or brief in support thereof. The petition, background information referred to in this proposal, and comments received may be seen in the above office during working hours, Monday through Friday.

Dated September 24, 1973.

A. M. SCHMIDT,

Commissioner of Food and Drugs.

[FR Doc. 73-20711 Filed 9-27-73; 8:45 am]

Social and Rehabilitation Service

[45 CFR Part 221]

FAMILIES, CHILDREN, AGED, BLIND, OR DISABLED INDIVIDUALS

Service Programs; Correction

FR Doc. 73-19242, published at page 24872 in the issue dated Monday, September 10, 1973, is corrected by changing:

1. The number "233" in item number two of the preamble, fifth line, to "233½";
2. The code designation "221.6(a)(3)(i)" in item number two of the preamble, seventh line, to "221.6(c)(3)(i)";
3. The code designation "211.6(a)(3)(ii)" in item number three of the preamble, fourth line, to "221.6(c)(3)(ii)";
4. The code designation "211.6(a)(3)(vii)" in item number four of the preamble, fourth line, to "221.6(c)(3)(vii)";
5. The code designation "211.7(b)" in item number five of the preamble, fourth line, to "221.7(b)";
6. The code designation "211.9(b)(3)" in item number seven of the preamble, sixth line, to "221.9(b)(3)";
7. The code designation "221.6(a)(3)" in the words of issuance, number three, first line; and in § 221.6(a)(3) itself, first line, to "221.6(c)(3)";
8. The number "8" in § 221.6(a)(4), (now corrected to § 221.6(c)(4)), fourth line, to "6"; and
9. The word "secured" in § 221.9(b)(5), fourth line, to "secure".

Approved September 24, 1973.

THOMAS S. McFEE,

Deputy Assistant Secretary for
Management Planning and
Technology.

[FR Doc. 73-20726 Filed 9-27-73; 8:45 am]

**DEPARTMENT OF
TRANSPORTATION**

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 73-GL-44]

VOR FEDERAL AIRWAYS

Proposed Alteration

The Federal Aviation Administration (FAA) is considering an amendment to

Part 71 of the Federal Aviation Regulations that would alter several VOR Federal Airways in the vicinity of Chicago, Ill., due to the planned decommissioning of the Naperville, Ill., VOR.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon, Des Plaines, Ill. 60018. All communications received on or before October 29, 1973, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The proposed amendment would:

1. Realign V-6 from Cordova, Ill., via INT Cordova 087°T(083°M) and DuPage, Ill., 255°T(253°M) radials to DuPage. From the INT of Chicago Heights, Ill., 358°T(356°M) and South Bend, Ind., 271°T(271°M) radials to South Bend.
2. Realign V-8 from Cordova, Ill., via INT Cordova 087°T(083°M) and Joliet, Ill., 291°T(289°M) radials to Joliet.
3. Realign V-9 from Joliet, Ill., via INT Joliet 329°T(327°M) and Milwaukee, Wis., 209°T(207°M) radials to Milwaukee.
4. Designate new VOR Federal Airway V-9 west alternate from Pontiac, Ill., via INT Pontiac 345°T(343°M) and Milwaukee, Wis., 209°T(207°M) radials to Milwaukee.
5. a. Realign V-10 from Plano, Ill., intersection direct to Chicago, O'Hare, Ill.
- b. Delete that portion of V-10 which lies between Plano intersection and Niles, Ill., intersection.
6. Delete that portion of V-10N which lies from Naperville via Neptune, Ind., intersection to South Bend.
7. Delete V-97 from Chicago Heights, Ill., via Joliet, Ill., to Woodstock, Ill., intersection.
8. Realign V-97 from Northbrook, Ill., direct to Janesville, Wis.
9. Realign V-100 from Rockford, Ill., to Northbrook, Ill., via INT Rockford 080°T(077°M) and Northbrooks 292°T(290°M) radials.
10. Delete V-116 from Joliet, Ill., to Neptune, Mich., intersection.
11. Delete V-116S from Naperville, Ill., via Grand Beach, Ind., to Keeler, Ind.
12. Realign V-177 from DuPage, Ill., direct to Janesville, Wis.
13. Delete V-218 from Rockford, Ill., to Keeler, Mich.
14. Realign V-227 from Pontiac, Ill., direct to Rockford, Ill.
15. Realign V-429 from Joliet, Ill., via INT Joliet 351°T(349°M) and DuPage, Ill., 185°T(183°M) radials, to DuPage,

thence via INT DuPage 346°T(344°M) radials, and Oshkosh, Wis. 187°T(185°M) radials, to Oshkosh.

The Naperville VOR will be decommissioned about June of 1974 due to the increased cost of lease renewal of the Naperville site, and the future detrimental effect that buildings planned for the vicinity would have on the NAVAID. The DuPage VOR will be frequency protected so that it can serve in the airway structure. Some of the airways in this vicinity would be realigned via DuPage in lieu of Naperville.

This amendment is proposed under the authority of Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

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

CHARLES H. NEWFOL,

Acting Chief, Airspace and Air
Traffic Rules Division.

[FR Doc. 73-20703 Filed 9-27-73; 8:45 am]

[14 CFR Part 75]

[Airspace Docket No. 73-WE-10]

AREA HIGH ROUTE

Proposed Alteration

The Federal Aviation Administration (FAA) is considering an amendment to Part 75 of the Federal Aviation Regulations that would realign a segment of J-938R from Reno, Nev., to Maple, Calif.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 1500 Aviation Boulevard, P.O. Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received on or before October 29, 1973, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

As part of this proposal relates to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAO International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 of and Annex 11 to the Convention on International Civil Aviation, which pertain to the establishment of air navigation facilities and services necessary to promoting the

PROPOSED RULES

safe, orderly, and expeditious flow of civil air traffic. Their purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting State, derived from ICAO, wherein air traffic services are provided and also whenever a contracting State accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting State accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting State, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

The airspace action proposed in this docket would realign J-938R, in part, from Reno, Nev., via Napa, Calif., and Palisades, Calif. (to be renamed Palisades December 6, 1973), to Maple, Calif. (to be renamed Leafs December 6, 1973). The proposed action would provide a route bypass for Warning Area W-260 which could be used during the time W-260 is in use for its established purpose.

This amendment is proposed under the authority of section 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1510), Executive Order 10854 (24 FR 9565) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

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

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

[FRC Doc. 73-20704 Filed 9-27-73 8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 2, 18, 21, 73, 74, 89, 91
& 93]

[Docket No. 18262; FCC 73-993]

LAND MOBILE SERVICE

Incorporation of Additional Material; Extension of Time for Comments

Memorandum opinion and order. In the matter of an inquiry relative to the

future use of the frequency band 806-960 MHz; and amendment of Parts 2, 18, 21, 73, 74, 89, 91 and 93 of the Rules relative to operations in the land mobile service between 806 and 960 MHz, Docket No. 18262.

1. On August 17, 1973, (1) the United States Department of Justice (DOJ)—through its Assistant Attorney General in charge of the Antitrust Division, and (2) the Office of Telecommunications Policy—(OTP)—by its Director, submitted in letters addressed to the Chairman of this Commission, views and comments which are highly relevant to the very important policy matters that are under consideration in this proceeding.

2. It is the opinion of the Commission that the views expressed by the Department of Justice and the Office of Telecommunications Policy should, in the public interest, be considered in this proceeding,¹ and that the public should be afforded an opportunity to reply or respond to the views expressed.

3. In view of the foregoing and pursuant to the authority contained in section 4(i) and section 301 of the Communications Act of 1934, as amended, *It is ordered*, That the above-referenced letters from the U.S. Department of Justice and the Office of Telecommunications Policy (copies of which are attached hereto) are accepted and incorporated into the official records of this proceeding; and that interested persons may file replies directed to the matters contained in the above-referenced letters no later than October 19, 1973.

4. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all replies shall be furnished the Commission.

Adopted September 19, 1973.

Released September 26, 1973.

FEDERAL COMMUNICATIONS
COMMISSION,²
[SEAL] VINCENT J. MULLINS,
Acting Secretary.

ATTACHMENT A

OFFICE OF TELECOMMUNICATIONS POLICY

AUGUST 17, 1973.

HON. DEAN BURCH,
Chairman,
Federal Communications Commission,
Washington, D.C. 20554.

DEAR DEAN: The allocation of additional frequencies for the mobile radio services which is under consideration in Docket No. 18262 presents the Commission with a unique opportunity to expand the availability of improved mobile communication services. The Commission has available, for the first time in many years, sufficient additional spectrum to enable the adoption of new and improved procedures for allocating and using the radio spectrum to assure the continued development of mobile communications.

¹ Order for oral presentations published at 38 FR 7340 (March 15, 1973); order scheduling oral presentations published at 38 FR 9833 (April 20, 1973); order extending time to file supplementary material published at 38 FR 14762 (June 5, 1973).

² Commissioner Robert E. Lee absent.

Naturally, this new allocation poses major policy issues whose resolution is extremely important to the public. The Office of Telecommunications Policy has undertaken analyses of these issues and has reviewed the comments of the various parties to this proceeding in the light of fundamental goals and objectives of national communications policy. On the basis of this analysis, we have arrived at certain conclusions which are set forth in the enclosed statement.

This proceeding affords the Commission with an excellent opportunity to make mobile communications widely available to large numbers of businesses and consumers alike, and to significantly enhance both the quantity and the quality of mobile radio services. We believe that the policy which we propose achieves those objectives.

The need for a policy commitment to a nationwide, standardized mobile telephone system has not been demonstrated at this time. Indeed, such a commitment could unduly restrict technological and marketing innovation. The Commission should, however, require a capability for interconnection of all mobile telephone systems with the landline telephone network and with each other so that local or regional systems can evolve into a nationwide system if justified by future demand.

We recommend a regulatory approach to mobile communications services that relies as much as possible on competition in meeting customers' needs for mobile communications services. In general, all technically and financially qualified entities should be permitted to offer any mobile communications services. This policy should result in more diverse service offerings at competitive prices and vigorous technological innovation to improve and expand those services.

The frequency allocation and assignment process should be as flexible as possible to accommodate future needs, while at the same time providing incentives to make efficient use of the spectrum. We believe that these objectives can best be achieved by holding a substantial portion of the spectrum in reserve to be made available as required in the future. The remaining available spectrum should be allocated for the provision of (1) mobile telephone service by wireline common carriers and (2) all mobile radio services by any qualified entity on a competitive basis, with no further detailed suballocations within these blocks. This will not deter financial commitments on the part of potential entrants, and will afford maximum flexibility within each allocation for new or expanded service offerings.

Finally, we believe that the availability of the 900 MHz band for mobile radio services offers an opportunity for experimentation with procedures which would permit market mechanisms to augment the regulatory process in the area of spectrum efficiency. Such methods might include pro forma transferability of licenses between mobile users and the adoption of license fee schedules reflecting spectrum value.

We believe that this policy will enable the widest possible flexibility for serving the mobile communications needs of the public. It will also lead to more efficient use of spectrum resources, provide incentives for technological innovation by means of competition and permit the benefits of such innovation to flow directly to consumers of mobile services.

Sincerely,

CLAY T. WHITEHEAD.

[FCC Docket No. 18262]

CONCLUSIONS AND RECOMMENDATIONS OF THE OFFICE OF TELECOMMUNICATIONS POLICY REGARDING LAND MOBILE RADIO SERVICE IN THE 900 MHZ BAND

I. *Introduction.* In the past, the availability of mobile radio services has been largely

restricted to commercial and business users, as well as state and local governmental agencies. The general public has benefited greatly by the use of mobile radio by these private and public entities, but only indirectly. There is a need to make low-cost mobile communications services available directly to the consumer and to allow for the expansion of mobile radio use by entities providing goods and services to the consumer. In this regard the allocation of additional frequencies in the 900 MHz band provides an excellent opportunity for the Commission to foster the development of new service concepts and new technologies so that the benefits of mobile communications can be brought to all members of the public.

A major issue posed in this proceeding is whether the increased availability of mobile communications services is best achieved by a regulatory commitment to a monopoly system premised upon a particular technology or by the creation of a diverse competitive environment. OTP believes that the needs of mobile communications users can best be met by an approach which enables customers themselves to determine, through market mechanisms, the most efficient and cost-effective use of the spectrum resource.

II. Nationwide standardized mobile telephone system. Although a nationwide, standardized mobile telephone system, dependent upon a particular technology, might well come to supplement the nationwide public message telephone system, no need has been adequately demonstrated for immediate commitment to or implementation of such a system. The mobile telephone service market does not appear to exhibit strong natural monopoly features, and there is no conclusive information as to whether there are economies of scale sufficiently substantial to justify a policy commitment to a single system or a particular technology. In a period of rapid technological change, there are significant risks attendant to a commitment of a substantial portion of spectrum to a particular technology (however innovative it may presently appear) for the provision of mobile telephone service on a nationwide basis. Such a commitment could unduly inhibit further technological development and impede the growth of mobile telephone services.

Moreover, the propagation characteristics of the 900 MHz band make it most suitable for use in the top 25 to 30 major markets where high capacity systems may be required, whereas remaining areas of the country might be better served by smaller systems operating at lower frequencies.

Despite the lack of justification for a regulatory commitment to a single nationwide mobile telephone system, there is, nevertheless, a need to create an environment for mobile communications that would not preclude the development of a nationwide service in the future if justified by consumer demand. Such an environment can be created by the adoption of a spectrum allocation and assignment policy which will be responsive to future changes in demand.

III. Frequency allocation and assignment. The Commission's allocation and assignment policies should facilitate the availability of new services as rapidly as possible. However, in view of the many technical and market issues which are as yet unresolved, the Commission should preserve flexibility with respect to future spectrum needs in the 900 MHz band. OTP recommends that the total 115 MHz available be allocated initially into "blocks" of sufficient size to motivate industry to undertake the necessary investments for product and market development. These allocations, however, should not exhaust at the outset the total available spectrum so

as to result in overcommitment in any particular service category. Such a course could inhibit or distort growth in other service categories as consumer demand shifts in the future.

To this end, approximately 14 MHz of the available 115 MHz should be allocated for the exclusive use of wireline common carriers for the provision of tariffed mobile telephone services and ancillary dispatch services. Based on current market projections available to the FCC, it appears that this amount will be sufficient to accommodate present and near term mobile telephone service needs in the major markets.

Approximately 40 MHz of the available spectrum should be allocated for any mobile service to be offered on a non-rate regulated competitive basis (e.g., mobile telephone, dispatch, paging, etc.).

The balance of approximately 61 MHz should be held in reserve so that the Commission can expand or modify its initial allocations if warranted by demand. This will afford both common carrier and competitive entities a reasonable expectation that additional frequencies adjacent to their respective initial allocations will be available if and when warranted.

It is recognized that the new, so-called cellular technology which has been proposed for mobile telephone service might eventually require systems of relatively high channel capacity. However, this technology has not yet been proven and, as stated earlier, the demand for mobile telephone service has not been sufficiently demonstrated to justify a present allocation of a substantial portion of the spectrum to this service, either to wireline carriers or to others who might wish to introduce this technology.

Nevertheless, the development of cellular technology should not be discouraged—it should be permitted to develop in steps keyed to technological progress and growth in consumer demand. In order to avoid the need for subsequent re-engineering of equipment if the use of high capacity cellular technology proves justified by demand, parties proposing the use of this technology may wish to incorporate into their initial equipment design the capability for eventual high capacity operation. The Commission should, therefore, identify specific frequencies within the initial allocations where possible, or within the reserve, if necessary, which could be incorporated into the initial equipment design for these systems in addition to those frequencies already allocated. These frequencies could not be assigned or used for other types of services until after the present uncertainties surrounding market demand have been resolved and technical results for high capacity mobile telephone service have been satisfactorily evaluated. Further, these additional frequencies would be assigned for mobile telephone service only as necessary to provide sufficient capacity to meet substantiated customer demands.

In this manner, parties would be permitted to design cellular systems with the assurance that, if warranted by demand and system performance, specific additional frequencies eventually will be allocated for this type of service. Conversely, if the expected demand for a high capacity mobile telephone service does not materialize within a reasonable, pre-established period of time, these frequencies would become available for allocation to other mobile services as needed.

Beyond the allocation of frequencies for common carrier and competitive services, there should be no further initial suballocation within the band to particular user categories such as public safety, transportation, industrial, etc. These user groups should be

permitted to take full advantage of the availability of multi-user trunked systems, private single or multi-channel arrangements, or private trunked systems, depending on their needs. This should afford the opportunity for all private and governmental entities to use high quality and efficient systems which will conserve spectrum and which may avert future reliance on exclusive suballocations.

Naturally, the advantage of mobile communications must be readily available to local government and public safety institutions which are significantly dependent upon such services. In this regard, local government entities should be encouraged to accommodate, where possible, all their mobile service functions on a single shared trunked system, either private or multi-user. Similarly, adjacent municipalities may wish to combine their services on such a single system. While there may be a need at some future time to reassess the need for exclusive suballocations in view of the unique characteristics of public safety functions, we believe that, for the present, all users including local governments should attempt to make maximum use of the emerging high quality and spectrum-efficient systems.

IV. Competition in mobile services. Mobile communications services heretofore have been provided on a common carrier basis or by private systems. In the course of its deliberations in Docket No. 18262, the Commission has been presented with numerous innovative proposals including new technologies and new service concepts. For example, several parties have proposed to offer multi-user, multi-channel (trunked) dispatch services for hire. Such services would provide the mobile communications customer with an alternative to privately-owned systems and to the services offered by tariffed mobile telephone systems. In addition, this service concept should afford more efficient use of the spectrum than a proliferation of private systems.

The history of the mobile communications industry has been characterized by competitive free enterprise which has stimulated growth even in the face of spectrum limitations. Further policies should foster and expand this competitive environment. OTP recommends a policy which will permit existing and new services to be made available in a timely manner and at competitive prices in response to consumer demand. Such a policy is consistent with the Commission's recent approach to domestic satellite communications and specialized common carriers. There is every indication that a competitive policy will be even more fruitful here, since it is capable of benefiting the consumer directly.

The Commission's allocation of frequencies in the 900 MHz band should allow the provision of all types of service (mobile telephone, dispatch, paging, etc.) on a competitive basis by all potential entrants. All mobile communications services, with the exception of those provided by wireline common carriers as discussed below, must be permitted to develop without the encumbrances of rate regulation. By creating an environment which will accommodate numerous, competitive suppliers, the need for rate regulation is obviated; the multiplicity of competing systems (and the potential for new entrants) will assure competitive pricing. Accordingly, the Commission should authorize systems upon a showing of minimum technical and financial qualifications and in accordance with the minimum spectrum efficiency standards it establishes. There should be no necessity for a showing of continued economic viability.

PROPOSED RULES

Questions have been raised in the course of the Commission's deliberations in Docket No. 18262 concerning the participation of wireline common carriers, mobile radio equipment manufacturers and radio common carriers in the mobile communications services market.

A. Wireline carriers. Because of the local monopoly advantages enjoyed by wireline common carriers in the provision of switched telephone service and the consequent potential for interservice cross-subsidy, telephone carriers should not be permitted to participate in the non-regulated portion of the mobile communications market in their own telephone service area. In any event, it would appear that the largest such carrier, AT&T, would necessarily be limited by the terms of the Western Electric consent decree from participating in a non-regulated activity. However, wireline common carriers should be permitted to provide rate regulated mobile telephone service, whether by means of cellular or other technology, as an extension of their regulated public switched telephone service. These carriers could also offer dispatch services on a rate regulated basis only as an adjunct to their mobile telephone services.

B. Radio common carriers. Unlike wireline common carriers, radio common carriers need not operate on a local monopoly basis. Hence, there is no justification for precluding them from offering licensed but otherwise non-regulated mobile services (mobile telephone, dispatch or other) on a competitive basis. However, it is central to OTP's policy that the non-regulated environment essential to competitive market activity be preserved. There may, therefore, be a need for federal preemption regarding all licensed competitive services in order to assure that radio common carriers (or their subsidiaries) and others providing multi-user services would not be subject to rate regulation by other jurisdictions.

C. Radio equipment manufacturers and suppliers. We see no justification for excluding mobile radio equipment manufacturers and suppliers from the operation of mobile communications systems, whether multi-user systems for hire or otherwise. However, in order to provide mobile service customers adequate flexibility in the choice of equipment and to assure full and fair competition in both the mobile radio service and equipment supply markets, interoperability of all mobile equipment with any base station and terminal equipment should be required by the Commission. The actual development of specific interoperability standards to implement this requirement should, however, be left to the industry. In addition, the Commission might require as a condition to any license that the licensee place its customer on notice that mobile equipment from any manufacturer may be used with the system.

In order to allow full competition among and between mobile communications services, all land mobile radio systems should be guaranteed access to the public switched telephone network on a non-discriminatory basis. This access might be by manual or automatic dial capability by private or multi-user dispatch systems.

D. Fair competition. While it is expected that the policy we have proposed will permit full and fair competition in the market for mobile communications services, we believe that there will be a continuing need for FCC and Department of Justice oversight as the industry develops. Both the public message telephone industry and the mobile radio manufacturing industry are characterized by companies with substantial economic power. Therefore, both the Commission and the Department of Justice should closely scrutinize

the use of large financial and marketing resources by these companies in the emerging mobile communications markets and should take appropriate action to correct abuses if and when they occur. Particularly, the FCC should safeguard against the anticompetitive dangers presented by cross-subsidization between the landline public message telephone service and mobile communications services on the part of the wireline carriers.

V. Technical and economic efficiency in the use of the spectrum. For all of the mobile communications services we have discussed, the Commission should impose at the outset enforceable, minimum standards of spectrum efficiency for the allocation, assignment and use of the 900 MHz frequencies. We expect that the FCC's Spectrum Management Task Force, as well as the Interdepartmental Radio Advisory Committee, will continue to make significant progress in the area of spectrum efficiency standards.

It is important that the Commission continue to encourage industry experimentation in areas such as channel spacing, through experimental assignments and other means, in order to further improve spectrum efficiency, particularly with regard to cellular technology. If past technical innovation through such experimentation is any guide, even the most optimistic projections of market demand for mobile communications may be accommodated in less spectrum than has been specified in some of the cellular system proposals submitted to the Commission.

Furthermore, in order to foster greater economic efficiency in the use of mobile radio frequencies, the Commission should permit the transferability of operating rights for licensed services on a relatively *pro forma* basis to allow market mechanisms to provide added flexibility in spectrum utilization by mobile users.

But on a long term basis, it would be appropriate to introduce stronger economic incentives for efficient spectrum use. One possibility would be to adopt a schedule of license fees reflecting in part the scarcity value of the spectrum being used. In this manner, inefficient systems would be discouraged in those areas where spectrum or channel congestion is a major problem. The feasibility of a plan to assess such fees in the government bands for which OTP has responsibility is now under consideration, and we urge the Commission in the same direction.

ATTACHMENT B

DEPARTMENT OF JUSTICE

Hon. DEAN BURCH,
Chairman,
Federal Communications Commission,
Washington, D.C. 20554.

DEAR CHAIRMAN BURCH: In Docket No. 18262 the Commission has been considering the need to allocate additional spectrum to meet the demands for land mobile communications services and the best method of allocating such additional spectrum among the various parties desiring to provide such services. In 1968 the Commission concluded that the demands for land mobile services could be met on a long-term basis only by the allocation to such services of additional spectrum. The Commission initially determined to allocate an additional 115 MHz to the land mobile service, *Notice of Inquiry and Notice of Proposed Rule Making*, Docket No. 18262, 14 FCC 2d 311 (1968).

The Department of Justice is the executive agency charged with the responsibility of enforcing the federal antitrust laws and promoting competition generally throughout the economy. The Department has followed the developments in Docket No. 18262 with considerable interest since it appeared that the

economic characteristics of land mobile communications services marked the industry as one in which competition is not only feasible but also highly desirable. Indeed, in 1970 when the Commission indicated that it contemplated allocating 75 of the additional 115 MHz exclusively to wireline common carriers for the development of a high capacity common carrier mobile system (including both mobile telephone and dispatch services), *First Report and Order and Second Notice of Inquiry*, Docket No. 18262, 19 R.R. 2d 1663 (1970), the Department felt compelled to offer its views to the Commission.

The Department of Justice submitted on August 7, 1970, a *Memorandum* urging the Commission to reconsider that part of its Order which restricted development and future use of the 806-881 MHz band exclusively to wireline telephone carriers. In its *Memorandum* the Department suggested that it would be premature to foreclose the use of that band to radio common carriers ("RCCs") in advance of the development of technology to utilize it fully. We suggested that such a restriction would be undesirable at that time since it would seriously dilute the incentives of RCCs and equipment suppliers to commit resources to solve the problem of how best to serve the public interest in the effective use of the new spectrum allocated to land mobile services. In view of the potential impact of exclusion from use of the 806-881 MHz band upon the ultimate viability of the RCCs, we urged the Commission to refrain from any action that might prematurely lessen competition and reduce incentives for technological development.

The Commission subsequently deleted its restriction limiting development of the 806-881 MHz band to wireline telephone companies. Instead, the Commission encouraged all interested parties to submit and offer proposals for an effective and efficient use of the spectrum for both public and private services. *Second Memorandum Opinion and Order*, Docket No. 18262, 31 FCC 2d 50 (1971).

Subsequent to that decision numerous interested parties have submitted data and proposals to the Commission with respect to how the additional 115 MHz should be allocated among potential providers of land mobile communication services. The Commission is presently considering these submissions with a view toward reaching a final decision which will provide the means of meeting this nation's increasing needs for land mobile communication services in an efficient and flexible manner. The Department of Justice offers the following comments in an effort to assist the Commission in its efforts.

In recent years the courts have repeatedly recognized that competition can promote the public interest even in regulated industries and that regulatory agencies must consider the promotion of competition as an important component in their statutory public interest considerations. See e.g., *Gulf States Utility Co. v. FPC*, 41 U.S.L.W. 4637 (May 14, 1973); *FMC v. Svenska Amerika Linen*, 390 U.S. 238 (1968); *United States v. RCA*, 358 U.S. 334 (1959). Of course, the Commission has repeatedly recognized the value of promoting competition in communications services. It has established policies of promoting competitive entry in a number of communications services in recognition that competition provides a means of stimulating rapid technological innovation. The Commission has also recognized that competition can spur common carrier response to user demand for service innovation and provide incentives to control costs in order to maintain attractive user rates. See e.g., *In the Matter of Allocation of Microwave Frequencies Above 890 Mcs*, Docket No. 11866, 27 FCC 359 (1959), 29 FCC 825 (1960); *Computer*

Services Inquiry, Docket No. 16979, 28 FCC 2d 291 (1970); *Specialized Common Carrier Decision*, Docket No. 18920, 29 FCC 2d 870 (1971); and *Domestic Satellite Decision*, Docket No. 1649, 24 RR 2d 1942 (1973). In our opinion, the development of land mobile services at 900 MHz provides the Commission with still another opportunity to foster competition as a means of effectively meeting the nation's communication needs.

A number of the proposals and comments filed in Docket No. 18262 raised competitive issues of considerable significance. AT&T has proposed that the Commission allocate the entire 75 MHz presently designated by the Commission for common carrier services for use by wireline telephone carriers. In our opinion, the effect of granting this entire block of spectrum for the exclusive use of the wireline telephone carriers would be to seriously damage the ability of RCCs to participate in a meaningful fashion in the growth of the land mobile service envisioned by the Commission. The filings in this proceeding indicate that the demand for land mobile services will be highest in the nation's largest urban areas. User demand in such markets is expected to greatly exceed the relatively limited amount of spectrum currently available to RCCs. Precluding RCC access to the 900 MHz band, therefore, would be expected to seriously inhibit the RCCs' potential for sustained growth as well as their ability to add new and attractive services in response to user demands. In addition, depriving the RCCs of the opportunity to participate in this spectrum band might prevent them from obtaining even limited economies of scale which would enable them to better compete with the wireline carriers and private systems.

Even if the Commission allowed the RCCs to utilize a portion of the 40 MHz which the Commission has presently designated for private system use, allocation of an entire 75 MHz band exclusively to the wireline carriers would have a pronounced anticompetitive effect. In such an event, private systems, RCCs and multiple-user systems would find themselves at a competitive disadvantage against the wireline carriers in meeting increased future demands and obtaining limited economies of scale. Absent clear evidence indicating the foreseeable need for wireline carrier mobile systems approaching the magnitude of 75 MHz, a grant of that size to the wireline carriers would not be in the public interest in view of its likely adverse competitive impact on pricing and technological diversity.

In the past land mobile service users have been provided with a diversity of offerings in competition with the services of the wireline carriers. Therefore, it is our opinion that Commission action granting AT&T's request, which would at least seriously impair the future competitive viability of RCCs, multiple-user and private systems, could only be justified upon certain clear findings that approval of AT&T's request was necessary to serve the public interest.

To be specific, we do not believe that the Commission should allocate to AT&T the 75 MHz that it has requested unless the Commission finds, on the basis of clear evidence that (a) there is a clearly foreseeable near-term demand for wireline carrier mobile systems utilizing 75 MHz, and (b) that superior technical efficiencies afforded by a 75 MHz wireline carrier mobile system with attendant near-term savings to users would clearly outweigh the long-term benefits which would be expected to be achieved from technological and economic competition.

In our opinion, the information available to the Commission in this proceeding does not indicate that either of these conditions

could be met. From the proposals of the various parties it appears that foreseeable demands for wireline carrier mobile systems will not require quantities of spectrum approaching the magnitude of that requested by AT&T, except perhaps in the largest cities. The Commission apparently has reached the same conclusion. *Second Memorandum Opinion and Order*, Docket No. 18262, 31 FCC 2d at 51-2.

Moreover, the filings before the Commission do not indicate anything approaching a consensus to the effect that authorization of wireline common carrier systems of 75 MHz would be necessary to provide significant technological or economic efficiencies. On the contrary, a number of the parties have asserted that the development of such a large system, particularly in advance of sufficient customer demand, would be both technologically and economically inefficient. See e.g., *Comments of the Land Mobile Section of the Communications and Industrial Electronics Division of the Electronic Industries Association*, July 7, 1972, pp. 12-16; and, *Further Comments of the Mobile Radio Department*, General Electric Co., July 20, 1972, pp. 10-14.

If the Commission should conclude either that near-term demand for wireline carrier mobile communications systems would not require an exclusive nationwide grant of 75 MHz to such systems, or that the existing evidence does not clearly indicate that authorizing systems of that magnitude is necessary to avoid serious technological or economic inefficiency, it should not grant AT&T's request. For in such an event we do not believe there would be any public policy justification for authorizing such a large grant to the wireline carriers when such a grant could seriously impair the competitive viability of other potential providers of land mobile services, thereby depriving the public of the service and innovation benefits which the resultant competition would normally engender.

As indicated above, our review of the filings in this proceeding leads us to believe that foreseeable demand and economies of scale would not justify the authorization of an exclusive grant of 75 MHz to the wireline carriers. Rather, we suggest that the Commission should adopt an allocation plan which would make available significant amounts of spectrum for potential use by wireline common carriers, RCCs, multiple-user systems and private systems, with a significant amount of spectrum placed in reserve. Such an allocation plan would provide incentives designed to promote competitive entry into the land mobile field. In addition, it would avoid a premature commitment of spectrum at a time when rapid technological development is taking place. Holding some of the spectrum in reserve would have an additional public benefit. It would provide an incentive for the various types of land mobile systems to demonstrate that they can make the most efficient use of the spectrum held in reserve. The adoption of such an allocation plan which promotes competition and creates incentives for rapid technological development would be most in keeping with the Commission's duty to promote the effective utilization of this nation's communications resources.

AT&T has applied for authorization to supply dispatch service together with mobile telephone service in a single system. Whether wireline telephone carriers should be allowed to enter the previously competitive dispatch business presents a number of competitive issues. Dispatch service has traditionally been provided in a very competitive environment and from all indications such should continue to be the case. Consequently,

exclusion of the wireline carriers from the dispatch market would not deprive dispatch customers of the benefits of competition. The advantages adherent in the telephone service monopoly enjoyed by the wireline carriers vis-a-vis potential competitors in other communications services are competitively significant. The need to avoid cross-subsidization which would burden the customers of the monopoly service and disadvantage competitors is a concern with which the Commission is all too familiar. The same is true with respect to interconnection, or access, problems. Moreover, the competitive concern with allowing wireline telephone companies to enter into the previously competitive dispatch market is exacerbated in the present case because it appears that the foreseeable near-term demand for dispatch service will far exceed the demand for mobile telephone service. Thus, there is a justifiable concern that the wireline carriers, if authorized to provide a dual system, would concentrate upon dispatch rather than the mobile telephone service which is more closely related to the monopoly telephone service.

In view of the above, the Commission could conclude that (a) denying the wireline carriers access to the dispatch market would not deprive dispatch customers of the benefits of competition, and (b) allowing wireline carriers to provide dispatch service would raise serious anticompetitive dangers, the mitigation of which could only be assured by a considerable expenditure of Commission resources. Such findings would justify a Commission conclusion that the public interest would be best served by excluding the wireline carriers from the dispatch business.

Generally, we believe that competition is best served by exclusion of the wireline carriers from markets where others are capable of providing service on a competitive basis. It therefore follows that entry by such carriers, with attendant regulation, should be permitted only upon the clearest showing that allowing wireline carriers to provide mobile telephone and ancillary dispatch service in a single, unitary system would provide significant economies not achievable by other means and could be expected to foster price and technological competition in the dispatch business. Only if such a showing is made should the Commission approve such a system. In adopting such a decision, however, the Commission should indicate that it intends to apply harsh sanctions to any wireline carrier it finds engaging in anticompetitive practices.

Irrespective of whether the Commission authorizes wireline carriers to provide dispatch services, the Commission should insure that other providers of land mobile services are allowed to interconnect with the fixed telephone plant on a reasonable and non-discriminatory basis. It is a basic tenet of antitrust law that a monopolist may not refuse to deal with other parties where the effect of such refusal may be to expand or preserve the monopolist's power. *Otter Tail Power Co. v. United States*, 410 U.S. 366 (1973); *Eastman Kodak Co. v. Southern Photo Materials Co.*, 273 U.S. 359 (1927). The Commission has recognized the desirability of insuring reasonable interconnection to the telephone network in other situations in which the wireline carriers may be viewed as competitors of parties which need to interconnect in order to compete. *Domestic Satellite Decision*, *supra*, at p. 1955; and *Allocation of Frequencies in the 150.8-162 Mc/s Band*, Docket No. 16778, 12 FCC 2d 841 (1968). Cf., *Carterfone*, 13 FCC 2d 420 (1968).

In addition to adopting a policy which would stimulate competition in the efficient

PROPOSED RULES

utilization of land mobile resources, the Commission should also seek to preserve the opportunity for competition in mobile equipment manufacturing and equipment related markets. Competition in the equipment markets would provide system operators and individual users the substantial benefits (in terms of rapid equipment innovation, more responsive services and lower prices) generally resulting from competition.

We note that AT&T has indicated its intent to provide only the shared equipment portion of its proposed systems and to depend on general trade sources for development and manufacture of mobile units. (*AT&T Comments*, December 20, 1971, p. 3). If the Commission authorizes wireless carriers *General Telephone Company of Southwest v. United States*, 449 F.2d 846, at 860-861 (5th Cir. 1971).

Certain of the RCCs have expressed concern over having to rely upon supplier equipment manufacturers which are competing with the RCCs in providing mobile services. The RCCs have indicated concern over possible discrimination with respect to obtaining needed equipment and other types of anticompetitive practices. Attempts by equipment manufacturers which are providing land mobile services to impede the competitive efforts of other providers of service through discrimination in equipment supply would raise serious antitrust questions. As a result, we believe that the Commission should make it clear that evidence of discrimination in equipment supply or other types of anticompetitive activity by equipment manufacturers operating systems will be subject to severe Commission sanctions including license revocation.

We hope that these comments will assist the Commission in developing an efficient and competitive mobile land communications system and request that this letter be made part of the public record in this proceeding.

Sincerely yours,

THOMAS E. KAUPER,
Assistant Attorney General,
Antitrust Division.

[FPR Doc.73-20718 Filed 9-27-73;8:45 am]

[47 CFR Part 73]

[Docket No. 19827; FCC 73-980]

FM BROADCAST STATIONS

Proposed Table of Assignments, Certain Cities in South Carolina

Notice of proposed rulemaking and order to show cause. In the matter of Amendment of § 73.202(b), Table of assignments, FM Broadcast Stations. (Lake City, Mullins, and Kingtree, South Carolina), Docket No. 19827, RM-2065.

1. Notice of proposed rulemaking is hereby given concerning proposed amendment of the FM Table of Assignments (§ 73.202(b) of the Commission's rules and regulations) with respect to the petition of Coastline Broadcasting Company (Coastline), licensee of AM Station WJOT (daytime-only), Lake City, South Carolina, proposing the assignment of either Channel 296A or 261A as a first FM assignment to that community.

2. Lake City (population 6,247) is located in Florence County (population 89,438).¹ All other aural service in the

county is at the county seat, the city of Florence (population 25,997); this consists of AM Stations WYNN (daytime-only), WOLS, and WJMX, and FM Station WSTN.

3. In support of the petition, Coastline asserts that Lake City and its environs merit a first local nighttime service. Coastline specifically mentions lack of local nighttime radio service to the Lake City and Scranton Divisions with a total population of 11,762 which "adjoin" Lake City; the former has a total population of 8,479 (which includes Lake City), and the population of the latter is 3,283. Petitioner states that the population increase of Lake City and Florence County over 1960 (as contrasted to losses generally in the Sixth Congressional District) is due to the transition from an agricultural to an industrial economy. We are told that during recent years Wentworth Manufacturing Company, Talon, Inc., and A. B. Dick have commenced manufacturing operations in or near Lake City.

4. Coastline proposes two alternatives to assign an FM channel to Lake City. One would substitute Channel 252A for 261A at Kingtree, which is occupied by Station WDKD-FM, licensed to Santee Broadcasting Co., Inc. (Santee), and assign Channel 261A to Lake City. The other calls for the deletion of Channel 296A, the only channel assignment at Mullins, population 6,006, located in Marion County, population 30,270, and reassignment of that channel to Lake City; apparently there is no substitute channel available for Mullins. Objections have been filed to both proposals. Mullins & Marion Broadcasting Co. (MMB), licensee of daytime AM Station WJAY at Mullins, filed informal comments objecting to the Channel 296A proposal on the ground that there is need for an FM station at Mullins and that it could provide diversification in programming in a growing area. MMB stated it had been considering applying for the channel to provide nighttime aural service at Mullins; since then, it has filed an application for it (see BPH-8340). Santee, also the licensee of daytime-only AM Station WDKD at Kingtree, filed comments addressed primarily to the issue of reimbursement. It also contended that it should not be required to change its channel absent a compelling public interest determination.

5. The geographical relationship of the cities to each other is relevant. Also pertinent is information about the aural broadcasting service. Florence County is located in the east central portion of South Carolina. Lake City is in the south central portion of the county and is about 23 miles south of the city of Florence.² Lake City is also about 15 miles north of Kingtree (in Williamsburg County), and 36 miles southwest of Mullins (in Marion County). Mullins is

roughly 29 miles east of Florence. Williamsburg County (population 34,243) has three aural broadcast stations—daytime AM Station WKYB at Hemingway (population 1,026) and Santee's AM-FM operation at Kingtree (population 3,381). In Marion County (population 30,270) in addition to Station WJAY at Mullins, Stations WATP (daytime-only) and WATP-FM are licensed to the city of Marion (population 7,435) which is about 9 miles west of Mullins and 20 miles east of Florence. Coastline's engineering consultant contends that if WDKD-FM at Kingtree and WATP-FM at Marion operated at full facilities Lake City would be completely within the 1 mV/m contour of WDKD-FM and Mullins would receive community grade service from WATP-FM; at present, it is claimed that WDKD-FM covers one-third of the Lake City urbanized area with a 1 mV/m or better service and WATP-FM provides a community grade signal to a small part of Mullins and the remainder with a signal of 2.25 mV/m or better.

6. As already noted, Santee's comments were limited to the issue of reimbursement. Coastline filed a reply to Santee's comments. Santee, relying on *Kenton and Bellefontaine*, 3 F.C.C. 2d 598, 605 (1966), and *Ashland and Roanoke*, 26 F.C.C. 2d 448, 451 (1970), urges that reimbursement is not limited to strictly engineering items, and in this vein it lists various amounts for promotional and advertising costs for the new channel to achieve identification comparable with that attained by seven years of operation on Channel 261A, and for legal costs for participating in this proceeding and for preparation of a modification application. It estimates that the total cost for changing its channel assignment, including new equipment, would be not less than \$25,000, based on 1972 prices, and states that therefore the Commission "should explicitly set *** a minimum of \$25,000 *** as a condition precedent to the grant of the construction permit" on Channel 261A at Lake City. Coastline argues that Santee's proposal in this respect is "novel", that many of the monetary claims are defective because based on an unsupported statement of an attorney and otherwise lacking in merit, that the engineering estimates do not consider trade-in value and are otherwise deficient, that the amounts are "puffed", and that Santee's contentions in this respect are antithetical to the very decisions Santee relies on.

7. An adequate showing has been made to consider the possible assignment of a first FM channel to Lake City, South Carolina. In this respect, we must exclude from consideration Coastline's proposal to assign Channel 296A to Lake City because it would deprive Mullins of its only FM channel and the opportunity for a first nighttime aural service of its own. The Channel 261A alternative appears feasible from both technical and policy viewpoints; the assignments of Channel 261A to Lake City and Channel

¹ All population information is from the 1970 Census.

252A to Kingtree, respectively, comport with mileage requirements, and there is no preclusion.²

8. As mentioned above, the Kingtree proposal involves reimbursement to an existing station to change its channel assignment. Indeed, the licensee, Santee, is primarily concerned with that issue. It is well-settled Commission policy that when a change in the FM Table of Assignments is made which requires an operating station to change frequency, the licensee is entitled to reimbursement. It is equally clear that the right to reimbursement is circumscribed. See, e.g., *Elizabethtown*, 26 F.C.C. 2d 162, 166 (1970); *Greensburg, Burnside, and Jamestown, and Oak Ridge*, 32 F.C.C. 2d 937, 939, 942-3 (1972), and decisions cited. The principles are well stated in the *Ashland and Roanoke* decision cited by Santee. Reimbursement is to be made by the successful permittee of the Lake City channel should we decide the public interest, convenience, and necessity would be served by substituting Channel 252A for Channel 261A at Kingtree and assigning Channel 261A to Lake City. In the circumstances, as stated in that decision, it is premature to consider the issue at this juncture. We also pertinently there stated that

we are leaving the matter of determining the appropriate costs to the *good faith judgment* of the interested parties subject to Commission approval in the event of disagreement. (Emphasis in original; 26 F.C.C. 2d at 451).

We have discussed reimbursement at some length in order to put Santee on notice that the right to reimbursement is a restricted one, and that, if there is a change of the channel assignment at Kingtree, it is expected that Santee and any permittee for Channel 261A at Lake City will deal with each other in good faith in this respect. For the moment, it suffices to say that Santee's claim for promotional and advertising costs, and legal and engineering consulting fees, seems overstated; see *Circleville*, 8 F.C.C. 2d 159, 163-4 (1967).

9. In view of the foregoing, and pursuant to authority found in sections 4(i), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, it is proposed to amend § 73.202(b) of the Commission's rules and regulations, the FM Table of Assignments, as concerns possible assignment of a channel to Lake City, South Carolina, as follows:

City	Channel No.	
	Present	Proposed
Kingtree, S.C.	261A	252A
Lake City, S.C.	261A	261A

10. It is ordered, That the petition of Coastline Broadcasting Company in all other respects is denied.

² Coastline's engineer points out that whatever preclusion would occur by assigning Channel 261A to Lake City already exists by virtue of its assignment to Kingtree.

11. It is further ordered, That, pursuant to Section 316 of the Communications Act of 1934, as amended, and with the understanding that it will receive reasonable reimbursement of expenses incurred in changing the channel on which it operates, the following licensee shall SHOW CAUSE why its license SHOULD NOT BE MODIFIED to specify operation on Channel 252A, as proposed herein, instead of Channel 261A:

Station	Location	Licensee
WDKD-FM, Kingtree, S.C.		Santee Broadcasting Co.

Pursuant to § 1.87(b) of the Commission's rules and regulations, the licensee of Station WDKD-FM may, not later than November 2, 1973, request that a hearing be held on the proposed modification. Pursuant to § 1.87(f), if the right to request a hearing is waived, Santee may, not later than [same date as above], 1973, file a written statement showing with particularity why its license should not be modified or not so modified as proposed in the Order to Show Cause. In this case, the Commission may call on Santee to furnish additional information, designate the matter for hearing, or issue without further proceeding an order modifying the license as proposed in the Order to Show Cause. If the right to request a hearing is waived and no written statement is filed by the date referred to above, Santee will be deemed to consent to the modification as proposed in the Order, to Show Cause and a final order will be issued by the Commission.

12. Showings required. Comments are invited upon the proposal referred to above. Petitioner should also affirm its intention to apply for the channel if assigned and to promptly build on it if the application is granted. Failure of the petitioner to file comments or address the issues raised may result in dismissal.

13. Cut-off procedure. The following procedures will govern:

(a) Counterproposals advance in this proceeding itself will be considered if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments.

(b) With respect to petitions for rule making which conflict with the proposal in this Notice, they will be considered as comments in this proceeding, and Public Notice to that effect will be given, as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision herein.

14. Pursuant to applicable procedures set out in Section 1.415 of the Commission's rules and regulations, interested parties may file comments on or before November 2, 1973, and reply comments on or before November 12, 1973. All sub-

missions by parties to this proceeding or persons acting on behalf of such parties, shall be made in written comments, reply comments, or other appropriate pleadings.

15. In accordance with the provisions of Section 1.419 of the Commission's Rules and Regulations, an original and 14 copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission. All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its Headquarters, 1919 M Street, N.W., Washington, D.C.

Adopted September 19, 1973.

Released September 24, 1973.

FEDERAL COMMUNICATIONS COMMISSION³

[SEAL] VINCENT J. MULLINS,
Acting Secretary.

[FPR Doc. 73-20715 Filed 9-27-73; 8:45 am]

[Docket No. 19715]

[47 CFR Part 73]

ASCERTAINMENT OF COMMUNITY PROBLEMS BY BROADCAST APPLICANTS

Order Extending Time To File Reply Comments

In the matter of ascertainment of community problems by broadcast applicants: Part 1, Sections IV-A and IV-B, of broadcast application forms, and Primer thereon; Docket No. 19715.

1. Comments in this proceeding were due on September 4, 1973; and reply comments are due on October 1, 1973.⁴

2. A number of comments were submitted after September 4th. Moreover, Action for a Better Community, Inc. was granted permission to file its comments no later than September 14, 1973. Thus, the time in which to reply to those particular comments has been eroded.

3. The Commission believes that the fair and equitable course under the circumstances is to extend the time for filing reply comments in this proceeding and that such extension would serve the public interest.

4. Accordingly, it is ordered, On the Commission's own motion, that the time for filing reply comments in this proceeding is extended to, and including, October 19, 1973.

5. This action is taken pursuant to authority contained in sections 4(i), 5(d) (1) and 303(r) of the Communications Act of 1934, as amended, and §§ 1.45(e),

⁴ Commissioner Robert E. Lee absent; Commissioner Reid concurring in the result.

⁵ Notice of Inquiry in this matter was published at 38 FR 8190 (March 29, 1973); Extensions of Time for Filing Comments and Reply Comments were published at 38 FR 14709 (June 4, 1973) and 38 FR 20275 (July 30, 1973).

PROPOSED RULES

1.46 and 0.281(d)(8) of the Commission's rules and regulations.

Adopted September —, 1973.

Released September —, 1973.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FRC Doc.73-20717 Filed 9-27-73;8:45 am]

NATIONAL MEDIATION BOARD

[29 CFR Parts 1201, 1203, 1207]

ADMINISTRATIVE FEES

Deferral of Proposed Imposition

On August 6, 1973 (38 FR 21186) the National Mediation Board (pursuant to 45 U.S.C. 151-163, 13 FR 8740 and 36 FR 12451) published in the FEDERAL REGISTER proposed rules regarding the imposition of an administrative fee for the appointment of neutrals pursuant to the provisions of section 3 of the Railway Labor Act.

These proposed rules made provision for the receipt of comments, suggestions or objections which were to be received by September 6, 1973. At the present time, all comments received have unanimously opposed the imposition of the proposed administrative fee.

After further review, the National Mediation Board defers indefinitely the proposal to impose administrative fees for the appointment of neutrals pursuant to the provisions of section 3 of the Railway Labor Act.

ROWLAND K. QUINN, Jr.,
Executive Secretary.

[FRC Doc.73-20725 Filed 9-27-73;8:45 am]

SECURITIES AND EXCHANGE
COMMISSION

[17 CFR Part 210]

[Release Nos. 33-5421, 34-10382, 35-18090,
40-7989]

FORM AND CONTENT OF FINANCIAL
STATEMENTSImproved Disclosure of Income Tax
Expense; Extension of Time for Comments

On December 18, 1972, the Commission published in Securities Act Release No. 5344 (Securities Exchange Act Release No. 9915, Public Utility Holding Company Act Release No. 17818, Investment Company Act Release No. 7468 [38 FR 1748]) proposed amendments to Rule 3-16(o) [17 CFR 210.3-16(o)], Income tax expense, of Regulation S-X [17 CFR 210].

A large number of helpful comments on the proposal were received which have been carefully considered. On the basis of the comments and further consideration of the matters involved, the Commission has effected a number of substantive revisions in the proposed amendment and is therefore publishing the revised proposal for comment by interested persons. In view of the length of time the proposal has been under con-

sideration and the extensive consideration it has received, the Commission believes that a limited period of time should be adequate for the submission of additional comments.

The revised proposal specifies requirements for more detailed disclosure of the components of income tax expense and for improved disclosure of the reasons why Federal income tax expense differs from the amount calculated by multiplying the Federal statutory income tax rate applicable to the reporting person by the income before taxes.

The previous proposal called for disclosure of the extent to which new deferrals are offset by the reversal of prior deferrals. Comments received indicated that this requirement would not achieve the stated objective of enabling users of financial statements to ascertain the current and prospective cash drain associated with payment of income taxes. In addition, it was pointed out that many companies determined the deferred tax provision on a net basis and the separate identification of deferrals and reversals would be difficult. Accordingly, the Commission has determined to eliminate the requirement that new deferrals and reversals of prior deferrals be shown separately. In its place, to accomplish the objective stated, the Commission hereby proposes to require that disclosure be made of the extent to which the net deferral on the year-end balance sheet is estimated to flow into income tax expense in each of the following five years on the basis of the facts recorded at the balance sheet date. This calculation should be made without assuming the purchase of new assets which might give rise to new deferrals but should include new deferrals that would arise from the excess of tax over book depreciation in subsequent years in connection with assets owned at the balance sheet date.

In addition, the proposed rule calls for the presentation of a reconciliation between the amount of total income tax expense and the amount computed by multiplying income before tax by the applicable statutory Federal income tax rate, showing the dollar amount of each significant underlying cause of the difference. Such a difference might arise from income which is nontaxable or taxed at capital gains rates, investment tax credits, favorable domestic or foreign tax rates, percentage depletion or other causes. This disclosure is designed to enable users of financial statements to distinguish between one-time and continuing tax advantages enjoyed by a company and to appraise the significance of changing effective tax rates.

Comments on the original proposal pointed out that the proposed requirement might call for excessively detailed disclosure and mentioned a number of other technical problems. Accordingly, the revised proposal calls for disclosure of individual reconciling items only if such an item exceeds five percent of the amount computed by multiplying the income tax rate by income before tax and

indicates that a reconciliation will be required only if individual amounts are included which exceed five percent or if the aggregate difference to be reconciled is greater than five percent of the computed amount or if the reconciliation is significant in appraising the trend of earnings. The detailed quantitative tests relating to trend have been eliminated.

The proposal also permits the presentation of a reconciliation in percentage terms instead of dollar terms and the use of foreign income tax rates for foreign reporting persons.

Inasmuch as certain of the requirements under this rule relate also to Rule 5-02-35 [17 CFR 210.5-02-35], *Deferred credits*, that rule would be amended to include a cross-reference.

In order to clarify the proposed rule, an example of the disclosure required is attached as an exhibit to this release.

Commission action. The Commission hereby proposes to amend the following sections of Part 210 of Chapter II of Title 17 of the Code of Federal Regulations, and as so amended they read as follows:

It is therefore proposed to revise § 210.3-16(o) to read as follows:

§ 210.3-16 General notes to financial statements.

(o) *Income tax expense.* Disclosure shall be made, in the income statement or a note thereto, of the components of income tax expense, including: (1) Taxes currently payable; (2) the net tax effects, as applicable, of (i) timing differences (indicate separately the amount of the tax effects of each of the various types of timing differences, such as depreciation, research and development expense, warranty costs, etc.; items amounting to less than 15 percent of the deferred tax amount in the income statement may be combined for this purpose with an explanation of the nature of the items aggregated); in addition, indicate the amount of the net timing differences shown on the balance sheet for the most recent fiscal year end which is currently expected to be reflected as a component of tax expense reported in the income statements for each year of the following five years) and (ii) operating losses; and (3) the net deferred investment tax credits. Amounts applicable to United States Federal income taxes, to foreign income taxes and to other income taxes shall be stated separately for each component, unless the amounts applicable to foreign and other income taxes do not exceed five percent of the total for the component and a statement to that effect is made. In addition, provide a reconciliation between the amount of reported total income tax expense and the amount computed by multiplying the income before tax by the applicable statutory Federal income tax rate, showing the dollar amount of each of the underlying causes for the difference. If no individual reconciling item amounts to more than five percent of the amount computed by multiplying the income before tax by the

applicable statutory Federal income tax rate, and the aggregate difference to be reconciled is less than five percent of such computed amount, no reconciliation need be provided unless it would be significant in appraising the trend of earnings. Individual items less than five percent of the computed amount may be aggregated in the reconciliation with an explanation of the nature of the items contained in the aggregate amount. The reconciliation may be prepared in tax rate percentages rather than in dollar amounts. Where the reporting person is a foreign entity, the income tax rate in that person's country of domicile should normally be used in making the above computation, but different rates should not be used for subsidiaries or other segments of a reporting entity. If the rate used by a reporting person is other than the United States Federal corporate income tax rate, the rate used and the basis for using such rate shall be disclosed.

It is proposed to amend § 210.5-02 as follows:

§ 210.5-02 Balance sheets.

OTHER LIABILITIES AND DEFERRED CREDITS

35. **Deferred credits.**—State separately amounts for (a) deferred income taxes, (b) deferred tax credits, and (c) material items of deferred income. The current portion of deferred income taxes shall be included under § 210.5-02-35 (see Accounting Series Release No. 102 [20 FR 15240]). (See also § 210.3-16(o).)

The foregoing proposed amendments would be adopted pursuant to sections 6, 7, 8, 10 and 19(a) of the Securities Act of 1933; sections 13, 15(d) and 23(a) of the Securities Exchange Act of 1934; sections 5(b), 14 and 20(a) of the Public Utility Holding Company Act of 1935; and sections 8, 30, 31(c) and 38(a) of the Investment Company Act of 1940.

All interested persons are invited to submit their views and comments on the foregoing proposals to amend Rule 3-16(o) of Regulation S-X in writing to Secretary, Securities and Exchange Commission, Washington, D.C. 20549, on or before October 31, 1973. Such communications should refer to File S7-495. All such communications will be available for public inspection.

By the Commission.

[SEAL] **GEORGE A. FITZSIMMONS,**
Secretary.

SEPTEMBER 12, 1973.

EXHIBIT

The following example of the disclosure required under proposed Rule 3-16(o) is provided to assist registrants in appraising the proposal and in complying with it.

I. The following facts apply to a hypothetical business corporation for the calendar year 1973 (all figures in thousands):

Income before tax—\$15,000.

(1) Assets purchased at the beginning of 1973 at a cost of \$10,000, eight year life, double declining balance depreciation for tax purposes, straight line on books, eligible for investment credit.

(2) Research costs of \$3,000 deducted on tax return but amortized over following two years for book purposes.

(3) Warranty reserve of \$1,400 provided for book purposes is not deductible for tax purposes until warranty costs are incurred. The warranty period covers the next two years; \$400 of warranty cost is expected to be incurred next year and \$1,000 in the following year.

(4) Income before taxes includes \$2,000 related to construction-type contracts still in process which are accounted for on the percentage of completion method for book purposes and on the completed contract method for tax purposes. It is expected that such contracts will be completed next year.

(5) Amortization of goodwill of \$800 is not deductible for tax purposes.

(6) Income before taxes includes \$1,800 which represents the net income of a wholly owned foreign subsidiary in a country with no income tax that is expected to indefinitely invest its undistributed earnings.

(7) Investments sold during the year resulted in a gain of \$1,000, which is taxed at capital gain rates.

(8) Included in income is \$1,500 of interest on tax exempt municipal bonds.

(9) State income taxes amounted to \$400.

II. Illustrative note.

NOTE.—Income tax expense (all data in thousands).

Income tax expense is made up of the following components:

	U.S. Federal	State income tax	Total
Taxes currently payable...	\$2,600	\$400	\$3,000
Deferred tax expense...	2,328	0	2,328
Total...	4,928	400	5,328

Deferred tax expense results from timing differences in the recognition of revenue and expense for tax and financial statement purposes. The sources of these differences in 1973 and the tax effect of each were as follows:

Excess of tax over book depreciation	\$600
Research and development costs expensed on tax return and deferred on books	1,440
Revenue recognized on completed contract basis on tax return and on percentage of completion basis on books	960
Warranty cost charged to expense on books but not deductible until paid	(672)
	2,328

Warranty cost not deductible until paid

Percentage of completion income

Taxable income (excluding capital gain)

Tax to be paid $48 \times 2,328$

Plus capital gain tax $.30 \times 1,000$

Less investment credit

Actual tax paid

Tax expense $.48 \times 11,100$

Plus capital gain tax

Less investment credit

Tax expense—Federal

State income tax

At December 31, 1973, deferred taxes on the balance sheet amounted to \$2,328¹. This amount will be reflected as a component of tax expense in subsequent years as timing differences are reversed. The estimated amount to be reflected in each of the next five years is as follows: 1974—\$1,188; 1975—\$165; 1976—\$94; 1977—\$220; 1978—\$315. In the absence of new deferrals in these years, the cash outflow for taxes will exceed tax expense by such amounts.

Total tax expense amounted to \$5,328 (an effective rate of 35.5%), a total less than the amount of \$7,200 computed by applying the U.S. Federal income tax rate of 48% to income before tax. The reasons for this difference are as follows:

	Amount	Percent of pretax income
Computed "expected" tax expense	\$7,200	48.0
Increases (reductions) in taxes resulting from:		
Foreign income not subject to foreign income tax and not expected to be subject to U.S. tax in foreseeable future	(864)	(5.8)
Tax exempt municipal bond income	(720)	(4.8)
Investment tax credit on assets purchased in 1973	(700)	(4.6)
Goodwill amortization not deductible for tax purposes	384	2.5
State income taxes, net of Federal income tax benefit (2)	208	1.4
Benefit from income taxed at capital gains rate (4)	(180)	(1.2)
Actual tax expense	5,328	35.5

III. **Computational guide.** (Furnished only to enable parties to determine source of numbers shown in above illustrative note; not to be required of registrants in filings.)

<i>A. Tax computations</i>	
Book income before tax	\$15,000
State income tax	(400)
Permanent differences:	
Goodwill amortization	900
Municipal bond income	(1,500)
Foreign income, no income tax	(1,800)
Capital gain	(1,900)
Income for calculating tax expense	11,100
Timing differences:	
Excess depreciation	(1,250)
R. & D. deducted on tax return	(3,000)

¹ Since these amounts are less than 5 percent of the computed "expected" tax expense, they could be combined with any other items less than \$300 into an aggregate total with an explanation of the items contained in the aggregate amount. If no single item had exceeded \$300 in this case and the aggregate net difference of all items was also less than \$300, this reconciliation would not have been required.

Warranty cost not deductible until paid	1,400
Percentage of completion income	(2,000)
Taxable income (excluding capital gain)	4,600
Tax to be paid $.48 \times 4,600$	2,256
Plus capital gain tax	3,000
Less investment credit	300
Actual tax paid	5,328
Tax expense $.48 \times 11,100$	5,328
Plus capital gain tax	300
Less investment credit	(700)
Tax expense—Federal	4,928
State income tax	400

B. Computations of disclosure limits per Rule 3-16(o)

Computed amount $15,000 \times .48 = 7,200$
5 percent of computed amount $.05 \times 7,200 = 360$
10 percent of deferred tax $.10 \times 2,328 = 232$

PROPOSED RULES

C. Calculations of reversal of deferred tax on year-end balance sheet

	1974	1975	1976	1977	1978
Depreciation:					
Book	1,250	1,250	1,250	1,250	1,250
Tax	1,875	1,406	1,056	791	568
	625	156	(195)	(459)	(657)
R. & D.:					
Book	1,500	1,500	—	—	—
Tax	0	0	—	—	—
	(1,500)	(1,500)	—	—	—
Warranty:					
Book	0	0	—	—	—
Tax	400	1,000	—	—	—
	400	1,000	—	—	—
Percentage of completion:					
Book	0	—	—	—	—
Tax	2,000	—	—	—	—
	(2,000)	—	—	—	—
Total reversal					
	(2,475)	(344)	(195)	(459)	(657)
X .48					
	1,188	165	94	220	315

[FR Doc. 73-20545 Filed 9-27-73; 8:45 am]

[17 CFR Parts 210, 249]

[Release Nos. 33-5420, 34-10381, 35-18089,
40-7988]FINANCIAL STATEMENTS OF LIFE
INSURANCE COMPANIES

Form and Content and Certification

Notice is hereby given that the Securities and Exchange Commission has under consideration a general revision of the requirements of its Regulation S-X (17 CFR Part 210) concerning form and content of financial statements of life insurance companies and removal of the exemption from certification of financial statements of these companies presently provided in Forms 10 (17 CFR 249.210) and 10-K (17 CFR 249.310) under the Securities Exchange Act of 1934 (1934 Act).¹

The proposed revision to the accounting requirements for life insurance companies is effected by a complete revision of Article 7A (17 CFR 210.7A-01—7A-06).²

and related schedules in Article 12 (17 CFR 210.12-01—12-43) of Regulation S-X. The proposed revision reflects developments in accounting practice during the past 10 years, including the recent publication of an Audit Guide for life insurance companies by the American Institute of Certified Public Accountants. The Audit Guide establishes guidelines for the preparation of life insurance company financial statements which are in accordance with generally accepted accounting principles (GAAP). The proposed revision represents a significant

departure from the present Article 7A which specifies that life insurance company financials generally follow the statutory accounting requirements prescribed for the Annual Statements filed by these companies with state insurance commissions.

The most significant change in the proposed revision is the requirement that the financial statements be prepared in accordance with generally accepted accounting principles (7A-02-1). Provision is made that a company may follow statutory accounting requirements only if the statutes of its state of domicile prohibit publication of its primary financial statements on a basis other than in accordance with such requirements; however, in such event the statutory financial statements shall be accompanied by supplemental GAAP statements (7A-02-2). Under either of the foregoing alternatives the financial statements must be accompanied by supplemental reconciliations of material differences between statutory accounting requirements and GAAP (7A-02-3).

Wherever appropriate, captions and instructions have been brought into conformance with corresponding captions of Article 5 of Regulation S-X (17 CFR 210.5-01—5-04) which applies to commercial and industrial companies. It is also made clear that, to the extent they are pertinent, the general rules in Articles 1, 2, 3, and 4 of Regulation S-X (17 CFR 210.1-01—1-02, 210.2-01—2-05, 210.3-01—3-16, 210.4-01—4-09) are applicable to life insurance financial statements (7A-02-1). In addition, the proposed revision should also be considered in connection with preparation of financial statements of life insurance holding companies (7A-01).

The following are additional requirements which are more specific in nature:

1. The name of any person in which the investment exceeds one percent of total investments (7A-03-6).
2. Information as to policy, nature and changes in deferred policy acquisition

¹ Regulation S-X prescribes the form and content of financial statements filed with the Commission; Form 10 is a general form for registration of securities pursuant to Section 12 of the 1934 Act; Form 10-K is a general form for annual reports filed pursuant to Section 13 or 15(d) of the 1934 Act.

² Article 7A was issued for public comment on August 20, 1962 [27 FR 8553], and adopted on October 6, 1964 [29 FR 14720].

costs (7A-03-6, 7A-04-7, 7A-05-1 and Schedule IV).

3. Reporting of aggregate amounts in separate accounts as single items of assets and liabilities (7A-03-9 and 19).

4. Disclosure of unappropriated retained earnings in excess of statutorily determined retained earnings in the stockholders' equity section of the balance sheet [7A-03-22(d)].

5. A statement as to accounting principles (7A-05-1).

6. Details of restrictions on stockholders' equity (7A-05-2).

7. Revision of requirement relating to income tax disclosure (7A-05-3).

8. An analysis of investment gains for the period consisting of a statement comparing realized and unrealized gains or losses on investments in bonds and stocks and notes (7A-05-4).

9. Detailed schedules of bonds, stocks, mortgage loans and real estate, and a summary of realized gains or losses on sale of investments will no longer be required. The schedules requiring a summary of investments (12-27) and details of future policy benefits and insurance in force (12-31) have been completely revised. A schedule has been added to provide details of deferred policy acquisition costs (12-31A).

In a release issue on May 17, 1971,³ the Commission proposed amendment of certain rules and forms to delete the then existing exemptions from certification applicable to financial statements of banks and life insurance companies.⁴ Subsequently, in July 1971 the exemption for banks was deleted with regard to financial statements dated subsequent to November 30, 1971. The exemption for life insurance companies was retained so that the accounting profession, in collaboration with the industry, could complete work then under way towards developing and promulgating accounting guidelines for life insurance companies which would enable their financial statements to be certified in accordance with generally accepted accounting principles. With the issuance of the Audit Guide, it is now proposed to amend Instructions 13 and 7 of Instructions as to Financial Statements in Forms 10 and 10-K, respectively, to indicate that statements filed for life insurance companies are to be exempt from certification only as to periods ending on or before November 30, 1973.

These amendments to Regulation S-X are proposed to be made pursuant to authority conferred on the Securities and Exchange Commission by the Securities Act of 1933, particularly sections 6, 7, 8, 10 and 19(a) thereof; the Securities Exchange Act of 1934, particularly sections 12, 13, 15(d) and 23(a) thereof; the Public Utility Holding Company Act of 1935, particularly sections 5(b), 14 and 20(a) thereof; and the Investment Company

³ Securities Act Release No. 5149, Securities Exchange Act Release No. 9175 [36 FR 9668].

⁴ An exemption for fire and casualty insurance companies had been removed in October 1970.

Act of 1940, particularly sections 8, 30, 31(c) and 38(a).

Commission action: The Commission hereby proposes to change an instruction in §§ 249.210 and 249.310, revise §§ 210.7A-01—7A-06, 210.12-27 and 210.12-31, and add a new § 210.12-31A of Title 17 of the Code of Federal Regulations and as so amended they would read as shown in the attached text of the proposed amendments.

All interested persons are invited to submit comments on the proposals in writing to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, on or before November 2, 1973. Such communications should refer to Rule No. S7-494. All such comments will be considered available for public inspection.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

SEPTEMBER 12, 1973.

PART 210—FORM AND CONTENT OF FINANCIAL STATEMENTS, SECURITIES ACT OF 1933, SECURITIES EXCHANGE ACT OF 1934, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935, AND INVESTMENT COMPANY ACT OF 1940

Part 210 of this chapter (Regulation S-X). Sections 210.7A01—7A-06, 210.12-17 and 12-31 would be revised, § 210.12-31A would be added to read as follows:

§ 210.7A-01 Application of §§ 210.7A-01—7A-06.

(a) This article shall be applicable to financial statements filed for life insurance companies.

(b) If consolidated financial statements are prepared for an insurance holding company whose consolidated subsidiaries are primarily life insurance companies, consideration shall be given to utilization of the format of the financial statements, notes and schedules prescribed in this article.

§ 210.7A-02 General requirement.

(a) Financial statements filed for a person to which this article is applicable shall be prepared in accordance with generally accepted accounting principles except as otherwise provided in this article. The general rules in §§ 210.1-01—1-02, 210.2-01—2-05, 210.3-01—3-16 and 210.4-01—4-09 shall be applicable except where they differ from those prescribed in the special rules comprising this article.

(b) A person subject to this article may follow the rules and instructions governing the definition and computation of items in Annual Statements to the regulatory authority of its state of domicile (statutory accounting requirements) only if the statutes of that state prohibit the presentation of financial statements other than in accordance with such requirements. A person who is required to follow statutory accounting requirements may make reasonable condensations as appropriate, but the amounts to be reported for net income and total stockholders' equity shall be

the same as those reported for net gain from operations and total capital and surplus on the corresponding Annual Statement. Financial statements which follow statutory accounting requirements shall be accompanied by corresponding financial statements prepared in accordance with generally accepted accounting principles.

(c) All financial statements prepared for persons to which this article is applicable shall include supplemental statements reconciling material differences between (1) total capital and surplus as reported on the corresponding Annual Statement and total stockholders' equity as determined in accordance with generally accepted accounting principles and (2) net gain from operations as reported on the corresponding Annual Statement and net income or loss as determined in accordance with generally accepted accounting principles. The supplemental statements shall be in tabular form and shall contain appropriate explanations in a note or otherwise.

§ 210.7A-03 Balance sheets.

(a) Balance sheets filed for life insurance companies shall comply with the following provisions:

ASSETS AND OTHER DEBITS

1. Investments—other than investments in affiliates.

- (a) Bonds and notes.
- (b) Preferred stocks.
- (c) Common stocks.
- (d) Mortgage loans on real estate.
- (e) Real estate.
- (f) Policy loans.
- (g) Other loans and investments.
- (h) Invested cash.
- (i) Total investments.

NOTES

(1) State the basis of determining the amounts shown in the balance sheet.

(2) State parenthetically for bonds and preferred and common stocks either aggregate cost or the aggregate value based on market quotations at the balance sheet date, whichever is the alternate to the amounts at which shown in the balance sheet.

(3) State parenthetically accumulated depreciation and amortization and amount of any encumbrances deducted from investment real estate.

(4) Include under subcaption (h) share accounts in savings and loan associations, savings accounts, time deposits and other cash accounts and cash equivalents earning interest.

(5) State separately any class of investments included in subcaption (g) exceeding five percent of total assets, however, if an amount to be reported under subcaption (f), (g) or (h) is less than five percent of total assets it may be included under subcaption (g).

(6) State in a note the name of any person in which the total investment in the person and its affiliates included in the above subcaptions exceeds one percent of total investments. Indicate the amount included in each subcaption. Investments in bonds and notes of the United States Government and government agencies and authorities need not be reported.

(7) State in a note any amounts included under subcaptions (d) through (h) which have been nonincome producing for the six months preceding the balance sheet date.

2. Cash and cash items. State separately (a) cash on hand and demand deposits; (b) funds subject to repayment on call or immediately after the date of the balance sheet required to be filed; and (c) other funds, the amounts of which are known to be subject to withdrawal or usage restrictions, e.g., as compensating balances or special purpose funds (see § 210.5-02-1).

3. Investments and indebtedness of affiliates and other persons.

(a) **Investments.** State separately amounts representing investments in affiliates and investments in other persons which are accounted for by the equity method, and state the basis of determining these amounts. State separately in the registrant's balance sheet the amounts which in the related consolidated balance sheet are (1) eliminated and (2) not eliminated.

(b) **Indebtedness.** Include under this caption amounts representing indebtedness of affiliates and indebtedness of other persons the investments in which are accounted for by the equity method. State separately in the registrant's balance sheet the amounts which in the related consolidated balance sheet are (1) eliminated and (2) not eliminated.

(4) **Accounts receivable.** Include under this caption (a) amounts receivable from agents, (b) uncollected premiums, and (c) other receivables stating separately any category which is in excess of five percent of total assets. State separately the balance of the allowance for doubtful accounts which was deducted. Deferred premiums shall be deducted from future policy benefits.

5. **Accrued investment income.**

6. **Deferred policy acquisition costs.** See §§ 210.7A-04-7 and 210.7A-05-1.

7. **Property and equipment.** Include under this caption the cost of real estate, furniture, fixtures and equipment used in the conduct of the insurance business and not considered as an investment. State parenthetically the accumulated depreciation and amortization deducted. The amount of any encumbrances shall be shown separately as a liability.

8. **Other assets.** State separately any other item not properly classed in one of the preceding asset captions which is in excess of five percent of total assets.

9. **Assets held in separate accounts.** Include under this caption the aggregate amount of assets funding the liabilities related to variable annuities, pension funds and similar activities. The corresponding aggregate liability shall be included under § 210.7A-03-19.

10. **Total assets and, when appropriate, other debits.**

FUTURE POLICY BENEFITS, LIABILITIES AND OTHER CREDITS

11. **Future policy benefits.** State separately liabilities for (a) life insurance; (b) accident and health insurance; (c) supplementary contracts without life contingencies; and (d) policyholders' dividend accumulations.

12. **Policy and contract claims.**

13. **Other policyholders' funds.** Include premiums paid in advance, premium deposit funds, and dividends to policyholders declared and unpaid and amounts estimated for payment in the following year. State separately any material amounts.

14. **Notes payable.** State here or in a note the information required under § 210.5-02-29. Show separately any amount owed to filers.

15. **Indebtedness to affiliates and other persons.** Include under this caption amounts representing indebtedness to affiliates and indebtedness to other persons the investments

PROPOSED RULES

in which are accounted for by the equity method. State separately in the registrant's balance sheet the amounts which in the related consolidated balance sheet are (a) eliminated and (b) not eliminated.

16. *Accrued income taxes.* State separately the amount of (a) income taxes payable and (b) deferred income taxes.

17. *Other liabilities.* State separately any other item not properly classed in one of the preceding liability captions which is in excess of five percent of total liabilities.

18. *Undistributed earnings on participating business.* State the amount of earnings which are required to be allocated to policyholders. Exclude dividends included above under caption 13.

19. *Liabilities related to separate accounts.*

20. *Commitments and contingent liabilities.* See §§ 210.3-16(1) and 210.7A-05-6.

STOCKHOLDERS' EQUITY

21. *Capital shares.* State for each class of shares the title of issue, the number of shares authorized, the number of shares issued or outstanding, as appropriate (see §§ 210.3-14 and 210.3-15), and the dollar amount thereof, and, if convertible, the basis of conversion [see also § 210.3-18(f)(3)]. Show also the dollar amount, if any, of capital shares subscribed but unissued, and show the deduction of subscriptions receivable therefrom. Show here, or in a note or statement referred to herein, the changes in each class of capital shares for each period for which an income statement is required to be filed.

22. *Other stockholders' equity.* (a) Separate captions shall be shown for:

(1) Paid-in additional capital.

(2) Other additional capital.

(3) Unrealized appreciation or depreciation of investments.

(4) Retained earnings.

(i) Appropriated.

(ii) Unappropriated.

(b) If undistributed earnings of unconsolidated subsidiaries and 50 percent or less owned persons are included, state the amount in each category parenthetically or in a note referred to herein.

(c) Include in subcaption (a) (4) (i) above or in a note, the purpose for which retained earnings have been appropriated.

(d) State parenthetically at caption (a) (4) (ii) the amount, if any, by which unappropriated retained earnings exceeds retained earnings determined in accordance with statutory accounting requirements.

(e) For a period of at least 10 years subsequent to the effective date of a quasi-reorganization, any description of retained earnings shall indicate the point in time from which the new retained earnings dates and for a period of at least three years shall indicate the total amount of the deficit eliminated.

(f) A summary of each account under this caption setting forth the information prescribed in § 210.11-02 shall be given for each period for which an income statement or summary of operations is being filed.

23. *Total future policy benefits, liabilities, other credits and stockholders' equity.*

§ 210.7A-04 Income statements.

Income statements filed for life insurance companies shall comply with the following provisions:

PREMIUMS AND OTHER REVENUE

1. *Premiums.* State separately the amount arising from (a) life insurance; (b) accident and health insurance; and (c) considerations for supplementary contracts.

2. *Investment income.*

(a) *Investment income.*

(1) *Interest on bonds.*

(2) *Dividends.* State separately dividends from (i) preferred stocks, (ii) common stocks and (iii) stocks of affiliates. Exclude from this caption dividends from investments in both affiliates and persons which are accounted for by the equity method.

(3) *Interest on mortgage loans.*

(4) *Real estate income.*

(5) *Other investment income.* State separately any material amounts.

(6) *Total investment income.*

(b) *Investment expense.* Include taxes, depreciation and other expenses on investment real estate. State separately any item of expense which is in excess of five percent of total investment income.

(c) *Net investment income.*

3. *Other income.* State separately any material amounts indicating clearly the nature of the transactions out of which the items arose.

BENEFITS AND EXPENSES

4. *Death and other benefits.* State separately benefits for (a) life insurance; (b) accident and health insurance; and (c) other contracts.

5. *Increase in future policy benefits.* State separately provision for liabilities for (a) life insurance; (b) accident and health insurance; and (c) other contracts.

6. *Provisions for policyholders' share of earnings on participating policies.*

7. *Amortization of deferred policy acquisition costs.* (a) Include under this caption only the amount of deferred policy acquisition costs amortized to income during the period.

(b) State in tabular form in a note for (1) life insurance and (2) accident and health insurance, the nature of the costs deferred, the method and term of amortization and the amounts of (i) acquisition costs deferred, (ii) amortization charged to income, (iii) first year premiums written, and (iv) renewal premiums. State separately any amount which is in excess of 15 percent of the total amount deferred during each period covered by an income statement indicating the nature of the amount, e.g., commissions, salesmen's salaries, direct mail selling expenses and issue expenses (see § 210.7A-05-1).

8. *Other operating costs and expenses.* Include all selling, general and administrative expenses not deferred as policy acquisition costs. State separately any material amounts. Do not include income taxes under this caption.

9. *Income or loss before income tax expense and appropriate items below.*

10. *Income tax expense.* Include under this caption only taxes based on income. Taxes applicable to profits or losses on securities and extraordinary items shall not be included under this caption (see § 210.3-16(o)).

11. *Equity in earnings of unconsolidated subsidiaries and 50 percent or less owned persons.* The amount reported under this caption shall be stated net of any applicable tax provisions and shall exclude profits or losses on investments. State parenthetically or in a note referred to herein the amount of dividends received from such persons.

12. *Minority interest in income of consolidated subsidiaries.*

13. *Income or loss before profits or losses on investments and extraordinary items.*

14. *Profits or losses on investments, less applicable tax.* State separately (a) net investment profits or losses of the insurance company and (b) equity in net investment profits or losses of (1) unconsolidated subsidiaries and (2) 50 percent or less owned persons for which the equity in earnings was reported under caption 11 disclosing parenthetically or otherwise the tax applicable to such amounts. No profits or losses on the

insurance company's own equity securities, or equity in profits or losses of its affiliates on their own equity securities, shall be included under this caption. State, here or in a note referred to herein, the method followed in determining the cost of investments sold by the insurance company, e.g., "average cost," "first-in, first-out," or "identified certificate." Consideration should be given to reporting transactions of the insurance company under caption 10, when appropriate. (See § 210.7A-05-4.)

15. *Income or loss before extraordinary items.*

16. *Extraordinary items, less applicable tax.* State separately (a) extraordinary items of the person and (b) equity in extraordinary items of (1) unconsolidated subsidiaries and (2) 50 percent or less owned persons for which the equity in earnings was reported under caption 11, disclosing parenthetically or otherwise the tax applicable to such amounts.

17. *Net income or loss.* See § 210.7A-03-22(f).

18. *Earnings per share data.* Refer to the pertinent requirements in the appropriate filing form. No per share figures shall be based on net income or loss determined in accordance with statutory accounting requirements. (See § 210.7A-02-2.)

§ 210.7A-05 Special notes to financial statements.

1. *Accounting principles and practices.* Information shall be given in a note as to accounting principles and practices reflected in the financial statements concerning the following matters. (See also § 210.3-08.)

(a) *Consolidation of subsidiaries.*

(b) *Valuation of investments and recognition and reporting of unrealized appreciation or depreciation and profits or losses on investments.*

(c) *Recognition of premium revenue and related expenses.*

(d) *The nature of deferred policy acquisition costs and the method and period of amortization.*

(e) *The range of interest rates, mortality and withdrawal assumptions and the methods employed in calculating policy reserves.*

2. *Restrictions on stockholders' equity.* (a) The nature of the restriction of retained earnings created by the excess or deficiency of unappropriated retained earnings as against unassigned surplus as determined in accordance with statutory accounting requirements shall be explained in a note. See also § 210.3-16(h).

(b) State in a note details of any deficiency in the statutory requirements for capital and surplus.

3. *Income taxes.* Information and appropriate explanations shall be given on the general nature of the provisions of the Internal Revenue Code applicable to life insurance companies. In addition to the general requirements of § 210.3-16(o), the following specific information shall be furnished.

(a) The bases and assumptions upon which current and deferred income taxes have been or have not been provided. Disclose in a note the amount of income upon which neither current nor deferred taxes have been provided for each period for which an income statement is filed and the accumulated amount as of the date of the related balance sheet.

(b) The nature of "policyholders' surplus" as defined in the Internal Revenue Code, the additions to "policyholders' surplus" for each period for which an income statement is filed, and the accumulated amount as of the date of the related balance sheet.

(c) The amount of accumulated net operating loss carryforwards, if any, at the date of the latest balance sheet and the years in which such carryforwards will expire.

4. *Analysis of investment gain.* State in tabular form in a note or otherwise for each period for which an income statement is filed (a) the portion of the profits or losses on investments, less applicable tax, included in § 210.7A-04-14 which relates to investments in bonds and notes and stocks, (b) the change during the reporting period in the difference between value based on market quotations and cost for investments in bonds and notes and stocks (after appropriate allowance for income taxes), and (c) the total or net balance of (a) and (b) as appropriate.

5. *Participating insurance.* State in a note the relative significance of participating insurance expressed as percentages of insurance in force, number of policies in force and premium income; and the method by which earnings and dividends allocable to such insurance is determined. If amounts allocable to participating policies in excess of dividends paid or declared payable are reported on the balance sheet or income statement other than as prescribed in this article, the reason for and effect of such variation shall be stated.

6. *Reinsurance.* State the amount of reinsurance risks assumed and ceded and the nature and general terms of material reinsurance or coinsurance contracts for assumption or cession of insurance. Material amounts of income and expense related to reinsurance or coinsurance shall be shown separately on the income statement.

§ 210.7A-06 What schedules are to be filed.

(a) Except as expressly provided otherwise in the applicable form—

(1) The schedules specified below in this rule as Schedules I, VII, IX, X, XI and XII shall be filed as of the dates of the most recent audited balance sheet and any subsequent unaudited balance sheet being filed for each person or group, provided that any such schedule (other than Schedules I and IX) may be omitted if both of the following conditions exist:

(i) The financial statements are being filed as part of an annual or other periodic report; and

(ii) The information that would be shown in the respective columns of such schedule would reflect no changes in any issue of securities of the registrant of any significant subsidiary in excess of five percent of the outstanding securities of such issue as shown in the most recently filed annual report containing the schedule.

(2) Schedule IX, Capital Shares, may also be omitted if the above two conditions exist and any information required by column G of the schedule is shown in the related balance sheet or in a note thereto.

(3) All other schedules specified below in this rule as Schedules II, III, IV, V,

VI and VIII shall be filed for each period for which an income statement is required to be filed for each person or group.

(b) When information is required in schedules for both the registrant and the registrant and its consolidated subsidiaries it may be presented in the form of a single schedule, provided that items pertaining to the registrant are separately shown and that such single schedule affords a properly summarized presentation of the facts. If the information required by any schedule (including the notes thereto) may be shown in the related financial statement or in a note thereto without making such statement unclear or confusing, that procedure may be followed and the schedule omitted.

(c) Reference to the schedules shall be made in the appropriate captions of the financial statements. Where, pursuant to the applicable instructions, the supporting schedules do not accompany the financial statements, references to such schedules shall not be made.

(d) The schedules shall be examined by the independent accountant if the related financial statements are so examined.

Schedule I—Summary of Investments—other than investments in affiliates. The schedule prescribed by § 210.12-27 shall be filed in support of caption 1 of each balance sheet.

Schedule II—Investments in, equity in earnings of, and dividends received from affiliates and other persons. The schedule prescribed by § 210.12-04 shall be filed in support of caption 3(a) of each balance sheet. This schedule may be omitted if neither the sum of captions 3(a) and 3(b) in the related balance sheet nor the amount of caption 15 in such balance sheet exceeds five percent of total assets as shown by the related balance sheet at either the beginning or end of the period.

Schedule III—Indebtedness of affiliates and other persons. The schedule prescribed by § 210.12-05 shall be filed in support of caption 3(b) of each balance sheet; however, the required information may be presented separately on Schedule II or Schedule IX. This schedule may be omitted if neither the sum of captions 3(a) and 3(b) in the related balance sheet nor the amount of caption 15 in such balance sheet exceeds five percent of total assets as shown by the related balance sheet at either the beginning or end of the period.

Schedule IV—Deferred policy acquisition costs. The schedule prescribed by § 210.12-31A shall be filed in support of caption 6 of each balance sheet provided that this schedule may be omitted if the total shown by caption 6 does not exceed five percent of total assets as shown by the related balance sheet at both the beginning and end of the period and if neither the additions nor the deductions during the period exceeded five percent of total assets as shown by the related balance sheet at either the beginning or end of the period.

Schedule V—Amounts receivable from underwriters, promoters, directors, officers,

employees, and principal holders (other than affiliates) of equity securities of the person and its affiliates. The schedule prescribed by § 210.12-03 shall be filed with respect to each person among the underwriters, promoters, directors, officers, employees, and principal holders (other than affiliates) of equity securities of the person and its affiliates from whom an aggregate indebtedness of more than \$20,000 or one percent of total assets, whichever is less, is owed or, at any time during the period for which related income statements are required to be filed, was owed. For the purposes of this schedule exclude in the determination of the amount of indebtedness all amounts receivable from such persons for purchases subject to usual trade terms, for ordinary travel and expense advances, and for other such items arising in the ordinary course of business.

Schedule VI—Valuation and qualifying accounts and reserves. The schedule prescribed by § 210.12-13 shall be filed in support of asset valuation and qualifying accounts and reserves included in each balance sheet (see § 210.3-02).

Schedule VII—Future policy benefits and insurance in force. The schedule prescribed by § 210.12-31 shall be filed in support of caption II of each balance sheet. The schedule prescribed by § 210.12-29 shall be used insofar as it may more appropriately present the reserves of accident and health business at caption 12(b) which are based on unearned premiums.

Schedule VIII—Indebtedness to affiliates and other persons. The schedule prescribed by § 210.12-11 shall be filed in support of caption 15 of each balance sheet; however, the required information may be presented separately on Schedule II or Schedule III. This schedule may be omitted if neither the sum of captions 3(a) and 3(b) in the related balance sheet nor the amount of caption 15 in such balance sheet exceeds five percent of total assets as shown by the related balance sheet at either the beginning or end of the period.

Schedule IX—Capital shares. The schedule prescribed by § 210.12-14 shall be filed in support of caption 21 of a balance sheet.

Schedule X—Warrants or rights. The schedule prescribed by § 210.12-15 shall be filed with respect to warrants or rights granted by the person for which the statement is being filed to subscribe to or purchase securities to be issued by such person.

Schedule XI—Guarantees of securities of other issuers. The schedule prescribed by § 210.12-12 shall be filed with respect to any guarantees of securities of other issuers by the person for which the statement is being filed.

Schedule XII—Other securities. If there are any classes of securities not included in Schedules IX, X and XI, set forth in this schedule information concerning such securities corresponding to that required for the securities included in such schedules. Information need not be set forth, however, as to notes, drafts, bills of exchange, or bankers' acceptances, having a maturity at the time of issuance of not exceeding one year.

PROPOSED RULES

§ 210.12-27 Summary of investments—other than investments in affiliates.
(FOR INSURANCE COMPANIES)

Column A	Column B	Column C	Column D
Type of investment ¹	Cost ²	Value based on market quotations at balance sheet date	Amount at which shown in balance sheet ³
Bonds and notes:			
United States Government and government agencies and authorities			
States, municipalities and political subdivisions			
Foreign government			
Public utilities			
Convertible bonds and bonds with warrants attached			
All other corporate			
Total bonds and notes			
Preferred stocks:			
Common stocks:			
Public utilities			
Banks, trust and insurance companies			
Industrial, miscellaneous and all other			
Total common stocks			
Total bonds and notes and stocks			
Mortgage loans on real estate:			
Real estate:		XXXXXX	
Investment properties		XXXXXX	
Acquired in satisfaction of debt		XXXXXX	
Occupied by the registrant		XXXXXX	
Total real estate		XXXXXX	
Policy loans		XXXXXX	
Other loans and investments		XXXXXX	
Invested cash		XXXXXX	
Total investments		XXXXXX	

¹ Do not include investments in affiliates and investments in other persons which are accounted for by the equity method.

² Original cost of stocks, and, as to debt obligations, original cost reduced by repayments and adjusted for amortization of premiums or accrual of discounts.

³ If the amount at which shown in the balance sheet is different from the amount shown in either column B or C, state the reason for such difference.

§ 210.12-31 Future policy benefits and insurance in force.

(FOR INSURANCE COMPANIES)

Column A	Column B	Column C	Column D	Column E	
Line of business ¹	Amount of policy reserves	Years of issue	(1) Interest rates	(2) Mortality	(3) Withdrawals
Life insurance in force.					

The required information shall be given for each of the following lines of business: Industrial life insurance, ordinary life insurance, group life insurance, individual annuities, group annuities, group accident and health, individual accident and health, and all other.

§ 210.12-31A Deferred policy acquisition costs.

(FOR INSURANCE COMPANIES)

Column A	Column B	Column C	Column D	Column E	Column F	Column G	
Line of business ¹	Balance at beginning of period.	Additions	Charged to costs and expenses.	Charged to other accounts—describe.	Balance at close of period.	First year premiums written.	Renewal premiums written.
(1)	(2)						

¹ The required information shall be given for each of the following lines of business: Industrial life insurance, ordinary life insurance, group life insurance, individual annuities, group annuities, group accident and health, individual accident and health, and all other.

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

§ 249.210 Form 10, general form for registration of securities pursuant to section 12 (b) or (g) of the Securities Exchange Act of 1934.

* * * * *

13. *Statements of banks and insurance companies.* Notwithstanding the require-

ments of the foregoing instructions, financial statements filed for banks for periods ending on or before November 30, 1971 and for life insurance companies for periods ending on or before November 30, 1973 need not be certified.

II. Section 249.310 [Form 10-K]. Instruction 7 of Instructions as to Financial Statements would be amended to read as follows:

§ 249.310 Form 10-K, annual report pursuant to section 13 or 15d of the Securities Exchange Act of 1934.

* * * * *

7. *Statements of banks and insurance companies.* Notwithstanding the requirements of the foregoing instructions, financial statements filed for banks for periods ending on or before November 30, 1971 and for life insurance companies for periods ending on or before November 30, 1973 need not be certified.

[FPR Doc.73-20546 Filed 9-27-73;8:45 am]

DEPARTMENT OF THE TREASURY

Customs Service

[19 CFR Parts 4, 10, 19, 25, 141, 143, 144, and 145]

STATISTICAL INFORMATION ON ENTRIES, WITHDRAWALS AND INVOICES

Statistical Information on Entries, Withdrawals and Invoices To Conform With General Statistical Headnotes of the Tariff Schedules of the United States Annotated

Notice is hereby given that under the authority of Revised Statute 251, as amended (19 U.S.C. 66), section 484, 46 Stat. 722, as amended (19 U.S.C. 1484), and section 624, 46 Stat. 759 (19 U.S.C. 1624), it is proposed to amend sections 4.14(b), 10.60(a), 19.14(a), 25.18(a), 141.61(e), 141.86(a)(8), 143.12, 144.11(a), 144.36(d)(6), 144.37(a), 144.38(a), 144.41(b), 144.42(b)(1), and 145.12(a)(4) of the Customs Regulations.

A proposed amendment to the General Statistical Headnotes of the Tariff Schedules of the United States Annotated would require the importer to furnish additional information on all imported merchandise concerning its purchase price (i.e., its actual transaction value) or the equivalent thereof for merchandise not acquired by purchase, and separately itemize the aggregate costs incurred in bringing merchandise from the port of exportation in the country of exportation to the first port of entry in the United States. In order to conform the Customs Regulations to the proposed amendment to the General Statistical Headnotes of the Tariff Schedules of the United States Annotated, it is necessary to amend § 25.18(a) of the Customs Regulations which provides for an extension of time for bonds and stipulations for the production of documents, section 141.61(e) of the Customs Regulations which contains a list of statistical information needed on entries, and § 141.86(a)(8) which lists the charges to be itemized by name on invoices. Sections 4.14(b), 10.60(a), 19.14(a), 143.12, 144.11(a), 144.36(d)(6), 144.37(a),

144.38(a), 144.41(b), 144.42(b)(1), and 145.12(a)(4) of the Customs Regulations provide for the preparation of entries or withdrawals in various Customs situations.

Accordingly, it is proposed to amend the Customs Regulations to read as follows:

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

It is proposed to amend the first sentence of paragraph (b) of § 4.14 to read as follows:

§ 4.14 Equipment and repairs to American vessels.

(b) Entry on Customs Form 7535 (Vessel/Aircraft Foreign Repair or Equipment Purchase Entry) shall be made for such equipment or repairs and shall contain all of the statistical information as provided in § 141.61(e) of this chapter.

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

It is proposed to amend the first two sentences of paragraph (a) of § 10.60 to read as follows:

§ 10.60 Forms of withdrawals; bonds.

(a) Withdrawals from warehouse shall be made on Customs Form 7506 (Warehouse Withdrawal Conditionally Free of Duty). Each withdrawal shall contain the statement prescribed for withdrawals in § 144.32 of this chapter and all of the statistical information as provided in § 141.61(e) of this chapter.

PART 19—CUSTOM WAREHOUSES, CONTAINER STATIONS, AND CONTROL OF MERCHANDISE THEREIN

It is proposed to amend the second sentence of paragraph (a) of § 19.14 to read as follows:

§ 19.14 Materials for use in manufacturing warehouse.

(a) Such form shall be prepared in 5 copies and shall contain all of the statistical information as provided in § 141.61(e) of this chapter.

PART 25—CUSTOMS BONDS

It is proposed to amend paragraph (a) of § 25.18 to read as follows:

§ 25.18 Extensions of periods for compliance with requirements of bonds and stipulations.

(a) If a document (other than an invoice or document which must be produced within 2 months as provided in § 141.61(e) of this chapter) referred to in § 25.16(c) is not produced within 6 months from the date of the transaction in connection with which the bond or

stipulation was given, the district director, upon written application of the importer, in his discretion, may extend the period for one further period of 2 months.

PART 141—ENTRY OF MERCHANDISE

It is proposed to amend paragraph (e) of § 141.61 to read as follows:

§ 141.61 Completion of entry papers.

(e) Statistical information.

(1) Information required. Each invoice shall be listed separately on the entry or withdrawal form, and for each class of merchandise within each invoice subject to a separate statistical reporting number the following shall be shown:

(i) The information required by the General Statistical Headnotes of the Tariff Schedules of the United States Annotated where applicable;

(ii) Description in terms of the Tariff Schedules of the United States Annotated or in more specific terms that will clearly identify the merchandise and its entered classification;

(iii) The aggregate entered value for such classification, except in the case of entry by appraisement;

(iv) The entered rate of duty and internal revenue tax; and

(v) A notation identifying the transaction as arm's-length or not arm's-length. An arm's-length transaction shall be a transaction between a buyer and seller independent of each other, i.e., persons who are not related in any respect specified in section 402(g)(2) of the Tariff Act of 1930, as amended (19 U.S.C. 1401a(g)(2)).

(2) Responsibility. The responsibility for obtaining and providing the data rests with the person making the entry or withdrawal. The district director may, at his discretion, require further documentation to substantiate the itemized charges. The importer shall give an appropriate bond for the production of the required documents within 2 months after the date of entry unless a reasonable extension of time has been granted by the district director upon good cause shown.

(3) Preparation of form. In addition to the information required by subparagraph (1) of this paragraph, statistical information for which spaces are not provided on the appropriate entry or follows: *trnal\$ (In--)* withdrawal forms shall be shown as follows:

(i) The name or code of the country of registry of the vessel (flag) expressed in terms of Annex B of the Tariff Schedules of the United States Annotated shall be placed in the importing vessel or carrier block on the entry document.

(ii) On Customs Forms 7501, 7502, 7505, 7506, and 7521 the appropriate notations "arm's-length" or "not arm's-length" shall be placed in the body of the form at the top of columns 3, 4, and 5.

(iii) On Customs Forms 7500, 7512, 7519, and 7535 the appropriate notation "arm's-length" or "not arm's-length"

shall be placed in the top right hand portion of the body of the form.

(iv) The transaction value, charges, and equivalent value shall be listed on Customs Forms 7501, 7502, 7505, 7506, and 7521 in column 4 immediately below the Tariff Schedules of the United States Annotated reporting number. They shall be identified by placing (in the same order as follows) PEXT (PEX transaction value), CHGS (aggregate cost of freight, insurance and all other charges), and EPEX (PEX equivalent value) in column 3 immediately below the entered value and to the left of each statistical value and charge.

(v) On Customs Form 7500, the value and charges shall be listed in the Tariff Schedules of the United States Annotated reporting number column with the descriptions (PEXT, CHGS, EPEX) immediately to the left of the value and charges.

(vi) On Customs Forms 7512 and 7519, the value and charges shall be listed in the rate column with the descriptions (PEXT, CHGS, EPEX) immediately to the left of the value and charges.

(vii) On Customs Form 7535, the value and charges shall be placed in column 14 with the descriptions (PEXT, CHGS, EPEX) immediately to the left of the value and charges.

It is proposed to amend paragraph (a) of § 141.86 to read as follows:

§ 141.86 Contents of invoices and general requirements.

(a) General information required by Tariff Act.

(8) All charges upon the merchandise, itemized by name and amount when known to the seller or shipper; or all charges by name (including commissions, insurance, freight, cases, containers, coverings, and cost of packing) included in the invoice prices as provided in § 141.61(e). Where the required information does not appear on the invoice as originally prepared, it shall be shown on an attachment to the invoice; and

PART 143—CONSUMPTION, APPRAISEMENT, AND INFORMAL ENTRIES

It is proposed to amend § 143.12 to read as follows:

§ 143.12 Form of entry.

Application for an entry by appraisement shall be made in triplicate on Customs Form 7500 (Appraisement Entry) and shall contain all of the known and available statistical information as provided in § 141.61(e) of this chapter.

PART 144—WAREHOUSE AND REWAREHOUSE ENTRIES AND WITHDRAWALS

It is proposed to amend the first sentence of paragraph (a) of § 144.11 to read as follows:

PROPOSED RULES

§ 144.11 Form of entry.

(a) *CF 7502.* Entry for warehouse shall be executed in duplicate on Customs Form 7502 (Warehouse or Rewarehouse Entry) and shall contain all of the statistical information as provided in § 141.61(e) of this chapter.

It is proposed to amend (4) and (5) of paragraph (d) of § 144.36, and add subparagraph (6) to read as follows:

§ 144.36 Withdrawal for transportation.(d) *Information required.*

(4) The entered value of the merchandise;

(5) The estimated duty; and

(6) All of the statistical information as provided in § 141.61(e) of this chapter.

It is proposed to amend paragraph (a) of § 144.37 to read as follows:

§ 144.37 Withdrawal for exportation.

(a) *Form.* A withdrawal for either direct or indirect exportation shall be filed on Customs Form 7512 (Transportation Entry and Manifest of Goods Subject to Customs Inspection and Permit) in 5 copies or on Customs Form 7506 (Warehouse Withdrawal Conditionally Free of Duty, and Permit) in 3 copies for merchandise being exported under cover of a TIR carnet, accompanied by Customs Form 7512-C (Transportation Entry and Manifest of Goods) in duplicate. Customs Form 7512 or Customs Form 7506 shall contain all of the statistical information as provided in § 141.61(e) of this chapter. The district director may require an extra copy or copies of Customs Form 7512 or 7506 for use in connection with the delivery of merchandise to the carrier.

It is proposed to amend paragraph (a) of § 144.38 to read as follows:

§ 144.38 Withdrawal for consumption.

(a) *Form.* Withdrawals for consumption of merchandise in bonded warehouses shall be filed on Customs Form 7505 (Warehouse Withdrawal for Consumption-Duty Paid), in triplicate, and shall contain all of the statistical information as provided in § 141.61(e) of this chapter.

It is proposed to amend the first sentence of paragraph (b) of § 144.41 to read as follows:

§ 144.41 Entry for rewarehouse.

(b) *Form of entry.* An entry for rewarehouse shall be made in duplicate on Customs Form 7502 (Warehouse or Rewarehouse Entry) and shall contain all of the statistical information as provided in § 141.61(e) of this chapter.

It is proposed to amend the first sentence of paragraph (b) (1) of § 144.42 to read as follows:

§ 144.42 Combined entry for rewarehouse and withdrawal for consumption.(b) *Procedure for entry.*

(1) *Form of entry.* A combined entry for rewarehouse and withdrawal for consumption shall be made on Customs Form 7519 (Combined Rewarehouse Entry and Withdrawal for Consumption, and Permit), in 4 copies, and shall contain all of the statistical information as provided in § 141.61(e) of this chapter, one copy to be used as the permit.

PART 145—MAIL IMPORTATIONS

It is proposed to amend paragraph (a) (4) of § 145.12 by adding a last sentence to read as follows:

§ 145.12 Entry of merchandise.(a) *Formal entries.*

(4) *Notice of formal entry requirement.* When a formal entry is filed, it shall contain all the statistical information as provided in § 141.61(e) of this chapter.

Prior to the adoption of the proposed amendments, consideration will be given to any relevant data, views, or arguments which are submitted to the Commissioner of Customs, Attention: Regulations Division, Washington, D.C. 20229, and received not later than October 29, 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, Headquarters, United States Customs Service, Washington, D.C., during regular business hours.

Dated September 25, 1973.

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

[FR Doc. 73-20825 Filed 9-27-73; 9:58 am]

UNITED STATES ATOMIC ENERGY COMMISSION**[10 CFR Part 9]****PUBLIC RECORDS****Revised Charges for Provision of Records**

The Atomic Energy Commission has under consideration amendments to its regulations in 10 CFR Part 9, "Public Records." The proposed amendments would revise the charges specified in § 9.9 for processing requests for AEC records and for reproducing copies of AEC records, including transcripts of agency proceedings.

Pursuant to the Atomic Energy Act of 1954, as amended, and section 553 of title 5 of the United States Code, notice is hereby given that adoption of the following amendments to 10 CFR Part 9 is

contemplated. All interested persons who desire to submit written comments or suggestions for consideration in connection with the proposed amendments should send them to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff, by, November 12, 1973. Copies of the comments received on the proposed amendments may be examined at the Commission's Public Document Room, 1717 H Street NW, Washington, D.C.

Section 9.9 of 10 CFR Part 9 is amended to read as follows:

§ 9.9 Charges for provision of records.

(a) A self-service, coin-operated office copying machine, located in the Reading Room adjacent to the Public Document Room, is available for the reproduction of records up to 8½ x 14 inches in size at a charge of \$0.05 per page copy. In addition, there is available at the Public Document Room, for a charge of \$0.50 per hour of use or any fraction thereof, a self-service copying machine for the use of those persons who choose to provide their own paper for the reproduction of records. Where such copying machines are available for public use in major AEC field offices, similar arrangements will be made.

(b) For copies of records to be reproduced and furnished by the AEC, the following reproduction charges will be made:

(1) Sizes up to 8½ x 14 inches made on office copying machines—\$0.10 per page copy. Larger sizes—\$0.10 for each 8½ x 14 inch unit or fraction thereof per page copy.

(2) No charge will be made for the reproduction of 10 pages or less of requested records reproduced and furnished by the AEC.

(3) Photostat copies—\$0.40 each up to 9 x 12 inches. Copies larger than 9 x 12 inches, \$0.40 for each 9 x 12 inch unit or fraction thereof.

(4) The charge for reproducing other records will be computed on the AEC full cost recovery basis.

(5) Material which has been copyrighted will not be reproduced in violation of the copyright laws.

(c) If a request is for records not located in the Public Document Room, a search charge of \$6.00 per hour will be made. As necessary, a charge based on the actual hourly rates of the professional employee involved will be made for the screening of records exclude information that is exempt under the Freedom of Information Act (5 U.S.C. 552). Fractional parts of an hour will be charged on a pro rata basis for the search and screening functions. No charge will be made for these functions if one hour or less is required to fulfill a request.

(d) A deposit or surety bond equal to the estimated cost of searching, screening, and reproducing the number of requested copies will be required in advance from any person requesting copies of records from the AEC. Refunds of unused deposits or additional billings will be

PROPOSED RULES

27097

made to adjust the charge to the actual cost.

(e) In compliance with the Federal Advisory Committee Act transcripts of testimony in AEC proceedings, which are transcribed by a reporting firm under contract with the AEC, shall be purchased directly from the reporting firm or AEC at the cost of reproduction as provided for in the AEC contract with the reporting firm.

(f) No charge will be made for locating records which are on file in the AEC Public Document Room.

(g) The General Manager or the Director of Regulation, or either's designee, may waive all or part of the fee for searching, screening or reproducing if he determines such action to be in the public interest.

(Sec. 161, Pub. Law 83-703, 68 Stat. 948, (42 U.S.C. 2201); sec. 501, Pub. Law 82-137, 65

Stat. 290, (31 U.S.C. 483a); sec. 11, Pub. Law 92-463, 86 Stat. 775 (5 U.S.C. 552).)

Dated at Washington, D.C., this 25th day of September 1973.

For the Atomic Energy Commission.

PAUL C. BENDER,

Secretary of the Commission.

[FR Doc. 73-20836 Filed 9-27-73; 11:11 am]

Notices

This section of the **FEDERAL REGISTER** contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE TREASURY

Office of the Secretary

COLLECTION OF F.O.B. AND C.I.F. DATA ON IMPORTS

Proposed Amendment of General Statistical Headnote 1 of the Tariff Schedules of the United States Annotated (TSUSA)

CROSS REFERENCE: For a document pertaining to the collection of F.O.B. and C.I.F. data on imports, issued jointly by the Department of Commerce, Department of the Treasury, and the Tariff Commission, see FR Doc. 73-20824, *infra*.

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

[ER 1165-2-117]

Highway and Housing Relocations Responsibility for Costs of Improved Standards

Summary. 1. This Engineer Notice summarizes policy and procedures for identifying the costs of meeting improved standards when highways and housing are relocated due to construction of civil works projects. It will be applied by all elements of the Corps of Engineers in preparing preauthorization reports, and in planning authorized projects for which funds have not been appropriated for construction or contracts made with non-Federal interests for sharing or reimbursement of project costs.

2. The Notice provides guidance on the acceptable manner of presenting such costs in economic evaluation, cost allocation, and cost-sharing computations. It is issued in recognition that the added costs and benefits of such improved standards may appreciably affect evaluation and cost sharing of specific projects, although experience to date indicates that the increased costs approximate only 1 percent of overall project costs. It is consistent with section 208(c) of the Flood Control Act of 1960, as amended by Public Law 87-874 and the Uniform Relocation Assistance and Real Property Policies Act of 1970 (Public Law 91-646).

3. The Notice is published in final form at this time, without preliminary publication for public comment, since notices of proposed rule in the **FEDERAL REGISTER**

are not required for rules of agency procedure.

For the Chief of Engineers.

RUSSELL J. LAMP,
Colonel, Corps
of Engineers Executive.

[Regulation No. 1165-2-117]

WATER RESOURCES POLICIES AND AUTHORITIES RESPONSIBILITY FOR COSTS OF IMPROVED STANDARDS IN HIGHWAY AND HOUSING RELOCATIONS

SEPTEMBER 24, 1973.

1. **Purpose.** This notice summarizes policy and procedures for identifying the costs of meeting improved standards when highways and housing are relocated due to construction of civil works projects. It provides guidance on the acceptable manner of presenting such costs in economic evaluation, cost allocation, and cost-sharing computations.

2. **Applicability.** These policies and procedures will be applied by all elements of the Corps of Engineers having civil works responsibilities in preparing preauthorization reports, and in planning authorized projects for which funds have not been appropriated for construction, or contracts made with non-Federal interests for sharing or reimbursement of project costs.

3. **References.** a. Section 207(b) of the Flood Control Act of 1960 (P.L. 86-645, 74 Stat. 500) as amended by Section 208 of the Flood Control Act of 1962 (P.L. 87-874, 76 Stat. 1196, 33 U.S.C. 701r-1).

b. Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646, 84 Stat. 1894, 42 U.S.C. 4601, et seq.)

c. ER 405-1-663, Regulations for Implementation of the Uniform Relocation Assistance and Land Acquisition Policies Act of 1970 (38 FR 14239, May 31, 1973).

d. ER 1140-2-3, Provision of Betterments in Highways, Bureau of Public Roads Participation.

e. ER 1105-2-105, Guidelines for Assessment of Economic, Social and Environmental Effects of Civil Works projects.

4. **General policy.**—a. **Highway betterments.** Section 208(c) of P.L. 87-874 provides that substitute roads necessitated by the taking of existing public roads by the Federal Government will be constructed at project cost. Design standards are to be comparable to those of the State, or of the political subdivision in which the road is located, for roads of the same classification as determined by the traffic existing at the time of taking. Traffic projections will not be used in determining design standards (Comptroller General B-169174, March 25, 1971). At the request of the State or political subdivision, the substitute road may also be constructed to even higher standards if the State or political subdivision pays the additional costs due to such higher standards prior to commencement of construction. The 1962 amendment specified that the costs of betterments to meet current standards for existing traffic

would be a non-reimbursable Federal project cost. These acts insured that highway replacements, which the Federal Government is obligated to undertake, would meet prevailing realistic standards, which are generally higher than those for replacement in kind.

b. **Improved housing standards.** Section 201 of P.L. 91-646 establishes a uniform policy for the fair and equitable treatment of persons displaced as a result of Federal programs, in order to offset disproportionate injuries to a few from programs designed for the benefit of the public as a whole. However, in addition to the constitutional requirement of just compensation for taking of property for public use, section 203(a)(1)A of the law also permits additional payments, as appropriate, so that displaced persons who occupied substandard housing may acquire decent, safe, and sanitary housing if replacement in kind would be substandard.

5. **Policy and procedures.**—a. **Definitions.** For the purpose of specifying appropriations required for construction, estimates shall include any additional costs resulting (1) from the provision of highway betterments to meet current standards for existing traffic, exclusive of any additional betterments desired and paid for by the owner; and (2) from the additional payments required of the Federal Government to provide decent, safe, and sanitary dwellings for relocated homeowners and tenants who previously occupied substandard housing. These costs of improved standards, limited as defined, shall include proper proportionate shares of engineering, acquisition and settlement charges.

b. **Project evaluation.** The highway betterments and housing improvements permitted under these Acts produce benefits to other persons than the direct beneficiaries of water projects. Given the present state of evaluation techniques and tools, such benefits can be quantified only on the basis of judgmental values. It is considered that the social and other benefits of highway betterments and housing improvements at least equal the incremental costs. The costs of such betterments and improvements are considered financial and not economic costs. They are, therefore, not included in project formulation or the benefit-cost analysis. Thus, computation of the benefit-cost ratio of civil works projects will omit the costs and benefits of the betterments and improvements, as defined in subparagraph 5a. Discussion of the matter should be in accordance with references 3c and 3e.

c. **Cost allocation and cost sharing.** P.L. 87-874 specifies that project-induced costs for highway betterments are to be entirely Federal and nonreimbursable. Such cost thus will not be allocated to reimbursable project purposes, but will be carried as a separate line item or footnote in cost allocation computations, and assumed as Federal costs. P.L. 91-646 is silent on these matters with reference to relocation of persons. Improved housing standards are considered to produce social benefits sought by Congress, the added costs of which should also be shown as a

NOTICES

separate line item or footnote in cost allocation computations, and not distributed to project purposes. They will be assigned to the non-Federal entities cooperating in the project in accordance with paragraph 6.

6. *Effect on local cooperation.* Whenever local interests are required to provide lands, easements, and rights-of-way in connection with local cooperation projects, or rights-of-way are acquired by railroad, highway, or utility owners for changes required by a Federal water resource project, relocations of persons, businesses, or farms are a part of normal local cost sharing. Section 207 of P.L. 91-646 requires that the costs of real property acquired by a State agency or political subdivision thereof and furnished as local cooperation in a Federal project shall include the payments and other assistance required by this Act. Thus, non-Federal entities must assume the costs of improved housing standards, including more expensive sites involved, for relocated persons previously in substandard housing.

7. *Relationship to section 9, P.L. 89-72.* Section 9 of P.L. 89-72 provides that the Act does not "authorize or sanction the construction of any project under any River and Harbor or Flood Control Act in which the sum of the allocations to recreation and fish and wildlife enhancement exceeds the sum of the allocations to irrigation, hydroelectric power, municipal, domestic, and industrial water supply, navigation, and flood control . . ." Highway betterment and housing improvement costs will not serve to increase the sum of the allocations to project purposes specified in this Act and will thus leave unaffected the amounts eligible for allocation to recreation and fish and wildlife enhancement. The procedures herein are, therefore, in accord with Congressional intent in P.L. 89-72 to limit project costs allocated to recreation to not more than the sum of the costs allocated to other water resources purposes.

8. *Effect on flood plain management.* Relocations and permanent evacuations may be effective in adjusting land use to the flood hazard. For projects which contemplate such measures, the costs of improved standards for housing and for highway betterments will be included in total project costs to be financed, but will be omitted from benefit-cost comparisons as justified by unquantifiable social benefits. Reporting officers considering relocation-evacuation solutions should request consultation with HQDA (DAEN-CWR) WASH DC 20314, prior to report completion, as there is yet no definitive position on Federal cost sharing in such flood plain management alternatives.

For the Chief of Engineers.

RUSSELL J. LAMP,
Colonel, Corps
of Engineers Executive.

[FR Doc. 73-20692 Filed 9-27-73; 8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CHIEF, DIVISION OF TECHNICAL SERVICES
AND CHIEF, BRANCH OF CADASTRAL
SURVEY

Redelegation of Authority

SEPTEMBER 7, 1973.

Pursuant to the authority contained in section 1.1, Bureau Order No. 701 (29 FR 10526, July 29, 1964), as Amended, the following officials of the Colorado State Office are hereby redelegated authority to act for the State Director on sections of above order as follows:

1. Chief, Division of Technical Services, or Chief, Branch of Cadastral Survey, authority to take action for the State Director in matters listed under section 1.4a(1) through 1.4a(3).

Effective date.—This redelegation will become effective September 12, 1973.

DALE R. ANDRUS,
State Director.

Approved:

GEORGE L. TURCOTT,
Associate Director.

[FR Doc. 73-20695 Filed 9-27-73; 8:45 am]

PACIFIC OUTER CONTINENTAL SHELF
OFFICE

Notice of Designation and Opening

SEPTEMBER 24, 1973.

Notice is hereby given that the Bureau of Land Management has opened an Outer Continental Shelf office at Los Angeles, California on September 10, 1973. This office is officially designated as the "Pacific Outer Continental Shelf office." The address is:

Pacific Outer Continental Shelf Office
Bureau of Land Management
7663 Federal Building
300 North Los Angeles Street
Los Angeles, California 90012

The hours of business are 7:30 a.m. until 4:00 p.m. Pacific standard time.

This office is responsible for developing environmental studies and analyses related to the possibility of mineral leasing and development, and for mineral leasing on the Pacific Outer Continental Shelf, from the international boundary between the United States and Mexico north to the international boundary between the United States and Canada, and offshore Hawaii.

CURT BERKLUND,
Director, Bureau of Land
Management.

[FR Doc. 73-20691 Filed 9-27-73; 8:45 am]

Office of the Secretary

[INT DES 73-57]

HUNGRY HORSE CLOUD SEEDING
PROGRAMNotice of Availability of Draft
Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Bonneville Power Administration has prepared a draft environmental statement which discusses environmental considerations of BPA's proposed Hungry Horse Cloud Seeding Program. The program is intended to enhance snowpack in the Flathead River Basin in Flathead County, Montana and would run from November 15, 1973, to April 15, 1974.

Written comments on the environmental statement are invited and will be accepted on or before October 14, 1973.

Copies of the draft environmental statement are available from, or for inspection at, the following locations:

Bonneville Power Administration
1002 Northeast Holladay Street
Portland, Oregon 97208

Bonneville Power Administration
Kalispell District Office
Box 758
Kalispell, Montana 59901

Dated September 21, 1973.

JOHN M. SEIDL,
Deputy Assistant Secretary.

[FR Doc. 73-20694 Filed 9-27-73; 8:45]

TULALIP INDIAN RESERVATION,
WASHINGTONOrdinance Legalizing the Introduction, Sale,
or Possession of Intoxicants

In accordance with authority delegated by the Secretary of the Interior to the Assistant to the Secretary for Indian Affairs in Amendment 2 to Secretary Order 2950, and in accordance with the act of August 15, 1953, Public Law 277, 83d Congress, 1st Session (67 Stat. 586), I certify that the following ordinance relating to the application of the Federal Indian Liquor Laws on the Tulalip Indian Reservation, Washington was adopted on May 12, 1973, by the Tulalip Board of Directors, which has jurisdiction over the area of Indian Country included in the ordinance, reading as follows:

Whereas, pursuant to the Act of August 15, 1953 (Public Law 277, 83d Congress, 1st Session), the Federal Indian Liquor Laws were by Ordinance No. 26 of the Tulalip Tribes of Washington superseded by the laws of the State of Washington and the introduction, sale or possession of intoxicating liquor onto the Tulalip Indian Reservation was declared lawful provided such was in conformity with the laws of the State of Washington; now, therefore,

SECTION 1. Be it enacted that Ordinance No. 26 of the Tulalip Tribes of Washington be and the same is hereby repealed and is hereby declared to be of no further force and effect whatsoever:

Sec. 2. Be and it is further enacted that the introduction, consumption, sale or possession of intoxicating beverages shall be lawful within the exterior boundaries of the Tulalip Indian Reservation, Snohomish County, Washington, provided, that such introduction, consumption, sale or possession is in conformity with the laws of the State of Washington and the rules and regulations of the Washington State Liquor Control Board and the ordinances, rules, and regulations of the Tulalip Tribes of Washington, both now or hereafter enacted;

Sec. 3. Be and it is further enacted that no intoxicating beverage shall be manufactured or sold within the exterior boundaries of the Tulalip Indian Reservation of Washington unless and until the person, party or corporation so manufacturing or selling said intoxicating beverage has a valid and existing permit so to do regularly and duly issued by the Washington State Liquor Control Board

NOTICES

and subsequently applies for and receives from the Board of Directors of the Tulalip Tribes of Washington, after due hearing by it and evaluation of all pertinent facts and circumstances, including, but not limited to, the record and findings of the Washington State Liquor Control Board, a tribal license at the same fee rate and payable to the Tulalip Tribes of Washington to do and conduct the business of manufacture or sale of intoxicating beverages within the Tulalip Indian Reservation.

WILLIAM L. ROGERS,
Deputy Assistant Secretary
of the Interior.

SEPTEMBER 24, 1973.

[FR Doc.73-20690 Filed 9-27-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[Docket No. SH-321]

SUGARBEET PRODUCING AREA

Notice of Hearings on Sugarbeet Wages and Prices, and Designation of Presiding Officers

Pursuant to the authority contained in sections 301(c)(1) and 301(c)(2) of the Sugar Act of 1948, as amended (61 Stat. 929; 7 U.S.C. 1131), and in accordance with the rules of practice and procedure applicable to wage and price proceedings (7 CFR 802.1 et seq.), notice is hereby given that public hearings will be held as follows:

At Ann Arbor, Michigan, on October 10, 1973 at Weber's Inn, 3050 Jackson Road, beginning at 9:30 a.m.;

At San Benito, Texas, on October 12, 1973 in the Community Building, 210 East Heywood, beginning at 9:30 a.m.;

At Denver, Colorado, on October 15, 1973 in Room 1430 of the Federal Building, 1961 Stout Street, beginning at 9:30 a.m.;

At San Francisco, California, on October 17, 1973 in Room 1329 of the Appraisers Building, 630 Sansome Street, beginning at 9:30 a.m.

The purpose of these hearings is to receive evidence likely to be of assistance to the Secretary of Agriculture in determining, (1) pursuant to the provisions of section 301(c)(1) of the act, whether the wage rates established for sugarbeet fieldworkers in the wage determination which became effective April 9, 1973 (38 FR 8164), continue to be fair and reasonable under existing circumstances, or whether such determination should be amended; and (2) pursuant to the provisions of section 301(c)(2) of the act, fair and reasonable prices for the 1974 crop of sugarbeets to be paid, under either purchase or toll agreements, by producers who process sugarbeets grown by other producers and who apply for payments under the act on their own sugarbeet production.

In the interest of obtaining the best possible information, all interested persons are requested to appear at one of the hearings to express their views and

present appropriate data in regard to wages and prices.

All written submissions made pursuant to this notice will be available for public inspection in the Office of the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. (7 CFR 1.27(b)).

The hearings, after being called to order at the times and places mentioned herein, may be continued from day to day within the discretion of the presiding officers and may be adjourned to a later day or to a different place without notice other than the announcement thereof at the hearings by the presiding officers.

Arthur B. Calcagnini, Leo L. Sommerville, James E. Agnew, Jr., William H. Ragsdale, and Thomas M. Popp are hereby designated as presiding officers to conduct either jointly or severally the foregoing hearings.

Signed at Washington, D.C. on September 24, 1973.

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

[FR Doc.73-20735 Filed 9-27-73;8:45 am]

Soil Conservation Service

RED BOILING SPRINGS WATERSHED PROJECT, TENNESSEE

Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Soil Conservation Service, U.S. Department of Agriculture, has prepared a final environmental statement for the Red Boiling Springs Watershed Project, Macon and Clay Counties, Tennessee, USDA-SCS-ES-WS(ADM)-73-21-(F).

The environmental statement concerns a plan for watershed protection and flood prevention. The planned works of improvement include conservation land treatment throughout the watershed, supplemented by five single-purpose floodwater retarding structures.

The final environmental statement was transmitted to CEQ on September 21, 1973.

Copies are available for inspection during regular working hours at the following locations:

Soil Conservation Service, USDA, South Agriculture Building, Room 5227, 14th and Independence Avenue SW., Washington, D.C. 20250.

Soil Conservation Service, USDA, 561 U.S. Courthouse, Nashville, Tennessee 37203.

Copies are available for purchase 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 \$4.30.

Dated September 21, 1973.

WILLIAM B. DAVEY,
Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.73-20697 Filed 9-27-73;8:45 am]

U.S. TARIFF COMMISSION

COLLECTION OF F.O.B. AND C.I.F. DATA ON IMPORTS

Proposed Amendment of General Statistical Headnote 1 of the Tariff Schedules of the United States Annotated (TSUSA)

It is proposed, pursuant to sec. 484(e) of the Tariff Act of 1930 (19 U.S.C. 1484(e)), that general statistical headnote 1 of the TSUSA be amended to read as set forth below.

The primary purpose of amendments to the headnote provisions is to provide for the collection and reporting of additional information on all imported merchandise, as follows:

(1) Its purchase price (i.e., its actual transaction value) adjusted, when necessary, to obtain its so-called f.o.b. value at the port of exportation (or the equivalent thereof for merchandise not acquired by purchase).

(2) In the case of merchandise not acquired in an arm's-length transaction, the equivalent of the arm's-length value therefor to be derived, to the extent practicable, from customs values, as generally determined under section 402 and 402a, Tariff Act of 1930, as amended.

(3) Separately, the aggregated costs incurred in bringing the merchandise from the port of exportation in the country of exportation to the first port of entry in the United States.

The responsibility for obtaining and providing the data required by the statistical annotations of the TSUSA rests with the person making entry or withdrawal of articles imported into the customs territory of the United States. Entries or withdrawals not complying with statistical requirements will be cause for rejection by customs officers.

Interested persons may participate in the proposed rule making by submitting written comments, views, or data concerning the proposed amendment of the general statistical headnote in triplicate. Such written comments, views or data should be submitted to the Chairman, Committee for Statistical Annotation of Tariff Schedules, United States Tariff Commission, Washington, D.C. 20436. To be considered, such written comments, views, or data should be received not later than October 29, 1973. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Secretary, United States Tariff Commission, during regular business hours.

General statistical headnotes: 1. Statistical requirements for imported articles. (a) Persons making customs entry or withdrawal of articles imported into the customs territory of the United States shall complete the entry or withdrawal forms, as provided herein and in regulations issued pursuant to law, to provide for statistical purposes information as follows:

(i) The number of the Customs district and of the port where the articles are being entered for consumption or warehouse, as shown in Statistical Annex A of these schedules;

(ii) The name and flag of the vessel or the name of the airline, or in the case of shipment by other than vessel or air, the means of transportation by which the articles first arrived in the United States;

(iii) The foreign port of lading;

(iv) The United States port of unloading for vessel and air shipments;

(v) The date of importation;

(vi) The country of origin of the articles expressed in terms of the designation therefor in Statistical Annex B of these schedules;

(vii) The country of exportation expressed in terms of the designation therefor in Statistical Annex B of these schedules;

(viii) The date of exportation;

(ix) A description of the articles in sufficient detail to permit the classification thereof under the proper statistical reporting number in these schedules;

(x) The statistical reporting number under which the articles are classifiable;

(xi) Gross weight in pounds for the articles covered by each reporting number when imported in vessels or aircraft;

(xii) The net quantity in the units specified herein for the classification involved;

(xiii) The U.S. dollar value in accordance with the definition of section 402 or 402a of the Tariff Act of 1930, as amended, for all merchandise including that free of duty or dutiable at specific rates;

(xiv) The purchase price (i.e., the actual transaction value), in U.S. dollars, of imported merchandise plus, when not included in such price, all charges, costs, and expenses incurred in placing such merchandise alongside the carrier at the port of exportation in the country of exportation (or, in the case of merchandise not acquired by purchase, e.g., acquired on consignment, lease, or as gifts, the equivalent of such price, charges, costs, and expenses);

(xv) In addition to the value required under subparagraph (xiv), if the merchandise was not acquired in an arm's-length transaction, the equivalent of the arm's-length value therefor, in U.S. dollars, plus, when not included in such value, all charges, costs, and expenses incurred in placing such merchandise alongside the carrier at the port of exportation in the country of exportation;

(xvi) The aggregate cost (not including U.S. import duty, if any), in U.S. dollars, of freight, insurance, and all other charges, costs, and expenses (each of which charges, costs, and expenses shall be separately itemized on or attached to the related invoice) incurred in bringing the merchandise from alongside the carrier at the port of exportation in the country of exportation and placing it alongside the carrier at the first U.S. port of entry (in the case of overland shipments originating in Canada or Mexico, such cost, if any, shall not be reported); and

(xvii) Such other information with respect to the imported articles as is provided for elsewhere in these schedules.

(b) For the purpose of paragraph (a), the following definitions shall govern. (1) The country of exportation shall be the country of origin, except when the merchandise while located in a third country is the subject of a new purchase in which event the third country shall be regarded and reported as the country of exportation, and the date of exportation from the third country shall be regarded and reported as the date of exportation.

(2) The value of imported merchandise contemplated by subparagraph (xv) shall be, to the extent practicable, a value derived from the value of such merchandise as generally determined under section 402 or 402a of the Tariff Act, as the case may be.

(3) An arm's-length transaction shall be a transaction between a buyer and seller independent of each other, i.e., persons who are not related in any respect specified in

section 402(g)(2) of the Tariff Act of 1930, as amended.

Issued: September 26, 1973.

[SEAL] CATHERINE BEDELL,
Chairman—U.S. Tariff Commission.

SIDNEY L. JONES,
Assistant Secretary of Commerce
for Economic Affairs.

EDWARD L. MORGAN,
Assistant Secretary of the Treasury.

[FR Doc. 73-20824 Filed 9-27-73; 8:45 am]

DEPARTMENT OF COMMERCE

Office of the Secretary

COLLECTION OF F.O.B. AND C.I.F. DATA ON IMPORTS

Proposed Amendment of General Statistical Headnote 1 of the Tariff Schedules of the United States Annotated (TSUSA)

CROSS REFERENCE: For a document pertaining to the collection of F.O.B. and C.I.F. data on imports, issued jointly by the Department of Commerce, Department of Treasury, and the Tariff Commission, see FR Doc. 73-20824, *infra*.

Social and Economic Statistics
Administration

ANNUAL SURVEYS IN MANUFACTURING AREA

Notice of Consideration

Notice is hereby given that the Bureau of the Census is considering a proposal to continue or initiate the annual surveys listed below for the year 1973 and for each year thereafter, under the authority of Title 13, United States Code, sections 181, 224, and 225. These surveys, most of which have been conducted for many years, are significant in the manufacturing area and on the basis of information and recommendations received by the Bureau of the Census the data have significant application to the needs of the public and industry and are not available from nongovernmental or other governmental sources.

The establishments covered by these surveys directly account for the bulk of all manufacturing employment. The information to be developed from these surveys is necessary for an adequate measurement of total industrial production. Government agencies need data on the output of these industries. Manufacturers in the industries involved, as well as their suppliers and customers and the general public, have all requested such data in the interest of business efficiency and stability.

Such surveys, if conducted, shall begin on or after October 29, 1973.

Report forms in most instances furnishing data on shipments and/or production and in some instances on stocks, unfilled orders, orders booked, consumption, etc., will be required of all or a sample of establishments engaged in the production of the items covered by the following list of surveys.

The surveys have been arranged under major group headings shown in the Standard Industrial Classification Manual (1972 edition) promulgated by the Office of Management and Budget for the use of Federal statistical agencies.

MAJOR GROUP 22—TEXTILE MILL PRODUCTS
Broadwoven goods finished.
Narrow production.
Yarn production.
Knit cloth.

MAJOR GROUP 23—APPAREL AND OTHER FINISHED PRODUCTS MADE FROM FABRICS AND SIMILAR MATERIALS
Gloves and mittens.
Apparel.

Brassieres, corsets, and allied garments.
Sheets, pillowcases, and towels.

MAJOR GROUP 24—LUMBER AND WOOD PRODUCTS, EXCEPT FURNITURE
Hardwood plywood.
Softwood plywood.
Lumber.

MAJOR GROUP 26—PAPER AND ALLIED PRODUCTS
Pulp, and detailed grades of paper and board.

MAJOR GROUP 28—CHEMICALS AND ALLIED PRODUCTS
Sulfuric acid.
Industrial gases.
Inorganic chemicals.
Pharmaceutical preparations, except biologicals.

MAJOR GROUP 29—PETROLEUM REFINING AND RELATED INDUSTRIES
Asphalt and tar roofing and siding products.

MAJOR GROUP 30—RUBBER AND MISCELLANEOUS PLASTICS PRODUCTS
Rubber.
Plastics products.

MAJOR GROUP 31—LEATHER AND LEATHER PRODUCTS
Shoes and slippers (by method of construction).

MAJOR GROUP 32—STONE, CLAY, AND GLASS
Consumer, scientific, technical, and industrial glassware.
Fibrous glass.

MAJOR GROUP 33—PRIMARY METAL INDUSTRIES
Steel mill products.
Insulated wire and cable.
Magnesium mill products.

MAJOR GROUP 34—FABRICATED METAL PRODUCTS EXCEPT ORDNANCE, MACHINERY, AND TRANSPORTATION EQUIPMENT
Commercial steel forgings.
Steel power boilers.
Heating and cooking equipment.

MAJOR GROUP 35—MACHINERY, EXCEPT ELECTRICAL
Internal combustion engines.
Tractors.

Farm machines and equipment.
Mining machinery and equipment.
Air-conditioning and refrigeration equipment.
Office, computing, and accounting machines.
Pumps and compressors.
Selected air pollution control equipment.
Construction Machinery.

MAJOR GROUP 36—ELECTRICAL MACHINERY, EQUIPMENT, AND SUPPLIES
Radios, television, and phonographs.
Motors and generators.

NOTICES

Wiring devices and supplies.

Switchgear, switchboard apparatus, relays, and industrial controls.

Selected electronic and associated products.

Electric housewares and fans.

Electric lighting fixtures.

Major household appliances.

MAJOR GROUP 37—TRANSPORTATION EQUIPMENT

Aircraft propellers.

MAJOR GROUP 38—PROFESSIONAL, SCIENTIFIC, AND CONTROLLING INSTRUMENTS; PHOTOGRAPHIC AND OPTICAL GOODS; WATCHES AND CLOCKS

Selected instruments and related products. Atomic energy products and services.

The following list of surveys represents annual supplements of monthly and quarterly surveys and will cover the same establishments canvassed in the monthly or quarterly survey. There will be no duplication of reporting however, since the type of data collected on the annual supplement will be different from that collected on the more frequent survey.

MAJOR GROUP 32—STONE, CLAY, AND GLASS

Glass containers.

MAJOR GROUP 34—FABRICATED METAL PRODUCTS EXCEPT ORDNANCE, MACHINERY, AND TRANSPORTATION EQUIPMENT

Closures for containers.

Steel shipping barrels, drums, and pails.

The following list of surveys represents annual counterparts of monthly and quarterly surveys and will cover only those establishments which are not canvassed or do not report in the more frequent survey. Accordingly, there will be no duplication in reporting. The content of these annual reports will be identical with that of the monthly and quarterly reports.

MAJOR GROUP 20—FOOD AND KINDRED PRODUCTS

Flour milling products.

Margarine Manufacturers—packaging operations.

MAJOR GROUP 22—TEXTILE MILL PRODUCTS

Man-made fiber, silk, woolen, and worsted fabrics.

Finishing plant report—broad woven fabrics. Piece goods inventories and orders. Broad woven goods (cotton, wool, silk, and synthetic).

Consumption of wool and other fibers, and production of tops and noils. Rugs, carpets and carpeting.

MAJOR GROUP 25—FURNITURE AND FIXTURES

Mattresses and bedsprings.

MAJOR GROUP 26—PAPER AND ALLIED PRODUCTS

Converted flexible packaging products.

MAJOR GROUP 28—CHEMICALS AND ALLIED PRODUCTS

Superphosphates.

Paint, varnish, and lacquer.

MAJOR GROUP 30—RUBBER AND MISCELLANEOUS PLASTICS PRODUCTS

Thermoplastics pipe, tube, and fittings.

MAJOR GROUP 32—STONE, CLAY, AND GLASS

Flat glass.

Glass containers.

Refractories.

Clay construction products.

MAJOR GROUP 33—PRIMARY METAL INDUSTRIES

Nonferrous castings.

Iron and steel foundries.

Steel mill shapes and forms. (Consumers and Producers Report)

Copper-base mill products.

MAJOR GROUP 34—FABRICATED METAL PRODUCTS, EXCEPT ORDNANCE, MACHINERY, AND TRANSPORTATION EQUIPMENT

Plumbing fixtures.

Metal cans.

MAJOR GROUP 35—MACHINERY, EXCEPT ELECTRICAL

Construction machinery.

MAJOR GROUP 36—ELECTRICAL MACHINERY, EQUIPMENT, AND SUPPLIES

Electric lamps.

Fluorescent lamp ballasts.

MAJOR GROUP 37—TRANSPORTATION EQUIPMENT

Aircraft engines.

Complete aircraft.

Backlog of orders for aircraft, space vehicles, missiles, engines and selected parts.

Truck trailers.

The Annual Survey of Manufactures will be conducted and will call for general statistical data such as employment, payroll, man-hours, capital expenditures, cost of materials consumed, gross book value of fixed assets, rental payments, supplemental labor costs, etc., in addition to information on value of products shipped and quantity data for selected classes of products and quantity and cost of selected fuels used. This survey, while conducted on a sample basis, will cover all manufacturing industries. Data on employment, payrolls, and inventories for auxiliary establishments of manufacturing companies such as central administrative offices, manufacturers' sales branches, warehouses, etc., will be included, as well as data on plants under construction but not in operation.

A survey of research and development costs will be conducted also. The data to be obtained will be limited to total research and development costs of work performed by the company, total cost of research and development work performed for the Federal Government, and, for comparative purposes, total net sales and receipts, and total employment of the company.

In addition, a survey on shipments to, or receipts for work done for, Federal Government agencies and their contractors and suppliers is planned. This survey has been conducted annually since 1966. It is designed to provide information on the impact of Federal procurement on selected industries and on the economy of States, standard metropolitan statistical areas, and geographic regions.

Copies of the proposed forms are available on request to the Director, Bureau of Census, Washington, D.C. 20233.

Any suggestions or recommendations concerning the subject matter of these proposed surveys should be submitted in writing to the Director of the Census Bureau within 30 days after the date of

this publication in order to receive consideration.

Dated September 25, 1973.

EDWARD D. FAILOR,
Administrator, Social and
Economic Statistics Administration.
[FR Doc. 73-20713 Filed 9-27-73; 8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

AGREEMENT BETWEEN DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE AND ENVIRONMENTAL PROTECTION AGENCY

Notice Regarding Matters of Mutual Responsibility; Amendment

Correction

In FR Doc. 73-18799 appearing at page 24233 in the issue of Thursday, September 6, 1973, in column 3, second line of paragraph k(vi), the word "produc", should read "product".

Food and Drug Administration

ADVISORY COMMITTEES

Notice of Meetings

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Public Law 92-463, 86 Stat. 770-776; 5 U.S.C. App.), the Food and Drug Administration announces the following public advisory committee meetings and other required information in accordance with provisions set forth in section 10(a) (1) and (2) of the act:

Committee name	Date, time, place	Type of meeting and contact person
1. Radiosensitive Pharmaceutical Advisory Committee	Oct. 1 and 2, 9 a.m., Conference Room L, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open Oct. 1, 9 a.m. to 10 a.m. Closed Oct. 1 after 10 a.m., closed Oct. 2, Earl L. Meyers, Ph. D., Room 11B-20, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4280.

Purpose. Advises the Commissioner of Food and Drugs regarding safety and efficacy of drugs employed in nuclear medicine.

Agenda. Proposed FEDERAL REGISTER document lifting AEC/FDA Agreement of January 8, 1963, forwarding certain IND information to AEC and the States; Labeling of Bleomycin ^{III} in Bleomycin; Status of ^{III} I 19-Iodo-cholesterol; use of ^{III} in DTPA in cisternography; Clinical Guidelines for Radiopharmaceuticals.

Committee name	Date, time, place	Type of meeting and contact person
2. Panel on Review of Hemorrhoidal Drug Products	Oct. 7 and 8, 9 a.m., Conference Room A, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Closed Oct. 7, open Oct. 8, 9 a.m. 10 a.m., closed Oct. 8 after 10 a.m. Thomas De Cillis, Room 10B-05, 5600 Fishers Lane, Rockville, Md., 20852, 301-443-4900.

NOTICES

Purpose. Reviews and evaluates available information concerning safety and effectiveness of active ingredients of currently marketed nonprescription drug products for hemorrhoidal application.

Agenda. Continuing review of over-the-counter drug products under investigation.

Committee name	Date, time, place	Type of meeting and contact person
3. Panel on Review of Cardiovascular Devices	Oct. 9, 9:30 a.m., Room 1813, 200 C St. SW., Washington, D.C.	Open 9:30 a.m. to noon closed afternoon. Glenn A. Rahmeller (CM-120), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-2376.

Purpose. Reviews and evaluates available data concerning safety, effectiveness, and reliability of cardiovascular devices currently in use.

Agenda. Panel will discuss and recommend specific detailed suggestions for implantable pacemaker standards development.

Committee name	Date, time, place	Type of meeting and contact person
4. Skeletal Muscle Relaxant Subcommittee of Neuropharmacology Advisory Committee	Oct. 10, 9:30 a.m., Conference Room H, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open 9:30 a.m. to 10:30 a.m., closed after 10:30 a.m. Frederick Jordan, Room 10B-30, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3870.

Purpose. Advises the Commissioner of Food and Drugs regarding safety and efficacy of drugs employed in neuropharmacology.

Agenda. Discussion of NAS/NRC evaluation of certain skeletal muscle relaxants as less than effective; review of data submitted by manufacturers; discussion regarding suitable protocols for evaluating safety and efficacy.

Committee name	Date, time, place	Type of meeting and contact person
5. Panel on Review of Dentifrices and Dental Care Agents	Oct. 10 and 11, 9 a.m., Conference Room B, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open Oct. 10, 9 a.m. to 10 a.m., closed Oct. 10 after 10 a.m., closed Oct. 11, Michael D. Kennedy, Room 10B-05, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-1960.

Purpose. Reviews and evaluates available information concerning safety and effectiveness of active ingredients of currently marketed nonprescription drug products containing dentifrices and dental care agents.

Agenda. Continuing review of over-the-counter drug products under investigation.

Committee name	Date, time, place	Type of meeting and contact person
6. Panel on Review of Anesthesiology Devices	Oct. 10, 2 p.m., Room 322, Civic Auditorium, San Francisco, Calif.	Open Oct. 10, 2 p.m. to 4 p.m. closed Oct. 11. Isadore C. Kremen, M.D. (CM-120), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3550.

Purpose. Reviews and evaluates available data concerning safety, effectiveness, and reliability of anesthesiology devices currently in use.

Agenda. The public session, held in connection with the annual meeting of the American Society of Anesthesiologists, is to describe the classification system and the process used by the panel to classify such devices. Closed meeting: Continuing review of additional categories of anesthesiology devices and consideration of input from the October 10 open meeting.

Committee name	Date, time, place	Type of meeting and contact person
7. Biometric and Epidemiological Methodology Advisory Committee	Oct. 11, 9 a.m., Conference Room K, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open, Charles Anello, D. Sc., Room 15B-17, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4794.

Purpose. Advises the Commissioner of Food and Drugs concerning extramural and intramural research in the area of epidemiological and biometrical methodology.

Agenda. Use of data obtained from retrospective or case-control studies, introduction to the concept of "Phase IV" studies, and the importance of stopping rules in clinical studies.

Committee name	Date, time, place	Type of meeting and contact person
8. National Advisory Drug Committee	Oct. 11, 1 p.m. Oct. 12, 9 a.m., Conference Room M, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open, John Jennings, M.D., Room 14-82, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4124.

Purpose. Reviews and evaluates agency programs and provides advice and guidance to the Commissioner of Food and Drugs on policy matters of national significance relating to FDA's statutory mission in the area of drugs.

Agenda. Ethical considerations in human experimentation and communications with medical profession and patients concerning drug information.

Committee name	Date, time, place	Type of meeting and contact person
9. Diagnostic Products Advisory Committee	Oct. 11 and 12, 9 a.m., Conference Room M, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open Oct. 11, 9 a.m. to 2 p.m., closed Oct. 11 after 2 p.m., Oct. 12, 9 a.m., closed Oct. 12, 2 p.m., Elsie Enavenson, Room 16B-33, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4560.

Purpose. Reviews and evaluates information pertaining to performance standards for selected diagnostic products, evaluates and recommends appropriate reference methodologies and standards of precision and accuracy for measuring such products, and recommends priorities on presently marketed products for standard setting by FDA.

Agenda. Discussion of recommended top ten priorities for product class standards, report of SAMA meeting, report of actions taken on previous committee recommendations, compliance actions, and report on FDA/CDC agreement on division of responsibilities and role of subcommittees. Closed session: Discussion of interim reports on developing product class standards, and discussion of "custom-made" products.

Committee name	Date, time, place	Type of meeting and contact person
10. Dental Drug Products Advisory Committee	Oct. 12, 9 a.m., Conference Room K, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open 9 a.m. to 10 a.m., closed after 10 a.m., Clarence C. Gilkes, D.D.S., Room 12B-06, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3560.

Purpose. Advises the Commissioner of Food and Drugs concerning safety and efficacy of drugs employed in the practice of dentistry.

Agenda. Review and evaluation of data submitted by manufacturers of topical fluoride solutions, pastes, and gels; recommendations regarding safety and efficacy.

Committee name	Date, time, place	Type of meeting and contact person
11. Obstetrics and Gynecology Advisory Committee	Oct. 12, 9 a.m., Conference Room L, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open 9 a.m. to noon, closed after noon, Ridgley C. Bennett, Jr., M.D., Room 14B-19, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3520.

Purpose. Advises the Commissioner of Food and Drugs regarding the safety and efficacy of drugs employed in the practice of obstetrics and gynecology.

Agenda. Prophylactic use of antibiotics in obstetric and gynecologic surgery, the selection of an oral contraceptive, and efficacy of 17 α -hydroxyprogesterone (hexanoate) (Delalutin) in the prevention of premature labor. Closed session: Copper-bearing intrauterine contraceptive devices, proposed revision of oral

NOTICES

contraceptive labeling, and breast nodules in Rhesus monkeys treated with P-1496, an estrogenic compound obtained from mold on corn.

Committee name	Date, time, place	Type of meeting and contact person
12. Endocrinology and Metabolism Advisory Committee	Oct. 16, 9 a.m., Conference Room M, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open 9 a.m. to 10 a.m., closed after 10 a.m. Martha M. Freeman, M.D., Room 14B-19, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3520.

Purpose. Advises the Commissioner of Food and Drugs regarding safety and efficacy of drugs employed in treatment of endocrine and metabolic disorders.

Agenda. Open session: Discussion of antilipemic agent—Clofibrate. Closed session: Presentation by sponsors and discussion of safety and efficacy data for Cholestipol and Halofenate.

Committee name	Date, time, place	Type of meeting and contact person
13. Panel on Review of Contraceptives and Other Vaginal Drug Products	Oct. 19 and 20, 9 a.m., Conference Room K, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open Oct. 19, 9 a.m. to 10 a.m., closed Oct. 19 after 10 a.m., closed Oct. 20. Armond Weisz, Room 10B-05, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4900.

Purpose. Reviews and evaluates available information concerning safety and effectiveness of active ingredients of currently marketed nonprescription drug products containing contraceptives and other vaginal drug products.

Agenda. Continuing review of over-the-counter drug products under investigation.

Committee name	Date, time, place	Type of meeting and contact person
14. Surgical Drugs Advisory Committee	Oct. 24 and 25, 9 a.m., Conference Room K, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open Oct. 24, 9 a.m. to 10 a.m., closed Oct. 24 after 10 a.m., closed Oct. 25. Samuel J. Sinnenblick, M.D., Room 12B-25, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3562.

Purpose. Advises the Commissioner of Food and Drugs regarding safety and efficacy of drugs employed in surgery.

Agenda. Open session: Report on FDA Workshop on Large Volume Parenterals. Closed session: Report on Abbott proposal for phase 4 studies with large volume parenterals; projected protocol and immunological problems for Kiel Bone; status of Disease and presentation of submitted protocol.

Committee name	Date, time, place	Type of meeting and contact person
15. Anti-Infective Agents Advisory Committee	Oct. 25 and 26, 9 a.m., Conference Room G, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open Oct. 25, 9 a.m. to noon, closed Oct. 25 after noon, closed Oct. 26. Merle L. Gibson, M.D., Room 12B-45, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4310.

Purpose. Advises the Commissioner of Food and Drugs regarding safety and efficacy of drugs employed in the treatment of infectious diseases.

Agenda. Minocycline disc for susceptibility testing. Closed session: Cephalazolin disc for susceptibility testing, and proposed labeling to permit penicillolyl-polylysine use as an adjunct in penicillin sensitivity testing.

Committee name	Date, time, place	Type of meeting and contact person
16. Panel on Review of Topical Analgesics	Oct. 25 and 26, 9 a.m., Conference Room C, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open Oct. 25, 9 a.m. to 10 a.m., closed Oct. 25 after 10 a.m., closed Oct. 26. Lee Geismer, Room 10B-05, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

Purpose. Reviews and evaluates available information concerning safety and effectiveness of active ingredients of currently marketed nonprescription drug products containing contraceptives and other vaginal drug products.

Agenda. Continuing review of over-the-counter drug products under investigation.

Committee name	Date, time, place	Type of meeting and contact person
17. Panel on Review of Antimicrobial Agents	Oct. 25-27, 9 a.m., Conference Room B, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open Oct. 25, 9 a.m. to 10 a.m., closed Oct. 25 after 10 a.m., closed Oct. 26 and 27. Michael D. Kennedy, Room 10B-05, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

Purpose. Reviews and evaluates available information concerning safety and effectiveness of active ingredients of currently marketed nonprescription drug products containing antimicrobial agents.

Agenda. Continuing review of over-the-counter drug products under investigation.

Committee name	Date, time, place	Type of meeting and contact person
18. Panel on Review of Ophthalmic Drugs	Oct. 26 and 27, 9 a.m., Conference Room K, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open Oct. 26, 9 a.m. to 10 a.m., closed Oct. 26 after 10 a.m., closed Oct. 27. John T. McElroy, Room 10B-05, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

Purpose. Reviews and evaluates available information concerning safety and effectiveness of active ingredients of currently marketed nonprescription drug products containing ophthalmic drugs.

Agenda. Continuing review of over-the-counter drug products under investigation.

Committee name	Date, time, place	Type of meeting and contact person
19. Panel on Review of Viral Vaccines and Rickettsial Vaccines	Oct. 29 and 30, 9 a.m., Room 121, Bldg. 29, National Institute of Rickettsial Health, 9000 Rockville Pike, Bethesda, Md.	Open Oct. 29, 9 a.m. to 11 a.m., closed Oct. 29 after 11 a.m., closed Oct. 30. Jack Gertzog (BI-8), 5600 Fishers Lane, Rockville, Md. 20852, 301-496-1676.

Purpose. Advises the Commissioner of Food and Drugs on the safety and effectiveness of viral vaccines and rickettsial vaccines.

Agenda. Continuing review of viral vaccines and rickettsial vaccines under investigation.

Agenda items are subject to change as priorities dictate.

During the open sessions shown above, interested persons may present relevant information or views orally to any committee for its consideration. Information or views submitted to any committee in writing before or during a meeting shall also be considered by the committee.

A list of committee members and summary minutes of meetings may be obtained from the contact person for the committee both for meetings open to the public and those meetings closed to the public in accordance with section 10(d) of the Federal Advisory Committee Act.

Most Food and Drug Administration advisory committees are created to advise the Commissioner of Food and Drugs on pending regulatory matters. Recommendations made by the committees on these matters are intended to result in action under the Federal Food, Drug, and Cosmetic Act, and these committees thus necessarily participate with the Commissioner in exercising his law enforcement responsibilities.

The Freedom of Information Act recognized that the premature disclosure of regulatory plans, or indeed internal discussions of alternative regulatory approaches to a specific problem, could have adverse effects upon both public and private interests. Congress recognized that such plans, even when finalized, may not be made fully available in advance of the effective date without damage to such interests, and therefore provided that this type of discussion would remain confidential. Thus, law enforcement activities have long been recognized as a legitimate subject for confidential consideration.

These committees often must consider trade secrets and other confidential information submitted by particular manufacturers which the Food and Drug Administration by law may not disclose, and which Congress has included within

the exemptions from the Freedom of Information Act. Such information includes safety and effectiveness information, product formulation, and manufacturing methods and procedures, all of which are of substantial competitive importance.

In addition, to operate most effectively, the evaluation of specific drug or device products requires that members of committees considering such regulatory matters be free to engage in full and frank discussion. Members of committees have frequently agreed to serve and to provide their most candid advice on the understanding that the discussion would be private in nature. Many experts would be unwilling to engage in candid public discussion advocating regulatory action against a specific product. If the committees were not to engage in the deliberative portions of their work on a confidential basis, the consequent loss of frank and full discussion among committee members would severely hamper the value of these committees.

The Food and Drug Administration is relying heavily on the use of outside experts to assist in regulatory decisions. The Agency's regulatory actions uniquely affect the health and safety of every citizen, and it is imperative that the best advice be made available to it on a continuing basis in order that it may most effectively carry out its mission.

A determination to close part of an advisory committee meeting does not mean that the public should not have ready access to these advisory committees considering regulatory issues. A determination to close the meeting is subject to the following conditions: First, any interested person may submit written data or information to any committee, for its consideration. This information will be accepted and will be considered by the committee. Second, a portion of every committee meeting will be open to the public, so that interested persons may present any relevant information or views orally to the committee. The period for open discussion will be designated in any announcement of a committee meeting. Third, only the deliberative portion of a committee meeting, and the portion dealing with trade secret and confidential information, will be closed to the public. The portion of any meeting during which nonconfidential information is made available to the committee will be open for public participation. Fourth, after the committee makes its recommendations and the Commissioner either accepts or rejects them, the public and the individuals affected by the regulatory decision involved will have an opportunity to express their views on the decision. If the decision results in promulgation of a regulation, for example, the proposed regulation will be published for public comment. Closing a committee meeting for deliberations on regulatory matters will therefore in no way preclude public access to the committee itself or full public comment with respect to the decisions made based upon the committee's recommendation.

The Commissioner has been delegated the authority under section 10(d) of the Federal Advisory Committee Act to issue a determination in writing, containing the reasons therefor, that any advisory committee meeting is concerned with matters listed in 5 U.S.C. 552(b), which contains the exemptions from the public disclosure requirements of the Freedom of Information Act. Pursuant to this authority, the Commissioner hereby determines, for the reasons set out above, that the portions of the advisory committee meetings designated in this notice as closed to the public involve discussion of existing documents falling within one of the exemptions set forth in 5 U.S.C. 552(b), or matters that, if in writing, would fall within 5 U.S.C. 552(b), and that it is essential to close such portions of such meetings to protect the free exchange of internal views and to avoid undue interference with Agency and committee operations. This determination shall apply only to the designated portions of such meetings which relate to trade secrets and confidential information or to committee deliberations.

Dated September 25, 1973.

A. M. SCHMIDT,

Commissioner of Food and Drugs.

[FR Doc. 73-20710 Filed 9-27-73; 8:45 am]

**Health Resources Administration
NATIONAL ADVISORY COMMITTEES**

Notice of Public Meeting

The Administrator, Health Resources Administration, announces the meeting dates and other required information for the following National Advisory bodies scheduled to assemble the month of October 1973:

Committee name	Date, time, place	Type of meeting and contact person
Nurse Training Act Project Grants Review Committee.	Oct. 1-5, 9 a.m.- Conference Room 6, Bldg. 31, National Institutes of Health, Bethesda, Md.	Open—9-10 10 a.m. on Oct. 1. Closed remainder of meeting. Contact Dr. Hazel Aslakson, Federal Bldg., Room 616, 9000 Rockville Pike, Bethesda, Md., 301-490-4977.

Purpose: Performs initial review of applications for special project grants designed to plan or develop programs of nursing education; to strengthen, improve, or expand programs to teach and train nurses; and start-up grants for schools of nursing and recruitment of grants and contracts. Makes recommendations to the National Advisory Council on Nurse Training.

Agenda: During the open session of the meeting, there will be a general discussion of program responsibilities. During the closed session, the committee will conduct a review of grant applications for Federal assistance during which time the meeting will be closed to the public in accordance with the determination by the Administrator, HRA, pursuant to the

provisions of Public Law 92-463, Section 10(d).

Committee name	Date, time, place	Type of meeting and contact person
Public Health Conference on Records and Statistics—Standing Committee.	Oct. 29-30, 9:30 a.m., Conference Room 6, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open. Contact Mary Lou Dunton, Room 9A-19, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md., 301-443-1470.

Purpose: Advises, consults with and makes recommendations on the Public Health Conference on Records and Statistics, a planned study program of the Public Health Service administered by the National Center for Health Statistics, which fosters the development of improved techniques and concepts in vital records and health statistics in the United States. This program is carried out through biennial national meetings and small technical studies to investigate current and future problems and develop recommendations for practical solutions, with a view to improved services to health programs, to the public in general, and to the nation.

Agenda: Items will cover Report of the Director, NCHS, which will include the reorganization; recent developments in the Cooperative Federal-State-Local Health Statistics System; Plans for the formation of a new Cooperative Health Statistics System Advisory Committee; report on the progress of the 1974-75-76 National Meetings of the Public Health Conference on Records and Statistics and reports on technical studies of the Model State Vital Statistics Act and Regulations and Revision of Standard Certificates.

Agenda items are subject to change as priorities dictate.

A roster of members and other relevant information regarding the open/closed sessions may be obtained from the contact persons listed above.

Dated September 25, 1973.

KENNETH M. ENDICOTT,
Administrator,

Health Resources Administration.

[FR Doc. 73-20769 Filed 9-27-73; 8:45 am]

**National Institutes of Health
HEART AND LUNG PROGRAM—PROJECT COMMITTEE**

Notice of Renewal

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Public Law 92-463, 86 Stat. 770-776), the National Institutes of Health announces the following action by the Secretary, DHEW:

Extending the life of the following advisory committee on June 30, 1973: Heart and Lung Program-Project Committee, National Heart and Lung Institute. The function of this committee is to review applications for grants-in-aid for support of programs of multidisciplinary basic and medical research, and provides

NOTICES

technical advice to the National Heart and Lung Advisory Council and to the Director, National Heart and Lung Institute.

The authority for this committee will expire June 30, 1975 unless the Secretary, DHEW, formally determines that continuance is in the public interest.

Dated September 22, 1973.

ROBERT S. STONE, M.D.,
Director,
National Institutes of Health.

[FR Doc. 73-20817 Filed 9-27-73; 8:45 am]

**DEPARTMENT OF
TRANSPORTATION**

**National Highway Traffic Safety
Administration**

[Docket No. EX73-6; Notice 2]

AUTO SPORT IMPORTERS

**Motor Vehicle Safety Standards; Denial of
Petition for Temporary Exemption**

The National Highway Traffic Safety Administration has decided to deny Edward Felbin T/A Auto Sport Importers an exemption of its Squire SS 100 model from four Federal motor vehicle safety standards.

Notice of petition for the exemption was published in the **FEDERAL REGISTER** on July 13, 1973 (38 FR 18703), and an opportunity afforded for comment. Auto Sport petitioned on grounds of substantial economic hardship to be excused from the wiped area requirements of Standard No. 104, the headform impact requirements of Standard No. 201, and the standards on windshield mounting (No. 212) and fuel system integrity (No. 301).

In support of its petition Auto Sport stated its opinion that it does meet Standards Nos. 201 and 301, based upon "use of materials that are currently being used by manufacturers who have done tests and certified compliance" and its "contemporary construction and installation methods that are at least equal to other manufacturers who have tested and certified compliance." Similar contentions support its belief of compliance with Standard No. 212. The Squire's windshield is "mounted in a detachable frame assembled in a manner similar to other windshield installations that have been certified." Problems of compliance with Standard No. 104 were said to be caused by the vehicle's design, by which the percentage of area viewed by the driver is greater than the actual area of glass, and "even if a wiper could be designed to wipe 100 percent of the glass, this section of the standard would still not be met."

Only one valid comment was received, from Bayerische Motoren Werke of Munich, which supported the petition. An anonymous comment was received which was not considered pursuant to NHTSA regulations requiring identification of commenters (49 CFR § 551.35).

Section 555.6(a)(1) of Title 49 requires a petitioner to provide "Engineering and financial information demonstrating in detail how compliance *** would cause substantial economic hardship." Petitioner submitted no analysis of what it would cost to test to verify compliance with Standards Nos. 201, 212, and 301. Further, petitioner provided no detailed information which would support its belief in its compliance with these standards. With respect to Standard No. 104, petitioner may have misunderstood the intent of Standard No. 104. The standard does not specify windshield configuration, but only the wiping of a certain percentage of the area within a 1-inch boundary from the daylight opening. There would be no need to redesign, enlarge, or relocate the windshield as suggested. However, the data submitted by the petitioner is so sparse that the NHTSA is unable to determine whether petitioner has in fact a problem with wiped area percentage.

For these reasons, the NHTSA finds that insufficient justification has been presented for an exemption from the standards, and the Auto Sport petition is accordingly denied.

(Sec. 3, Pub. L. 92-548, 86 Stat. 1159, 15 U.S.C. 1410; delegation of authority at 49 CFR 1.51.)

Issued on September 21, 1973.

JAMES B. GREGORY,
Administrator.

[FR Doc. 73-20678 Filed 9-26-73; 8:45 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-270]

DUKE POWER CO.

Order Extending Completion Date

Duke Power Company is the holder of Provisional Construction Permit No. CPPR-34 issued by the Commission on November 6, 1967, for the construction of the Oconee Nuclear Station, Unit 2, a 2568 megawatt (thermal) pressurized water nuclear reactor presently under construction at the Company's site in Oconee County, South Carolina, approximately eight miles northeast of Seneca, South Carolina.

On August 29, 1973, the Company requested an extension of the completion date because construction of Unit 2 has been delayed due to (1) diversion of construction forces from Unit 2 to Unit 1 to solve problems occasioned by the lateness of Unit 1, (2) delay in delivery of major reactor coolant components, and (3) modifications required to the reactor vessel internals for Unit 2. The Director of Regulation having determined that this action involves no significant hazards consideration, and good cause having been shown, the bases for which are set forth in a memorandum dated September 21, 1973, from R. C. DeYoung to A. Giambusso:

It is hereby ordered, That the latest completion date for CPPR-34 (Unit 2) is

extended from October 1, 1973, to November 4, 1973.

For the Atomic Energy Commission.

Date of issuance September 24, 1973.

A. GIAMBUSSO,
Deputy Director for Reactor
Projects Directorate of Licensing.

[FR Doc. 73-20682 Filed 9-27-73; 8:45 am]

[Docket No. 50-389]

FLORIDA POWER AND LIGHT CO.

**Receipt of Application for Construction
Permit and Facility License; Availability
of Applicant's Environmental Report;
Time for Submission of Views on Anti-
trust Matter**

The Florida Power and Light Company (the applicant), pursuant to Section 103 of the Atomic Energy Act of 1954, as amended, has filed an application dated May 14, 1973, which was docketed September 4, 1973, for authorization to construct and operate a pressurized water nuclear reactor. The application was initially tendered on April 19, 1973. Following a preliminary review for completeness, the Preliminary Safety Analysis Report was found to be acceptable for docketing; however, the Environmental Report was rejected for lack of sufficient information. The applicant submitted additional environmental information on August 8, 1973, and the application was found acceptable for docketing. Docket No. 50-389 has been assigned to this application and should be referenced in any correspondence relating to it.

The proposed nuclear facility, designated by the applicant as the St. Lucie Plant, Unit 2, is to be located at the applicant's site on Hutchinson Island in St. Lucie County, Florida, between the Cities of Ft. Pierce and Stuart on the East Coast of Florida. The facility is to be designed for initial operation at approximately 2570 megawatts thermal, with a net electrical output of approximately 810 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 November 20, 1973. The submittal should reference Docket No. 50-389-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 Indian River Junior College Library, 3209 Virginia Avenue, Ft. Pierce, Florida 33450.

The applicant had also filed, pursuant to the National Environmental Policy Act of 1969 and the regulations of the

NOTICES

Commission in Appendix D to 10 CFR Part 50, an Environmental Report. This report, which discusses environmental considerations related to the proposed construction of the St. Lucie Plant, Unit 2, is available for public inspection at the aforementioned locations, and is also being made available at the Department of Administration, State Planning and Development Clearinghouse, 725 South Bronough Street, Tallahassee, Florida 32304.

After the Environmental Report has been analyzed by the Commission's Director of Regulation or his designee, a draft environmental statement will be prepared by the Commission. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the *FEDERAL REGISTER* a summary notice of availability of the draft statement, requesting comments from interested persons on the draft statement. The summary notice will also contain a statement to the effect that comments of Federal agencies and State and local officials thereon will be made available when received.

Dated at Bethesda, Maryland, this 12th day of September 1973.

For the Atomic Energy Commission.

KARL R. GOLLER,
Chief, Pressurized Water Reactors Branch No. 3, Directorate of Licensing.

[FR Doc. 73-20038 Filed 9-20-73; 8:45 am]

CIVIL AERONAUTICS BOARD

ALASKA AIRLINES, INC.

Notice of Meeting

Notice is hereby given that a meeting with Alaska Airlines will be held on October 2, 1973, at 2:45 p.m. (local time) in Room 1027, Universal Building, 1825 Connecticut Avenue NW, Washington, D.C., to discuss the carrier's status of operations.

Dated at Washington, D.C., September 25, 1973.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc. 73-20728 Filed 9-27-73; 8:45 am]

[Docket 2779]

INTERSTATE AND INTRASTATE FARES IN CALIFORNIA AND TEXAS MARKETS

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on October 16, 1973, at 10 a.m. (local time) in Room 911, Universal Building, 1825 Connecticut Avenue NW, Washington, D.C., before the undersigned Administrative Law Judge.

For details of the issues involved in this proceeding, interested persons are referred to the Prehearing Conference Report, served on May 7, 1973, and other

documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., September 24, 1973.

[SEAL] WILLIAM H. DAPPER,
Administrative Law Judge.

[FR Doc. 73-20727 Filed 9-27-73; 8:45 am]

COMMITTEE FOR PURCHASE OF PRODUCTS AND SERVICES OF THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST 1973

Addition to Procurement List 1973

Notice of proposal addition to Procurement List 1973, March 12, 1973 (38 FR 6742) was published in the *FEDERAL REGISTER* on April 23, 1973 (38 FR 10037).

Pursuant to the above notice the following commodity is added to Procurement List 1973.

COMMODITY	Price
Class 8470	(each)

Strap, Chin, Soldier's Steel Helmet, M-1 8470-030-8003	\$0.71
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By the Committee.

CHARLES W. FLETCHER,
Executive Director.

[FR Doc. 73-20721 Filed 9-27-73; 8:45 am]

PROCUREMENT LIST 1973

Notice of Proposed Additions

Notice is hereby given pursuant to section 2(a)(2) of Public Law 92-28; 85 Stat. 79, of the proposed additions of the following commodities to Procurement List 1973, March 12, 1973 (38 FR 6742).

COMMODITIES

CLASS 1005
Sling, Adjustable, Small Arms
1005-167-4336

CLASS 6515
Shaving Kit, Surgical Preparation
6515-676-7372

CLASS 6530
Surgical Pack, Disposable, Pre-Operative
6530-103-6659

CLASS 7210
Pillowcase:
7210-250-8897
7210-250-9004
7210-259-9005
7210-259-9006

Comments and views regarding these proposed additions may be filed with the Committee not later than 30 days after the date of this *FEDERAL REGISTER*. Communications should be addressed to the Executive Director, Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped, 2009 Fourteenth Street North, Suite 610, Arlington, Virginia 22201.

By the Committee.

CHARLES W. FLETCHER,
Executive Director.

[FR Doc. 73-20720 Filed 9-27-73; 8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

STATE OF WASHINGTON
Public Hearing and Request for Approval of State Program

SEPTEMBER 24, 1973.

A public hearing to consider the request of the State of Washington for State Program Approval to participate in the National Pollutant Discharge Elimination System (NPDES) permit program for the control and abatement of discharges into waters of the State in compliance with the 1972 Amendments to the Federal Water Pollution Control Act, 33 U.S.C.A. §§ 1251-1376 (Supp. 1973) (hereinafter, the "Act"), will be held on:

November 2, 1973
9:30 a.m.
Alki Room, Seattle Center
Seattle, Washington

Section 402(b) of the Act provides that the Governor of a State desiring to administer the NPDES permit program to control discharges into waters within its jurisdiction may submit to the Administrator of the United States Environmental Protection Agency (EPA) a full and complete description of the program the State intends to administer, including a statement from the State Attorney General that the laws of the State provide adequate authority to carry out the described program. The Administrator is required to approve each such submitted program unless the program does not meet the requirements of section 402(b) and EPA's guidelines. Among other authorities, the State must have: (1) adequate authority to issue permits which comply with all pertinent requirements of the Act, and (2) adequate authority, including civil and criminal penalties, to abate violations of the Permit, and (3) authority to insure that the Administrator, the public, or any other affected State, and other affected agencies, are given notice of each application and are given the opportunity for a public hearing before acting on each permit application. EPA's Guidelines establishing State Program Elements Necessary for Participation in the NPDES were published in Volume 37 of the *FEDERAL REGISTER*, December 22, 1972 (40 CFR 124), beginning at page 28390.

The State of Washington proposes that the Department of Ecology, State of Washington, P.O. Box 829, Olympia, Washington 98504, and the Washington State Thermal Power Plant Site Evaluation Council, 820 Fifth Avenue, Olympia, Washington 98601, operate the NPDES program.

Governor Evans' request and the program description may be inspected at the offices of the State Department of Ecology and the Thermal Power Plant Site Evaluation Council at the above addresses, or at the Regional Office of the United States Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101 (206) 442-1213.

NOTICES

The public hearing panel will consist of the Administrator or his representative who will serve as the Presiding Officer, the Director of the Department of Ecology or his representative, the Chairman, Thermal Power Plant Site Evaluation Council or his representative, and the Regional Administrator, Region X, EPA, or his representative.

All interested persons wishing to attend, to comment upon, or to object to this State request are invited to attend the public hearing. Written comments may be presented at the hearing or submitted by November 7, 1973, either in person or by mail to the Regional Office of the United States Environmental Protection Agency at the above address.

Oral statements will be received and considered, but for accuracy of the record, all testimony should be submitted in writing. Statements should summarize extensive written material so that there will be time for all interested persons to be heard. Persons submitting written statements are encouraged to bring additional copies for the use of the hearing panel and other interested persons.

All comments or objections received by November 7, 1973, or presented at the public hearing will be considered by EPA before taking final action on the Washington Request for State Program Approval.

ALAN G. KIRK, II,
Acting Assistant Administrator for
Enforcement and General Counsel.

SEPTEMBER 24, 1973.

[FR Doc. 73-20740 Filed 9-27-73; 8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 687]

COMMON CARRIER SERVICES INFORMATION¹

Domestic Public Radio Services Applications Accepted for Filing

SEPTEMBER 24, 1973.

Pursuant to §§ 1.227(b)(3) and 21.30(b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the list below, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been

accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed below if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS, COMMISSION.

[SEAL] VINCENT J. MULLINS,
Acting Secretary.

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

5424-C2-ML-73, Delta Valley Radiotelephone Co., Inc. (KMA743). Modification of License to delete standby designation operating on 152.21 MHz at Loc. #1: 3502 Kroy Way, Sacramento, California.

20265-C2-P-74, Morgan City Mobilephone (NEW). C.P. for a new 1-way station to operate on 152.24 MHz to be located at $\frac{1}{4}$ mile N. Highway 90 on River Road, Berwick, Louisiana.

20266-C2-P-74, Inland Telephone Company (NEW). C.P. for a new 2-way station to operate on 152.750 MHz to be located on Bald Butte, 2 miles East of Johnson, Washington.

20267-C2-P-74, Ohio Bell Telephone Company (KQA655). C.P. for additional facilities to operate on 152.81 MHz; replace transmitters operating on 152.51 and 152.63 MHz, and change antenna system and replace test transmitters operating on 157.77 and 157.89 MHz located at 111 North Fourth Street, Columbus, Ohio.

20268-C2-P-74, Anserphone of Goldsboro, Inc. (NEW). C.P. for a new station to operate on 152.24 MHz with base and standby facilities to be located at 412 East Ash Street, Goldsboro, North Carolina.

20269-C2-P-74, Continental Telephone Company of California (KMM598). C.P. for additional facilities to operate on 152.75 MHz; replace transmitter and change antenna system and delete standby on 152.63 MHz located on Black Metal Mountain, 2.0 miles NW of Parker Dam, California.

20270-C2-P-74, Mobilfone (KLB562). C.P. to change antenna location and replace transmitter operating on 152.12 MHz located one mile West of Andrews, Texas.

20271-C2-P-74, Douglas Radio (KRM967). C.P. to change antenna system and location operating on 152.09 MHz located 2.8 miles West of Douglas, Georgia.

20272-C2-P-74, Susquehanna Mobile Communications, Inc. (KGC599). C.P. for additional facilities to operate on 152.21 MHz to be located at a new site described as Loc. #2: 240 North Third Street, Harrisburg, Pennsylvania.

20273-C2-P-74, Sierra Communications (KFL891). C.P. to change antenna system and location for control facilities operating on 454.10 MHz to a new location #2 at 408 N. Bullard Street, Silver City, New Mexico.

20274-C2-P-(3)-74, Autophone of Laredo, Inc. (KLF536). C.P. for additional base facilities to operate on 152.12 MHz and repeater facilities to operate on 459.025 MHz to be located at a new site described as Loc. #2: 19 Miles North of Laredo, Texas; and control facilities to operate on 454.025 MHz to be located at a new site described as Loc. #3: 2201 Locust Street, Laredo, Texas.

20275-C2-P-74, Autophone of Laredo, Inc. (NEW). C.P. for a new 1-way station to operate on 152.24 MHz to be located at West of State Hwy #35, N. edge of Laredo, Texas.

20276-C2-P-(3)-74, Autophone of Laredo, Inc. (NEW). C.P. for a new 2-way station to operate on 152.21 MHz and repeater facilities to operate on 459.350 MHz to be located approx. 4 miles north of Zapata, Texas; and control facilities to operate on 454.350 MHz to be located West of St. Hwy #35, North Edge of Laredo, Texas.

20278-C2-P-(2)-74, General Telephone Company of the Southwest (KWA659), C.P. for additional facilities to operate on 152.78 MHz; and to change antenna system and replace transmitter operating on 152.66 MHz located 9 miles SW of Carta Valley, Texas.

20279-C2-P-74, Curry County Communications (KOP249). C.P. to change antenna system and replace transmitter operating on 152.09 MHz at Loc. #1: 6.75 miles East of Gold Beach, Oregon.

20280-C2-P-74, Clarksdale Mobile Telephone, Inc. (KTS215). C.P. for additional facilities to operate on 152.15 MHz at 1107 DeSota Avenue, Extended south of State Street, Clarksdale, Mississippi.

20281-C2-P-74, Mid State Telephone Company (NEW). C.P. for a new 1-way paging station to operate on 158.10 MHz to be located at Highway 23, 0.57 miles north of Spicer, Minnesota.

20282-C2-P-(3)-74, Valcom, Inc. (KUC842). C.P. to change antenna system and location and to replace transmitter operating on 152.18 MHz and to add repeater facilities to operate on 459.350 MHz located at Mr. Ascutney, 4 miles SW of Windsor, Vermont; and to add control facilities to operate on 454.350 MHz to be located at 31 Lyme Road, Hanover, New Hampshire.

20283-C2-P-(2)-74, Valcom, Inc. (NEW). C.P. for a new 1-way station to operate on 152.24 MHz to be located at Mr. Ascutney, 4 miles SW, Windsor, Vermont and control facilities to operate on 454.025 MHz to be located at 31 Lyme Rd., Hanover, New Hampshire.

Renewal of Licenses expiring July 1, 1973 term: July 1, 1973, to July 1, 1978

Licensee

Helms Telephone Company
Kerrville Telephone Company

Call Sign

KIG289

KFJ892 (This application was timely filed)

20289-C2-AP/AL-(2)-74, Mobilradio Telephone Service Consent to Assignment of License from Mobilradio Telephone Service, ASSIGNOR to Instant Communications, Inc., ASSIGNEE. Stations: KUC872, Dayton, Ohio and KQC576, Dayton Ohio.

INFORMATIVE:

It appears that the following application may be mutually exclusive and subject to the Commission's Rules regarding ex parte

NOTICES

presentations, by reasons of potential electrical interference.

NEW MEXICO

Associated Telephone Answering Service (KKI452) 3008-C2-P-(3)-71
Vernon H. Johnson (KKT397) 4467-C2-P-(3)-71

POINT TO POINT MICROWAVE RADIO SERVICE

798-C1-P-74, Michigan Bell Telephone Company (KQ180): 1365 Cass Avenue, Detroit, Michigan. Lat. 42°19'57" N., Long. 83°03'14" W. C.P. to change antenna system, add alarm center and add freqs. 4010H, 3930H, 3850H, 3770H MHz toward new point of communication at Pontiac, Mich., on azimuth 330°21".

799-C1-P-74, same (KVV86): 54 North Mill Street, Pontiac, Michigan. Lat. 42°38'20" N., Long. 83°17'25" W. C.P. to change antenna system, add alarm center and add freqs. 3970H, 3890H, 3810H, 3730H MHz toward Detroit, Mich., on azimuth 150°11"; freqs. 3970H, 3890H, 3810H, 3730H MHz toward Ortonville, Mich., on azimuth 310°04".

800-C1-P-74, same (KQM33): On McGinnis Road, 3.4 miles SW of Ortonville, Michigan. Lat. 42°49'08" N., Long. 83°30'09" W. C.P. to change antenna system, correct coordinates, azimuth, path length, add alarm center and add freqs. 4010H, 3930H, 3850H, 3770H MHz toward Pontiac, Mich., on azimuth 138°56"; freqs. 4010V, 3930V, 3850V, 3770V MHz toward Flint, Mich., on azimuth 324°34".

801-C1-P-74, same (KOG59): 502 Beach Street, Flint, Michigan. Lat. 43°00'53" N., Long. 83°41'33" W. C.P. to add freqs. 3970V, 3890V, 3810V, 3730V MHz toward Ortonville, Mich., on azimuth 144°33"; freqs. 4050V, 3970V, 3890V, 3810V, 3730V MHz toward Morrice, Mich., on azimuth 252°31".

802-C1-P-74, same (KQM36): 221 North Washington Street, Lansing, Michigan. Lat. 42°44'08" N., Long. 84°33'09" W. C.P. to add alarm center, correct coordinates, change antenna system and add freqs. 3730V, 3610V, 3890V, 3970V, 4050V MHz toward Morrice, Mich., on azimuth 59°24".

803-C1-P-74, same (New): 4.4 Miles NNE of Morrice, Michigan. Lat. 42°54'20" N., Long. 84°09'36" W. C.P. for a new station on freqs. 3770V, 3850V, 3930V, 4010V, 4090V MHz toward Flint, Mich., on azimuth 72°12"; freqs. 3770V, 3850V, 3930V, 4010V, 4090V MHz toward Lansing, Mich., on azimuth 239°40".

804-C1-P-74, Northwestern Bell Telephone Company (KBD58): 125 South Dakota Avenue, Sioux Falls, South Dakota. Lat. 43°32'48" N., Long. 96°43'48" W. C.P. to add freq. 6197.2V MHz toward Humboldt, S. Dak., on azimuth 306°22".

805-C1-P-74, same (KBD59): Approx. 6.0 Miles North of Humboldt, South Dakota. Lat. 43°43'59" N., Long. 97°04'48" W. C.P. to add freq. 6063.8V MHz toward Howard, S. Dak., on azimuth 308°19"; freq. 5945.2V MHz toward Sioux Falls, S. Dak., on azimuth 126°07".

806-C1-P-74, same (KBD60): 1.5 Miles South of Howard, South Dakota. Lat. 43°59'12" N., Long. 97°31'22" W. C.P. to change antenna system and add freq. 6315.9V MHz toward Humboldt, S. Dak., on azimuth 128°01"; freq. 6197.2V MHz toward Forestburg, S. Dak., on azimuth 279°12".

807-C1-P-74, Northeastern Bell Telephone Company (KBD61): Approx. 2.2 Miles North of Forestburg, South Dakota. Lat. 44°03'12" N., Long. 98°06'33" W. C.P. to add freq. 5945.2V MHz toward Howard, S. Dak., on azimuth 98°47"; freq. 6063.8V MHz toward Huron, S. Dak., on azimuth 346°02".

808-C1-P-74, same (KBD62): 154 3d Street SW, Huron, South Dakota. Lat. 44°21'46" N., Long. 98°12'59" W. C.P. to change antenna system and add freq. 6315.9V MHz toward Forestburg, S. Dak., on azimuth 165°40"; freq. 6345.5V MHz toward Danforth, S. Dak., on azimuth 250°35".

809-C1-P-74, same (KBD63): Approx. 4.1 Miles SE of Danforth, South Dakota. Lat. 44°12'09" N., Long. 98°50'28" W. C.P. to change antenna system and add freq. 6063.8V MHz toward Huron, S. Dak., on azimuth 70°09"; freq. 5974.8V MHz toward Stephan, S. Dak., on azimuth 278°00".

810-C1-P-74, same (KBB83): Approx. 8 Miles WNW of Stephan, South Dakota. Lat. 44°16'56" N., Long. 99°36'04" W. C.P. to change antenna system and add freq. 6345.9V MHz toward Pierre, S. Dak., on azimuth 285°00"; freq. 6226.9V MHz toward Danforth, S. Dak., on azimuth 98°00".

811-C1-P-74, same (KAU60): Approx. 3.0 Miles North of Pierre, South Dakota. Lat. 44°25'18" N., Long. 100°20'55" W. C.P. to change antenna system, correct coordinates and add freq. 6063.8V MHz toward Stephan, S. Dak., on azimuth 105°08".

812-C1-P-74, same (WBO87): 7.1 Miles SW of Hartford, South Dakota. Lat. 43°32'26" N., Long. 97°01'42" W. C.P. to change freq. from 5945.2H MHz to 6123.1H MHz toward Sioux Falls, S. Dak., on azimuth 88°17".

813-C1-P-74, American Telephone and Telegraph Company (KGH33): 3.5 Miles NW of Jennerstown, Pennsylvania. Lat. 40°10'48" N., Long. 79°07'49" W. Mod. of License to change freq. from 4030 MHz to 4050V MHz toward Connellsburg, Pa.

814-C1-P-74, Southern Pacific Communications Company (New): Southern Pacific Depot, Sacramento, California. Lat. 38°35'04" N., Long. 121°30'00" W. C.P. for a new station on freq. 6034.2V MHz toward Roseville, Calif., on azimuth 45°13". (Informative: The frequency and point of communication have been deleted from pending application 4531-C1-P-70 to allow for separate consideration of the two proposals.)

815-C1-P-74, same (New): Abernathy, 3.5 Miles SW of Ryderwood, Washington. Lat. 46°20'31" N., Long. 123°05'54" W. C.P. for a new station on freq. 6123.8V MHz toward Chehalis, Wash., on azimuth 17°55"; freq. 5945.2V MHz toward Mt. Scott, Oreg., on azimuth 156°27".

816-C1-P-74, Mountain Microwave Corp. (KCO93): 8 Miles SSW of Glenwood Springs, Colorado. Lat. 39°25'32" N., Long. 107°22'44" W. C.P. to change receive location to Aspen, Colorado (Lat. 39°13'09" N., Long. 106°51'34" W.); change transmitting antenna azimuth to 115°15" (INFORMATIVE: Radio path will now go thru passive repeater located at Lat. 39°13'36" N., Long. 106°50'24" W.)

817-C1-P-74, Pioneer Telephone Company (New): Main Street between First & Second Streets, LaCrosse, Washington. Lat. 46°48'51" N., Long. 117°52'46" W. C.P. for a new station on freq. 2164H MHz toward Kamiak Butte via Passive Repeater.

818-C1-P-74, South Central Bell Telephone Company (KLU69): 3951 Erato Street, New Orleans, Louisiana. Lat. 29°57'14" N., Long. 90°05'54" W. C.P. to add freq. 6226.9V MHz toward Laplace, La., on azimuth 288°57".

819-C1-P-74, same (KRW70): 2 Miles SE of Laplace, Louisiana. Lat. 30°02'50" N., Long. 90°27'07" W. C.P. to add freq. 5974.8V MHz toward Sorrento, La., on azimuth 293°22".

820-C1-P-74, same (KRW69): 2.25 Miles SE of Gonzales, Louisiana. Lat. 30°12'36" N., Long. 90°53'15" W. C.P. to add freq. 6226.9V MHz toward Baton Rouge, La., on azimuth 312°58".

821-C1-P-74, GTE Satellite Corporation (New): 3.8 Miles West of Andersonville, Indiana. Lat. 39°29'48" N., Long. 85°21'22" W. C.P. for a new station on freqs. 2317.2V, 11305H, 11385H, 11545H, 11625H MHz toward Metamora, Ind., and 2122.0H, 3770.0V, 3930.0V MHz toward Sugar Creek, Ind.

822-C1-P-74, same (New): 0.7 Mile East of Sugar Creek, Indiana. Lat. 39°38'33" N., Long. 85°54'08" W. C.P. for a new station on freqs. 2172.0H, 3730.0V, 3890.0V MHz toward Andersonville, Ind., and 3810.0H, 3970.0H MHz toward Pendleton, Ind., and 2162.4H MHz toward Indianapolis, Ind.

823-C1-P-74, same (New): 2.5 Miles NNE of Ingalls, Indiana. Lat. 39°59'29" N., Long. 85°47'11" W. C.P. for a new station on freqs. 3850.0H, 4010.0V MHz toward Sugar Creek, Ind., and 3770.0H, 3930.0H MHz toward Windfall, Ind.

824-C1-P-74, same (New): 3 Miles ENE of Windfall, Indiana. Lat. 40°22'22" N., Long. 85°53'56" W. C.P. for a new station on freqs. 3730.0H, 3890.0H toward Pendleton, Ind., and 3810.0V, 3970.0V MHz toward Wabash, Ind.

825-C1-P-74, same (New): 3.6 Miles North of Somerton, Indiana. Lat. 40°43'28" N., Long. 85°49'44" W. C.P. for a new station on freqs. 3750.0H MHz toward Roanoke, Ind.; 3850.0V, 4010.0V MHz toward Windfall, Ind., and 3770.0H MHz toward Luerne, Ind.

826-C1-P-74, GTE Satellite Corporation (New): 2.0 Miles NNW of Roanoke, Indiana. Lat. 40°59'22" N., Long. 85°23'41" W. C.P. for a new station on freqs. 3710.0H MHz toward Wabash, Ind., and 3790.0H MHz toward Woodburn, Ind.

827-C1-P-74, same (New): 4.3 Miles SSE of Harlan, Indiana. Lat. 41°08'17" N., Long. 84°53'14" W. C.P. for a new station on freq. 3830.0V MHz toward Roanoke, Ind., and 3810.0H MHz toward Edgerton, Ohio.

828-C1-P-74, same (New): 1.2 Miles WNW of Edgerton, Ohio. Lat. 41°27'21" N., Long. 84°46'31" W. C.P. for a new station on freqs. 3850.0H MHz toward Woodburn, Ind.; 3710.0V MHz toward Defiance, Ohio, and 3930.0H MHz toward Prattville, Mich.

829-C1-P-74, same (New): 0.5 Mile South of Prattville, Michigan. Lat. 41°46'28" N., Long. 84°23'58" W. C.P. for a new station on freqs. 3890.0H MHz toward Edgerton, Ohio, and 3750.0V MHz toward Adrian, Mich.

830-C1-P-74, same (New): 7 Miles North of Adrian, Michigan. Lat. 41°59'46" N., Long. 84°03'53" W. C.P. for a new station on freqs. 3710.0V MHz toward Prattville, Mich., and 3850.0H MHz toward Dixboro, Mich.

831-C1-P-74, same (New): 1.8 Miles SSE of Dixboro, Michigan. Lat. 42°17'23" N., Long. 83°38'37" W. C.P. for a new station on freqs. 3810.0H MHz toward Adrian, Mich., and 10815V, 11055V MHz toward Plymouth Jet, Mich.

832-C1-P-74, same (New): 0.75 Mile SE of Lucerne, Indiana. Lat. 40°51'32" N., Long. 86°23'34" W. C.P. for a new station on freqs. 3730.0H MHz toward Wabash, Ind., and 3970.0V MHz toward Reynolds, Ind.

833-C1-P-74, same (New): 1.3 Miles SW of Reynolds, Indiana. Lat. 40°44'13" N., Long. 86°53'41" W. C.P. for a new station on freqs. 4010.0V MHz toward Lucerne, Ind., and 3710.0H MHz toward Rensselaer, Ind.

834-C1-P-74, same (New): 4.7 Miles NW of Rensselaer, Indiana. Lat. 40°58'13" N., Long. 87°14'25" W. C.P. for a new station on freqs. 3750.0H MHz toward Reynolds, Ind., and 3890.0H MHz toward St. Anne, Ill.

835-C1-P-74, same (New): 0.7 Mile NNW of St. Anne, Illinois. Lat. 41°02'05" N., Long. 87°43'35" W. C.P. for a new station on freqs. 3930.0H MHz toward Rensselaer, Ind., and 10855V, 11015V MHz toward Grant Park, Ill.

NOTICES

836-C1-P-74, same (New): 1.5 Miles WSW of Sunman, Indiana. Lat. 39°13'58" N., Long. 85°07'21" W. C.P. for a new station on freqs. 11305V, 11625V MHz toward Lawrenceburg, Ill., and 11265V, 11425V MHz toward Peppertown, Ind.

838-C1-P/L-74, CPI Microwave, Inc. (New): Within the operating territory of applicant. C.P. and License for a new temporary fixed station on frequencies within the bands 5925-6425 and 10700-11700.

Major Amendments

4502-C1-P-70, Southern Pacific Communications Company (New): Smith Tower, 506 2nd Avenue, Seattle, Washington. C.P. to delete freq. 6034.2V, change freq. 6152.8V to 6152.8H and change transmit power to 10.0 watts on corrected azimuth 113°21' toward Tiger Mountain.

4503-C1-P-70, same (New): Tiger Mountain, 3 Miles South of Preston, Washington. C.P. to delete freq. 6228.9V and change transmit power to 10.0 watts on corrected azimuth 293°38' toward Seattle. Change transmit power to 10.0 watts on corrected azimuth 221°07' toward Mt. Crawford. Delete freq. 6286.2V and correct transmit power to 3.0 watts on corrected azimuth 231°49' toward Tacoma.

4504-C1-P-70, same (New): Wright Street, Tacoma, Washington. C.P. to delete freq. 5974.8V and correct transmit power to 3.0 watts on corrected azimuth 51°28' toward Tiger Mountain.

4505-C1-P-70, same (New): Mt. Crawford, 4.5 Miles East of Tenino, Washington. C.P. to change transmit power to 10.0 watts on corrected azimuth 40°31' toward Tiger Mountain. Delete freq. 6093.5V and change transmit power to 10.0 watts on corrected azimuth 214°59' toward Chehalis.

4506-C1-P-70, same (New): 1 Mile East of Chehalis, Washington. C.P. to delete freq. 6404.8V and change transmit power to 10.0 watts on corrected azimuth 34°50' toward Mt. Crawford. Delete freqs. 6286.2V and 6345.5V on azimuth 169°24' toward Green Mountain. Delete Green Mountain as a point of communication. Add freq. 6375.2V with transmit power 10.0 watts on azimuth 196°02' toward new point of communication at Abernathy.

5491-C1-P-73, same (New): Mt. Scott, 8 Miles SE of Portland, Oregon. C.P. to delete freq. 6197.2V on azimuth 344°23' toward Green Mountain. Delete Green Mountain as a point of communication. Add freq. 6197.2V with transmit power to 10.0 watts on azimuth 336°51' toward new point of communication at Abernathy.

5271-C1-P-71, RCA Alaska Communications, Inc. (WGF60): C.P. to add freq. 11325V MHz toward Lena Point, Alaska.

5217-C1-P-71, same (WBP70): C.P. to add freq. 10965H MHz toward Juneau, Alaska. (All other particulars same as reported in Public Notice #539, dated April 12, 1971.)

3444-C1-P-71, GTE Satellite Corporation (New): C.P. for a new station to be located 2.6 Miles West of Peppertown, Indiana. Lat. 39°23'57" W., Long. 85°13'26" W. Freqs. 10735V 10895V MHz toward Sunman, Indiana, and 2167.2V 10775H 10855H 11015H 11095H MHz toward Andersonville, Ind. Delete all other particulars reported in Public Notice #526, dated 1-11-71.

CORRECTION

595-C1-P-74, East Texas Transmission Company (New): Correct to Read: C.P. for a new station on freqs. 6226.9H 6345.5H MHz toward Gladewater, Tex. (All other particulars remain as reported in Public Notice #664, dated September 4, 1973.)

[FR Doc. 73-20641 Filed 9-27-73; 8:45 am]

[Docket No. 19660; FCC 73-974]

INTERNATIONAL RECORD CARRIERS

Memorandum Opinion and Order Re Oral Argument En Banc

In the matter of international record carriers' scope of operations in the continental United States, including possible revisions to the formula prescribed under section 222 of the Communications Act, Docket No. 19660, RM-960.

1. The Commissioner has before it (a) Petition for Reconsideration and Clarification and (b) Request for Extension of Time, both filed September 10, 1973, by Western Union International, Inc. (WUI), and (c) Motion to Dismiss and (d) Opposition to Request for Extension of Time, both filed September 12, 1973, by The Western Union Telegraph Company (WU).

2. WUI's petition and request for extension of time are directed at the Commission's Memorandum Opinion and Order (Order) released August 31, 1973 (FCC 73-887; published at 38 FR 24399), which scheduled oral argument before the Commission en banc for September 25, 1973, on the following question:

Under what circumstances, if any, may the Commission grant the request of Western Union, in whole or in part, for an interim increase in landline charges for outbound and inbound international messages?

In addition, written briefs on this question were directed to be filed by specifically named parties to the argument, including WUI, on or before September 17, 1973.

3. Basically, in its petition WUI contends that oral argument on the above question would be "an empty, burdensome and useless exercise" because the Communications Act and the Administrative Procedures Act "absolutely forbid" the Commission from taking action on WU's request for an interim increase in landline charges for outbound and inbound international messages pending completion of a definitive proceeding on its underlying request for a permanent increase. WUI insists that the "mere exchange of pleadings and oral argument do not constitute the full evidentiary hearing" mandated by section 556(d) of Administrative Procedure Act before the Commission may act on WU's request under section 210(a) and 222(e)(3) of the Communications Act. Accordingly, WUI requests that the Commission reconsider its Order and cancel the oral argument.

4. Alternatively, WUI requests that the Commission clarify its Order by explicitly stating that the scheduled oral argument shall not be construed as constituting a full evidentiary hearing and reject any argumentation either in written briefs or orally which extends beyond the narrow legal issue in question, such as pleas of poverty by WU and facts, costs and theories relating to message handling practices. WUI also requested that, pend-

ing this clarification, the briefing and oral argument dates be postponed.¹

5. In the event the Commission denies the Petition for Reconsideration and Clarification, WUI requests that the time for filing briefs be extended from September 17 to October 23, 1973, and that oral argument be rescheduled from September 25 to October 30, 1973. WUI notes that it has been authorized to state that the other interested parties (except WU) to this proceeding concur in the request for extension of time. In support, WUI alludes to a number of proceedings and conferences both here and abroad on matters before the Commission which it says will occupy the time and attention of its legal counsel for the next several weeks and thereby seriously restrict its capacity to prepare and file a brief by September 17 and present an oral argument by September 25, 1973. It also urges that the argument be deferred to permit Commissioner Robert E. Lee, who is attending an international conference in Spain until October 26, to be present, in view of his previous experience in matters relating to the domestic handling of international messages. Finally, WUI maintains that the Commission's Order of August 31 can only become effective, under the provisions of Section 408 of the Communications Act, "not less than thirty days after service of the Order," so that the September 17 briefing date and the September 25 oral argument date cannot be imposed by the August 31 Order.

WESTERN UNION OPPOSITION

6. WU contends that WUI's petition and motion are delaying tactics without merit which should be summarily dismissed or ignored. It maintains that the Commission's Order of August 31 is an interlocutory action against which petitions for reconsideration are prohibited by the Commission's Rules and Regulations, Section 1.106(a). With respect to the request for additional time, WU points out that the delay attending grant of such request could result in a loss of revenues to it; that the questions to be briefed and argued have already been researched and briefed by WUI and the other international record carriers in connection with their oppositions to WU's Amended Complaint and Petition and Motion for Interim Relief; that WUI itself argues in its petition that it has already made a filing with the Commission demonstrating that an evidentiary hearing is necessary, so that little further need be done by WUI in the way of preparation; and that Section 408 is not intended to apply to procedural orders such as this.

¹ Acting under delegated authority, the Chief, Common Carrier Bureau, by Order of September 14, 1973, extended the time for filing briefs herein from September 17 to September 19.

NOTICES

WUI REPLY

7. In reply, WUI asserts that WU ignores the substantive aspects of its petition, i.e., that the Commission is prohibited by law from granting the relief sought by WU, and that clarification of the Order is required to assure that the *en banc* proceeding will not be construed as constituting a full evidentiary hearing. WUI further argues that petitions for reconsideration of interlocutory orders may be considered in exceptional circumstances. It believes that such circumstances arise through the Commission scheduling argument, without opportunity for WUI to first comment on a matter "clearly" prohibited by law. In any event, WUI believes its procedural rights would be jeopardized if its request for clarification of the Order is denied. Insofar as its petition for postponement is concerned WUI argues that the allegations of WU's financial hardship should not be permitted to prompt precipitous action by the Commission, and that a grant of WU's request should not be made without careful examination of all the underlying issues. It also repeats the other arguments made in its request, and urges that a month of delay is not a significant one to WU.

DISCUSSION

8. As we indicated in our Order of August 31, we carefully reviewed the points and authorities advanced by the parties on the question of whether the Commission is empowered to grant an interim increase in landline charges in view of the hearing requirements of section 222(e)(3) of the Communications Act. Such review convinced us that the question was sufficiently important to warrant a full briefing and *en banc* oral argument. Nothing in WUI's petition has persuaded us to the contrary. We cannot accept, without a full airing of this question, WUI's contention that interim action of the nature requested in this proceeding is flatly prohibited by statute. Indeed, WUI, in its request for additional time, asserts that "great care and careful preparation will be required" to comply with our Order.

9. As regards WUI's request for clarification, no specific contention is made that the question specified in our August 31 Order is unclear. Obviously the scheduled oral argument will not be an evidentiary hearing; the purpose of the argument is to determine the nature of any hearing, evidentiary or otherwise, that may be required by law. Although WUI indicates that some uncertainty may exist in its mind, or in the minds of other parties, the question at issue is clear on its face, and we see no need to provide further guidelines to the parties in the preparation of their briefs. Should a party to the oral argument digress from the question at issue, we shall take such action as appears appropriate.²

² As regards the effectiveness of our Order to require the filing of briefs and oral argument as scheduled, such order is procedural in character and not subject to the 30-day requirement of section 408 of the Communications Act.

10. Finally, it is the settled policy of the Commission that petitions for reconsideration of an interlocutory ruling or order will not be entertained (Commission's rules and regulations, §§ 1.102(b), 1.106(a) and 1.291(c)(3)). While it is true that extraordinary or unusual circumstances may cause the Commission to waive the requirements of its rules, no such circumstances appear in this case. WUI misconstrues the intent of the oral argument and its contention that it should have been consulted prior to such scheduling is without merit.

11. By reason of the foregoing, we shall dismiss WUI's Petition for Reconsideration and Clarification. Additionally, WUI has not made a persuasive showing that it requires the considerable extension of time it requests for the filing of a brief and preparation for oral argument.³ However, in the interest of insuring that we have given ample opportunity for preparation, we shall grant, to the extent hereinafter specified, a short extension of time to all parties in this proceeding, of the currently scheduled dates specified in our Order of August 31.

Accordingly, it is ordered, That the Petition of Western Union International, Inc. is hereby dismissed;

It is further ordered, That the motion of Western Union International, Inc. for an extension of time is granted, to the extent that briefs by all parties shall be filed on or before September 25, 1973 and that oral argument is hereby scheduled to be heard before the Commission *en banc* at its offices in Washington, D.C. on October 1, 1973 at 2 p.m.; and

It is further ordered, That, in all other respects, our order of August 31, 1973 shall remain unchanged.

Adopted September 19, 1973.

Released September 20, 1973.

FEDERAL COMMUNICATIONS
COMMISSION,⁴

[SEAL] VINCENT J. MULLINS,
Acting Secretary.

[FR Doc. 73-20716 Filed 9-27-73; 8:45 am]

FEDERAL POWER COMMISSION

[Docket No. E-8125]

KANSAS POWER AND LIGHT CO.
Order Accepting Settlement and Revised
Fuel Clause

SEPTEMBER 19, 1973.

On April 13, 1973, the Kansas Power and Light Company (KPL) filed with the Commission a Rate Schedule to supersede the present FPC designated rate schedules for service to seventeen cooperative customers (Coops).⁵ This filing was supplemented on May 9, 1973, with the filing by KPL of copies of the form of contract for each of the Coops

⁴ We note that, although other international record carriers apparently authorized WUI to state that they joined in its request, the major argument made by WUI was its own staffing problem.

⁵ Commissioner Robert E. Lee absent.

⁶ See attached Appendix A for a list of the Narrow fabrics.

and the tariff schedule, *Wholesale Service—Rural Electric Cooperative RCW-73* applicable to this class of service. According to KPL's filing, the rate level reflected in the rate schedule was arrived at through negotiations between KPL and the Coops and will increase revenues from this class of service by \$675,997 based on sales for the test year 1972. An effective date of May 15, 1973, was requested. The filing was noticed on April 25, 1973, with protests and petitions to intervene due on or before May 7, 1973.

By order of May 31, 1973, the Commission granted the only petition to intervene, filed by all seventeen of the Coops, wherein the Coops protested various provisions of the proposed rate schedule. These objections were outlined in the May 31 order. The petitioners requested that the proposed contract and Schedule RCW-73 be modified pursuant to their objections before acceptance by the Commission. Since these objections were not as to rate level, the Commission waived its notice requirements to permit the proposed rates to become effective, subject to refund, on May 16, 1973, one day after the proposed effective date, and set the matter for hearing. The Commission also directed that KPL file a revised fuel clause in conformance with *New England Power Company*, Docket No. E-7541, Opinion No. 633.

On July 30, 1973, KPL filed a revised fuel clause pursuant to the Commission's May 31 order. According to the Company, the fuel clause has the effect of recovering (with respect to the fuel cost component of purchased power) the seller's cost of the fuel which is consumed to generate such power as distinguished from the Company's cost of fuel which might be attributed to such power. Our review of the fuel clause indicates that it is in substantial compliance with Opinion No. 633.⁶

On July 30, 1973, KPL and the Coops filed a proposed Settlement Agreement (Agreement), dated June 29, 1973, and a petition which requests a waiver of the established hearing dates and further urges the issuance of an order placing the rates into effect and terminating the proceeding. By notice of August 2, 1973, the procedural dates were deferred pending further order by the Commission. The Agreement purports to settle all issues which were raised by the previously discussed petition to intervene filed by the Coops.⁷ The Agreement is conditioned upon the Commission's granting waiver of its Regulations to the extent necessary to permit an effective date of May 16, 1973. The filing of the proposed Agreement and revised fuel clause was noticed on August 3, 1973, with comments or protests due on or before August 15, 1973. On September 4, 1973, Staff filed a motion to file late comments which included Staff's view of the capitalization and a summary cost of service comparing the Company study and that of Staff (See Appendix C).

⁷ See Appendix A for designations.

⁸ See Appendix B for proposed amendments to the form of contract and the tariff schedule.

NOTICES

Our review of the Settlement Agreement and cost of service and capitalization as shown in Staff's comments (See Appendix C) indicates that the Agreement satisfactorily resolves all outstanding issues in this docket and the terms and conditions contained therein are in the public interest. We shall therefore accept the proposed Settlement Agreement as it would amend KPL's Rate Schedule to be effective as of May 16, 1973, upon proper filing by KPL of such contract and tariff amendments as are required pursuant to the Settlement Agreement.

The Commission finds

(1) Approval, as hereinafter ordered, of the settlement proposed in this docket on the basis of the Agreement filed on July 30, 1973, is just and reasonable and in the public interest in carrying out the provisions of the Federal Power Act.

(2) Good cause exists to waive the Commission's notice requirements to permit an effective date of May 16, 1973, for the amendments proposed for KPL's Rate Schedule pursuant to the Settlement Agreement.

(3) KPL's revised fuel clause filed July 30, 1973, should be accepted.

The Commission orders

(A) KPL's Settlement Agreement filed on July 30, 1973, is incorporated herein by reference and is approved and made effective as of May 16, 1973, as ordered herein.

(B) Within 30 days KPL shall file with the Commission such contract and tariff amendments to its Rate Schedule as are required pursuant to the terms of the Settlement Agreement.

(C) The revised fuel clause filed by KPL on July 30, 1973, pursuant to the Commission's order of May 31, 1973, is hereby accepted to be effective as of May 16, 1973.

(D) The Secretary shall cause prompt publication of this order in the **FEDERAL REGISTER**.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc. 73-20619 Filed 9-27-73; 8:45 am]

APPENDIX A

RATE SCHEDULE DESIGNATIONS

The Kansas Power and Light Company
Instrument: Revised Fuel Clause
Dated: July 25, 1973
Filed: July 30, 1973
Effective: May 16, 1973

The above instrument is designated as Supplement No. 1 to the following Rate Schedules:

Rate Schedule:

FPC No.: Other party:

130 ----- Ark Valley ECA, Inc.
131 ----- Brown-Atchison ECA, Inc.
132 ----- Butler Rural ECA, Inc.

¹ EC—Electric Cooperative.

ECA—Electric Cooperative Association.

ECC—Electric Cooperative Company.

FPC No.:	Other party ¹
133 -----	The C & W ECA, Inc.
134 -----	Coffey County Rural ECA, Inc.
135 -----	D. S. & O. Rural ECA, Inc.
136 -----	Doniphan ECA, Inc.
137 -----	Flint Hills Rural ECA, Inc.
138 -----	The Kaw Valley ECC, Inc.
139 -----	Leavenworth-Jefferson EC, Inc.
140 -----	Lyon County EC, Inc.
141 -----	Nemaha-Marshall ECA, Inc.
142 -----	Ninnescah ECA, Inc.
143 -----	P. R. & W. ECA, Inc.
144 -----	The Smoky Hill ECA, Inc.
145 -----	The Smoky Valley ECA, Inc.
146 -----	The Twin Valley EC, Inc.

ately adjacent to lines or facilities of the Company as now or as may be hereafter located and shall be at the connection of the facilities of Company and Cooperative there. Initially, they shall be at the following points and at the phase, approximate voltage, and maximum capacity designated for each point of delivery. Changes in said points of delivery and other and additional points, including phase, voltage and capacity may be established in accordance with this contract and shall be agreed upon in writing, and approved by the State Corporation Commission of Kansas.

APPENDIX B

SETTLEMENT AGREEMENT AMENDMENTS TO THE FORM OF CONTRACT AND TARIFF SCHEDULE

I. Form of Contract.

1.1 The second "Whereas" on page 1 shall be amended to read as follows:

Whereas, Cooperative desires to procure a supply of electric energy, and Company desires to sell and deliver to Cooperative such requirement,

1.2 Paragraph 1(b) of Article I shall be amended by adding the words "attempt to" after the word "shall" in line 4 thereof so that the said paragraph 1(b) reads as follows:

(b) It is agreed that in the event Cooperative requires a point of delivery in an area other than that for which the Company has authority to serve and service for such does not conflict with an existing agreement the Cooperative has with another company having authority to serve, the Company shall attempt to supply such power, provided it is granted authority from the Kansas Corporation Commission and Cooperative shall purchase its such requirements from the Company. Within thirty (30) days of written notice from the Cooperative of its needs, including voltage and capacity, and the proposed point of delivery, the Company shall notify Cooperative whether it is willing to supply such power for the point of delivery. In the event the Company is willing to do so, it shall promptly file and prosecute an appropriate application to obtain service authority. In event Company does not advise Cooperative of its willingness to provide the facilities to supply such additional requirements within said 30 day period, Cooperative may obtain its requirements for such extension from another power system, subject to approval of the State Corporation Commission of Kansas.

APPENDIX B

1.3 Paragraph 3 of Article I of the Form of Contract filed herein shall be deleted.

1.4 Article II shall be modified by (a) in line 5 substituting the words "maximum capacity" for the words "estimated demand," (b) in line 7 substituting the word "capacity" for the word "demand," and (c) in the heading on the right hand side of the Schedule of Points of Delivery the words "Maximum Capacity" shall be substituted for the words "Estimated Maximum Demand." Article II as modified reads as follows:

ARTICLE II

Points of Delivery

The points of delivery for electric energy under this Contract shall be at or immedi-

Point of delivery Phase Delivery voltage Maximum capacity

1.5 Paragraph 2 of Article III shall be amended to read as follows:

2. The rate schedules and any terms or conditions provided therein are subject to changes or substitutions, either in whole or in part, made from time to time by a legally effective filing of the Company with, or by order of, the regulatory authority having jurisdiction, and the Company reserves the right to seek changes or substitutions, in accordance with law, from such regulatory authority. Company agrees to notify the Cooperative of the Company's intent to seek said changes or substitutions not less than 30 days prior to filing therefor with the regulatory authority having jurisdiction, and at that time to disclose its tentative proposed changes and preliminary data directly pertinent to said changes. The Company further agrees to review and to discuss such data and proposed changes at a time mutually agreeable during said 30 day period upon request of Cooperative. It is agreed, however, that such procedure shall in no way limit or delay any filing which the Company may wish to make with the appropriate regulatory authority. It is further understood that the Company may alter or change from time to time the preliminary proposal and data prior, at or subsequent to actual filing, without again making these procedures effective. Established legal and regulatory procedures of the regulatory authority shall be applicable without regard to these provisions for notice and discussion.

1.6 Article IX shall be modified by substituting the following sentence for the second sentence of the first paragraph thereof:

It shall become effective and be applicable to all deliveries of power and energy by the Company to the Cooperative on and after May 16, 1973, or as otherwise ordered by regulatory bodies having jurisdiction.

II. Tariff Schedule

2.1 The "APPLICABLE" paragraph set forth on page 1 of 4 of Tariff Schedule RCW-73 shall be amended to read as follows:

To any Rural Electric Cooperative organized to operate without profit under the laws of the State of Kansas, which is subject to regulation by the State Corporation Commission of Kansas. This Schedule is not applicable for breakdown, standby, or supplemental electric service.

APPENDIX C.—Capitalization—Dec. 31, 1972—The Kansas Power & Light Co.

[Dollars in thousands]

	Amount	Ratio	Cost factor	Weighted total
	Percent	Percent	Percent	
Long-term debt	\$117,331	44.74	4.93	2.21
Preferred stock	34,858	9.48	4.57	.43
Common equity	118,748	45.27	10.50	4.75
Accelerated amortization	1,347	.51		
Total	262,284	100.00		7.39

SUMMARY COST OF SERVICE—CALENDAR YEAR 1973		
	Company study	Staff study
Proposed sales revenue	4,706,875	4,379,094
Operating expense	3,408,427	3,238,461
Income taxes	885,103	281,185
Net available for return	812,286	759,448
Rate base	13,226,394	13,916,869
Realized rate of return (percent)	6.14	5.46
Staff rate of return recommendation (percent)		7.39

[FPR Doc. 73-20619 Filed 9-27-73; 8:45 am]

[Docket No. CP73-114]

MICHIGAN WISCONSIN PIPE LINE CO.

Petition To Amend

SEPTEMBER 21, 1973.

Take notice that on August 31, 1973, Michigan Wisconsin Pipe Line Company (Petitioner), One Woodward Avenue, Detroit, Michigan 48226, filed in Docket No. CP73-114 a petition to amend the order of the Commission issued in said docket on July 25, 1973, pursuant to Section 7(c) of the Natural Gas Act so as to modify the Maximum Daily Quantity (MDQ) to be furnished to five of its customers and approve a change in service by rate schedule for seven of its customers from that authorized by said order, all as more fully set forth in the petition

to amend which is on file with the Commission.

By the order issued July 25, 1973, Petitioner was authorized to construct and operate certain facilities in order to increase its system capacity by approximately 75,000 Mcf daily to meet additional natural gas requirements and to sell additional volumes of natural gas to its existing customers. Petitioner states that the customers listed below have reviewed their requirements and have informed the petitioner of the changes in MDQ required to meet their customers' daily requirements and the desired changes in service by rate schedule permitted under the provisions of Section 8 of Petitioner's tariff.

The requested modifications are as follows:

Customer	Rate schedule	Authorized	Revised	Increase or (decrease)
Albany, Mo., city of	SGS-1	1,460	1,935	475
Bethany, Mo., city of	ACQ-1	2,306	(2,306)	(59)
Bloomfield, Iowa, city of	MDQ-1	59		
Central Indiana Gas Co., Inc.	SGS-1		2,365	2,365
Illinois Power Co.	ACQ-1	2,356		(2,356)
Indiana Natural Gas Corp.	ACQ-2	44		(44)
Keokuk Gas Service Co.	SGS-1		2,400	2,400
Lyons Gas Co., Inc.	SGS-1	700		(700)
Michigan Gas Utilities Co.	ACQ-1		700	700
Stanberry, Mo., city of	SGS-1	16,000		(16,000)
West Ohio Gas Co.	ACQ-1		16,000	16,000
Wisconsin Fuel & Light Co.	SGS-1	1,500	2,500	1,000
	ACQ-1	14,364	10,276	(4,088)
	MDQ-1	186	2,364	2,218
	SGS-1	900	1,500	600
	ACQ-1	25,191	17,691	(17,500)
	ACQ-2	96,809	109,309	12,500
	MDQ-2	15,000		(15,000)
	ACQ-1		20,000	20,000
	ACQ-2	778		(778)
	SGS-1	147		(147)
	SGS-1		922	922
	ACQ-1	5,000	5,500	500
	ACQ-2	62,740	35,650	(27,090)
	MDQ-1		19,350	19,350
	ACQ-2	2,260	10,000	7,740

Petitioner states that because of the *de minimis* nature of these changes, it can provide the requested service with existing facilities, including those heretofore authorized in the instant docket. Petitioner further states that the revised MDQ's for Central Indiana, Illinois

Power, Keokuk Gas, Michigan Gas Utilities and Wisconsin Fuel & Light result in no increase in annual entitlements and the annual requirements of City of Albany, City of Bethany, City of Bloomfield, Indiana Natural, Lyons Gas, City of Stanberry and West Ohio are essentially the

same as those heretofore authorized in the instant docket. Petitioner estimates the proposed aggregate net increase in peak day requirements at 615 Mcf.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before October 15, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FPR Doc. 73-20620 Filed 9-27-73; 8:45 am]

[Docket No. RPT2-64]

TEXAS GAS TRANSMISSION CORP. AND GIBSON COUNTY UTILITY DISTRICT

Petition for Extraordinary Relief

SEPTEMBER 24, 1973.

Take notice that on September 14, 1973, Gibson County Utility District (Petitioner) filed a petition for extraordinary relief, on a one-time basis, from the volumetric limitation and the overrun penalty provisions of Texas Gas Transmission Corporation's tariff.

In support of its petition, Petitioner asserts that it receives its gas supply from Texas Gas under Texas Gas' FPC Gas Tariff, Third Revised Volume No. 1, which contains a seasonal volumetric limitation and a penalty provision for any overrun gas taken in excess of that limitation. Petitioner requests that its summer volumetric limitation be increased and its winter limitation be decreased by approximately 50,000 Mcf to counter its projected summer overrun that resulted from below normal temperatures in the months of April and May, 1973. Petitioner states that the result of its request will permit it to use no more than its total 12-month gas entitlement and that its request, if granted, will have no effect upon the quantity entitlements of the other customers of Texas Gas during the 1973 summer season and the 1973-74 winter season.

Texas Gas has advised Petitioner and its other customers that Texas Gas does not contemplate curtailing present Quantity Entitlements prior to the end of the 1973-74 winter season.

It appears reasonable and consistent with the public interest in this proceeding to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to protest said application, should file a petition to intervene or protest with the Federal

NOTICES

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) on or before September 28, 1973. The notices and petitions for intervention previously filed in this proceeding will not operate to make those parties intervenors or protestants with respect to the instant filing. 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 in accordance with the Commission's rules. This filing which was made with the Commission is available for public inspection.

KENNETH F. PLUME,
Secretary.

[FR Doc.73-20779 Filed 9-27-73;8:45 am]

FEDERAL RESERVE SYSTEM

FIRST AT ORLANDO CORP.

Acquisition of Banks

First at Orlando Corporation, Orlando, Florida, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of Wilton Manors National Bank, Ft. Lauderdale, Florida, and 80 percent or more of the voting shares of Lauderdale Beach Bank, Ft. Lauderdale, Florida. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The applications may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the applications should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than October 16, 1973.

Board of Governors of the Federal Reserve System, September 20, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-20689 Filed 9-27-73;8:45 am]

INDIAN HEAD BANKS INC.

Acquisition of Bank

Indian Head Banks Inc., Nashua, New Hampshire, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of The Keene National Bank, Keene, New Hampshire. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Boston. Any person wishing to comment on the application should submit his views in writ-

ing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than October 16, 1973.

Board of Governors of the Federal Reserve System, September 20, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-20687 Filed 9-27-73;8:45 am]

NORTHWEST BANCORPORATION

Order Denying Acquisition of Bank

Northwest Bancorporation, Minneapolis, Minnesota, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 90 percent or more of the voting shares of The First National Bank of Dubuque, Dubuque, Iowa (Bank).

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and all those received have been considered in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)). Among the comments and objections was a request for a hearing. The Board decided to proceed on the basis of written submissions and denied the request for a hearing.¹

Applicant controls 79 banks located variously in Iowa, Minnesota, Montana, Nebraska, North Dakota, South Dakota, and Wisconsin. Within Iowa, Northwest Bancorporation controls four banks with aggregate deposits of \$485 million, representing 5.8 percent of the total commercial bank deposits in that State.² Upon consummation of the acquisition of Bettendorf Bank and Trust Company (\$28.7 million in deposits) and Security State Bank (\$14.3 million in deposits), Northwest Bancorporation would control nearly \$528 million in deposits and 6.3 percent of the total commercial bank deposits in Iowa. Applicant is the largest banking organization and bank holding company in Iowa and acquisition of Bank (\$74.6 million in deposits), the tenth largest banking organization in Iowa, would increase Applicant's share of Statewide deposits by nearly one percentage point.

There is no significant existing competition between Bank and Applicant's existing and prospective banking subsidiaries. Applicant's closest banking sub-

¹ The principal arguments raised in the request for a hearing and in the subsequent written submissions have been previously considered by the Board in its Order effective August 2, 1973 (38 FR 21530), approving the applications of Northwest Bancorporation to acquire two Iowa banks, Bettendorf Bank and Trust Company, and Security State Bank.

² All banking data, unless otherwise indicated, are as of December 31, 1972, and reflect bank holding company formations and acquisitions approved by the Board through July 31, 1973.

sidiary to Bank will be located about 78 miles south, in Bettendorf. Accordingly, the Board concludes that no significant existing competition would be eliminated between Bank and Applicant's banking subsidiaries upon consummation of this proposal.

In the Board's opinion, however, approval of this application would have significantly adverse effects on potential competition with respect to the Dubuque SMSA, the relevant banking market. Bank is the second largest banking organization in the relevant market, controlling over 26 percent of market deposits. Bank has the largest market share of IPC deposits of under \$100,000, over 28 percent (as of June 30, 1972). In the Dubuque banking market the three largest banks together control about 80 percent of market deposits. Acquisition of Bank by Applicant would seem to solidify this market structure and lessen the likelihood of the emergence of new competitive forces in that market.

De novo entry into the Dubuque market is a reasonable alternative in view of the fact that Dubuque is a regional center for the tri-State area (eastern Iowa, northwestern Illinois, and southwestern Wisconsin), and its future prospects appear to be favorable in view of the facts of record, including the following: Population growth in the market; renovation of the central business district; completion of an expansive new shopping center; and establishment of two industrial parks, a 215-acre park near the Mississippi River and a second park of about 400 acres eight miles west of the city. In light of Applicant's market extension interests and capabilities for entry, and the prospects of the Dubuque SMSA, the Board is of the view that Applicant can be viewed as one of the more likely de novo entrants. Furthermore, there are, in fact, foothold means of entry into the market which are less anticompetitive than is this proposal. Given the character of the Dubuque banking market, the probability of Applicant as a potential entrant into such market and the opportunities for de novo or "foothold" entry, the Board is of the view that approval of this proposal would have a significantly adverse effect on potential competition.

Another factor arguing against approval of this application is the fact that acquisition of Bank by Applicant would eliminate the possibility that Bank would develop into the lead bank of a regional bank holding company. It certainly would appear to have the managerial and financial resources to so develop since it is the tenth largest banking organization in the State. At present, there is no multibank holding company representation in the entire northeast section of Iowa.

The Department of Justice has commented on this application and recommended that it be denied due to the elimination of existing competition as between Applicant's mortgage banking subsidiary, Iowa Securities Company, with an office in Dubuque, and Bank. In response, Applicant contends that the

residential real estate mortgage business of Bank and Iowa Securities Company in the Dubuque area does not constitute a substantial volume of business; and, furthermore, Bank and Iowa Securities Company "are not in the same residential mortgage loan market." However, it is the Board's view that approval could, given the structural changes taking place in mortgage lending, eliminate significant competition in the 1-4 family mortgage origination market in the Dubuque SMSA. Accordingly, the Board concludes that the competitive factors of this application weigh against approval.

The financial condition and managerial resources and future prospects of Applicant, its existing subsidiary banks, and Bank are satisfactory and consistent with approval of the application. However, these factors do not outweigh the anticompetitive effects flowing from this proposal. There is no indication in the record that the banking needs of the relevant market are not being met. Accordingly, although considerations relating to the convenience and needs of the communities to be served are consistent with approval they do not outweigh the adverse competitive effects of the proposal. It is the Board's judgment that consummation of the proposed acquisition would not be in the public interest and that the application should be denied.

On the basis of the record,⁴ the application is denied for the reasons summarized above.

By order of the Board of Governors, effective September 19, 1973.

[SEAL] CHESTER B. FELDEBERG,
Secretary of the Board.
[FR Doc. 73-20693 Filed 9-27-73;8:45 am]

SOUTHEAST BANKING CORP.

Acquisition of Bank

Southeast Banking Corporation, Miami, Florida, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of Southeast Bank of Westland, Hialeah, Florida, a proposed new bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta.

⁴Concurring Statement of Governors Mitchell and Sheehan filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Minneapolis.

* Voting for this action: Vice-Chairman Mitchell and Governors Sheehan, Bucher, and Holland. Absent and not voting: Chairman Burns and Governors Daane and Brimner.

Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than October 16, 1973.

Board of Governors of the Federal Reserve System, September 20, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc. 73-20688 Filed 9-27-73;8:45 am]

WYOMING BANCORPORATION

Acquisition of Bank

Wyoming Bancorporation, Cheyenne, Wyoming, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 95 percent of the voting shares of Bank of Wyoming, N.A., Sheridan, Wyoming. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank, to be received not later than October 16, 1973.

Board of Governors of the Federal Reserve System, September 20, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc. 73-20686 Filed 9-27-73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

BROKER-DEALER MODEL COMPLIANCE PROGRAM ADVISORY COMMITTEE

Notice of Public Meeting

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 October 5, 1973, at the Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. The meetings will commence at 9 a.m., local time.

This Advisory Committee was formed to assist the Commission in developing a model compliance program to serve as an industry guide for the broker-dealer community. Assisted by this Committee's work, the Commission plans to publish a guide to broker-dealer compliance under the securities acts in order to advise broker-dealers of the standards to which they should adhere if investor confidence in the fairness of the market place is to be warranted and sustained. The Committee's recommendations are not in-

tended 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 meeting 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.

This meeting is 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] GEORGE A. FITZSIMMONS,
Secretary.

SEPTEMBER 24, 1973.

[FR Doc. 73-20719 Filed 9-27-73;8:45 am]

SELECTIVE SERVICE SYSTEM

REGISTRANTS PROCESSING MANUAL

The Registrants Processing Manual is an internal manual of the Selective Service System. The following portions of that Manual are considered to be of sufficient interest to warrant publication in the **FEDERAL REGISTER**. Therefore these materials are set forth in full as follows:

CHAPTER 622—CLASSIFICATION RULES AND PRINCIPLES

INDEX

Sec.	
622.1	General Principles of Classification
622.2	Classes
622.10	Class 1-A, Available for Military Service
622.11	Class 1-AM, Medical Specialist Available for Military Service
622.12	Class 1-A-O, Conscientious Objector Available for Noncombatant Military Service Only
622.13	Class 1-A-OM, Conscientious Objector Medical Specialist Available for Noncombatant Military Service Only
622.14	Class 1-C, Member of the Armed Forces of the United States, the National Oceanic and Atmospheric Administration, or the Public Health Service
622.15	Class 1-D, Member of Reserve Component or Student Taking Military Training
622.16	Class 1-O, Conscientious Objector Available for Alternate Service
622.17	Class 1-OM, Conscientious Objector Medical Specialist Available for Alternate Service
622.18	Class 1-W, Conscientious Objector Performing Alternate Service in Lieu of Induction
622.19	Class 1-H, Registrant Not Currently Subject to Processing for Induction or Alternate Service
622.20	General Rules for Classification in Class 2
622.21	Length of Deferments in Class 2
622.22	Class 2-AM: Medical Specialist Registrant Deferred Because of Community Service
622.25	Class 2-S: Registrant Deferred Because of Activity in Degree Study

NOTICES

Sec.
 622.26 Class 2-M: Registrant Deferred Because of Study Preparing for a Specified Medical Specialty
 622.27 Class 2-D: Registrant Deferred Because of Study Preparing for the Ministry
 622.30 Class 3-A: Registrant Deferred Because of Dependency of Others
 622.40 Class 4-A: Registrant Who Has Completed Military Service
 622.41 Class 4-B: Official Deferred by Law
 622.42 Class 4-C: Aliens
 622.43 Class 4-D: Minister of Religion
 622.44 Class 4-F: Registrant not Qualified for Military Service
 622.45 Class 4-G: Surviving Son Registrant Exempted from Service During Peace
 622.46 Class 4-W: Conscientious Objector Registrant Who Has Completed Alternate Service in Lieu of Induction
 Attachment
 622-1 U.S. Medical Schools Offering Combined Premed and M.D. Programs in Less than 8 Years

CHAPTER 622—CLASSIFICATION RULES AND PRINCIPLES

Section 622.1 General principles of classification. 1. It is the local board's responsibility to decide, subject to appeal, the class in which each registrant shall be placed. Each registrant will be considered as available for military service until his eligibility for deferment or exemption from military service is clearly established to the satisfaction of the local board. The local board will receive and consider, at the appropriate time, all information presented to it pertinent to the classification of the registrant.

2. The mailing by the local board of any selective service form, questionnaire, or letter, requesting information on which to base a registrant's classification, to the latest address furnished by a registrant, shall be notice to the registrant that unless information which will justify his deferment or exemption from military service is presented to the local board by the date specified, if any, or within a reasonable time if no date is specified, the registrant will be classified on the basis of the information in his file, and the applicable rules and regulations.

3. In classifying a registrant there shall be no discrimination for or against him because of his race, creed, or color, or because of his membership or activity in any labor, political, religious, or other organization. Each registrant shall receive equal consideration.

Section 622.2 Classes. Each registrant shall be classified in one of the following classes:

CLASS 1

Class 1-A: Available for military service.
 Class 1-AM: Medical specialist available for military service.
 Class 1-A-O: Conscientious objector available for noncombatant military service only.
 Class 1-A-OM: Conscientious objector medical specialist available for noncombatant military service only.
 Class 1-C: Member of the Armed Forces of the United States, the National Oceanic and Atmospheric Administration, or the Public Health Service.
 Class 1-D: Member of reserve component or student taking military training.

Class 1-H: Registrant not currently subject to processing for induction or alternate service.
 Class 1-O: Conscientious objector available for alternate service.
 Class 1-OM: Conscientious objector medical specialist available for alternate service.
 Class 1-W: Conscientious objector performing alternate service in lieu of induction.
 CLASS 2
 Class 2-AM: Medical Specialist registrant deferred because of community service.
 Class 2-D: Registrant deferred because of study preparing for the ministry.
 Class 2-M: Registrant deferred because of study preparing for a specified medical specialty.
 Registrant deferred because of activity in degree study.
 CLASS 3
 Class 3-A: Registrant deferred because of dependency of others.
 CLASS 4
 Class 4-A: Registrant who has completed military service.
 Class 4-B: Official deferred by law.
 Class 4-C: Aliens.
 Class 4-D: Minister of religion.
 Class 4-F: Registrant not qualified for military service.
 Class 4-G: Surviving son registrant exempted from service during peace.
 Class 4-W: Conscientious objector registrant who has completed alternate service in lieu of induction.

Section 622.10 Class 1-A: Available for Military Service. In Class 1-A shall be placed every registrant who has not established to the satisfaction of the local board, subject to appeal, that he is eligible for classification in another class.

Section 622.11 Class 1-AM: Medical Specialist Available for Military Service. 1. In Class 1-AM shall be placed every registrant who is or becomes a medical specialist.

2. For the purposes of this section a medical specialist is a registrant who has received the degree of:

Doctor of Medicine
 Doctor of Osteopathy
 Doctor of Dental Surgery
 Doctor of Dental Medicine
 Doctor of Optometry
 Doctor of Podiatry
 Doctor of Veterinary Medicine,
 or who has been licensed as a
 Registered Nurse.

When information is received indicating that a registrant has received training equivalent to that evidenced by any of these degrees, the local board shall request a determination from the State Director as to whether or not the registrant qualifies for the medical specialist classification.

3. Each registrant who is classified in Class 1-AM shall be identified as follows: Class 1-AMM for doctor of medicine; Class 1-AMD for dentist; Class 1-AME for doctor of optometry; Class 1-AMO for doctor of osteopathy; Class 1-AMP for doctor of podiatry; Class 1-AMV for veterinarian; Class 1-AMN for registered nurse.

Section 622.12 Class 1-A-O: Conscientious Objector Available for Noncombatant Military Service Only. In Class 1-A-O shall be

placed every registrant who would have been classified in Class 1-A but for the fact that he has been found, by reason of religious, ethical, or moral belief, to be conscientiously opposed to participation in combatant training and service in the armed forces. (See Chapter 661.)

Section 622.13 Class 1-A-OM: Conscientious Objector Medical Specialist Available for Noncombatant Military Service Only. 1. In Class 1-A-OM shall be placed every registrant who would have been classified in Class 1-AM but for the fact that he has been found, by reason of religious, ethical, or moral belief, to be conscientiously opposed to participation in combatant training and service in the armed forces.

2. Identification of 1-A-OM registrants by medical specialty will be accomplished in the same manner and by use of the same identifier symbol immediately following the classification 1-A-OM as is outlined in Section 622.11 for the 1-AM medical specialist registrants.

Section 622.14 Class 1-C: Member of the Armed Forces of the United States, the National Oceanic and Atmospheric Administration, or the Public Health Service.

In class 1-C shall be placed: 1. Every registrant who is, or who by enlistment, induction, or appointment becomes, a commissioned officer, a warrant officer, an enlisted man or an aviation cadet of the Army, the Navy, the Air Force, the Marine Corps, the Coast Guard, or the National Oceanic and Atmospheric Administration, or a commissioned officer of the regular Public Health Service,

2. Every registrant who is a cadet, United States Military Academy, United States Air Force Academy, or United States Coast Guard Academy; or a midshipman, United States Naval Academy, or

3. Except for periods of active duty for training only, every registrant who is a member of a Reserve component of the armed forces and is on active duty.

4. Except for periods of active duty for training only, every Reserve officer of the Public Health Service on active duty and assigned to staff the various offices and bureaus of the Public Health Service including the National Institutes of Health, or the Coast Guard, the Bureau of Prisons of the Department of Justice, the Environmental Protection Agency, or the National Oceanic and Atmospheric Administration.

Section 622.15 Class 1-D: Member of Reserve Component or Student Taking Military Training. 1. In Class 1-D shall be placed (1) any registrant for whom an Armed Forces of the United States Report of Transfer or Discharge (DD Form 214) has been received showing that he has been transferred into a Reserve component of the Army, Navy, Air Force, Marine Corps, or Coast Guard or (2) any registrant other than a registrant referred to in paragraph 2 of this section for whom a Record of Military Status of Registrant (DD Form 44) has been received showing that he has been enlisted or appointed in one of the above-mentioned components and the date of such enlistment or appointment was (a) prior to the issuance of orders for him to report for induction, or (b) after the issuance of such orders, but at least 10 days prior to his scheduled reporting date for induction. No registrant shall have his induction postponed for the purpose of permitting him to qualify under (b) above.

2. In Class 1-D shall be placed any registrant who (a) has been selected for enrollment or continuance in the Senior Division (entire college level) of the Army Reserve Officers' Training Corps, the Air Force Reserve Officers' Training Corps, or the Naval Reserve Officers' Training Corps; the Naval

and Marine Corps officer candidate program of the Navy; the platoon leader's class of the Marine Corps; the officer procurement programs of the Coast Guard and the Coast Guard Reserve; or who is appointed an Ensign in the United States Naval Reserve while he is undergoing professional training; (b) has signed an agreement to accept a commission, if tendered, and to serve subject to order of the Secretary of the military department having jurisdiction over him (or the Secretary of Transportation with respect to the United States Coast Guard), not less than two years on active duty after receipt of a commission; and (c) has signed an agreement to remain a member of a regular or Reserve component until the sixth anniversary of his receipt of a commission. A registrant may qualify for a 1-D classification if a DD Form 44 is received by the local board verifying his status as a member of the ROTC program at any time prior to his induction date. Such registrant shall remain eligible for Class 1-D until completion or termination of the course of instruction and so long thereafter as he continues in a Reserve status upon being commissioned, except during any period he is eligible for Class 1-C.

3. To assist local boards in continuing a uniform procedure in classifying registrants who are satisfactorily participating in an ROTC program, the following programs set forth the Selective Service System understanding with the Department of Defense:

a. *Four-year program.* Upon enrollment into an ROTC program and after completion of an "ROTC Deferral Agreement" the responsible Professor of Military Science, Professor of Naval Science, or Professor of Aerospace Studies will submit a DD Form 44 to the enrollee's selective service local board. Upon receipt of a DD Form 44 the registrant's local board shall place him in Class 1-D, and retain him in this classification until reason for a change in his classification is a matter of record in his selective service file.

b. *Two-year program.* The local board shall postpone the induction of a registrant providing the Professor of Military Science or Professor of Aerospace Studies furnishes a form letter during the spring term confirming the registrant's acceptance for training in an ROTC Basic Camp that following summer. If he is under an order to report for induction and an enrollment letter is received, he shall be issued a Postponement of Induction (SSS Form 264) and the reporting date postponed until October 31 of that year. If he is accepted for the summer basic camp and is later reached for induction, his local board will issue an Order to Report for Induction (SSS Form 252) and postpone his date of induction until October 31, providing the appropriate form letter is in his selective service file.

If the registrant enters an Advanced ROTC Program that fall, the Professor of Military Science or Professor of Aerospace Studies will issue a DD Form 44 and upon its receipt, the registrant will be considered for Class 1-D. If a DD Form 44 is not received by October 31, if the registrant drops from the basic camp, or if he fails to enroll in the fall course, his postponement shall be terminated at that time and he shall be placed on the local board's next induction call.

c. *ROTC Scholarship Program—Registrants who have been awarded ROTC scholarships but who have not yet enrolled in the ROTC Program will be issued their orders to report for induction, when reached, and then postponed until October 31 of that year. If a registrant is under an outstanding order to report for induction, he shall be postponed until October 31 of that year.*

If the registrant enrolls in college and enters the ROTC Program on an ROTC Scholarship and a DD Form 44 is received, he

will be considered for Class 1-D. If a DD Form 44 is not received by October 31, his postponement shall be terminated at that time and he shall be placed on the local board's induction call when again reached.

4. In Class 1-D shall be placed any registrant who is a fully qualified and accepted aviation cadet applicant of the Army, Navy, or Air Force, and who has signed an agreement of service. Such registrant shall be retained in Class 1-D during the period covered by such agreement but in no case in excess of four months.

5. In Class 1-D shall be placed any registrant who is a student enrolled in an officer procurement program in one of the following colleges, the curriculum of which has been approved by the Secretary of Defense:

a. The Citadel, Charleston, South Carolina
b. Norwich University, Northfield, Vermont
c. Virginia Military Institute, Lexington, Virginia

d. North Georgia College, Dahlonega, Georgia.

Section 622.16 *Class 1-O: Conscientious Objector Available for Alternate Service.* In Class 1-O shall be placed every registrant who would have been classified in Class 1-A but for the fact that he has been found, by reason of religious, ethical, or moral beliefs, to be conscientiously opposed to participation in war in any form and to be conscientiously opposed to participation in both combatant and noncombatant training and service in the armed forces. (See Chapter 661).

Section 622.17 *Class 1-OM: Conscientious Objector Medical Specialist Available for Alternate Service.* 1. In Class 1-OM shall be placed every registrant who would have been classified in Class 1-AM but for the fact that he has been found by reason of religious, ethical, or moral belief, to be conscientiously opposed to participation in war in any form and to be conscientiously opposed to participation in both combatant and noncombatant training and service in the armed forces.

2. Identification of 1-OM registrants by medical specialty will be accomplished in the same manner and by use of the same identifier symbol immediately following the classification 1-OM as is outlined in Section 622.11 for the 1-AM medical specialist registrants.

Section 622.18 *Class 1-W: Conscientious Objector Performing Alternate Service in Lieu of Induction.* In Class 1-W shall be placed any registrant who has entered upon and is performing alternate service contributing to the maintenance of the national health, safety or interest, in accordance with an order issued by the local board upon the instructions of the Director or State Director.

Section 622.19 *Class 1-H: Registrant Not Currently Subject to Processing for Induction or Alternate Service.* 1. A 1-H classification by board action can be granted only to registrants subject to a regular call.

2. Registrants subject to a regular call are eligible for Class 1-H unless eligible for lower class if they are:

a. Members of the first priority selection group (PPSG) whose random sequence number (RSN) is above the administration processing number (APN) which will be designated by the Director from time to time;

b. Members of the second or lower priority selection groups;

c. Registrants, in the year of their 19th birthday, whose random sequence number is above the APN designated by the Director for the following year's PPSG;

d. Registrants, in the year of their 19th birthday, who have been assigned RSN's but for whom no APN has yet been set;

e. Registrants who have not yet been assigned a random sequence number.

3. The following registrants are specifically ineligible for classification into Class 1-H by board action:

a. Volunteers,
b. Registrants in the extended priority selection group (EPSC).
c. Registrants in the first priority selection group (PPSG) whose RSN is at or below the APN.

d. Registrants, in the year of their 19th birthday, whose RSN is at or below the APN designated for the following year's PPSG.

e. Any registrant who qualifies for Class 1-C, 1-D, 1-W, 4-A, 4-C, 4-D, 4-F, 4-G or 4-W.

f. Medical specialists, or

g. Any registrant who is satisfactorily 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.

4. Every registrant is administratively assigned to Class 1-H as of the time of registration. Any 1-H classification after this initial administrative assignment must be made by local board or appeal board action. Any new registrant who qualifies for a class lower than 1-H will be classified out of 1-H and into that lower class by the local board as soon as practicable.

5. The APN for each year's first priority selection group will be designated by the Director at the time of the lottery drawing for that age group. The progressive raising of a temporary processing RSN, below the established APN, will facilitate uniform processing of registrants. All registrants who attained the age of 20 during a previous year, and who are consequently eligible for a lower priority selection group, shall be classified into Class 1-H unless specifically ineligible for Class 1-H, in accordance with paragraph 3 of this section.

6. The designation of an APN by the Director for the next year's first priority selection group is a basis for reopening the classification of those registrants in Class 1-H who have RSN's equal to or below the APN and who will attain the age of 20 in the following year. Unless information in their file indicates these registrants are eligible for another class, they will be reclassified into Class 1-A.

Section 622.20 *General Rules for Classification in Class 2.* 1. The local board has primary responsibility, under applicable rules and instructions in this Chapter, for determining which men should be deferred because of their civilian activities. Civilian activities which are contributing to the national health, safety or interest should be disrupted as little as possible, consistent with the fundamental purpose of the Military Selective Service Act.

2. No deferment from training and service shall be granted in the case of any registrant except upon the basis of his individual status, as reflected in his selective service file.

3. The local board may avail itself of the assistance of all federal, state, or local agencies to obtain information which will help it to determine whether a claim for deferment should be granted. However, no information shall be considered in classifying the registrant into a class available for military or alternate service unless that document was supplied by the registrant or a copy of it or a fair resume of its contents has been furnished to him by the Selective Service System.

Section 622.21 *Length of Deferments in Class 2.* 1. Class 2 deferments shall be for a period of one year or less. If there is a change in the registrant's status during the period of deferment which would affect his eligibility for Class 2, his classification shall be reopened and considered anew.

NOTICES

2. After the expiration of the period of a registrant's deferment in Class 2, his classification shall be reopened and he shall be classified anew based upon the information in his selective service file, and applicable rules and regulations. The registrant may be continued in Class 2 for a further period of one year or less if such classification is considered warranted by the classifying board. The same procedure shall apply when classifying a registrant at the end of each successive period for which he has been classified in Class 2.

3. Nothing in this section is intended to require or permit the local board to retain in Class 2 any registrant when the reason for his classification has ceased to exist.

Section 622.22 *Class 2-AM: Medical Specialist Registrant Deferred Because of Community Service.* In Class 2-AM shall be placed every medical specialist (doctor of medicine, doctor of osteopathy, dentist, veterinarian, optometrist, podiatrist, or registered nurse) who has completed his year in the First Priority Selection Group-Medical, and whose occupation has been found to represent an especially critical community service in which the specialist is directly involved in patient care. (See Chapter 680).

Section 622.23 *Class 2-S: Registrant Deferred Because of Activity in Degree Study.*

1. In Class 2-S shall be placed any registrant who requests such classification, who was satisfactorily pursuing a full-time course of instruction leading to a baccalaureate degree at a college, university, or similar institution of learning during the 1970-71 regular academic school year and who is satisfactorily pursuing such course; such classification to continue until the registrant completes the requirements for his baccalaureate degree, fails to pursue satisfactorily a full-time course of instruction, or attains the twenty-fourth anniversary of the date of his birth, whichever occurs first.

2. A registrant will be deemed to be satisfactorily pursuing a full-time course of instruction when he is making proportionate progress toward his degree. For example, if the registrant is enrolled in a four-year course of instruction, the registrant should complete approximately one-fourth of the total requirements by the end of the first academic year, approximately one-half by the end of the second academic year, approximately three-fourths by the end of the third academic year, and should graduate by the end of the fourth academic year. If the registrant is in a course of instruction for which the curriculum has been prescribed in the official college catalog as requiring five or more years duration, he must make similar proportionate progress, such as completing one-fifth of the requirements in each year of a five-year course. If, for reasons beyond the registrant's control, such as illness or accident, he fails to maintain normal progress, the local board may, at its discretion, grant the registrant further deferment for so long as he continues to maintain satisfactory progress from the time of reentry in full-time student status. The registrant's academic year, for the purpose of this section, shall terminate on the anniversary of his entrance into the course of study. If the registrant is scheduled to complete his graduation requirements prior to such anniversary, the scheduled graduation date will be shown as the termination date of the 2-S classification. The deferment expiration date shall subsequently be extended to a date *not later than* such anniversary, *only* if the local board is satisfied that the additional time is needed in order for the registrant to complete his graduation requirements prior to such anniversary.

3. When a registrant, who was satisfactorily pursuing a full-time course of instruction leading to a baccalaureate degree during the 1970-71 regular academic school year, transfers from a junior college or community college to a baccalaureate degree granting institution, even though approximately 25% or less of his credits for satisfactorily completed courses are not accepted through no fault of his own, he shall be eligible for continued deferment so long as he remains a full-time student and maintains satisfactory progress from the status in which he was accepted for transfer.

4. It shall be the registrant's duty to provide the local board each academic year with verification from a college, university, or similar institution of learning that he is satisfactorily pursuing a full-time course of instruction at that institution of learning.

Section 622.26 *Class 2-M: Registrant Deferred Because of Study Preparing for a Specified Medical Specialty.* 1. In Class 2-M shall be placed any registrant who is satisfactorily 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. This does not include registrants pursuing a course (such as a pre-med course) leading to admission to a professional course of study. It shall be the registrant's duty to provide the local board each academic year with verification from a college, university, or similar institution of learning that he is satisfactorily pursuing a full-time course of instruction in one of these fields of study at such institution of learning. Any registrant who is ordered to report for induction or alternate service, and who has or receives a firm acceptance into the next beginning class in such course of study, shall have his reporting date for induction or alternate service postponed until the beginning of such course of study, citing this section as authority. Upon entry into such course of study, his classification shall be reopened.

2. A registrant who is pursuing a full-time joint program of less than eight years duration combining both undergraduate and professional courses leading to the M.D. degree shall be considered a full-time medical student. The program must be approved and supervised by the medical school. Such a program exists at the medical schools listed on Attachment 622-1. Not all students at these schools are enrolled in the joint program; therefore, an individual determination must be made in each case.

Section 622.27 *Class 2-D: Registrant Deferred Because of Study Preparing for the Ministry.* 1. In Class 2-D shall be placed any registrant who requests such deferment, who is preparing for the ministry under the direction of a recognized church or religious organization, and who:

a. Is satisfactorily pursuing a full-time course of instruction in a recognized theological or divinity school, or

b. Is satisfactorily pursuing a full-time post-high school course of instruction required for his entrance into a recognized theological or divinity school in which he has been pre-enrolled, or

c. Having completed theological or divinity school, is a student in a full-time graduate program or is a full-time intern.

2. It shall be the duty of the registrant who is a theological or divinity student to provide the local board each year with evidence that:

a. He is a student preparing for the ministry under the direction of a recognized church or religious organization, and

b. He is satisfactorily pursuing a full-time course of instruction in a recognized theological or divinity school.

3. It shall be the duty of any registrant who is a pretheological student to provide the local board each year with evidence that:

a. He is a student preparing for the ministry under the direction of a recognized church or religious organization, and

b. He is satisfactorily pursuing a full-time college-level course of instruction required for entrance into a recognized theological or divinity school in which he has been pre-enrolled, and is making proportionate progress toward completing the academic program established as a preentry requirement in accordance with paragraph 2 of Section 622.25.

4. It shall be the duty of any registrant who is a student in a full-time program preparing for the ministry to provide the local board each year with evidence that:

a. He is a student preparing for the ministry under the direction of a recognized church or religious organization;

b. His studies relate to and lead toward entry into service as a regular or duly ordained minister of religion as defined in Section 622.43 of this Chapter; and

c. He is making proportionate progress toward completion of the program of preparation for the ministry in accordance with Paragraph 2 of Section 622.25.

5. The local board or appeal board may require from the church, religious organization, or school detailed information in order to determine whether or not the theological or divinity school is in fact recognized and whether or not the church or religious organization which is sponsoring the registrant is recognized.

6. A school, to be recognized as a theological or divinity school, should enjoy a good reputation among theological academic institutions of general academic acceptance and its graduates should be acceptable by the church sponsoring the registrant for ministerial duties, either as an ordained or regular minister.

7. A church or religious organization should be able to show that it was established on the basis of a community of faith and belief, doctrines and practices of a religious character, and that it engages primarily in religious activities.

8. If the local board or appeal board considers the information it has received to be insufficient for the purpose of making a determination, it should request assistance or additional information from the State Director of Selective Service. When the church or religious organization of the theological or divinity school is located in another state, the State Director may contact the appropriate State Director for advice and recommendation, or may request advice from the Director of Selective Service. In any case, the advice of the State Director or the Director of Selective Service shall not be binding upon the local board.

Section 622.30 *Class 3-A: Registrant Deferred Because of Dependency of Others.* 1. In Class 3-A shall be placed any registrant,

a. Whose deferment is found by the local board or appeal board to be advisable because a person or persons (other than his wife alone, except in case of extreme hardship) are dependent upon him for support; or

b. The term "child" shall include only military service by reason of dependency or hardship.

2. The local board shall reopen and consider anew the classification of each registrant in Class 3-A not later than 365 days after he was last classified in Class 3-A.

3. As used in this section,

a. The term "dependent" shall include only the wife, child, parent, grandparent, brother, or sister of the registrant;

b. The term "child" shall include only a person under 18 years of age who is a legitimate or an illegitimate child of the registrant from the date of its conception, his stepchild, his foster child, or his legally adopted child;

c. The term "parent" shall include any person who has stood in the place of a parent to the registrant for at least five years preceding the eighteenth anniversary of the registrant's date of birth.

d. The term "support" indicates the reliance of a person or persons on the registrant which may include, but is not limited to, financial assistance.

4. A registrant may file a written claim for dependency deferment at any time. The claim may be by letter or other writing, such as Dependency Questionnaire (SSS Form 118), which indicates that such deferment is desired.

5. After the issuance of an order to report for induction or alternate service, a request for, or submission of, a Dependency Questionnaire does not constitute a basis for delay of a registrant's processing for induction or alternate service. Such delay will not be permitted, unless information is presented which, if true, would be a basis for reopening a registrant's classification, and the late submission of the information is due to reasons beyond the registrant's control.

6. *Preclassification action.* a. Prior to a local board classifying or reclassifying a registrant who has claimed dependency, the local board shall furnish the registrant a Dependency Questionnaire and request the registrant to furnish such additional information to support his claim for deferment as he may desire. The registrant shall be informed of the preclassification personal appearance option as set forth in Chapter 624.

b. In the event the registrant fails to return the Dependency Questionnaire within a reasonable time, the local board shall consider the registrant's claim without the benefit of the information on the form. The local board shall not postpone a registrant's induction or alternate service to allow the filing of the form.

c. Classification need not be based solely upon the information contained in the questionnaire. When the local board determines that the information in the file is inadequate, it may request further information from the registrant, his dependents, or other government or private agencies.

7. *Claimed dependency based on financial hardship.* a. Information to be considered:

(1) Financial needs of the claimed dependent.

(2) Reasonableness of such claims.

(3) Earnings of the claimed dependent if employed and/or other income.

(4) Income of other members of the registrant's family and their responsibility for and ability to contribute to the claimed dependent.

(5) Financial effect of entry into military service including all pay and allowances, and the Soldiers' and Sailors' Civil Relief Act.

b. For the purpose of determining whether or not the induction of a registrant would result in hardship to his dependent(s), of a degree sufficient to justify deferment, the local board must consider the pay, along with clothing allowances, lodging and food, which the registrant would receive as a member of the armed forces, the free medical care for the member and his dependents, as well as the allowances which are payable by the United States to persons serving in the armed forces who have dependents. However, the fact that such pay and allowances are payable shall not be deemed conclusively to remove the grounds for deferment except in

those situations where dependency is based solely upon financial considerations and where the local board may reasonably find that such pay and allowances are an adequate substitute for the financial loss occasioned to claimed dependents, and shall not be deemed to remove the grounds for deferment when the dependency is based upon other than financial considerations and cannot be eliminated by financial assistance to the dependents.

c. The following table sets forth, according to pay grade, the amount of pay and allowance for quarters, paid to an enlisted man with less than two years' service:

Pay grade	Monthly pay	Allowance for quarters—1 or more dependents	Total pay and allowance
E-1	\$307.20	\$105.00	\$412.20
E-2	342.30	105.00	447.30
E-3	355.80	105.00	460.80
E-4	369.90	121.00	491.40

8. Claimed Dependency Based on Physical or Mental Hardship.

a. Medical documentation of the dependent should be evaluated as to degree of disability, the length of time the medical condition has been in existence and the prognosis as to the continuation of the medical condition. The dependent's ability to care for himself, or be cared for without the aid of the registrant, shall be considered.

b. A doctor's statement must verify any claimed disability of dependents. It must be determined that the registrant alone is responsible for the care of the dependent. The normal anxiety attributable to one whose son or husband enters the armed forces should not be a basis for deferment. The prognosis for the registrant's dependent must also be considered to determine if this is a short or long-term condition.

9. All 3-A classifications shall be reopened annually at the local board meeting nearest the anniversary of the last classification, but before 365 days have elapsed, and at any other time information indicates a registrant might no longer be entitled to Class 3-A. Not less than 30 days prior to the review, the local board shall request current information by mailing a Dependency Questionnaire to the registrant. He shall also be informed of the preclassification personal appearance option as set forth in Chapter 624.

Section 622.40 *Class 4-A: Registrant Who Has Completed Military Service.* 1. In Class 4-A shall be placed any registrant other than a registrant eligible for classification in Class 1-C or 1-D who is within any of the following categories:

a. A registrant separated from the Armed Forces of the United States, with an honorable discharge or a discharge under honorable conditions, after having served for a period of not less than six months of active duty other than active duty for training, in the Army, the Air Force, the Navy, the Marine Corps, or the Coast Guard, and who is not a member of a Reserve component.

b. A registrant who has served on active duty for a period of not less than 24 months as a commissioned officer in the National Oceanic and Atmospheric Administration or in the Public Health Service, provided that such period of active duty in the Public Health Service as a commissioned Reserve officer commencing after June 30, 1967, shall have been performed by the registrant while assigned to the Coast Guard, or the Bureau of Prisons of the Department of Justice, Environmental Protection Agency, or the National Oceanic and Atmospheric Administration.

c. A registrant who while an alien has served on active duty for a period of not less

than 12 months in the armed forces of any of the following nations which are certified by the Department of State to be nations with which the United States is associated in mutual defense activities:

Argentina	Jamaica
Australia	Japan
Barbados	Korea, Republic of (South)
Belgium	Luxembourg
Bolivia	Mexico
Brazil	Netherlands
Canada	New Zealand
Chile	Nicaragua
China, Republic of (Nationalist)	Norway
Colombia	Pakistan
Costa Rica	Panama
Denmark	Paraguay
Dominican Republic	Peru
Ecuador	Philippines, Republic of
El Salvador	Portugal
France	Spain
Germany, Federal Republic of (West)	Thailand
Greece	Trinidad and Tobago
Guatemala	Turkey
Haiti	United Kingdom
Honduras	Uruguay
Iceland	Venezuela
Iran	Vietnam, Republic of (South)
Italy	

When an alien believes he qualifies for exemption from training and service under the provisions of this paragraph, he must request a certificate verifying his military service from his country's diplomatic mission in Washington, D.C., or from the nearest consular office of his country. The mission or the consular office, after verification of the alien's service, will provide a certificate written in English evidencing such service direct to the local board of record.

d. A registrant who has completed six years of satisfactory service as a member of one or more of the armed forces, including the Reserve component thereof, and is no longer a member of any active or Reserve component of the armed forces.

2. For the purpose of computation of periods of active duty referred to in subparagraph a or b of paragraph 1 of this section, no credit shall be allowed for:

a. Periods of active duty performed as a member of a Reserve component pursuant to an order or call to active duty solely for training purposes;

b. Periods of active duty in which the service consisted solely of training under a college training program under the jurisdiction of the Army, Air Force, Navy, Marine Corps, or Coast Guard;

c. Periods of active duty as a cadet at the United States Military Academy, United States Air Force Academy, or United States Coast Guard Academy; or as a midshipman at the United States Naval Academy; or in a preparatory school for admission to any such academies;

d. Periods of active duty in any of the armed forces between the time a registrant enlists for the specific purpose of attending a preparatory school, and the time he enters the academy or is transferred to a regular military assignment instead of entering the academy;

e. Periods of active duty performed by medical, dental, or allied specialists in student programs prior to receipt of the appropriate professional degree or in intern training; or

f. Periods of active duty for members of the Reserve of the Public Health Service other than when assigned to staff any of the various offices and bureaus of the Public Health Service (including the National Institutes of Health), the Coast Guard, the Bureau of Prisons of the Department of Justice, Environmental Protection Agency or

NOTICES

the National Oceanic and Atmospheric Administration.

Section 622.41 *Class 4-B: Official Deferred by Law.* In Class 4-B shall be placed any registrant who is the governor of a state, territory or possession; a member of a legislative body of the United States or of a state, territory or possession; a judge of a court of record of the United States or of a state, territory or possession, or the District of Columbia.

Section 622.42 *Class 4-C: Aliens.* 1. In Class 4-C shall be placed any registrant who is an alien, and who has not resided in the United States for one year, including any period before his registration. When such a registrant has been within the United States for two or more periods and the total of such periods equals one year, he shall be deemed to have resided in the United States for one year. In computing the length of such periods, any portion of one day shall be counted as one full day. When any such registrant has resided in the United States for one year, he shall be classified as available for military service unless he is found to be eligible for a lower classification.

2. In Class 4-C shall be placed any registrant who is an alien who furnishes documentation establishing that he is a national of one of the following countries ("treaty alien") and who has made application on Request for Relief From Training and Service in the Armed Forces of the United States (SSS Form 130) to be exempted from liability for training and service in the Armed Forces of the United States:

Argentina	Italy
Austria	Latvia
China, Republic of (Nationalist)	Liberia
Costa Rica	Norway
Estonia	Paraguay
Honduras	Spain
Ireland	Switzerland
	Yugoslavia

3. In Class 4-C shall be placed any registrant who is an alien who has departed from the United States. If any registrant so classified under this paragraph returns to the United States, his classification shall be reopened and he shall be classified anew. If the registrant has failed to comply with an order to report for induction or alternate service, the reopening of his classification by the local board for the purpose of placing him in or removing him from Class 4-C shall not cancel the order with which he has failed to comply.

4. In Class 4-C shall be placed any alien admitted for permanent or temporary residence who has registered at a time when he was required by the selective service law to register and thereafter has acquired status within one of the groups of persons exempt from registration.

5. In Class 4-C shall be placed any registrant who is an alien who by reason of occupational status (such as employment at the World Bank or United Nations) is subject to adjustment to nonimmigrant status, but who executes a waiver of all rights, privileges, exemptions, and immunities which would otherwise accrue to him as a result of that occupational status. A registrant placed in Class 4-C under the authority of this paragraph shall be retained in Class 4-C only for so long as such occupational status continues.

6. Treaties between the United States and the countries listed below, relating to military obligations in certain cases of dual nationality, provide that a person possessing two or more nationalities who habitually resides in one of the countries whose nationality he possesses, and who is in fact closely connected with that country, shall be exempt from all military obligation in the other countries:

Australia	Mauritius
Austria	Netherlands
Belgium	Niger
Brazil	Nigeria
Burma	South Africa
Columbia	Swaziland
Cuba	Sweden
Cyprus	United Kingdom of Great Britain and Northern Ireland, and the remainder of the British Empire except Canada and New Zealand
El Salvador	
Finland	
India	
Indonesia	
Malawi	
Malta	
Mauritania	

A registrant who is a national of both the United States and any of the above listed countries, and who habitually resides in and is closely connected with that country, as evidenced by information submitted on Special Form for Alien or Dual National (SSS Form 131) and documentation of his claim, shall be classified in Class 4-C.

7. Agreements between the United States and Switzerland, and between the United States and Norway, provide that a person born in Switzerland or Norway of parents who are nationals of the United States, and who, himself, is a national of both the United States and the other country, and who habitually resides in the other country, is exempt from liability for military service in the United States. A registrant who qualifies for exemption under this provisions as evidenced by information submitted on SSS Form 131 and documentation of his claim, shall be classified in Class 4-C.

Section 622.43 *Class 4-D: Minister of Religion.* 1. In Class 4-D shall be placed any registrant who is a regular or duly ordained minister of religion.

2. The term "duly ordained minister of religion" means a person who has been ordained, in accordance with the ceremonial ritual or discipline of a church, religious sect, or organization established on the basis of a community of faith and belief, doctrines and practices of a religious character, to preach and to teach the doctrines of such church, sect, or organization and to administer the rites and ceremonies in public worship, and who as his regular customary vocation preaches and teaches the principles of religion and administers the ordinances of public worship as embodied in the creed or principles of such church, sect, or organization.

3. The term "regular minister of religion" means one who as his regular customary vocation preaches and teaches the principles of religion of a church, religious sect, or organization of which he is a member, without having been formally ordained as a minister of religion, and who is recognized by such church, sect, or organization as a regular minister.

4. The terms regular or duly ordained minister of religion do not include a person who irregularly or incidentally preaches and teaches the principles of religion of a church, religious sect, or organization and do not include any person who may have been duly ordained a minister in accordance with the ceremonial rite or discipline of a church, religious sect, or organization, but who does not regularly, as a bona fide vocation, teach and preach the principles of religion and administer the ordinances of public worship, as embodied in the creed or principles of his church, sect, or organization.

5. If the local board or appeal board considers the information it has received to be insufficient for the purpose of making a determination, it should request assistance or additional information from the State Director of Selective Service. When the church or religious organization is located in another state, the State Director may con-

tact the appropriate State Director for advice and recommendation, or may request advice from the Director of Selective Service. In any case, the advice of the State Director or Director of Selective Service shall not be binding upon the local board.

Section 622.44 *Class 4-F: Registrant Not Qualified For Military Service.* 1. In Class 4-F shall be placed any registrant who is found by an Armed Forces Examining and Entrance Station, (AFEEES) upon examination under applicable physical, mental, or administrative standards, to be not qualified for service in the armed forces; except that no such registrant whose further examination or reexamination is determined by AFEEES to be justified shall be placed in Class 4-F until further examination has been accomplished and such registrant continues to be found not qualified for military service.

2. In Class 4-F shall be placed any registrant who has been found by AFEEES without examination to be not qualified based on an obviously disqualifying physical condition, as specified in the Surgeon General of the Army's list, which is an attachment to Chapter 628.

3. In Class 4-F shall be placed any registrant who is a medical specialist and who has been found by AFEEES to be not acceptable because of a permanent professional disqualification. (See Chapter 680)

4. In Class 4-F shall be placed any registrant for whom AFEEES has made a finding of not acceptable based upon the submission of documentation evidencing his confinement in a jail, penitentiary, or similar institution, with such 4-F classification to continue for as long as the registrant remains confined, provided that his confinement is expected to continue for one year or longer.

5. In Class 4-F shall be placed any registrant for whom AFEEES has made a finding of not acceptable based upon the submission of documentation evidencing that he is an inmate or patient in a mental institution or recognized drug rehabilitation center, for as long as the registrant continues in this status, provided that his confinement or commitment is expected to continue for one year or longer.

6. In Class 4-F shall be placed any registrant for whom AFEEES has made a finding of not acceptable based upon the submission of documentation evidencing that he is currently under active supervision of a parole officer, probation officer, or other supervisor of a court, including the course of treatment prescribed by an order of commitment for as long as he remains under such supervision provided that the registrant's supervision or requirement for reporting to a supervisor or agency is expected to continue for one year or longer.

7. When the local board receives information indicating a registrant is confined in a jail, penitentiary, mental institution, drug rehabilitation center or similar institution, the executive secretary, or other authorized personnel, shall document the registrant's file with verification, in writing, from the clerk of the Court, or other authorized official of the Court or institution concerned. If the verification indicates the registrant's sentence, or order of confinement or commitment in such institution will result in his continued confinement for one year or longer, the executive secretary or other local board personnel shall submit the documentation to AFEEES for a determination as to his acceptability; and, if AFEEES finds the registrant not acceptable, the local board shall classify the registrant in Class 4-F. The registrant shall remain in Class 4-F for as long as he remains confined in such institution.

8. When a registrant has been classified into Class 4-F under the provisions of paragraph 2 of this section, the "Z" symbol shall

be shown for the first element of his acceptability symbol on his Registrant File Folder (SSS Form 101). When a registrant has been classified into Class 4-F under the provisions of paragraph 3, 4, 5, 6, or 7 of this section, the "Y" symbol shall be shown for the third element of his acceptability symbol. Other elements of the acceptability symbol will be shown as zeros (i.e., 0-0-Y) for a registrant who has not been found acceptable as a result of an armed forces examination, and as X's (i.e., X-X-Y) for a registrant who has been previously found acceptable as a result of an armed forces examination.

9. Executive secretaries will make appropriate entries in the local board suspense file of the date when registrants will conclude confinement, commitment, detention, etc., to insure proper local board action.

10. Whenever a local board receives an Armed Forces of the United States Report of Transfer or Discharge (DD Form 214) or similar form evidencing that one of its registrants has been separated from the armed forces, including the Reserve components, because of physical, mental or moral disqualification, such registrant shall be placed in Class 4-F, unless he is qualified for Class 4-A.

Section 622.45 *Class 4-G: Surviving Son Registrant Exempted From Service During Peace.* 1. In Class 4-G shall be placed any registrant who qualifies as a surviving son or a sole surviving son, as defined below.

a. Surviving son means one or more surviving sons of any family in which the father or a brother or a sister (1) was killed in action or died in line of duty while serving in the Armed Forces of the United States after December 31, 1959, or (2) died after that date due to injuries received or disease incurred in line of duty during such service, or (3) entered a captured or missing in action status after that date, and still remains in that status. No registrant may be exempted under this provision during a period of war or national emergency declared by the Congress. The term "brother" or "sister" means "brother" or "sister" of the whole blood.

b. Sole surviving son means the only remaining son of any family in which the father or one or more sons or daughters were killed in action before January 1, 1960, while serving in the Armed Forces of the United States, or died after that date due to injuries received or disease incurred in line of duty during such service before January 1, 1960. No registrant may be exempted under this provision during a period of war or national emergency declared by the Congress.

2. The death of an individual as a result of his military service will be considered "in line of duty", unless information from the service concerned or from the Veterans Administration indicates otherwise. The status of the registrant's father, brother or sister who was killed or who died or who is captured or missing shall be verified by contacting the armed force concerned or the Veterans Administration.

3. The following examples may be of assistance to local boards in considering claims for exemption under this section:

a. The father of John Smith, an only child, served in the Navy from 1943 until 1945 when he was discharged because of multiple wounds. He died in 1950 from those injuries. John is eligible for exemption as a sole surviving son.

b. Same as above, except John's father died in 1964 from wounds sustained in 1945. John qualifies for exemption as a sole surviving son.

c. Same as above, except the father's death was due to an automobile accident in 1961. John does not qualify for exemption as the death was not from a service connected cause.

d. John's father and mother were divorced in 1946. His mother, who gained custody of John, remarried and bore a son by her second husband. John's father died in 1950 from wartime wounds. John qualifies for exemption, even though he has a half-brother, because he was the only son of a man who died from wounds sustained while in the Navy. (John's half-brother would not qualify as he was not a son of John's father).

e. William Miller's half-brother joined the Army and was killed in 1969 in Vietnam. William would not be eligible for exemption as the deceased was not a brother of the whole blood.

f. James Neilson had four brothers of the whole blood. Tom, the second oldest, joined the Marines and was killed in a training exercise on January 4, 1963. All three remaining brothers qualify for exemption from service as surviving sons.

g. Edward Kolski's mother, a Reserve officer in the WAC, was killed in a plane crash

during her annual two week tour of active duty. Edward would not qualify for exemption since there is no provision for exemption based on the death of a mother.

h. Robert Duran's father died in 1961 from World War II injuries. Robert has two brothers who are still living. None of the sons qualify for exemption because there is no sole surviving son.

Section 622.46 *Class 4-W: Conscientious Objector Registrant Who Has Completed Alternate Service in Lieu of Induction.* In Class 4-W shall be placed any registrant who subsequent to being ordered by the local board to perform alternate service in lieu of induction has been released from such service by the local board after satisfactorily performing the work for a period of 24 consecutive months or has been released from such service by the Director or State Director.

**U.S. MEDICAL SCHOOLS OFFERING
COMBINED PREMED AND M.D. PROGRAMS IN LESS THAN 8 YEARS**

NAME AND LOCATION OF SCHOOL

Albany Medical College	Albany, New York
Boston U. School of Medicine	Boston, Massachusetts
Dartmouth Medical School	Hanover, New Hampshire
George Washington U. School of Medicine	Washington, D.C.
Hahnemann Medical College	Philadelphia, Pennsylvania
Howard U. College of Medicine	Washington, D.C.
Indiana U. School of Medicine	Indianapolis, Indiana
Jefferson Medical College	Philadelphia, Pennsylvania
Loma Linda U. School of Medicine	Loma Linda, California
Louisiana State U. Medical Center	Shreveport, Louisiana
U. of Michigan Medical School	Ann Arbor, Michigan
U. of Missouri School of Medicine	Kansas City, Missouri
U. of Nevada School of Medical Sciences	Reno, Nevada
State U. of New York—Upstate Medical Center	Syracuse, New York
Northwestern U. Medical School	Chicago, Illinois
Ohio State U. College of Medicine	Columbus, Ohio
U. of Puerto Rico School of Medicine	San Juan, Puerto Rico
Rush Medical College	Chicago, Illinois
Medical U. of South Carolina	Charleston, South Carolina
U. of Tennessee College of Medicine	Memphis, Tennessee
Texas Tech U. School of Medicine	Lubbock, Texas

**BYRON V. PEPITONE,
Director.**

SEPTEMBER 25, 1973.

[FR Doc. 73-20738 Filed 9-27-73; 8:45 am]

**INTERSTATE COMMERCE
COMMISSION**

[Notice No. 351]

ASSIGNMENT OF HEARINGS

SEPTEMBER 25, 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 September 28, 1973.

MC 13250 Sub 109, J. H. Rose Truck Line, Inc., application dismissed.

MC 52110 (Sub-No. 137), Brady Motorfrate, Inc., now being assigned November 26, 1973 (2 weeks), at Kansas City, Mo., in a hearing room to be later designated.

MC-C-8100, Western Express, Inc.—Investigation and Revocation of Certificate—now assigned October 3, 1973, at Washington, D.C., is postponed to October 24, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 107515 Sub 847, Refrigerated Transport Co., Inc., now assigned October 23, 1973, at Washington, D.C., postponed indefinitely.

No. 35832, Aluminum Company of America v. Davenport, Rock Island and Northwestern Railway Company, pre-hearing conference is continued to November 27, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-108341 Sub 32, Moss Trucking Company, Inc., now being assigned November 5, 1973 (1 week), at Charlotte, North Carolina, in a hearing room to be later designated.

MC-118722 Sub 2 and 3, Frigid Express, Inc., now assigned October 15, 1973, at New York, N.Y., is cancelled and the application is dismissed.

NOTICES

Ex Parte No. 295, Increased Freight Rates and Charges, 1973, Nationwide, continued to October 1, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 82063 Sub 43, Klipsch Hauling Co.; MC 106400 Sub 92, Kaw Transport Company; MC 107498 Sub 873, Ruan Transport Corporation; MC 111401 Sub 376, Groendyke Transport, Inc.; MC 115331 Sub 336, Truck Transport, Inc., is continued to November 12, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc. 73-20731 Filed 9-27-73; 8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

SEPTEMBER 25, 1973.

An application, as summarized below, has been filed requested relief from the requirements of sec. 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 40 of the general rules of practice (49 CFR 1100.40) and filed by October 15, 1973.

FSA No. 42751—*Wrought Iron or Steel Oil Country Tubular Goods and Line Pipe to Points in Oklahoma*. Filed by Southwestern Freight Bureau, Agent (No. B-432), for interested rail carriers. Rates on wrought iron or steel oil country tubular goods and line pipe, in car-loads, as described in the application, from Newport, Kentucky and Cincinnati, Ohio, to specified points in Oklahoma.

Grounds for relief—Barge-truck and market competition.

Tariff—Supplement 17 to Southwestern Freight Bureau, Agent, tariff 259-F, I.C.C. No. 5080. Rates are published to become effective on November 5, 1973.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc. 73-20729 Filed 9-27-73; 8:45 am]

[Notice No. 359]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sec. 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 October 18, 1973. Pursuant to sec. 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-74364. By order of September 19, 1973, the Motor Carrier Board approved the transfer to Carl Warner, Galen Warner and Darell Warner, a partnership, doing business as Warner's Transfer, Franklin, W. Va., of Certificate No. MC-101898 (Sub-No. 3) issued January 17, 1968, to Allen Eye and Stanley Lewis Craig, doing business as Eye and Craig Transfer, Franklin, W. Va., authorizing the transportation of poultry feeds, livestock feeds, in bulk, from Harrisonburg, Va., to points in Pendleton, Hardy and Grant Counties, West Virginia—Carl Warner, Route No. 4, Box 24, Franklin, West Virginia 26807, for applicants.

No. MC-FC-74597. By order of September 20, 1973, the Motor Carrier Board, on reconsideration, approved the transfer to Chief Truck Lines, Inc., Hinsdale, Ill., of Certificate No. MC-83403 issued August 16, 1971, to Richard Payne Trucking Company, Hinsdale, Ill., authorizing the transportation of general commodities, with the usual exceptions, between Sorento, Ill., and St. Louis, Mo.—Hardman, Burke, Kerwin & Towle, Attorneys at Law, 127 North Dearborn Street, Chicago, Ill. 60602.

No. MC-FC-74640. By order of September 19, 1973, the Motor Carrier Board approved the transfer to Henry H. R. Coe, Jr., and Martha S. Coe, d.b.a. Cody Bus Line, Cody, Wyo., of Corrected Certificate No. MC-127790 (Sub-No. 1) issued November 7, 1966, to John Wagner and Maybelle Wagner, a partnership, d.b.a. as Cody Bus Line, Deaver, Wyo., authorizing the transportation of passengers and their baggage and express in the same vehicle with passengers, between Cody, Wyo., and Deaver, Wyo., and between Garland, Wyo., and Deaver, Wyo.—Robert D. Olson, Goppert, Fitzstephens, Day & Olson, P.O. Box 871, Cody, Wyoming 82414, attorney for applicants.

No. MC-FC-74661. By order of September 20, 1973, the Motor Carrier Board approved the transfer to H. A. Hastings Company, Inc., Hebron, Md., of Permits Nos. MC-129764 Sub-Nos. 1 and 3, issued May 14, 1969, and November 16, 1971, to Henry Allen Hastings, d.b.a. H. A. Hastings, Hebron, Md., authorizing the transportation of wood chips from, to, and between points in Wicomico County, Md., and points in Pennsylvania—Chester A. Zyblut, 1522 K Street NW., Washington, D.C. 20005, attorney for applicants.

No. MC-FC-74663. By order of September 19, 1973, the Motor Carrier Board approved the transfer to Bennett Truck

Line, Inc., Paragould, Ark., of the operating rights in Certificate No. MC-79434 issued June 4, 1940, to T. N. Bennett, doing business as Bennett Truck Line, Paragould, Ark., authorizing the transportation of general commodities, over regular routes, between Paragould, Ark., and Lake City, Ark., between Paragould, and Memphis, Tenn., between Blytheville, Ark., and Turrell, Ark., between Paragould and Little Rock, Ark., and between Paragould and Corning, Ark.—Ray A. Goodwin, P.O. Box 726, 206 West Emerson Street, Paragould, Ark. 72450, attorney for applicants.

No. MC-FC-74694. By order of September 19, 1973, the Motor Carrier Board approved the transfer to Reno Armored Transport, Inc., Los Angeles, Calif., of the operating rights in Permit No. MC-117072 (Sub-No. 3) issued November 21, 1972, to Armored Transport, Inc., Los Angeles, Calif., authorizing the transportation of (1) such commercial papers, documents, written instructions, and business records (except currency and negotiable securities) as are used in the business of banks and banking institutions, and (2) audit media and business records, between Reno, Nev., and Tahoe City, South Lake Tahoe, Kings Beach, and Tahoe Vista, Calif., restricted to transportation under continuing contract with Central California Federal Savings and Loan Association, of Auburn, Calif., Crocker Citizens National Bank, of San Francisco, Calif., First National Bank of Nevada, of Reno, Nev., Sears-Roebuck & Co., of Chicago, Ill., Sierra Pacific Power Co., of Reno, Nev., Tahoe National Bank of South Lake Tahoe, Nev., and Bank of California, Tahoe City, Calif.—R. Y. Schureman, 1545 Wilshire Boulevard, Los Angeles, Calif. 90017, attorney for applicants.

No. MC-FC-74699. By order entered September 20, 1973, the Motor Carrier Board approved the transfer to Southwest Supply, Inc., Bluefield, W. Va., of the operating rights set forth in Certificate No. MC-119798, issued by the Commission September 27, 1972, to Elliott, Incorporated, Bluefield, West Virginia, authorizing the transportation of pack-house products and by-products, lubricating oils and greases, such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, equipment, materials, and supplies used in the conduct of such business, alcoholic liquors and incidental store supplies, and catalogs, between points and places in Virginia and West Virginia—Sidney J. Kwass, P.O. Box 1459, Bluefield, W. Va. 24701, attorney for applicants.

No. MC-FC-74707. By order entered September 20, 1973, the Motor Carrier Board approved the transfer to Walling-ton Motor Lines, Inc., Clifton, N.J., of the operating rights set forth in Certificate Nos. MC-93711 and MC-93711 (Sub-No. 1), both issued April 29, 1970, to George C. Openhym, Jr., and Margaret

T. Openhym, doing business as Wallington Motor Lines, Clifton, N.J., authorizing the transportation of foodstuffs and paper, between points in Passaic, Bergen, Essex, Hudson, and Union Counties, N.J., on the one hand, and, on the other, New York, N.Y.; and general commodities, with the usual exceptions, between points in Morris County, N.J., on the one hand, and, on the other, New York, N.Y.—Robert B. Pepper, 168 Woodbridge Ave., Highland Park, N.J. 08904, practitioner for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[PR Doc.73-20732 Filed 9-27-73;8:45 am]

[Notice No. 130]

**MOTOR CARRIER TEMPORARY
AUTHORITY APPLICATIONS**

SEPTEMBER 21, 1973.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR 1131) published in the *FEDERAL REGISTER*, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the *FEDERAL REGISTER* publication, within 15 calendar days after the date of notice of the filing of the application is published in the *FEDERAL REGISTER*. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and 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 3252 (Sub-No. 88 TA), filed September 14, 1973. Applicant: MERRILL TRANSPORT CO., 1037 Forest Avenue, Portland, Maine 04103. Applicant's representative: Francis E. Barrett, Jr., 10 Industrial Park Rd., Hingham, Mass. 02043. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings and building and construction materials*, restricted to traffic having a prior movement by rail, piggyback service, from Burlington and White River Jct., Vt., and Berlin, N.H., to points in Vermont and New Hampshire, for 180 days. SUPPORTING SHIPPER: Yankee Builders, Inc., 213 Railroad Street, St. Johnsbury, Vt. 05819. SEND PROTESTS TO: Donald G.

Weller, District Supervisor, Interstate Commerce Commission, Bureau of Operations, P.O. Box 167, PSS, 76 Pearl Street, Portland, Maine 04112.

No. MC 30837 (Sub-No. 460 TA), filed September 14, 1973. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4200—39th Avenue, Mig: P.O. Box 160 (Box zip 53141), Kenosha, Wis. 53140. Applicant's representative: Albert P. Barber (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Engine blocks, tools, dies, frames, and parts* for assembly of automobiles, from the International Boundary line, between the United States and Mexico at or near Laredo, Tex., to Cleveland, Ohio; Chicago, Ill.; and Buffalo, N.Y., in foreign commerce, for 180 days. SUPPORTING SHIPPER: Ford Motor Company, S.A., Mexico 1, D.F. (Mexico) (Hugo Briones, Traffic Manager). SEND PROTESTS TO: John E. Ryden, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 97310 (Sub-No. 16 TA), filed September 12, 1973. Applicant: SHARON MOTOR LINES, INC., 1600 B Street, Box 5636, Meridian, Miss. 39301. Applicant's representative: Paul O. Miller III, P.O. Box 2366, Jackson, Miss. 39201. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, requiring special equipment or of unusual value or requiring mechanically refrigerated equipment), from Birmingham, Ala., to Cuba, Ala., over U.S. Highway 11 and Interstate Highway 59 and return over the same route, serving the intermediate points of York, Livingston, and Eutaw, Ala., and their commercial zones only, for 180 days. Service between Birmingham, Ala., and Cuba, Ala. over U.S. Highway 11 and Interstate Highway 59 was granted in Docket No. MC 97310 (Sub 6) serving no intermediate points.

NOTE.—Applicant intends to tack and join at all service points presently authorized in MC 97310 and Subs thereto and to interline at all terminal sites.

SUPPORTING SHIPPERS: There are approximately 14 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 212, 145 East Amite Building, Jackson, Miss. 39201.

No. MC 99780 (Sub-No. 29 TA), filed September 11, 1973. Applicant: CHIPPER CARTAGE COMPANY, INC., 1327 NE. Bond Street, Mig: P.O. Box 1345 (Box zip 61601), Peoria, Ill. 61603. Applicant's representative: John R. Zang (same address as above). Authority

sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen prepared meals, bakery goods, trays, eating utensils, freezers, ovens, and other items* in the preparation and serving of school lunches (except commodities in bulk), from the plantsite and/or storage facilities of Mass Feeding Corporation at Elk Grove Village, Ill., and Chicago, Ill., to points in Missouri, Ohio, Michigan, Indiana, and Illinois, for 180 days. RESTRICTION: The authority granted herein is restricted to the transportation of traffic originating at the above named origin and destined to the above-named destination. SUPPORTING SHIPPER: Robert S. Wright, Mass Feeding Corporation, 2241 Pratt Boulevard, Elk Grove Village, Ill. 60007. SEND PROTESTS TO: Richard Shullaw, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 219 South Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 106398 (Sub-No. 685 TA), filed September 11, 1973. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Box 51096, Dawson Station, Tulsa, Okla. 74151. Applicant's representative: Irvin Tull (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, and *buildings*, in sections, mounted on wheeled undercarriages, from points of manufacture, from Fort Lupton, Colo. (Weld County), to points in the United States (except Alaska and Hawaii), for 180 days. SUPPORTING SHIPPER: Liberty Homes, Inc., Douglas A. Schmahl, P.O. Box 35, Goshen, Ind., 46526. SEND PROTESTS TO: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Rm. 240, Old P.O. Bldg., 215 NW. Third, Oklahoma City, Okla. 73102.

No. MC 107295 (Sub-No. 669 TA), filed September 12, 1973. Applicant: PRE-FAB TRANSIT COMPANY, 100 South Main Street, P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Bruce J. Kinnee (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Polyvinyl chloride (PVC) pipe, tubing, couplings, fittings, and accessories and other extruded plastic products*, from Phelps County, Mo., to points in Arkansas, Delaware, District of Columbia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Minnesota, Mississippi, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, Virginia, West Virginia, and Wisconsin, for 180 days. SUPPORTING SHIPPER: Gary L. Walker, Production Manager, Some Industries, Inc., P.O. Box 1235, Rolla, Mo. 65401. SEND PROTESTS TO: Harold C. Joliff, District Supervisor, Interstate Commerce Commission, Leland Office Building, 527 East Capitol Avenue, Room 414, Springfield, Ill. 62701.

NOTICES

No. MC 107295 (Sub-No. 670 TA), filed September 13, 1973. Applicant: PRE-FAB TRANSIT COMPANY, 100 South Main Street, P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Bruce J. Kinnee (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Skylights, plastic, with or without metal frames; ventilators, hatches, aluminum; and plastic sheets and accessories used in the installation thereof*, from the plantsite and warehouse facilities of Naturalite Inc., at Garland Tex., to points in Florida, California, Colorado, Alabama, Georgia, Illinois, Indiana, Maryland, Massachusetts, Michigan, Missouri, North Carolina, Ohio, New York, Pennsylvania, Tennessee, Wisconsin, Kentucky, and Virginia, for 180 days. SUPPORTING SHIPPER: Dennis S. McElroy, Production and Traffic Manager, Naturalite, Inc., 3233 West Kingsley Road, Garland, Tex. 75040. SEND PROTESTS TO: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Leland Office Building, 527 East Capitol Avenue, Room 414, Springfield, Ill. 62701.

No. MC 107295 (Sub-No. 671 TA), filed September 13, 1973. Applicant: PRE-FAB TRANSIT CO., 100 South Main Street, P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Bruce J. Kinnee (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Extruded plastic splines and/or strips*, from Council Grove, Kans., to International Falls, Minn., for 180 days. SUPPORTING SHIPPER: Merton Ephraim, General Sales Manager, Industrial Plastics Corporation, P.O. Box 2516, Elkhart, Ind. 46514. SEND PROTESTS TO: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Leland Office Building, 527 East Capitol Avenue, Room 414, Springfield, Ill. 62701.

No. MC 109533 (Sub-No. 56 TA), filed September 13, 1973. Applicant: OVERNITE TRANSPORTATION COMPANY, 1100 Commerce Road, P.O. Box 1216, Richmond, Va. 23224. Applicant's representative: Eugene T. Lippert, Suite 1100, 1660 L Street NW, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between Corbin, Ky., and Knoxville, Tenn., serving no intermediate points but serving points in the commercial zones of the termini, (1) from Corbin, Ky., over U.S. Highway 25E to Tazewell, Tenn., thence over Tennessee Highway 33 to Knoxville, Tenn., and return over the same route, and (B) from Corbin, Ky., over U.S. Highway 25W to Knoxville, Tenn., and return over the same route, for 180 days.

NOTE.—Applicant intends to tack the above authority with its presently held authority in Docket No. MC 109533 (Lead) and Sub-No. 22 among other Subs, and interline with other carriers is proposed thru all existing gateways and thru Corbin, Ky.

SUPPORTING SHIPPERS: There are approximately 20 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: District Supervisor Robert W. Waldron, Interstate Commerce Commission, Bureau of Operations, 10-502 Federal Building, Richmond, Va.

No. MC 114265 (Sub-No. 27 TA), filed September 14, 1973. Applicant: SHOE-MAKER TRUCKING CO., 8624 Franklin Road, Boise, Idaho 83705. Applicant's representative: F. L. Sigloh, P.O. Box 7651, Boise, Idaho 83707. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board*, from points in Oregon, on and west of U.S. Highway 97 and points in Washington, on and west of U.S. Highway 99, to points in Idaho south of the southern boundary of Idaho County, for 180 days. SUPPORTING SHIPPER: Kaiser Gypsum Corp., 300 Lakeside Drive, Oakland, Calif. 94604. SEND PROTESTS TO: C. W. Campbell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 550 West Fort Street, Box 07, Boise, Idaho 83724.

No. MC 115092 (Sub-No. 28 TA), filed September 14, 1973. Applicant: WEISS TRUCKING, INC., P.O. Box O, Vernal, Utah 84078. Applicant's representative: E. L. Kier (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese*, from the plantsite of L. D. Schreiber Cheese Co., Inc., at Logan, Utah, to points in California, Idaho, Nevada, Oregon, and Washington, and Montana, for 180 days. SUPPORTING SHIPPER: L. D. Schreiber Cheese Co., Inc., 1607 Main Street, Green Bay, Wis. 54305. SEND PROTESTS TO: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 5239 Federal Building, 125 South State Street, Salt Lake City, Utah 84138.

No. MC 116935 (Sub-No. 14 TA), filed September 13, 1973. Applicant: COMMERCIAL FURNITURE DISTRIBUTORS, INC., 222 Middlesex Street, Harrison, N.J. 07029. Applicant's representative: George A. Olsen, 69 Tonelle Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, in containers, from facilities of Commercial Furniture Distributors, Inc., at Elizabeth, N.J., to points in the New York, N.Y., Commercial Zone, as defined in the fifth supplemental report in "Commercial Zones and Terminal Areas," 53 M.C.C. 451, points in Nassau, Suffolk, Westchester,

Orange, Rockland, and Putnam Counties, N.Y., and points in New Jersey, for 180 days. RESTRICTION: Restricted to shipments having a prior movement by rail or motor carrier. SUPPORTING SHIPPERS: (1) Cole, Division of Litton Industries, Inc., 626 Loucks Mill Road, York, Pa. 17405; (2) Tab Services Corp., 605 Fourth Street, Mayville, Wis. 53050; (3) InterRoyal Corporation, 1 Park Avenue, New York, N.Y. 10016; (4) Ethan Allen, Inc., Ethan Allen Drive, Danbury, Conn. 06810; and (5) Connor Forest, Inc., Laona, Wis. SEND PROTESTS TO: District Supervisor Robert E. Johnston, Interstate Commerce Commission, Bureau of Operations, 9 Clinton Street, Newark, N.J. 07102.

No. MC 118202 (Sub-No. 17 TA), filed September 13, 1973. Applicant: SCHULTZ TRANSIT, INC., 323 East Bridge Street, P.O. Box 406, Winona, Minn. 55987. Applicant's representative: Eugene A. Schultz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen potatoes and potato products* (except bulk commodities shipped in tank vehicles), from Grand Forks, N. Dak., restricted to the plantsite and storage facilities utilized by Western Potato Service, Incorporated, at Grand Forks, to points in Alabama, Arkansas, Colorado, Florida, Georgia, Kentucky, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia, for 180 days. SUPPORTING SHIPPER: Western Potato Service, Incorporated, Post Office Box 1391, Grand Forks, N. Dak. 58201. SEND PROTESTS TO: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building & U.S. Court House, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 118202 (Sub-No. 18 TA), filed September 13, 1973. Applicant: SCHULTZ TRANSIT, INC., P.O. Box 406, 323 East Bridge Street, Winona, Minn. 55987. Applicant's representative: Eugene A. Schultz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packing-houses*, as described in Sections A and C of Appendix I to the report in "Descriptions in Motor Carrier Certificates," 61 M.C.C. 209 and 766 (except commodities in bulk and hides), from the plantsite and warehouse facilities utilized by Yankton Sioux Industries at Wagner, S. Dak., to points in Washington, Oregon, California, Idaho, Nevada, Utah, Arizona, Montana, Wyoming, New Mexico, and Colorado, for 180 days. SUPPORTING SHIPPER: Yankton Sioux Industries, 301 North Fifth Street, Minneapolis, Minn. 55403. SEND PROTESTS TO: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building & U.S. Court House, 110 S. 4th Street, Minneapolis, Minn. 55401.

No. MC 119634 (Sub-No. 8 TA), filed September 10, 1973. Applicant: DICK IRVIN, INC., 218 12th Ave. North, P.O. Box F, Shelby, Mont. 59474. Applicant's representative: Charles R. Irvin (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bleached kraft sulphate wood pulp*, from the Port of Entry located on the International Boundary line at Sweetgrass, Mont., to Shelby, Mont., for 180 days. SUPPORTING SHIPPER: North Western Pulp & Power, Ltd., Hinton, Alberta, Canada. SEND PROTESTS TO: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 222 U.S. Post Office Bldg., Billings, Mont. 59101.

No. MC 119634 (Sub-No. 8 TA), filed September 10, 1973. Applicant: DICK IRVIN, INC., 218 12th Ave. North, P.O. Box F, Shelby, Mont. 59474. Applicant's representative: Charles R. Irvin (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bleached kraft sulphate wood pulp*, from the Port of Entry located on the International Boundary line at Sweetgrass, Mont., to Shelby, Mont., for 180 days. SUPPORTING SHIPPER: North Western Pulp & Power, Ltd., Hinton, Alberta, Canada. SEND PROTESTS TO: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 222 U.S. Post Office Bldg., Billings, Mont. 59101.

No. MC 121567 (Sub-No. 3 TA), filed September 13, 1973. Applicant: WICHITA AIR CARGO DELIVERY, INC., Wichita Municipal Airport, Wichita, Kans. 67209. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Wichita, Kans., on the one hand, and, on the other, Kansas City, Mo., and points in Kansas, Oklahoma, Arkansas, Texas, and points in Louisiana on and west of U.S. Highway 171 and Louisiana State Highway 27, for 180 days. RESTRICTION: The operations authorized herein are restricted to traffic having an immediately prior or immediately subsequent movement by air. SUPPORTING SHIPPERS: Kansas Refined Helium Co., Vickers KSB & T Bldg., Wichita, Kans.; Continental Air Lines, Inc., Terminal Bldg., Mid Continent Airport, Wichita, Kans. 67209; Trans World Airlines, Inc., Terminal Building, Mid Continent Airport, Wichita, Kans. 67209; Braniff International, Terminal Bldg., Mid Continent Airport, Wichita, Kans. 67209; AEI Wings and Wheels Express, Inc., 10201 A. No. West Everton, Kansas City, Mo. 64153; and National Cash Register, 650 East Gilbert, Wichita, Kans. SEND PROTESTS TO: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 501 Petroleum Bldg., Wichita, Kans. 67202.

No. MC 124078 (Sub-No. 563 TA), filed September 13, 1973. Applicant: SCHWERMER TRUCKING CO., 611 South 28th Street, Milwaukee, Wis. 53215. Applicant's representative: James R. Ziperski (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, in bulk, from Camden and Lipe, Tenn., to Pontotoc, Miss., for 180 days. SUPPORTING SHIPPER: Hardy Sand Company, 507 SE. 2nd St., P.O. Box 629, Evansville, Ind. 47704 (Harry P. Hardy, Partner). SEND PROTESTS TO: District Supervisor John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells St., Room 807, Milwaukee, Wis. 53203.

No. MC 124692 (Sub-No. 119 TA), filed September 11, 1973. Applicant: SAMMONS TRUCKING, P.O. Box 1447, Missoula, Mont. 59801. Applicant's representative: Gene P. Johnson, 425 Gate City Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood fiberboard, faced or finished with decorative or protective material and accessories and supplies*, from the plantsite and facilities of Masonite Corporation at Bloomington, Minn., to points in North Dakota and South Dakota, for 180 days. SUPPORTING SHIPPER: Masonite Corporation, 29 N. Wacker Drive, Chicago, Ill. 60606. SEND PROTESTS TO: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 222 U.S. Post Office Bldg., Billings, Mont. 59101.

No. MC 125162 (Sub-No. 7 TA), filed September 14, 1973. Applicant: CROWN TRUCK LINE, INC., 3811 Broadway, Macon, Ga. 31206. Applicant's representative: Paul M. Daniell, 1600 First Federal Bldg., Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick*, in vehicles equipped with mechanical unloaders, from Atlanta, Ga., to points in Abbeville, Anderson, Greenwood, Oconee, and Saluda Counties, S.C., for 180 days. SUPPORTING SHIPPER: Chattahoochee Brick Company, P.O. Box 39158, Bolton Station, Atlanta, Ga. 30318. SEND PROTESTS TO: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309 1252 West Peachtree Street NW, Atlanta, Ga. 30309.

No. MC 129193 (Sub-No. 1 TA), filed September 14, 1973. Applicant: HARRISON TRANSPORT, INC., Off: 3520 Adams Drive, Mfg: P.O. Box 5895, Tampa, Fla. 33605. Applicant's representative: Richard B. Austin, 8675 NW. 53 Street, Suite 123, Miami, Fla. 33166. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* loaded or empty, between points in Duval, Orange, and Hillsborough Counties, Fla., having prior or subsequent handling by freight forwarders, for 180 days. SUPPORTING SHIPPER: Florida-

Texas Freight, Inc., Post Office Box 206, Miami, Fla. 33148. SEND PROTESTS TO: District Supervisor Joseph B. Teicher, Bureau of Operations, Interstate Commerce Commission, 5720 SW. 17th Street, Room 105, Miami, Fla. 33155.

No. MC 129350 (Sub-No. 30 TA), filed September 7, 1973. Applicant: CHARLES E. WOLFE, doing business as EVERGREEN EXPRESS, P.O. Box 212, 410 N. 10th Street (Box zip 59103), Billings, Mont. 59101. Applicant's representative: J. F. Meglen, P.O. Box 1581, Billings, Mont. 59103. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (a) between Sidney, Mont., and Billings, Mont.: from Sidney over Montana Highway 16 to junction U.S. Highway 10, to Billings, Mont., and return over the same routes, serving all intermediate points and the off-route point of Horton, Mont.; (b) between Billings, Mont., and Wyola, Mont.: from Billings over U.S. Highway 87 to Wyola, Mont., and return over the same route, serving all intermediate points; and (c) Property over regular routes: Between Glendive and Brockway, Mont., over Montana Highway 200 and 200S, and return over the same route serving to and from all intermediate points, for 180 days. SUPPORTING SHIPPERS: There are approximately 9 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission, in Washington D.C., or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 222 U.S. Post Office Building, Billings, Mont. 59101.

NOTE.—Applicant at present has no intention to tack but may wish to do so in the future with other authority in its Docket No. MC 129350.

No. MC 135007 (Sub-No. 34 TA), filed September 13, 1973. Applicant: AMERICAN TRANSPORT, INC., Off: 7850 F Street, Omaha, Nebr. 68127, and P.O. Box 37406, Millard, Nebr. 68137. Applicant's representative: Frederick J. Coffman, 512 South 14th Street, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Floor covering, floor tile, carpet padding, carpet lining, and material, equipment, and supplies necessary for the installation thereof*, from, to or between Milwaukee, Wis.; Libertyville, Waukegan, and Kankakee, Ill., to points in Iowa, Kansas, Minnesota, Missouri, Nebraska, and South Dakota, under continuing contract with Wm. Volker & Company, for 180 days. SUPPORTING SHIPPER: William Volker & Company, W. P. Tarter, Vice Pres., Transportation, P.O. Box 529, Burlingame, Calif. 94010. SEND PROTESTS TO: District Supervisor Carroll

NOTICES

Russell, Interstate Commerce Commission, Bureau of Operations, 711 Federal Office Building, Omaha, Nebr. 68102.

No. MC 135364 (Sub-No. 8 TA), filed September 13, 1973. Applicant: MORWALL TRUCKING, INC., R.D. #3, Box 76-C, Moscow, Pa. 18444. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, Pa. 18517. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic material*, from Middlebury, Vt., to Elizabeth, N.J., and Moosic, Pa.; (2) *wire*, from Fostoria, Ohio, to Elizabeth, N.J., and Moosic, Pa.; (3) *tree stands*, from Ludington, Mich., to Elizabeth, N.J., and Moosic, Pa.; and (4) *Christmas trees*, from Elizabeth, N.J., and Moosic, Pa.; to Bridgeport, Hartford, New Britain, New Haven, Norwalk, Stamford, and Waterbury, Conn.; Clearwater, Daytona Beach, Fort Lauderdale, Fort Meyers, Hialeah, Hollywood, Jacksonville, Lakeland, Miami, Orlando, Pensacola, St. Petersburg, Sarasota, Tallahassee, Tampa, and West Palm Beach, Fla.; Wilmington, Del.; Atlanta, Augusta, Columbus, Decatur, Macon, Savannah, and Forest Park (J. C. Penney Catalog House), Ga.; Arlington Heights, Aurora, Belleville, Chicago, Decatur, Des Plaines, East St. Louis, Evanston, Joliet, Peoria, Rockford, and Springfield, Ill.; Annapolis, Baltimore, Hyattsville, Rockville, and Silver Spring, Md.; Anderson, Evansville, Fort Wayne, Gary, Hammond, Indianapolis, Lafayette, Muncie, South Bend, and Terre Haute, Ind.; District of Columbia; Boston, Brockton, Chicopee, Fall River, Lowell, Lynn, New Bedford, Plymouth, Springfield, and Worcester, Mass.; Ann Arbor, Battle Creek, Birmingham, Dearborn, Detroit, Flint, Grand Rapids, Jackson, Kalamazoo, Lansing, Muskegon, Pontiac, Saginaw, and Warren, Mich.; Camden, Clifton, East Orange, Elizabeth, Englewood, Hackensack, Jersey City, Montclair, Newark, New Brunswick, Orange, Paterson, Perth Amboy, Plainfield, Rahway, Ridgewood, Rutherford, Trenton, and Westfield, N.J.; Albany, Babylon, Binghamton, Bronx, Brooklyn, Buffalo, Elmira, Far Rockaway, Flushing, Hempstead, Hicksville, Jamaica, Long Island City, New York, Niagara Falls, Poughkeepsie, Rochester, Schenectady, Syracuse, Troy, Utica, White Plains, and Yonkers, N.Y.; Ashville, Charlotte, Durham, Fayetteville, Greensboro, Raleigh, and Winston-Salem, N.C.; Akron, Canton, Cincinnati, Cleveland, Columbus, Cuyahoga Falls, Dayton, Elyria, Hamilton, Lima, Mansfield, Springfield, Toledo, Warren, and Youngstown, Ohio; Pawtucket, Providence, Wakefield, and Warwick, R.I.; Allentown, Altoona, Bethlehem, Chester, Erie, Harrisburg, Johnstown, Lancaster, McKeesport, Media, Norristown, Philadelphia, Pittsburgh, Reading, Scranton, Wilkes-Barre, and York, Pa.; Chattanooga, Kingsport, Knoxville, Memphis, and Nashville, Tenn.; Alexandria, Arlington, Charlottesville, Chesapeake, Hampton, Lynchburg, Newport News, Norfolk, Ports-

mouth, Richmond, Roanoke, Springfield, and Virginia Beach, Va.; Charleston and Huntington, W. Va., for 150 days. SUPPORTING SHIPPERS: Puleo's Novelty Company, 435 Division Street, Elizabeth, N.J. 07201. Glenwood Products, Inc., 24 Salina Street, Moosic, Pa. 18507. SEND PROTESTS TO: Paul J. Kenworthy, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 309 U.S. Post Office Bldg., Scranton, Pa. 18503.

No. MC 136376 (Sub-No. 4 TA), filed September 7, 1973. Applicant: MONT R. LYNCH, doing business as LYNCH TRUCKING, 1505 Bitterrott Dr., Billings, Mont. 59101. Applicant's representative: J. F. Meglen, P.O. Box 1581, Billings, Mont. 59103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Mineral pigment* (titanium), from Baltimore, Md., and the Commercial Zone thereof, and Laurel, Md., to Auburn, Kirkland, and Seattle, Wash., and points within 10 miles thereof; and (2) *Polyester resin*, from Chicago, Ill., and the Commercial Zone thereof including Calumet City, Ill., to Auburn, Kirkland, and Seattle, Wash., and points within 10 miles thereof, for 180 days.

NOTE.—Applicant presently has no plans to tack but may wish to do so in the future with existing authority in applicant's MC 136376.

SUPPORTING SHIPPER: Durkin Chemicals, Inc., P.O. Box 655, Kirkland, Wash. 98033. SEND PROTESTS TO: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 222 U.S. Post Office Building, Billings, Mont. 59101.

No. MC 136899 (Sub-No. 10 TA), filed September 14, 1973. Applicant: HIGGINS TRANSPORTATION LTD., 824 Valley View Drive, Richland Center, Wis. 53581. Applicant's representative: Michael J. Wyngaard, 329 West Wilson Street, Madison, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *New furniture and swings*, from Baraboo, Wis., to all points in the United States (except Alaska, Arizona, California, Hawaii, Nevada, Oregon, and Washington), and (2) *Aluminium frames* for furniture and swings, from Vernon, Calif., to Baraboo, Wisc., for 180 days. SUPPORTING SHIPPER: Almet, Inc., 902 Sauk Avenue, Baraboo, Wis. 53913. SEND PROTESTS TO: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 139 W. Wilson Street, Room 202, Madison, Wis. 53703.

No. MC 138398 (Sub-No. 3 TA), filed September 11, 1973. Applicant: CHARTER EXPRESS, INC., 1959 East Turner, P.O. Box 3772, Springfield, Mo. 65804. Applicant's representative: Warren Sapp, Suite 910 Fairfax Bldg., 101 West 11th Street, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fence palings, shingles, shakes, and ridge*, from points in Callam, Clark, Cowlitz, Grays Harbor, Island, Jefferson, King, Kitsap, Lewis, Mason, Pacific, Pierce, San Juan, Skagit, Skamania, Snohomish, Thurston, Wahkiakum, and Whatcom Counties,

City, Sedalia, and Sweet Springs, Mo., and (2) *Glassware*, from Columbus and East Lancaster, Ohio, to Hannibal, Kansas City, Sedalia, and Sweet Springs, Mo., under a continuing contract or contracts with Rival Manufacturing Company of Kansas City, Mo., for 180 days. SUPPORTING SHIPPER: Rival Manufacturing Company, 3600 Bennington, Kansas City, Mo. 64129. SEND PROTESTS TO: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 138510 (Sub-No. 2 TA), filed September 12, 1973. Applicant: RICCI TRANSPORTATION CO., INC., Odessa Avenue at Aloe Street, Pomona, N.J. 08240. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, Pa. 18517. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Laminated furniture and laminated furniture parts*, uncrated, from Pleasantville, N.J., to points in Florida, Texas, and New York, for the account of International Wood Products, Inc., for 150 days. SUPPORTING SHIPPER: International Wood Products, Inc., P.O. Box 142, Cologne, N.J. 08213. SEND PROTESTS TO: Richard M. Regan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 428 East State Street, Room 204, Trenton, N.J. 08608.

No. MC 138741 (Sub-No. 3 TA), filed September 12, 1973. Applicant: E. K. MOTOR SERVICE, INC., 2005 N. Broadway, Joliet, Ill. 60435. Applicant's representative: Tom B. Kretzinger, 101 West 11th Street, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum wallboard, gypsum lath, joint cement, and tape*, from the plantsite and warehouse facilities of the Celotex Corp., at or near Ft. Dodge, Iowa, to points in Illinois, Indiana, Kansas, Kentucky, Minnesota, Missouri, Nebraska, and Wisconsin, for 180 days. SUPPORTING SHIPPER: David H. Wetzel, The Celotex Corporation, 1500 N. Dale Mabry, Tampa, Fla. 33607. SEND PROTESTS TO: Robert G. Anderson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 139026 (Sub-No. 1 TA), filed September 12, 1973. Applicant: RALPH W. KING, doing business as R. W. KING TRUCKING, 9842 East Belmont Avenue, Sanger, Calif. 93657. Applicant's representative: William H. Kessler, 638 Divisadero Street, Fresno, Calif. 93721. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fence palings, shingles, shakes, and ridge*, from points in Callam, Clark, Cowlitz, Grays Harbor, Island, Jefferson, King, Kitsap, Lewis, Mason, Pacific, Pierce, San Juan, Skagit, Skamania, Snohomish, Thurston, Wahkiakum, and Whatcom Counties,

Wash., and from points in Benton, Clackamas, Clatsop, Columbia, Coos, Curry, Douglas, Jackson, Josephine, Lane, Lincoln, Linn, Marion, Multnomah, Polk, Tillamook, Washington, and Yamhill Counties, Oreg., to points in Shasta, Tehama, Sutter, Yuba, Sacramento, Yolo, San Joaquin, Contra Costa, Alameda, San Francisco, San Mateo, Santa Clara, Stanislaus, Merced, Madera, Fresno, Kings, Tulare, Kern, Santa Barbara, Ventura, Los Angeles, Orange, San Bernardino, Riverside, San Diego, and Imperial Counties, Calif. for 180 days. SUPPORTING SHIPPERS: Altamont Cedar Shake & Shingle Co., 1950 East Tyler Avenue, Fresno, Calif. 93701. Long's Building Supply, 2380 North Clovis Avenue, Clovis, Calif. 93612. Zumwalt Roofing Co., 4683 Hammond Avenue, Fresno, Calif. 93726. SEND PROTESTS TO: District Supervisor Claud W. Reeves, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 139070 TA, filed September 6, 1973. Applicant: J & J ENTERPRISES, 230 West 1700 South, Salt Lake City, Utah 84115. Applicant's representative: Shelton R. Jackson (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Cabinets, from North Carolina to Utah, Idaho, Montana, and Wyoming; and (2) carpet from Georgia to Utah for 180 days. SUPPORTING SHIPPER: Continental Kitchens, 230 West 1700 South, Salt Lake City, Utah 84115 (K. Clare Wardle, Manager). SEND PROTESTS TO: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 5239 Federal Bldg., 125 South State Street, Salt Lake City, Utah 84138.

No. MC 139071 TA, filed September 11, 1973. Applicant: SENTRY TRANSPORT, INC., 5525 East 51st Street, Tulsa, Oklahoma 74135. Applicant's representative: James Hampton (same address as applicant). Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Mobile homes, from Elmira, N.Y., and Wilkes-Barre, Pa., to Atlanta, Ga.; Bastrop, Texas, Greenville, Miss., and Lexington, Ky., under United States Government Bill of Lading for 180 days. SUPPORTING SHIPPER: Douglas C. Dillard, Director, Disaster Preparedness, Dept. of Housing and Urban Development, Washington, D.C. SEND PROTESTS TO: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Bldg., 215 NW. Third Street, Oklahoma City, Okla. 73102.

No. MC 139072 TA, filed September 11, 1973. Applicant: DONALD R. BAJEMA, ELMER B. BAJEMA, and WILMER B. BAJEMA, doing business as RIVERVIEW DAIRY FARMS, 2777 Hillside Drive NW, Grand Rapids, Mich. 49504. Applicant's representative: Karl L. Gotting, 1200 Bank of Lansing Bldg., Lansing, Mich.

48933. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Dairy products (except in bulk), in vehicles equipped with mechanical refrigeration from the plantsite of the Sealtest Foods Division of Kraftco Corp., at Huntington, Ind., to points in Michigan for 180 days. SUPPORTING SHIPPER: Sealtest Foods Division of Kraftco Corp., 2224 W. Willow, Lansing, Mich. 48917. SEND PROTESTS TO: C. R. Flemming, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 225 Federal Bldg., Lansing, Mich. 48933.

No. MC 139073 TA, filed September 11, 1973. Applicant: FRANK VINCENT, doing business as VINCENT TRUCKING, Box 172, Eakly, Okla. 73033. Applicant's representative: Same as above. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Commodities handled by a Cooperative for resale to farmers and ranchers from points in Kansas, Colorado, Arkansas, Missouri, Texas, New Mexico, Mississippi to Eakly, Okla., for 180 days. SUPPORTING SHIPPER: Gerald Kenedy, Manager, Farmers Cooperative Gin, Box 249, Eakly, Okla. 73033. SEND PROTESTS TO: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Bldg., 215 NW. Third Street, Oklahoma City, Okla. 73102.

No. MC 139074 TA, filed September 12, 1973. Applicant: JERRY INMAN TRUCKING, 10600 S. Union, Tulsa, Okla. 74037. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Frozen pies and frozen bakery ingredients, between the plantsite of Bama Pie, Inc., Tulsa, Okla., and points in Texas, New Mexico, Arizona, Nevada, California, Oregon, Washington, Utah, and Idaho, for 180 days. SUPPORTING SHIPPER: Bama Pie, Inc., John W. Marshall, Exec. V.P., 2745 East 11th Street, Tulsa, Okla. 74103. SEND PROTESTS TO: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Rm. 240, Old P.O. Bldg., 215 NW. Third, Oklahoma City, Okla. 73102.

No. MC 139075 TA, filed September 12, 1973. Applicant: IMMEDIATE CARRIERS, INC., 240 Williamson Avenue, Hillside, N.J. 07205. Applicant's representative: Richard M. Glassner, 60 Park Place, Newark, N.J. 07205. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Malt beverages (beer) and related advertising material moving therewith, from the Jos. Schlitz, Winston-Salem, N.C., brewery, to Atlantic City, Landisville, Little Silver, Newark, North Branch, North Wildwood, Paterson, Toms River, Vineland, and Wharton, N.J., and Malt beverages, from Winston-Salem, N.C., to the above points in New Jersey, and return of empty containers, from above points to said brewery in Winston-

Salem, N.C., for 180 days. SUPPORTING SHIPPERS: (1) The W. H. Cawley Company, 80 Readington Rd., No. Branch, N.J., P.O. Box C, Somerville, N.J. 08876; (2) Thomas Fornataro, Inc., Landisville, N.J.; (3) Kohler Distributing Co., 44 Mt. Ridge Dr., Wayne, N.J.; (4) Peerless Beverage Company, 1000 Morris Avenue, Union, N.J.; and (5) Shore Points Distributing Co., Inc., Box 157, Little Silver, N.J. 07739. SEND PROTESTS TO: District Supervisor Robert E. Johnston, Interstate Commerce Commission, Bureau of Operations, 9 Clinton Street, Newark, N.J. 07102.

No. MC 139076 (Sub-No. 1 TA), filed September 12, 1973. Applicant: IDEAL TRANSPORT CO., INC., P.O. Box 308, Quinter, Kansas 67552. Applicant's representative: Clyde N. Christey, 641 Harrison, Topeka, Kansas 66603. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) Stubble-mulch plows, off-set disks, roto-mulch harrows, rod weeder, and anhydrous ammonia spreading equipment, from points and places in Gove County, Kansas, to points and places in Nebraska, Colorado, Oklahoma, Texas, New Mexico, South Dakota, North Dakota, Iowa, and Montana, under contract with Ideal Industries, Inc., and Midwest Products, Inc.; and (2) materials and supplies used in the manufacture of (1) above, from Middletown, Ohio; Pueblo, Colo.; Chicago and Quincy, Ill.; Bentonville, Ark.; Stratton, Nebr.; Los Angeles, Calif.; and Nobleford, Alberta, Canada, to points and places in Gove County, Kans., under contract with Ideal Industries, Inc., and Midwest Products, Inc., for 180 days. SUPPORTING SHIPPERS: Ideal Industries, Inc., P.O. Box 308, Quinter, Kans. 67552, Midwest Products, Inc., P.O. Box 268, Quinter, Kans. 67552. SEND PROTESTS TO: Thomas P. O'Hara, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 234 Federal Bldg., Topeka, Kans. 66603.

MOTOR CARRIERS OF PASSENGERS

No. MC 138942 (Sub-No. 1 TA), filed September 10, 1973. Applicant: JOHN H. WOLFF, doing business as AURORA EDUCATIONAL TOURS, 731 South Highland, Aurora, Ill. 60507. Applicant's representative: Patrick H. Smyth, 327 South La Salle St., Chicago, Ill. 60604. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Passengers and their baggage, in the same vehicle with passengers, in special and charter operations, from points in Kane County, Ill., to points in Illinois, Indiana, Ohio, Michigan, Minnesota, Missouri, and Wisconsin, and return, for 180 days. SUPPORTING SHIPPERS: A. C. Flint, Tucker Freight Lines, Inc., 3000 W. 36th Street, Chicago, Ill. 60632; Mrs. Emery Youngman, Pres., St. Elizabeth Society, 219 Jefferson Ave., Aurora, Ill.; Dennis R. Miller, V.P., Aurora Lamplighter Chorus, 77 Stolp,

NOTICES

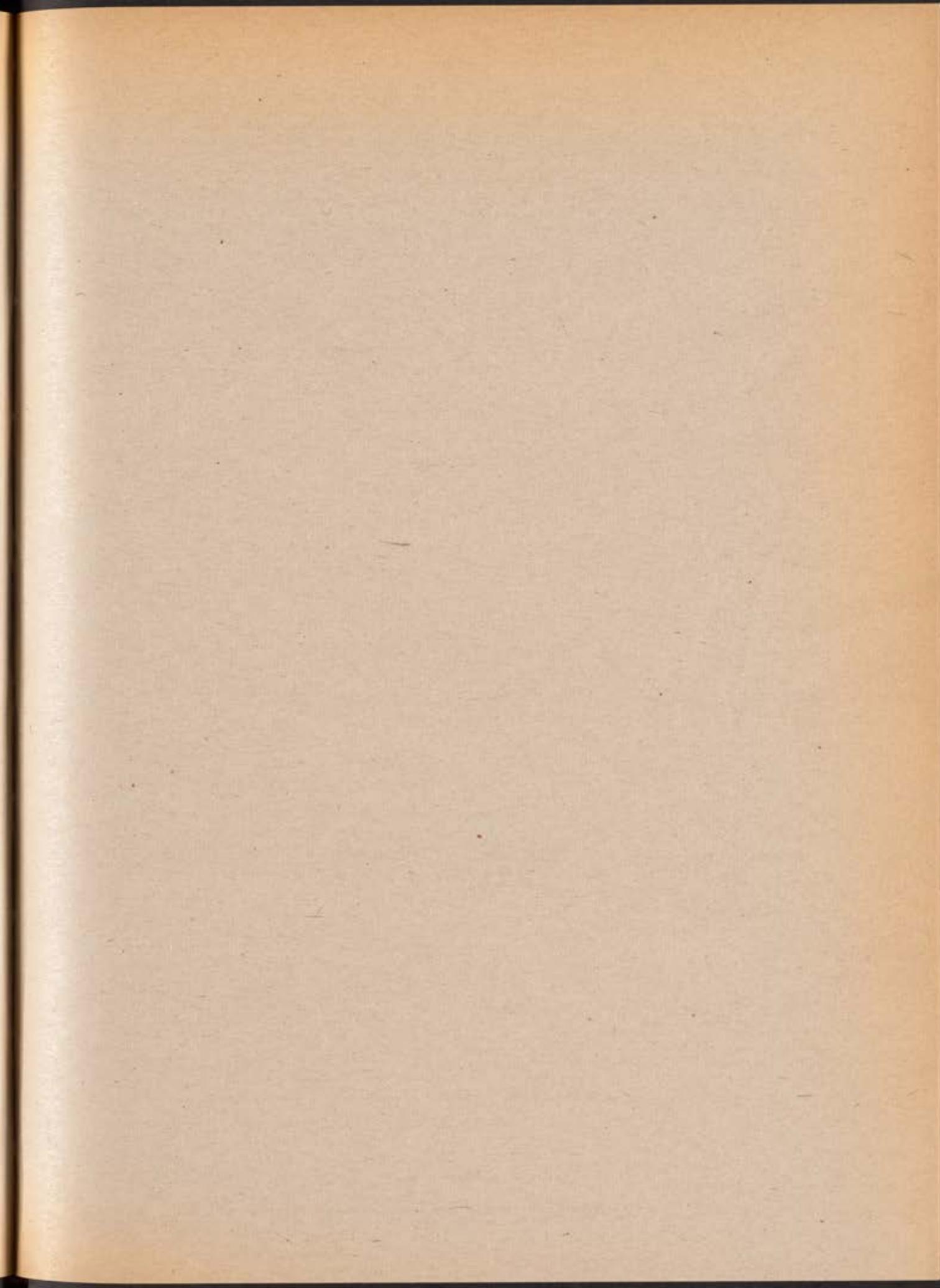
Aurora, Ill.; Marian D. Tomell, Pres., Lutheran Child & Family Services Aux., 538 Bangs St., Aurora, Ill.; Mr. James Evans, Irish Fellowship Club, Florida Ave. & Highland, Aurora, Ill.; Leigh M. Tracy, Director, Aurora College, 427 E. Gladstone Ave., Aurora, Ill.; Frank Alsip, Pres., Arthur Murray Dance Studio, 44½ W. Downer St., Aurora, Ill.; and Christine B. Dolen, YWCA, 31 W. Downer Pl., Au-

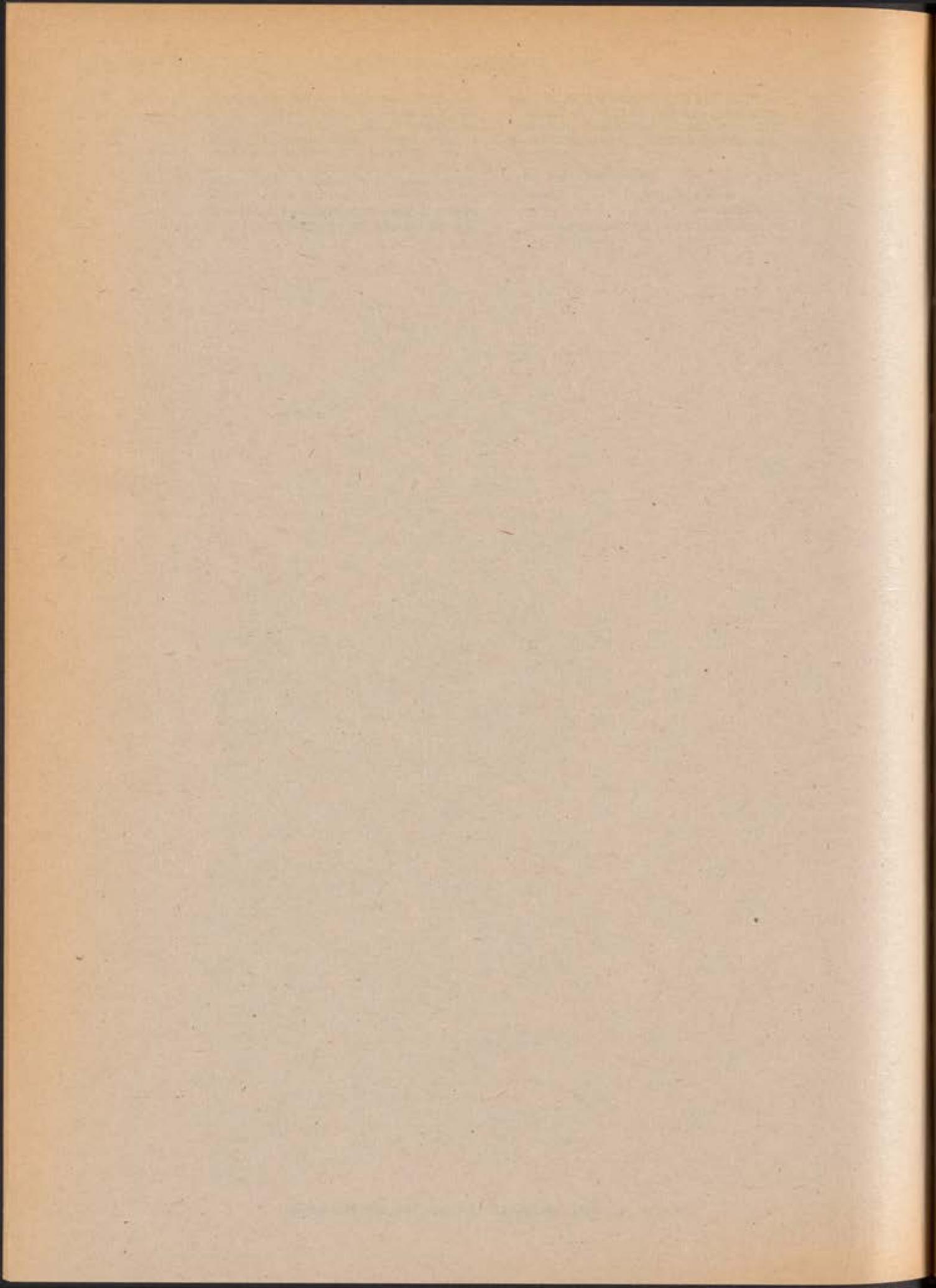
rora, Ill. SEND PROTESTS TO: William J. Gray, Jr., Transportation Specialist, Interstate Commerce Commission, 219 South Dearborn St., Room 1086, Chicago, Ill. 60604.

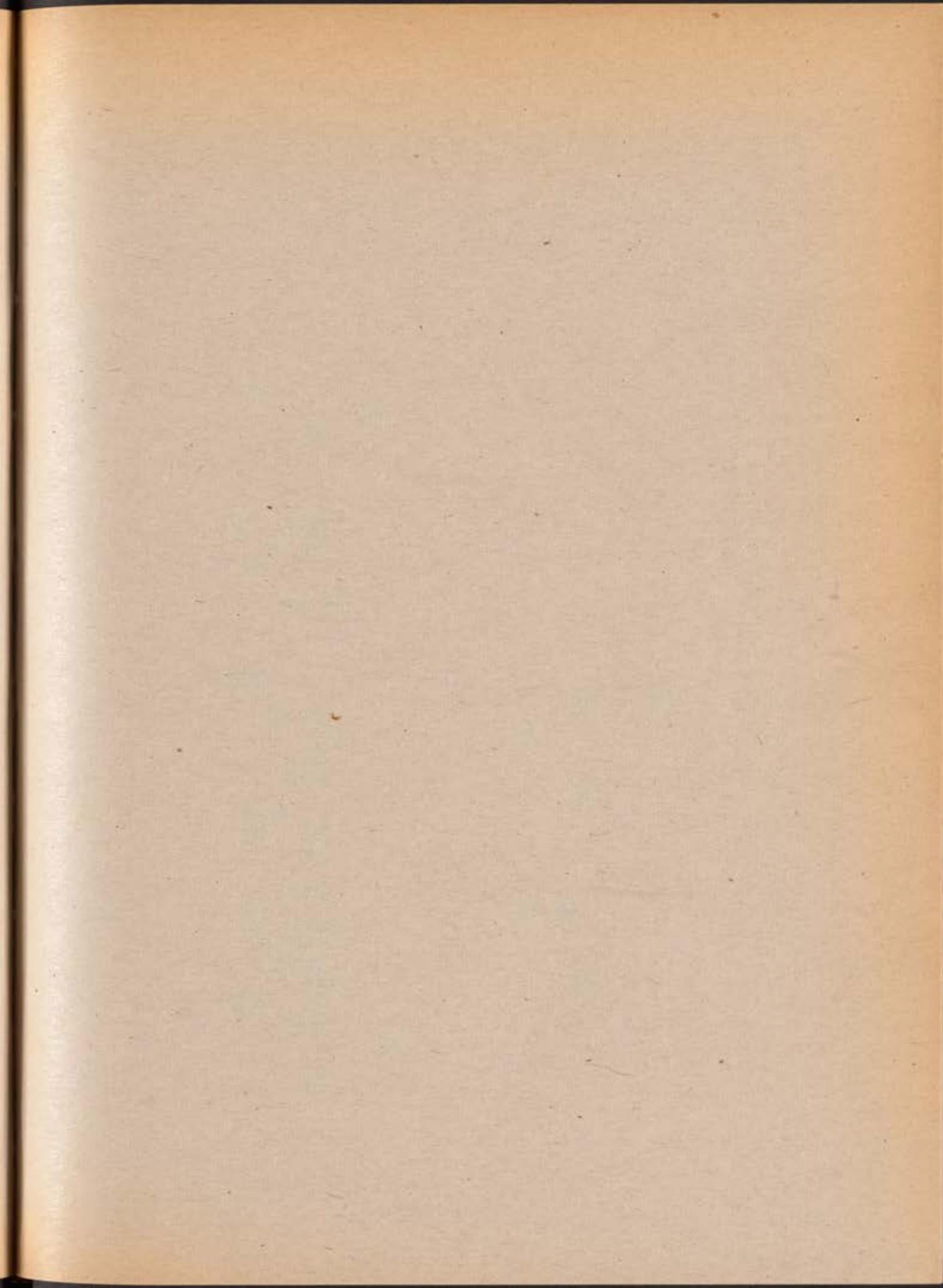
By the Commission.

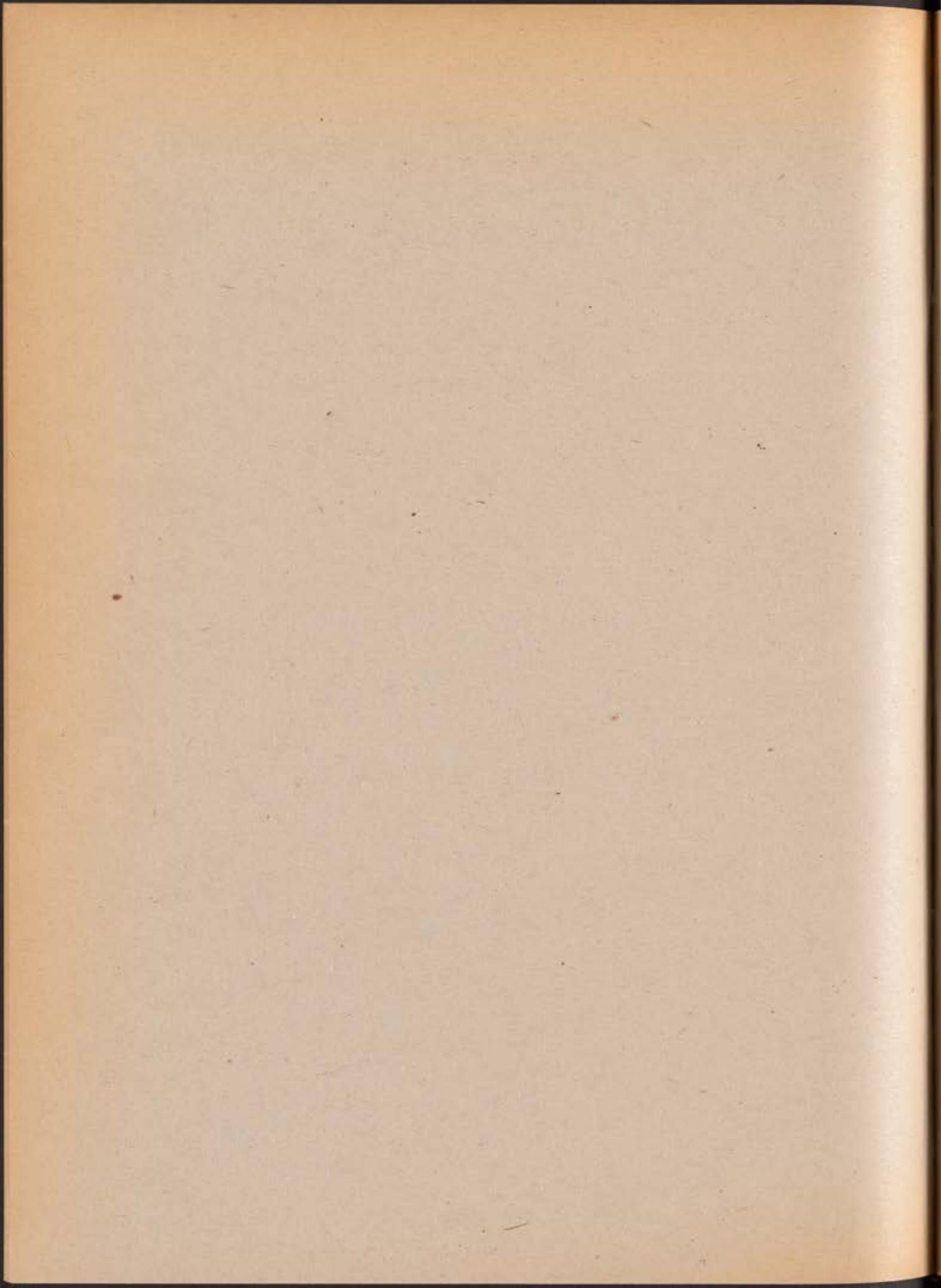
[SEAL] ROBERT L. OSWALD,
Secretary.

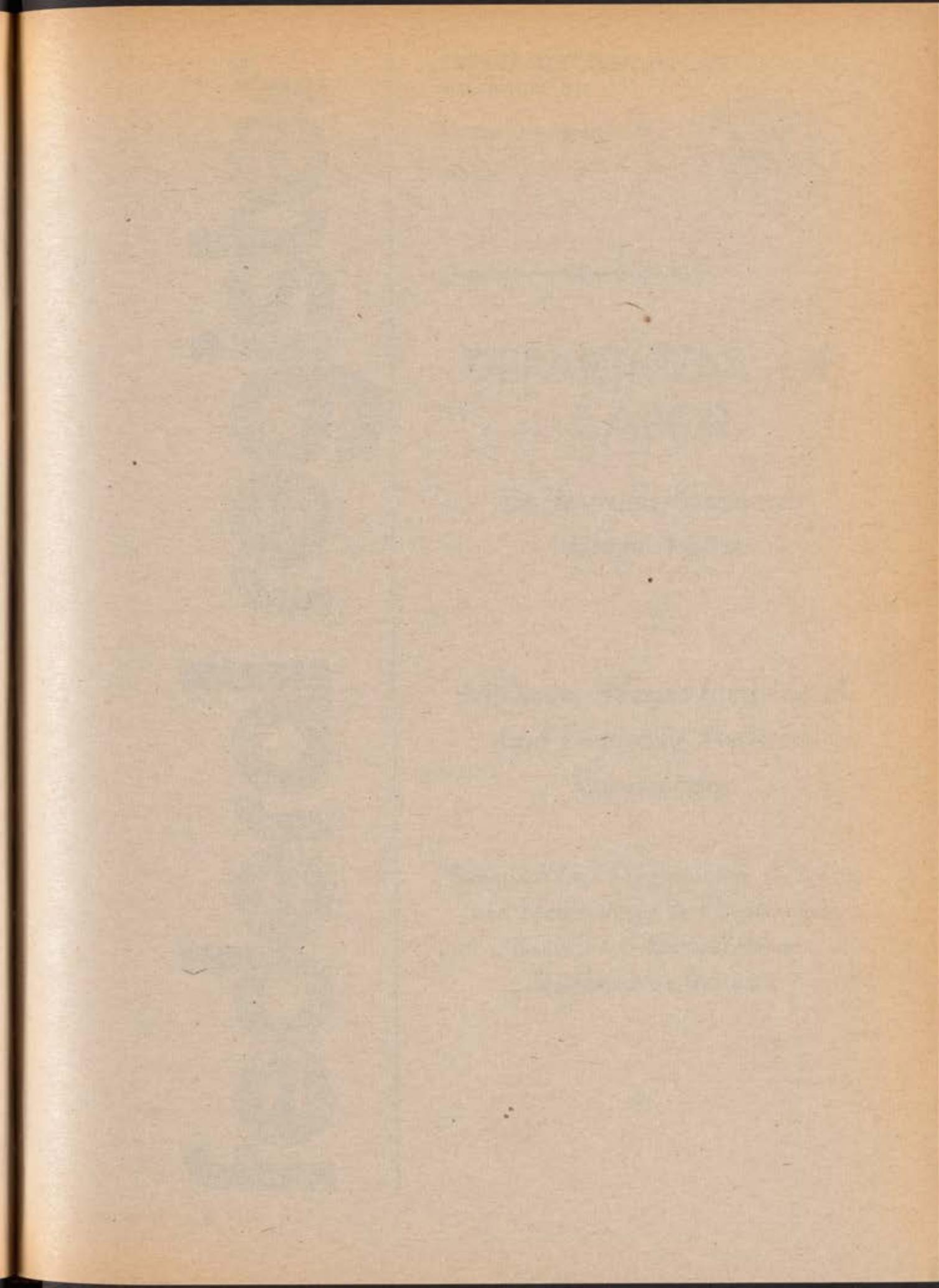
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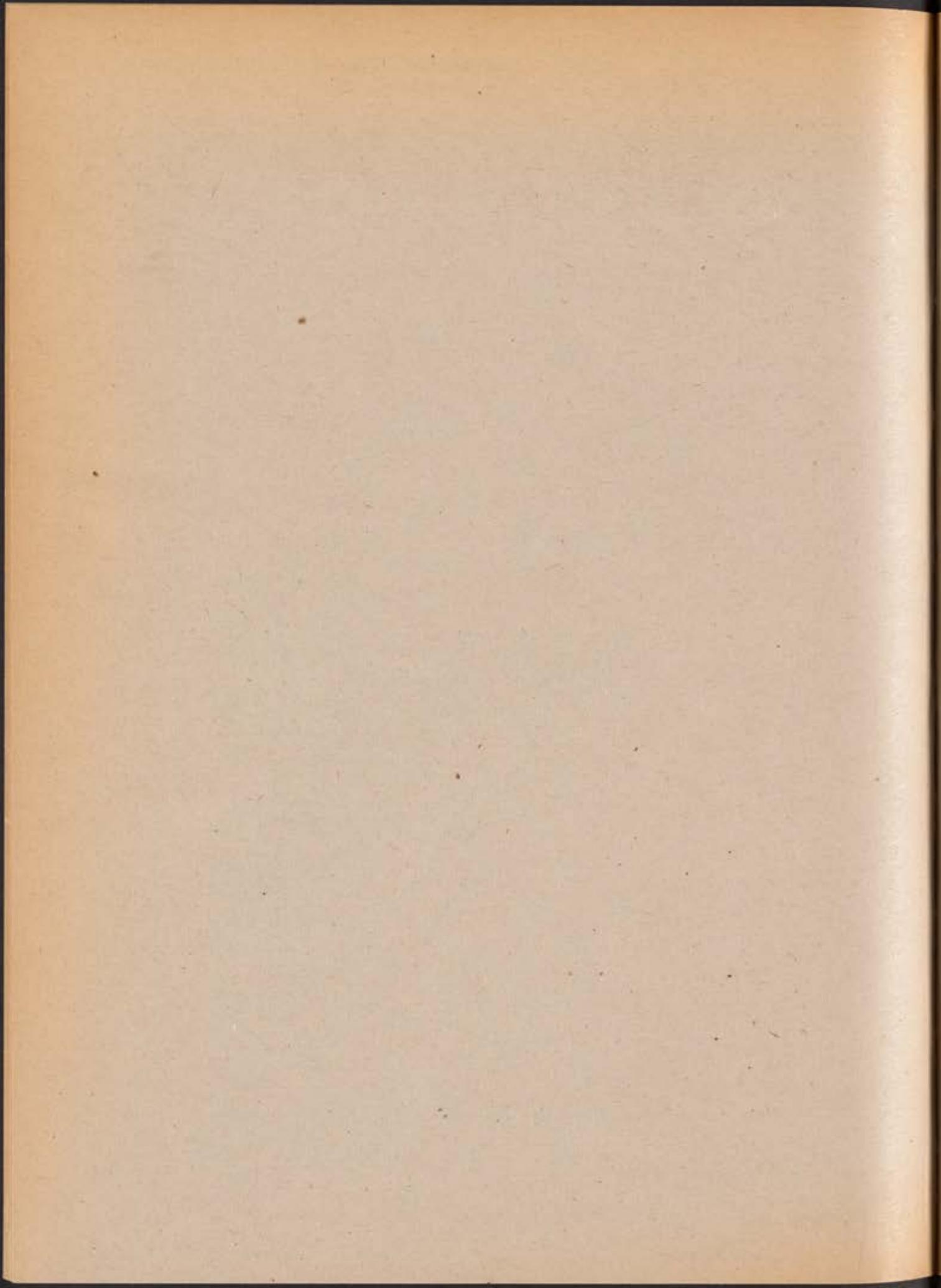












Register of Federal Regulation

FRIDAY, SEPTEMBER 28, 1973

WASHINGTON, D.C.

Volume 38 ■ Number 188

PART II



DEPARTMENT OF LABOR

Employment Standards
Administration

■

Minimum Wages for Federal
and Federally Assisted
Construction

General Wage Determination Decisions,
and Modifications and Supersedeas
Decisions to General Wage
Determination Decisions

NOTICES

DEPARTMENT OF LABOR

Employment Standards Administration
MINIMUM WAGES FOR FEDERAL AND
FEDERALLY ASSISTED CONSTRUCTION

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 the 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 rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

MODIFICATIONS TO GENERAL WAGE DETERMINATION DECISIONS

Modifications to General Wage Determination Decisions for the following

States (the numbers of the decisions being modified and their dates of publication in the **FEDERAL REGISTER** are listed with each State):

Arizona:	AQ-1004	July 27, 1973.
	AQ-1005; AQ-1006	July 20, 1973.
	AQ-1025	Sept. 7, 1973.
	AQ-1026; AQ-1027	Sept. 14, 1973.
Delaware:	AQ-2002	July 27, 1973.
Florida:	AP-196	June 8, 1973.
Georgia:	AQ-4000; AQ-4001	July 20, 1973.
Kansas:	AP-532	May 25, 1973.
Kentucky:	AP-141	Dec. 1, 1972.
Louisiana:	AQ-4	July 20, 1973.
Mississippi:	AP-158; AP-159	Feb. 16, 1973.
Nebraska:	AQ-25	Sept. 7, 1973.
New Mexico:	AP-740	July 6, 1973.
North Dakota:	AQ-1011	Aug. 10, 1973.
Oklahoma:	AQ-22; AQ-23	Aug. 31, 1973.
Pennsylvania:	AQ-2012; AQ-2013; AQ-2014; AQ-2015	Aug. 17, 1973.
Texas:	AP-521; AP-729	Apr. 27, 1973.
Virginia:	AP-499	Mar. 30, 1973.
	AP-833	May 25, 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 numbers of the decision being superseded):

Kansas:	AM-6717(AQ-32)	Apr. 14, 1972.
	AP-501(AQ-33)	Aug. 11, 1972.
Kentucky:	AP-168(AQ-4013)	Mar. 30, 1973.
Montana:	AP-914(AQ-1042)	June 29, 1973.
Texas:	AP-722(AQ-29); AP-724 (AQ-28); AP-726(AQ- 30); AP-728(AQ-31)	Apr. 27, 1973.

REPRINTS

Pages #35 and #41 to Decision #AQ-1,021 (38 FR 24549—September 7, 1973) are being reprinted because they were illegible as printed in most copies of the September 7, 1973 issue.

Signed at Washington, D.C., this 21st day of September 1973.

RAY J. DOLAN,
Assistant Administrator,
Wage & Hour Division.

DECISION #40-1004 - Mod. #2
(34 FR 20167 - July 27, 1972)
Statewide Arizona

Change:

LABORERS: (Central & Southern Areas)

GROUP I
ALL HELPERS NOT HEAVILY SEPARATELY
CLASSIFIED: Cementoil diggers and
Installers; Chat box man; Checker,
tool dispatcher; Concrete dump sampler,
pipes and/or hosesman; Dumper and/or
spotter; Fence builder; Guard rail
builder; Hwy.; Form strippers; Labor,
gardener and nurseryman; Packing rod
steel and gant; Skip rap stoneman;
Astro turf layer

GROUP II
CEMENT FINISHER TENDER; Concrete curer
(Impervious membrane); Cutting torch
operators; Fine grader (Hwy.,
engineering and sewer work only);
Kat Lanes - Tamers; Power type concrete
bogey; Laser beam operator

GROUP III
BANDER; CHOKER (except tunnel);
Cement tinner; Gypsum chaser;
Powderman helper; Skip-rap stone paver;
Sandblaster (Pot tender); Spikes and
Wrenchers

GROUP IV
CEMENT WOPPERS (Skip-type mixer or
handling bulk cement); Chain saw
machines (on clearing and grubbing);
Concrete vibrators; Cribber
and shorir (except tunnel); Floor
sanders - concrete; Hydraulic jacks,
and similar mechanical tools not
separately herein classified;
Operators and tenders of pneumatic
and electric tools; Pipe caulkers and/or
backup men (pipeline); Pipe wrappers;
Pneumatic gopher; Rigger/signallan
(pipeline)

Basic Hourly Rates	Fringe Benefits Payments			Basic Hourly Rates	Fringe Benefits Payments		
	H & W	Pensions	Vacation		H & W	Pensions	Vacation
GROUP V AIR AND WATER WASH-OUT NOZZLEMEN; Asphalt rakers and ironers; Drillers; Grade setter (pipeline); Hand guided trencher and similar operated equipment; Jackhammer and/or pavement breaker; Pipe layer (including but not limited to non-metallic, transite and plastic pipe, water pipe, sewer pipe, drain pipe, underground tile and conduit); Rock slingers; Scaler (using Bob's Chair of safety belt); Tampers (mechanical-all types); Precast masonry erector							
\$5.33	.50	.60	.60	\$5.33	.50	.60	.60
GROUP VI CONCRETE CUTTING TORCH; CONCRETE SAW (Hand guided); Driller (Core, Diamond, Wagon or Air Track); Drill doctor and/ or air tool repairman; Gunman and masonry (Gunite); Sandblaster (masonry)							
6.655	.50	.60	.60	6.655	.50	.60	.60
GROUP VII CONCRETE ROAD FORM SETTER; Gunite nozzlemen or rodman; Drillers; Joy Hastings; PR 143, 2200 Gardner-Denver, Hydraulics; Powder man; Scaler (drillers); Welders and/or pipe layers installing process piping							
7.205	.50	.60	.60	7.205	.50	.60	.60
MASON TENDERS							
6.505	.50	.60	.60	6.505	.50	.60	.60
PLASTERERS' TENDERS							
6.85	.50	.60	.60	6.85	.50	.60	.60

NOTICES

TUNNEL AND SHAFT WORKERS	LABORERS (cont'd)	Fringe Benefits Payments						Fringe Benefits Payments					
		Basic Hourly Rates	H & W	Franchise	Vacation	App. To:	Offs.	H & W	Franchise	Vacation	App. To:	Offs.	
GROUP I BULL GANG, MUCKERS, TRUCKERS; DRIVERS; Concrete crew (includes rockers and spreader); Grout crew; Sweeper (brakeman and switchmen on tunnel work)	\$6.065	.50	.60			.06							
GROUP II SHIFTER, COUNTERER, CARLTONER; Vibrator, Jackhammer, Pneumatic tools (except driller)	6.21	.50	.60			.06							
GROUP III GROUT GUNMAN	6.32	.50	.60			.06							
GROUP IV TIMBERMAN, RETIMBERMAN - wood or steel blaster, driller, powderman, cherry pickerman; Powderman - primer houses; Steel form raiser and setter; Timber and other powderman; concrete placer operator; Miner - finisher	6.43	.50	.60			.06							
GROUP IV - A MINERS - Tunnel (hand or machine)	6.64	.50	.60			.06							
GROUP V DIAMOND DRILL	6.785	.50	.60			.06							
GROUP V-A SHAFT AND RAISE MINE WELDER	7.005	.50	.60			.06							
GROUP V - A OIL TANKER OR SPREADER TRUCK DRIVER and/or boorman, rotoorman or leverman													

NOTICES

NOTICES

TRUCK DRIVERS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments				Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pension	Vacation	App. To.		H & W	Pension	Vacation	App. To.
GROUP VI										
SULE CEMENT SPREADER (7 AXLE): Concrete pump truck drivers, (when integral part of transit mix truck); Dump (7 axle); Flatrack (7 axle); Hydro lift; Swedish crane, Iowa 300 and similar types; Boss carrier fork lift or lift truck; Transit mix, over 10.5 c.y., but less than 14 c.y. mixer	7.02	.50	.60	.03						
GROUP VII BULK CEMENT SPREADER (8 AXLE): Dump (8 axle); Flatrack (8 axle)	7.38	.50	.60	.03						
GROUP VIII										
OFF-HIGHWAY EQUIPMENT DRIVER (2 or 4 wheel power unit, i.e. Cat Dv series, Euclid, International, and similar type equipment, transporting material when top loaded or by external means, including pulling water tanks, fuel tank, or other tankers classifications; Bulk cement spreader (9 axle); Dump (9 axle); Dumper or dumper, 16 c.y., and over; Electrallis; Flatrack (9 axle); Rock truck (dare, scud, or other similar end dump types); 16 c.y., and over)	7.825	.50	.60	.03						
HEAVY DUTY MECHANIC/WELDER	8.66	.50	.60	.03						
HEAVY DUTY MECHANIC/WELDER HELPER	6.70	.50	.60	.03						
FIELD EQUIPMENT SERVICEMAN OR FUEL TRUCK DRIVER	8.39	.50	.60	.03						
GROUP I										
ALL HELPERS NOT HEREIN SEPARATELY CLASSIFIED; Caspools diggers and installers; Chat box man; Checker, tool dispatcher; Concrete dump mambler, pipe and/or hoseman; Carpenter and/or spotters; Fence builder; Guard rail builder Hwy.; Form strippers; Labor, General or construction; Landscape gardener and nurseryman; Packing rod steel and pans; Rip rap stone man; Astro turf layer									.06	
GROUP II										
CEMENT FINISHER TENDER; Concrete curver (impervious membrane); Cutting torch operator; Fine grader (highway, engineering and sewer work only); Kettlemen - Tarman; Power type concrete barge; Laser beam operator										
GROUP III										
BLASTER; CHECKENDER (except tunnel); Creosote tanners; Guinnes chaser; Powderkeg Seiper; Bit-rap stone paver; Sandblaster (pot tender); Spikers and wrenchers									.06	
GROUP IV										
CEMENT DROPPERS (skip-type mixer or handling bulk cement); Chain saw machines (on clearing and grubbing); Concrete vibrating machines; Cribber and shorer (except tunnel); Floor sanders - Concrete; Hydraulic jacks; and similar mechanical tools not separately herein classified; Operators and tenders of pneumatic and electric tools; Pipe caulkers and/or backup man (pipeline); Pipe wrappers; Pneumatic gopher; Riggers/signalmen (pipeline)									.06	

DECISION #AO-1004 (Cont'd)

MODIFICATIONS P. 8

MODIFICATIONS P. 7

DECISION #AO-1004 (Cont'd)

LABORERS:	Fringe Benefits Payments					Basic Hourly Rates	Fringe Benefits Payments				
	H & W	Pensions	Vacation	Apn. To.	Other		H & W	Pensions	Vacation	Apn. To.	Other
GROUP V AIR AND WATER WASH-OUT NOZZLEMEN: Asphalt rakers and ironers; Drillers; Grade setter (pipelines); Hand guided trencher and similar operated equipment; Jackhammer and/or pavement breaker; Pipe layer (including but not limited to non-metallic, transite and plastic pipe, water pipe, sewer pipe, drain pipe, underground tile and conduits); Rock slinger; Scalper (using Boston's chair or safety belt); Tamper (mechanical - all types); Precast masonry erector											
GROUP VI CONCRETE CUTTING TORCH: CONCRETE SAW (Hand guided); Drillers (Core, Diamond, Wagon or Air Track); Drill doctor and/or air tool repairman; Gunman and mason (gunite); Sandblaster (nozzlesman)											
GROUP VII CONCRETE ROAD FORM SETTER: Gunite mason or rodder; Drillers; Joy Mustangs; PR 143; 2200 Gardner-Denver; Hydraulics; Powder man; Staler (drillers); Welders and/or pipe layers installing process piping											
GROUP VIII CONCRETE WORKERS: Gunite mason or rodder; Drillers; Joy Mustangs; PR 143; 2200 Gardner-Denver; Hydraulics; Powder man; Staler (drillers); Welders and/or pipe layers installing process piping											

LABORERS:	Fringe Benefits Payments					Basic Hourly Rates	Fringe Benefits Payments				
	H & W	Pensions	Vacation	Apn. To.	Other		H & W	Pensions	Vacation	Apn. To.	Other
GROUP I BILL GANG, MINERS, TRACEMEN; TUNNELING: Concrete crew (includes rodders and spreaders); Grount crew; Swiper (brakeman and switchmen on tunnel work)	\$7.69	.50	.60			\$7.69	.50	.60			.06
GROUP II KIPLERS; CHOKETENDER, CABLETENDER; Vibratorman; Jackhammer, pneumatic tools (except driller)											
GROUP III GROUP GUNMAN											
GROUP IV TUNNELMAN, RETIEFERSMAN - wood or steel blaster, driller powderman; Cherry pickerman Powderman - primer bosses; Steel form raiser and settler; Kemper and other pneumatic concrete placer operator; Miner - Finisher	7.945	.50	.60			7.945	.50	.60			.06
GROUP V - A MINERS - Tunnel (hand or machine)											
GROUP V DIAMOND DRILL											
GROUP V - A SEAM AND RAISE MINES WELDERS											

NOTICES

		Fringe Benefits Payments					
		Basic Hourly Rates	H & W	Pensions	Vacation	Asn. To.	Other
TRUCK DRIVERS (cont'd)							
(Northern Area)							
GROUP I	PICKUP; STATION WAGONS; TEAMSTERS	\$7.635	.50	.60			
GROUP II	BUGGYMOBILE, 1 C.Y. OR LESS; Bulk cement spreader (2 or 3 axles); Flatrack driver; Dump (2 or 3 axle); Water (under 2500 gal.)						
GROUP III	BULK CEMENT SPREADER (4 AXLE); Dump (4 axles); Dumper or dumper, less than 7 c.y.; Flattrack (4 axle); Water (2500 gal. but less than 4000 gal.)	7.745	.50	.60			
GROUP IV	BULK CEMENT SPREADER (5 AXLE); Dump (5 axles); Dumper or dumper, 7 c.y. but less than 16 c.y.; Flatbed spreader or similar type equipment or leverbase; Flatrack (5 axle); Slurry-type equipment or leverbase; Transit mixer, 8 c.y. or less mixer capacity	7.925	.50	.60			
GROUP V	BULK CEMENT SPREADER (6 AXLE); Dump (6 axles); Flatrack (6 axle); Rock truck (Part, Euclid, and other similar type end dump, single unit) less than 16 c.y.	8.235	.50	.60			
GROUP V - A	OIL TANKER OR SPREADER TRUCK DRIVER and/or boorman, retortman or leverman	8.525	.50	.60			
GROUP VI	BULK CEMENT SPREADER (7 AXLE); Concrete pump truck driver, (when integral part of transit mix truck); Dump (7 axle); Flatrack (7 axle); Hydro lift, Swedish crane, lava 300 and similar types; Boss carrier fork lift or lift truck; Transit mix, over 10.5 c.y. but less than 14 c.y. mixer capacity	8.645	.50	.60			

Maricopa (Phoenix-Glendale-Mesa-Scottsdale, Temple, Luke AFB and Williams AFB) County, Arizona

Chassis:

Maricopa (Phoenix-Glendale-Mesa-Scottsdale, Temple, Luke AFB and Williams AFB) County, Arizona

LABORERS: (cont'd.)

GROUP I	Basic Hourly Rates				Fringe Benefits Payments			
	H & W	Provision	Vacation	Asp. %	H & W	Provision	Vacation	Asp. %
ALL HELPERS NOT HERIN SEPARATELY CLASSIFIED; Cesspool diggers and installers; Chat box man; Checker, tool dispatcher; Concrete dump man/belt, pipe and/or hose man; Dumperman and/or spotter; Fence builder, guard rail builder Boy; Form strippers; Labor, general or construction; Landscape gardener and nurseryman; Packing rod and cable and pans; Rip rap; stoneman; Astro turf layer	\$5.86	.50	.60	.06				
GROUP II								
CEMENT FINISHER TENDER; Concrete curer (impervious membrane); Cutting torch operator; Fine grader (highway, engineering and sewer work only); Kettlemen - Tarmen; Power type concrete buggies; Laser beam operator	5.97	.50	.60	.06				
GROUP III								
BANDER; CHICKENTENDER (except tunnel); Crouse treament Quines chaser; Powderman helper; Rip-rip; stone pavers; Sandblaster (Pot tender); Spikers and wrenchers	6.09	.50	.60	.06				
GROUP IV								
CEMENT DUMPER (skip-type mixer or handling bulk cement); Chain saw machines (on clearing and grubbing); Concrete vibrating machines; Cribber and shorer (except tunnel); Floor sanders - concrete; Hydraulic jacks, and similar mechanical tools not separately herein classified; Operators and tenders of pneumatic and electric tools; Pipe caulkers and/or Pneumatic gopher; Rigger/signalmans (pipeline)	6.18	.50	.60	.06				

NOTICES

NOTIFICATIONS P. 13				NOTIFICATIONS P. 14			
				Fringe Benefits Payments			
	Basic Hourly Rates	H & W	Vacation	App. To.			
LABORERS (cont'd)							
TUNNEL AND SHAFT WORKERS							
GROUP I							
BILL GANG, MICKENS, TEACHMAN; DUNPENS; Concrete crew (includes rodders and spudgers); Grout crews; Swamper (breakers) and switchers on tunnel work)	\$6.065	.50	.50	.06			
GROUP II							
KIFFER; CHICKENDER, CABLETENDER; Vibratorman; Jackhammer; Pneumatic tools (except driller)	6.21	.50	.50	.06			
GROUP III							
GRAUT GUNMAN	6.32	.50	.50	.06			
GROUP IV							
TIMBERMAN, RETIMBERMAN - wood or steel blasters; driller powderman; Cherry pickerman; Powderman - primer houses; Steel form raiser and settler; Kemper and other pneumatic concrete placer operator; Miner - Finisher	6.43	.50	.50	.06			
GROUP IV - A							
MINERS - Tunnel (hand or machine)	6.64	.50	.50	.06			
GROUP V							
DIAMOND DRILL	6.785	.50	.50	.06			
GROUP V-A							
SHAFT AND RAISE MINER WELDER	7.005	.50	.50	.06			

				Fringe Benefits Payments			
				Basic Hourly Rates			
				H & W	Position	Vacation	App. To.
GROUP I							
PIGGROUP; Station wagon; Teamsters	\$6.01	.50	.50				.03
GROUP II							
BULLDOZER, 1 C. Y. OR LESS; Bulk cement spreader (2 or 3 axle); Bus driver; Dump (2 or 3 axle); Flatrack (2 or 3 axles); Water (under 2500 gal.)	6.12	.50	.50				.03
GROUP III							
BULK CEMENT SPREADER (4 AXLE); Dump (4 axle); Dumper or dumpster, less than 7 c.y.; Flatrack (4 axle); Water (2500 gal. but less than 4000 gal.)	6.30	.50	.50				.03
GROUP IV							
BULK CEMENT SPREADER (5 AXLE); Dump (5 axle); Dumper or dumpster, 7 c.y. but less than 16 c.y.; Flaherty spreader or similar type equipment or leverman; Flatrack (5 axle); Slurry type equipment or leverman; Transit mix, 8 c.y., or less mixer capacity	6.61	.50	.50				.03
GROUP V							
BULK CEMENT SPREADER (6 axle); Dump (6 axle); Flatrack (6 axle); Rock truck (Dart, Euclid and other similar type end-dumpers, single unit) less than 16 c.y.	6.75	.50	.50				.03
GROUP V - A							
OIL TANKER OR SPREADER TRUCK DRIVER and/or bootman, rotoeman or leverman	6.90	.50	.50				.03

NOTICES

NOTICES

TRUCK DRIVERS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments				Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. To O.H.		H & W	Pensions	Vacation	App. To O.H.
GROUP VI										
BULK CEMENT SPREADER (7 AXLE): Concrete pump truck drivers, (when integral part of transit mix truck); Dump (7 axle); Flatrack (7 axle); Hydro lift, Swedish crane, low 300 and similar types; Boss carrier fork lift or lift truck; Transit mix, over 10.5 c.y. but less than 14 c.y. mixer	7.02	.50	.60	.03						
GROUP VII										
BULK CEMENT SPREADER (8 AXLE); Dump (8 axle); Flatrack (8 axle)	7.38	.50	.60	.03						
GROUP VIII										
OFF-HIGHWAY EQUIPMENT DRIVER (2 or 4 wheel power unit, i.e. Cat Do series, Euclid, International, and similar type equipment, transporting material when top loaded or by external means, including pulling water tanks, fuel tanks, or other tankers classifications; Bulk cement spreader (9 axle); Dump (9 axle); Dumper or dumpster, 16 c.y., and over; Eject-all; Flatrack (9 axle); Rock truck (sart, ecclid, or other similar end dump types) 16 c.y. and over	7.825	.50	.60	.03						
HEAVY DUTY MECHANIC/WELDER HELPER	8.66	.50	.60	.03						
FIELD EQUIPMENT SERVICEMAN OR FUEL TRUCK DRIVER	6.70	.50	.60	.03						

GROUP I	Basic Hourly Rates				Fringe Benefits Payments				Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	App. To O.H.	H & W	Pensions	Vacation	App. To O.H.		H & W	Pensions	Vacation	App. To O.H.
LABORERS:													
GROUP I													
ALL HELPERS NOT HEREIN SEPARATELY CLASSIFIED; Cesspool diggers and Installers; Chat box man; Checker, tool dispatcher; Concrete dump mambelt, pipe and/or hoseman; Damman and/or builder; Ewy.; Form strippers; Labor, General or construction; Landscape gardener and nurseryman; Packing rod steel and pansi; Rip rep stoneman; Astro turf layer	\$5.86	.50	.60	.03									.06
GROUP II													
CONCRETE FINISHER (TROWEL); Concrete-curer (impervious membrane); Cutting torch operator; Fine grader (highway, engineering and sewer work only); Kettlemen - Tarmac; Power type concrete bagger; Laser beam operator	5.97	.50	.60	.03									
GROUP III													
BANDER; CLOUTENDER (except tunnel); Creosote tinner; Guinea chaser; Powderman helpers; Rip-rip stone paver; Sandblaster (Hot tender); Spikers and Wrenchers	6.09	.50	.60	.03									
GROUP IV													
CONCRETE MONGERS (Skip-type mixer or handling bulk cement); Chain saw machines (on clearing and grubbing); Concrete vibrating machines; Gribber and shorer (except tunnel); Floor sanders - concrete; Hydraulic jacks, and similar mechanical tools not separately herein classified; Operators and tenders of pneumatic and electric tools; Pipe caulk and/or backup man (piping); Pipe wrappers; Pneumatic gopher; Rigger/signalman (piping)	6.18	.50	.60	.03									

NOTICES

LABORERS: (cont'd)		Fringe Benefits Payments					
	Basic Hourly Rates	H & W	Pensions	Vacation	Ap. To:	On	
GROUP V AIR AND WATER WASH-OUT NOZZLEMAN;							
Asphalt rakers and ironers; Drillers; Grate setter (pipeline); Hand gridded trencher and similar operated equipment; Jackhammer and/or pavement breaker; Pipe layer (including but not limited to non-metallic, transite, and plastic pipe, water pipe, sewer pipe, drain pipe, underground tile and conduit); Back slinger; Scaler (using Bob's Chair of safety belt); Tapers (mechanical-all types); Precast masonry erector	\$6.33	.60					
GROUP VI CONCRETE CUTTING TOOLS; CONCRETE SAW (hand guided); Drillers (Core, Diamond, Wagon or Air Track); Drill doctor and/ or air tool repairman; Gunman and sharpeners (Gunite); Sandblaster (nozzlemen)	6.655	.50					
GROUP VII CONCRETE ROAD POUR SETTER; Gunite nozzlemen or nozzlers; Drillers, Joy Bartang, FR 143, 2200 Gardner-Dever, Hydroscopic; Powder man; Scaler (drillers); Welders and/or pipe layers installing process piping	7.205	.50					
MASON TENERS	6.505	.50					
PLASTERERS' TENERS	6.485	.50					

LABORERS: (cont'd)		Fringe Benefits Payments					
	Basic Hourly Rates	H & W	Pensions	Vacation	Ap. To:	On	
GROUP I BULL GANG; MUCKERS, TRACOMAN; DUMPERS; Concrete crew (includes rodders and spreaders); Grout crew; Sausage (breaker and switchman on tunnel work)	\$6.065	.50					
GROUP II NIPPER; CHECKERER, CABLEENDER; Vibratorman; Jackhammer, Pneumatic tools (except driller)	6.21	.50					
GROUP III GROUT GUNMAN	6.32	.50					
GROUP IV TIMEKEEPER, SETTIMEKEEPER - wood or steel blaster, driller powderman; Cherry pickerman; Powderman - pitman houses Steel form raiser and setters; Kemper and other pneumatic concrete placer operators; Miner - Finisher	6.43	.50					
GROUP IV - A MINERS - Tunnel (hand or machine)	6.64	.50					
GROUP V DIAMOND DRILL	6.785	.50					
GROUP V-A SEMIT AND RAISE MINER WILDER	7.005	.50					

TRUCK DRIVERS	Fringe Benefits Payments				TRUCK DRIVERS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
	H & W	Position	Vacation	App. To.			H & W	Position	Vacation	App. To.	
GROUP I GROUP; Station wagon; Teamsters	\$6.01	.50	.60	.03	GROUP VI BULK CEMENT SPREADER (7 AXLE); Concrete pump truck driver, (when integral part of transit mix truck); Dump (7 axle); Flatrack (7 axle); Hydro lift, Swedish crane, 1000 and similar types; Ross carrier fork lift or lift truck; Transit mix, over 10.5 c.y., but less than 14 c.y., mixer						
GROUP II BEGONNABLE, 1. C. Y. OR LESS; Bulk cement spreader (2 or 3 axle); Bus driver; Dump (2 or 3 axle); Flatrack (2 or 3 axle); Water (under 2500 gal.)	6.12	.50	.60	.03							
GROUP III BULK CEMENT SPREADER (4 AXLE); Dump (4 axle); Dumper or dumper, less than 7 c.y.; Flatrack (4 axle); Water (2500 gal.), but less than 4000 gal.)	6.30	.50	.60	.03	GROUP VII BULK CEMENT SPREADER (8 AXLE); Dump (8 axle); Flatrack (8 axle)						
GROUP IV BULK CEMENT SPREADER (5 AXLE); Dump (5 axle); Dumper or dumper, 7 c.y., but less than 16 c.y.; Flatberry spreader, similar type equipment; or leverman; Flatrack (5 axle); Slurry type equipment or leverman; Transit mix, 8 c.y., or less mixer capacity	6.61	.50	.60	.03	GROUP VIII OFF-HIGHWAY EQUIPMENT DRIVER (2 or 4 wheel power unit, i.e. Cat D series, Euclid, International, and similar type equipment, transporting material when top-loaded or by external means, including pulling water tanks, fuel tank, or other transporters classifications; Bulk cement spreader (9 axle); Dump (9 axle); Dumper or dumper, 16 c.y., and over; Eject-all; Flatrack (9 axle); Rock truck (Cart, Euclid, or other similar end dump types) 16 c.y. and over						
GROUP V BULK CEMENT SPREADER (6 axle); Dump (6 axle); Flatrack (6 axle); Rock truck (Cart, Euclid and other similar type end dump, single unit) less than 16 c.y.	6.75	.50	.60	.03	HEAVY DUTY MECHANIC/WELDER HEAVY DUTY MECHANIC/WELDER HELPER FIELD EQUIPMENT SERVICEMAN OR FUEL Truck Driver						
GROUP V - A OIL TANKER OR SPREADER TRUCK DRIVER and/or boorman, returnman or leverman	6.90	.50	.60	.03							

NOTICES

Changes:

LABORERS:

GROUP I
ALL HELPERS NOT LISTED SEPARATELY
CLASSIFIED; Cesspool diggers and
Installers; Chat box man; Checker,
tool dispatcher; Concrete dump man/belt,
piper and/or hoseman; Dogman and/or
spotter; Fence builder; guard rail
Builder Bvys; Form strippers; Labor,
General or construction; Landscape
steel and pansi; Rip rap stonecast;
Astro turf layer

GROUP II
CONCRETE FINISHER, TENDER; Concrete cutter
(impervious membrane); Cutting torch
operator; Fire grader (Highway,
engineering and sewer work only);
Kettlemen - Tarnman; Power type concrete
boggy; Laser beam operator

GROUP III
SAWERS; CHUCKENDER (except tunnel);
Creosote timbers; Guinnes chaser;
Powderman helper; Rip-rap stone paver;
Sandblaster (Pot tender); Spikers and
Wrenchers

GROUP IV
CEMENT CONCRETE (Skip-type mixer or
handling bulk cement); Chain saw
machines (on clearing and grubbing);
Concrete vibrating machines; Cribber
and shorer (except tunnel); Floor
sanders - concretes; Hydraulic jacks,
and similar mechanical tools not
separately herein classified;
Operators and tenders of pneumatic
and electric tools; Pipe caulkers and/or
backup man (pipeline); Pipe wrappers;
Pneumatic gopher; Gagger/signalmam
(pipeline)

	Basic Fringe Benefits Payments				Basic Hourly Rates	Fringe Benefits Payments				Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	App. To		H & W	Pensions	Vacation	App. To		H & W	Pensions	Vacation	App. To
GROUP V AIR AND WATER WASH-OUT NOZZLEMAN;														
Asphalt takers and ironers; Drillers; Grade setter (piping); Hand guided trencher and similar operated equipment; Jackhammer and/or pavement beaters; Pipe layer (including but not limited to non-metallic, transite and plastic pipe, water pipe, sewer pipe, drain pipe, underground tile and conduit); Rock slinger; Scaler (using So'sn Chair or safety belt); Tampers (mechanical-all types); Precast masonry erector	\$6.23	.50	.60	.60										
GROUP VI CONCRETE CUTTING TORCH; CONCRETE SAW (Band guided); Drillers (Gore, Diamond, Wagon or Air Track); Drill doctor and/ or air tool repairman; Gunman and moxerman (Gunite); Sandblaster (nozzlesman)														
6.655	.50	.60	.60	.60										
GROUP VII CONCRETE ROAD FORM SETTER; Gunite nozzlesman or rodman; Drillers, Joy Mustangs, FR 143, 2200 Gardner-Denver, Hydrosonic; Powder man; Scaler (drillers); Welders and/or pipe layers installing process piping														
7.205	.50	.60	.60	.60										
MASON TENDERS														
6.505	.50	.60	.60	.60										
PLASTERERS' TENDERS														
6.85	.50	.60	.60	.60										
6.18	.50	.60	.60	.60										

NOTICES

TUNNEL AND SHAFT WORKERS (cont'd)		Fringe Benefits Payments			
Basic Hourly Rates	H & W	Fringes	Vacation	Ap. To:	
GROUP I					
BULL GANG, MUCKERS, TRACKMEN; DUMMERS; Concrete crew (Includes rods and spreader); Grout crews; Swiper (breaker and switchmen on tunnel work)	\$6.065	*50	*50		.06
GROUP II					
NIPPER; CHICKENDER, CAGEENDER; Vibratorman, Jackhammers, Pneumatic tools (except driller)	6.21	*50	*60		.06
GROUP III					
GROUP CRUSHER	6.32	*50	*60		.06
GROUP IV					
TIMEKEEPER, RETIMEMAN - wood or steel blaster, driller powderman; Cherry pickerman; Powderman - grinner house Steel form raiser and setters; Komper and other pneumatic concrete placer operator; Miner - Finisher	6.43	*50	*60		.06
GROUP IV - A					
MINER - Tunnel (hand or machine)	6.64	*50	*60		.06
GROUP V					
DIAMOND DRILL	6.785	*50	*60		.06
GROUP V-A					
SHAFT AND RAISE MINTER WELDER	7.005	.50	.60		.06

TRUCK DRIVERS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. To:
GROUP VI BULK CEMENT SPREADER (7 AXLE): Concrete pump truck driver, (when integral part of transit mix truck); Dump (7 axle); Flatrack (7 axle); Hydro lift, Swedish crane, Iowa 300 and similar types; Bass carrier fork lift or lift truck; Transit mix, over 10.5 c.y. but less than 14 c.y. mixer	7.02	.50	.60	.03	
GROUP VII BULK CEMENT SPREADER (8 AXLE): Dump (8 axle); Flatrack (8 axle)	7.38	.50	.60	.03	
GROUP VIII OFF-HIGHWAY EQUIPMENT DRIVERS (2 or 4 wheel power unit, i.e. Cat D series, Euclid, International, and similar type equipment, transporting material when top loaded or by external means, including pulling water tanks, fuel tank, or other transfers classifications; Bulk cement spreader (9 axle); Dump (9 axle); Dumper or dumper, 16 c.y. and over; Eject-all; Flatrack (9 axle); Rock truck (darts, scud, or other similar and dump types) 16 c.y. and over	7.825	.50	.60	.03	
HEAVY DUTY MECHANIC/WELDER	8.66	.50	.60	.03	
HEAVY DUTY MECHANIC/WELDER HELPER	6.70	.50	.60	.03	
FIELD EQUIPMENT SERVICEMAN OR FUEL TRUCK Driver	8.39	.50	.60	.03	

DECISION #AD-1026 - Mod. #1
(38 PF 25826 - September 14, 1973)
Occhissi, Graham, Pima, Pinal
and Santa Cruz Counties, Arizona
Changer

GROUP I LABORERS:	Fringe Benefits Payments			
	Basic Hourly Rates	H & W	Pensions	Vacation
ALL HELTERS NOT HELTERN SEPARATELY CLASSIFIED: Casspool diggers and installers; Chat box man; Checker, tool dispatcher; Concrete dump mambelt, pipe and/or hoseman; Dumper and/or spotter; Fence builder, guard rail builder Boy; Form strippers; Labor, general or construction; Landscape gardener and nurseryman; Packing rod steel and pans; Rip rap stoneman; Astro turf layer	\$5.86	.50	.60	.06
GROUP II CEMENT FINISHER TENDER: Concrete curer (impervious membrane); Cutting torch operator; Pipe grader (highway), engineering and sewer work only; Kettlemen - Tarmen; Power type concrete bagger; Laser beam operator	5.97	.50	.60	.06
GROUP III BANGER; CHICKENDER (except tunnel); Crosote stainer; Gutter claser; Ponderman helper; Rip-rap stone paver; Sandblaster (Pot tender); Spikes and Wrenchers	6.09	.50	.60	.06
GROUP IV CEMENT DUNGER (Skip-type mixer or handling bulk cement); Chain saw machines (on clearing and grubbing); Concrete vibrating machinery; Cribber and shorer (except tunnel); Floor sanders - concrete; Hydraulic jacks, and similar mechanical tools not separately herein classified; Operators and tenders of pneumatic and electric tools; Pipe caulk and/or backup man (pipeline); Pipe wrapers; Pneumatic sopher; Rigger/signalmam (pipeline)	6.18	.50	.60	.06

NOTICES

NOTICES

LABORERS: (cont'd)		Fringe Benefits Payments				Basic Hourly Rates				Fringe Benefits Payments			
		H & W	Pension	Vacation	App. To:	H & W	Pension	Vacation	App. To:	H & W	Pension	Vacation	App. To:
<u>GROUP V</u>													
<u>AIR AND WATER WASH-OUT NOZZLEMAN;</u>													
Asphalt rakers and ironers; Drillers;													
Grade setter (pipeline); Hand guided													
trencher and similar operated													
equipment; Jackhammer and/or pavement													
breakers; Pipe layer (including but not													
limited to non-metallic, transite and													
plastic pipe, water pipe, sewer pipe,													
drain pipe, underground tile and													
conduit); Sock slinger; Scaler (using													
Bos'us Chair of safety belt);													
Trampers (mechanical-all types);													
Precast manhole erector	\$6.33	.50	.60	.06									
<u>GROUP VI</u>													
<u>CONCRETE CUTTING TORCH; CONCRETE SAW</u>													
(Hand Guided); Drillers (Cor, Diamond,													
Wagon or Air Track); Drill doctor and/													
or air tool repairman; Compressor and													
mixers (Comite); Sandblaster													
(nozzles);	6.635	.50	.60	.06									
<u>GROUP VII</u>													
<u>CONCRETE ROAD PORN SETTER; Comite</u>													
nozzles or rochans; Drillers, Joy													
Martians, PR 143, 2200 Gardner-Benver,													
Hydrosonics; Powder man; Scaler													
(drillers); Welders and/or pipe layers													
installing process piping	7.205	.50	.60	.06									
<u>MASON TENDERS</u>													
6.505	.50	.60	.06										
<u>PLASTERERS' TENDERS</u>													
6.85	.50	.60	.06										

GROUP I
BULL GANG, MINERS, TRACEMEN; DRIVEN; CONCRETE CREW (INCLUDES RODDERS AND SPREADERS); GROUT CREW; SWAMPER (BREAKERMAN AND SWITCHMAN ON TUNNEL WORK)
\$6.065 .50 .60 .06

GROUP II
CRIPPER; CHOCOTENDER, CABLETENDER; VIBRATORMAN, JACKHAMMER, PNEUMATIC TOOLS (EXCEPT DRILLER)
6.21 .50 .60 .06

GROUP III
GROUT GUNMAN
6.32 .50 .60 .06

GROUP IV
TIMBERMAN, STIMMENMAN - wood or steel
blasters, driller powderman; Cherry pickerman; Powderman - primer houses; Steel form raiser and setter; Kemper and other pneumatic concrete placer operators; Miner - finisher
6.43 .50 .60 .06

GROUP IV - A
MINER - tunnel (hand or machine)
6.64 .50 .60 .06

GROUP V
DIAMOND DRILL
6.785 .50 .60 .06

GROUP V-A
SHAFT AND RAISE MINER WELDER
7.005 .50 .60 .06

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments		
		H & W	Pensions	Vacation			H & W	Pensions	Vacation
GROUP I FLORID; Station wagon; Teamsters	\$6.01	.50	.60	.03					
GROUP II BULLDOZER, 1 C. Y. OR LESS; Bulk cement spreader (2 or 3 axle); Bus driver; Dump (2 or 3 axle); Flatrack (2 or 3 axle); Water (under 2500 gal.)	6.12	.50	.60	.03					
GROUP III BULK CEMENT SPREADER (4 AXLE); Dump (4 axle); Dumpster or dumpster, less than 7 c.y.; Flatrack (4 axle); Water (2500 gal. but less than 4000 gal.)	6.30	.50	.60	.03					
GROUP IV BULK CEMENT SPREADER (5 AXLE); Dump (5 axle); Dumpster or dumpster, 7 c.y. but less than 16 c.y.; Flaherty spreader or similar type equipment or leverman; Flatrack (5 axle); Slurry type equipment or leverman; Transit mix, 8 c.y., or less mixer capacity	6.61	.50	.60	.03					
GROUP V BULK CEMENT SPREADER (6 axle); Dump (6 axle); Flatrack (6 axle); Bock truck (darf, Euclid and other similar type end dump, single unit) less than 16 c.y.	6.75	.50	.60	.03					
GROUP V - A OIL TANKER OR SPREADER TRUCK DRIVER and/or boottman, reportman or leverman	6.90	.50	.60	.03					

NOTICES

27157

Channel:

LABORERS: (Northern Area)

GROUP I
ALL HELPERS NOT HEREIN SEPARATELY
CLASSIFIED: Gesso pool diggers and
Installers; Chat box man; Checker,
tool dispatchers; Concrete dump man/belt,
pipe and/or hoseman; Dumper and/or
spotter; Fence builder; guard rail
builder Env.; Form strippers; laborer,
general or construction; Landscape
gardener and nurseryman; Packing rod
steel and pens; Rip rap stone man;
Astro turf layer

GROUP II
CONCRETE FINISHER TENDER: Concrete curer
(impervious membrane); Cutting torch
operators; Fine grader (highway,
engineering and sewer work only);
Kettlemen - Tarmen; Power type concrete
buggy; Laser beam operator

GROUP III
BANDER; CHECKENDER (except tunnel);
Gessoote tinner; Gutter chaser;
Powderman; Helpert Rip-rap stone paver;
Sandblaster (pot tender); Spikers and
wrenchers

GROUP IV
CEMENT TENDER (Skip-type mixer or
handling bulk cement); Chain saw
machines (on clearing and grubbing);
Concrete vibrating machines; Cribber
and shorer (except tunnel); Floor
sanders - Concrete; Hydraulic jacks,
and similar mechanical tools not
separately herein classified;
Operators and tenders of pneumatic
and electric tools; Pipe caulkers and/or
backup man (pipeline); Pipe wrapper;
Pneumatic gopher; Rigger/signalmans
(pipeline)

Basic Hourly Rates	Fringe Benefits Payments		
	H & W	Pensions	Vacation
47.455	.50	.60	.06
7.595	.50	.60	.06
7.715	.50	.60	.06
7.805	.50	.60	.06

LABORERS: (cont'd.)

Basic Hourly Rates	Fringe Benefits Payments		
	H & W	Pensions	Vacation
7.955	.50	.60	.06
8.28	.50	.60	.06
8.83	.50	.60	.06

NOTICES

LABORERS: (cont'd)		MODIFICATIONS P-33						MODIFICATIONS P-34					
TUNNEL AND SEAWALL WORKERS		Basic Hourly Rates			Fringe Benefits Payments			Basic Hourly Rates			Fringe Benefits Payments		
		H & W	Percent	Vacation	App. To		H & W	Percent	Vacation	App. To			
<u>GROUP I</u>													
BILL GANG, MUCKERS, TRACERS; DUMPER; Concrete crew (includes rollers and spreaders); GROUT crew; Swumper (brakeman and switchman on tunnel work).	\$7.69	.50	.60	.06									
<u>GROUP II</u>													
NIPPER; CHOCKENDER, GAMETENDER; Vibratorman, Jackhammer, pneumatic tools (except driller).	7.835	.50	.60	.06									
<u>GROUP III</u>													
GROUP IV													
TIMBERMAN, RETIMBERMAN - wood or steel blisters, driller, powderman, Cherry Pickerman, Powderman - primer houses; Steel form raiser and setter; Kumper and other pneumatic concrete placer operator; Miner - Finisher.	8.055	.50	.60	.06									
<u>GROUP IV - A</u>													
MINERS - Tunnel (hand or machine)	8.265	.50	.60	.06									
<u>GROUP V</u>													
DIAMOND DRILL	8.41	.50	.60	.06									
<u>GROUP V - A</u>													
SHAFT AND RAISE MINER WELDER	8.63	.50	.60	.06									
<u>GROUP VI</u>													
BULK CEMENT SPREADER (7 AXLE); Concrete pump truck driver, (when integral part of transit mix truck); Dump (7 axle); Flatrack (7 axle); Hydro lift, Swedish crane, Icos 300 and similar types; Boss carrier fork lift or lift truck; Transit mix, over 10.5 c.y. but less than 14 c.y. mixer capacity	8.645	.50	.60	.06									

NOTICES

		Northern Area						Truck Drivers						
		H & W	Percent	Vacation	App. To		H & W	Percent	Vacation	App. To	H & W	Percent	Vacation	App. To
<u>GROUP I</u>														
PILOT; STATION WAGON; TRAILERS	\$7.635	.50	.60											.03
<u>GROUP II</u>														
BUSYBODIES, 1 C.Y. OR LESS; Bulk cement spreader (2 or 3 axles); Basal driver; Dump (2 or 3 axle); Flatrack (2 or 3 axles); Water (under 2500 gal.)	7.745	.50	.60											.03
<u>GROUP III</u>														
BULK CEMENT SPREADER (4 AXLE); Dump (4 axle); Doctor or dumpster, less than 7 c.y.; Flatrack (4 axle); Water (2500 gal. but less than 4000 gal.)	7.925	.50	.60											.03
<u>GROUP IV</u>														
BULK CEMENT SPREADER (5 AXLE); Dump (5 axle); Doctor or dumpster, 7 c.y. but less than 16 c.y.; Plaster spreader or similar type equipment or leverman; Flatrack (5 axle); Slurry-type equipment or leverman; Transit mix, 8 c.y. or less mixer capacity	8.235	.50	.60											.03
<u>GROUP V</u>														
BULK CEMENT SPREADER (6 AXLE); Dump (6 axle); Flatrack (6 axle); Back track (part, Euclid, and other similar type end dumps, single unit) less than 16 c.y.	8.375	.50	.60											.03
<u>GROUP V - A</u>														
OIL TANKER OR SPREADER TRUCK DRIVER and/or boomman, retortman or leverman	8.325	.50	.60											.03

NOTICES

TRUCK DRIVERS (cont'd)	Bas. Hourly Rates	Fringe Benefits Payments				App. To:
		H & W	Provision	Vacation	Holiday	
GROUP VII BULK CEMENT SPREADER (8 AXLE); Dump (6 axle); Flatrack (6 axle)	\$9.005	.50	.60	.03	.03	
GROUP VIII OFF-HIGHWAY EQUIPMENT DRIVER (2 or 4 wheel power unit, i.e. Cat DV series, Euclid, International and similar type equipment, transporting material when top loaded or by external means, including pulling water tanks, fuel tanks or other tankers. Classifica- tions: Bulk cement spreader (9 axle); Dump (9 axle); Dumper or dumper- (16 c.y. and over); Electrall; Flatrack (9 axle); Rock truck (Garr, Euclid, or other similar end dump type); 16 c.y. and over						
HEAVY DUTY MECHANIC/WELDER	10.255	.50	.60	.03	.03	
HEAVY DUTY MECHANIC/WELDER HELPER	8.325	.50	.60	.03	.03	
FIELD EQUIPMENT SERVICEMAN or Fuel truck driver	10.015	.50	.60	.03	.03	

LARBERS: (Central & Southern Areas)				Fringe Benefits Payments		
Bas. & Hourly Rates		H & W	Provision	Vacation	Holiday	App. To:
GROUP I ALL HELPERS NOT HEZEL IN SEPARATELY CLASSIFIED: Casspool diggers and installers; Chat box man; Checker, tool dispatcher; Concrete dump man/belt, pipe and/or hoseman; Dumper and/or builder; Heavy; Farm stripper; Labor, general or construction; Landscape, Gardener and nurseryman; Packing rod steel and pans; Rip rap stoneman; Astro turf layer						
GROUP II CEMENT FINISHER TENDERS; Concrete-curer (impervious membrane); Cutting torch operators; Pipe grader (Highway, engineering and sewer work only); Kettlemen - Tarnas; Power type concrete buggy; Laser beam operator						
GROUP III BANDER; CHECKENDER (except tunnel); Crescote tinner; Grindas chaser; Powderman helpers; Big-rap stone pavers; Sandblaster (Pot tender); Spikers and Wrenchers						
GROUP IV CEMENT DUMPERS (Skip-type mixer or handling bulk cement); Chain saw machines (on clearing and grubbing); Concrete vibrating machines; Cribber and shorer (except tunnel); Floor sanders - concrete; Hydraulic jacks, and similar mechanical tools not separately herein classified; Operators and tenders of pneumatic and electric tools; Pipe caulkers and/or backup man (pipeline); Pipe wrappers; Pneumatic gopher; Rigger/signalmen (pipeline)						

LABORERS (cont'd)		TUNNEL AND SHIFT WORKERS		LABORERS (cont'd)		TUNNEL AND SHIFT WORKERS	
Basic Hourly Rate	H & W Premium	Basic Hourly Rate	H & W Premium	Basic Hourly Rate	H & W Premium	Basic Hourly Rate	H & W Premium
GROUP V AIR AND WATER WASH-OUT NOZZLEMAN; Asphalt rakers and ironers; Drillers; Grade sector (pipeline); Hand guided trencher and similar operators; Equipment; Jackhammer and/or pavement breakers; Pipe layer (including but not limited to non-metallic, transite and plastic pipes, water pipes, sewer pipes, drain pipe, underground tile and conduit); Rock slingers; Scaler (using Bob's Chair of safety belt); Tampers (mechanical-all types); Precast masonry erector							
\$6.33	.50	.60					
GROUP VI CONCRETE CUTTING TORCH; CONCRETE SAW (Hand guided); Drillier (Gore, Diamond, Wagon or Air Track); Drill; Sissor and/ or air tool repairman; Gunman and/ milkerman (Gumite); Sandblaster (Gumitean)	6.655	.50	.60				
GROUP VII CONCRETE SAND POTS SETTER; Gunite pottersman or rodder; Drillers; Joy Mortar; PR 143, 2200 Gardner-Denver, Hydrosonic; Powder man; Scaler (drillers); Welders and/or pipe layers installing process piping	7.205	.50	.60				
MASON TINDERS	6.505	.50	.60				
PLASTERERS' TENDERS	6.85	.50	.60				

NOTICES

NOTICES

TRUCK DRIVERS: (Central & Southern Areas)		Fringe Benefits Payments			TRUCK DRIVERS (cont'd)		
	Basic Hourly Rates	H & W	Pensions	Vacation	Attn. To:	H & W	Fringe Benefits Payments
GROUP I FLOOR: Station wagon; Taxicabs	\$6.01	.50	.60		.03		
GROUP II HOMOCAR, 1 C.Y. OR LESS; Bulk cement spreader (2 or 3 axle); Bus driver; Dump (2 or 3 axle); Flatrack (2 or 3 axle); Water (under 2500 gal.)	6.12	.50	.60		.03		
GROUP III BULK CEMENT SPREADER (4 AXLE); Dump (4 axle); Dumper or dumper, less than 7 c.y.; Flatrack (4 axle); Water (2500 gal. but less than 4000 gal.)	6.30	.50	.60		.03		
GROUP IV BULK CEMENT SPREADER (5 AXLE); Dump (5 axle); Dumper or dumper, 7 c.y. but less than 16 c.y.; Flatberry spreader or similar type equipment or leverman; Flatrack (5 axle); Slurry type equipment or leverman; Transit mix, 8 c.y., or less mixer capacity	6.61	.50	.60		.03		
GROUP V BULK CEMENT SPREADER (6 axles); Dump (6 axle); Flatrack (6 axle); Rock truck (Dart, Euclid and other similar type and dump, single unit) less than 16 c.y.	6.75	.50	.60		.03		
GROUP V - A OIL TANKER OR SPREADER TRUCK DRIVER and/or bootman, reportman or leverman	6.90	.50	.60		.03		

NOTICES

27163

Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	Acc. To,
<u>DECISION #A2-196 - Mod. #1</u> (38 FR 15229 - June 8, 1973)				
Painters: Brush Tanks, sandblasting & spray Composition, damp & waterproofing	\$8.60 7.31 7.81 1.00	.60 .50 .20 .55	.20 .20 e	.01 .01 .02
Quits: Plumbers & steamfitters: Commercial & Residential including Tyndall Air Force Base Footnote: d. 3 paid holidays: Labor Day Christmas Day & Thanksgiving Day.	\$1.50 1.35 1.35	.15 .15 .15	4	.02
Add: Painters, brush Painters, spray Plumbers & pipefitters Footnote: d. 5 paid holidays: Independence Day, Labor Day, Christmas Day, Christmas Eve, & Thanksgiving Day.	4.50 4.50 7.70	.50 .35 e	4	.02

Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	Acc. To, Other
<u>DECISION #A2-1000 - Mod. #2</u> (38 FR 15637 - July 20, 1973)				
Change: Building Construction Electricians Plumbers & Steamfitters Power Equipment Operators:	\$8.65 8.20	.06 .35	.76 .50	.05
Group A Group B Group C Group D Group E Group F Group G	7.75 7.40 6.13 6.48 5.58 5.93 6.91	.15 .15 .15 .15 .15 .15 .15	.15 .15 .15 .15 .15 .15 .15	.07 .07 .07 .07 .07 .07 .07
<u>DECISION #A2-1001 - Mod. #2</u> (38 FR 15630 - July 20, 1973)				
Change: Building Construction Electricians: Electricians Cable splicers	7.00 7.25	.30 .30	.20 .20	.05 .05
<u>DECISION #A2-1322 - Mod. #2</u> (38 FR 13922 - May 25, 1973)				
Change: Building Construction Electricians Glaziers Roofers: Roofers: Kattlemen	\$7.95 6.85 6.51	.35 .35 .28	.11 .11 .20	.01 .01 .02
<u>DECISION #A2-1411 - Mod. #2</u> (38 FR 2530 - December 1, 1972)				
Add: Pendleton County				

NOTICES

Basic Hourly Rates	Fringe Benefits Payments				
	H. &. W.	Pensions	Vacation	Ap. T.	Ot.
DECISION 44P-158 - Mod. #3 (33 PA 4535 - February 16, 1973) Hinds County, Mississippi					
Change:					
<u>Building Construction:</u>					
Carpenters:					
Carpenters & soft floor layers	\$6.00	.25	.10	.05	
Millwrights	6.35	.25	.10	.05	
Piledrivers	6.35	.25	.10	.05	
Electricians					
Cable splicers	6.65	.15+.50	.15+.50	1/100x15	1/100x15
	6.90				
Line Construction:					
Linemen	7.06	.15	.0		
Groundmen (over 1 year)	6.29	.15	.0		
Groundmen (less than a year)	3.95	.15	.0		
Cable splicers (Electric)	7.36	.15	.0		
DECISION 44P-159 - Mod. #3 (33 PA 4535 - February 16, 1973) Searcy & Pearl River Counties, Mississippi					
Change:					
<u>Electricians</u>					
Electricians					
Cable splicers	\$7.30	.25	.20x15	1/10 of 15	
	7.55	.25	.20x15	1/10 of 15	
Line Construction:					
Linemen	6.80	.25	.20x15	1/10 of 15	
Cable splicers	7.05	.25	.20x15	1/10 of 15	
Groundmen:					
1st 6 months	3.40	.25	.20x15	1/10 of 15	
Thereafter	4.00	.25	.20x15	1/10 of 15	
Plumbers & steamfitters	7.35	.18	.20	.01	

NOTICES

OKLAHOMA LINE CONSTRUCTION						
Fringe Benefits Payments						
Basic Hourly Rates	H & W	Pensions	Vacation	Asp. Tc.	Other	
<u>LINE CONSTRUCTION</u>						
Lineman	\$7.25	15%	15%			
Cable Splicer	7.65	15%	15%			
Bole Digger Operator	6.58	15%	15%			
Heavy Equipment Operator (or Pole Cat Equivalent)	6.58	15%	15%			
Line Truck Driver (Winch Operator)	5.95	15%	15%			
Jack Hammerman	5.43	15%	15%			
Powderman	6.58	15%	15%			
Groundman	4.64	15%	15%			
Truck Driver (Flat Bed, ton and half and under)	5.12	15%	15%			

DECISION #AO-22 - Mod. #1
(38 FR 23735 - August 31, 1973)

Oklahoma, Cleveland, Canadian, Lincoln, and Pottawatomie Counties, Oklahoma

Changes:

Line Construction schedule - See below

DECISION #AO-23 - Mod. #2
(38 FR 23738 - August 31, 1973)

Tulsa County, Oklahoma

Changes:

Line Construction schedule - See below

DECISION #AO-2 - Mod. #1
(38 FR 2344 - August 17, 1973)

Philadelphia County, Pennsylvania

Changes:

Cement Masons
Electricians
Ironworkers:
Structural
Ornamental
Reinforcing
Piledrivers
Plasterers
Roofers:
State tile and asbestos
State, tile and asbestos helpers
Asphalt shingle
Asphalt shingle helper

FOOTNOTE:

f. Paid Holidays: Washington's Birthday, Good Friday, Memorial Day, Labor Day;
Presidential Election Day, Veteran's Day and Thanksgiving Day.

DECISION #AO-2 - Mod. #1
(38 FR 2344 - August 17, 1973)

Montgomery County, Pennsylvania

Changes:

Cement Masons:
Remainder of County
Electricians:
Springfield, Glendale, Jenkintown top.
Ironworkers:
Structural
Ornamental
Reinforcing
Piledrivers
Plasterers:
Remainder of County
Roofers:
State, tile and asbestos
State, tile and asbestos helpers
Asphalt shingle
Asphalt shingle helper

FOOTNOTE:

k. Paid Holidays: Washington's Birthday, Good Friday, Memorial Day, Labor Day;
Presidential Day, Election Day, Veteran's Day and Thanksgiving Day.

NOTICES

NOTIFICATIONS 2 - 49						
Fringe Benefits Payments						
	Basic Hourly Rate*	H & W	Pensions	Vacation	Asst. To Chair	
Decision #AQ-2-014 - Mod. #1 (38 FR 22350 - August 17, 1973) Delaware County, Pennsylvania	\$8.00	.84	.50			
CHANGE:						
Cement Masons	9.32	.64	1.06	.04		
Ironworkers:	9.32	.64	1.06	.04		
Structural	9.32	.64	1.06	.04		
Ornamental	9.32	.64	1.06	.04		
Reinforcing	9.42	1.23	.55			
Piledrivers	9.42	1.23	.55			
Plasterers	9.02	.53				
Boofers:						
State, tile and asbestos	8.75	1.00	.50			
State, tile and asbestos helpers	5.39	1.00	.50			
Asphalt shingle	7.34	1.00	.50			
Asphalt shingle helper	5.39	1.00	.50			
FOOTNOTE:						
E. Paid Holidays: Washington Birthday, Good Friday, Memorial Day, Labor Day, Presidential Election Day, Veterans' Day and Thanksgiving Day.						

NOTIFICATIONS 2 - 50						
Fringe Benefits Payments						
	Basic Hourly Rate*	H & W	Pensions	Vacation	Asst. To Chair	Other
Decision #AP-721 - Mod. #6 (38 FR 10583 - April 27, 1973) Bexar County, Texas						
CHANGE:						
Building Construction:						
Truck drivers						
	\$1.60					
Decision #AP-729 - Mod. #6 (38 FR 10589 - April 27, 1973) Collin, Dallas, Denton, Ellis, Grayson, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Parker, Rockwall, Tarrant & Wise Counties, Texas						
CHANGE:						
Building Construction:						
Cement Masons:						
Denton, Hood, Johnson, Palo Pinto, Parker, Tarrant & Wise Counties						
	7.125	.25	.45			
Boofers:						
Grayson, Collin, Dallas, Ellis, Hunt, Kaufman & Rockwall Counties:						
Slate & tile						
Composition and built-up roofing, damp proofing & bituminous waterproofing						
	7.145					
CHANGE:						
Building Construction:						
Truck drivers:						
Grayson County						
	1.75					
Decision #AQ-10 - Mod. #2 (38 FR 21082 - August 3, 1973) Travis County, Texas						
CHANGE:						
Building Construction:						
Truck drivers						
Truck drivers winch						
	1.60					
FOOTNOTE:						
E. Paid Holidays: Washington's Birthday, Good Friday, Memorial Day, Labor Day, Presidential Election Day, Veterans' Day, and Thanksgiving Day.						

SPECIFICATIONS P. 51

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. To Vac.	Other
CHANGE:						
Carpenters	\$6.20	.20	.20			.61
Laborers:						
Common	3.90	.10	.10			.03
Tenders, concrete saw operator, air tool vibrator, nozzlemen (gunite & sand blasting), motorized buggy operator	4.00	.10	.10			.03
Mortar mixers, hod carriers, pipe- layers and/or caulkers	4.15	.10	.10			.03
Burners on wrecking	4.25	.10	.10			.03
Soft floor layers	6.20	.20	.20			.01
Decision #AP-499 - Mod. 46 (38 FR 8410 - March 30, 1973)						
The Cities of Norfolk, Chesapeake, Portsmouth and Virginia Beach, Virginia.						
CHANGE:						
Ironworkers:						
Structural, ornamental, machinery moves, riggers, fence erector & reinforcing	6.75	.45	.30			.03
Carpenters	6.20	.20	.20			.01
Soft floor layers	6.20	.20	.20			.01
Laborers:						
Common	3.90	.10	.10			.03
Tenders, concrete saw operator, air tool vibrator, nozzlemen (gunite & sand blasting), motor- ized buggy operator	4.00	.10	.10			.03
Mortar mixers, hod carriers, pipe- layers and/or caulkers	4.15	.10	.10			.03
Burners on wrecking	4.25	.10	.10			.03

STATE: Kansas
DECISION NO.: Ag-52
Superseded Decision No. Ag-6,717, dated April 14, 1972, in 37 FR 7458.
DESCRIPTION OF WORK: Building construction, (excluding single family
residential work and apartment buildings up to and including 4 stories).

THE SISTERS

DECISION NO.: 44-717, dated April 14, 1972, in 37 FR 7658.
Supersedes Decision No. 406-617, dated April 14, 1972, in 37 FR 7658.
DESCRIPTION OF USE: Buildings, construction, (including sizable family houses and garden type apartment buildings up to and including 4 stories).

TRUCK DRIVERS:				
Light, Pickups, Station wagons	6.225	.35	.25	
Medium flat beds & dumps, 5 tons or less;	6.325	.35	.25	
Warehousemen & porters	6.575	.35	.25	
Trucks over 5 tons & semi-trailers				
WELNESS: Receive rate prescribed for craft performing operation to which welding is incidental.				
PAID HOLIDAYS:				
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.				
FOOTNOTES:				
a. 1st 6 mos. - none; 6 mos. to 5 yrs - 2%; over 5 yrs. - 4% of basic hourly rate.				
b. Paid Holidays: A through F.				
c. Paid Holidays: A through F, plus Friday after Thanksgiving Day.				
LINE CONSTRUCTION:				
Lineman	\$7.06	.35	.25	1/23
Cable splicers	7.44	.35	.25	1/23
Groundman, over 1 year	4.41	.35	.25	1/23
Groundman, 1st year	3.37	.35	.25	1/23
Powderman	5.86	.25	.25	1/23
Line truck & equipment operator:				
1st year	4.52	.35	.25	1/23
2nd year	5.39	.35	.25	1/23
Over 2 years' experience	5.86	.35	.25	1/23

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS		Fringe Benefits Payments			
Basic Hourly Rates	H & W	Franchise	Vacation	App. To:	Fringe Benefits Payments
<u>GROUP I</u>					
Frankie-type pile driving machine; tower cranes and derricks; Boiler (2); boom car; boring machine, ditching machine; concrete ready-mix plant; crane truck; crane, clamshell; dragline; dozer, scraper all types; patrol; firemen (open operating steam or air valve); gradall; air-loaders; hoist; two drum; locomotive; mechanic or welder; automobile; power, or any other machine with power swing; piledriver operator; power shovel; pump, compressor or other material	\$ 7.70	.25	.25	.05	
<u>GROUP II</u>					
A-frame truck; Barber-Greene loader or similar type; boiler (1); ditching machine, small; elevator operator; firemen; fork lift; greaser; equipment; hoist; one active drum; hydra hammer; jeep ditcher; mixer, other than power; power broom; pump, 4" or larger; small machine engine; welding machine (1)	7.30	.25	.25	.05	
<u>GROUP III</u>					
Farm tractor (without attachments); and oiler	6.50	.25	.25	.05	
<u>GROUP IV</u>					
Crane, truck crane, clamshell, dragline; piledriver operator & power shovel; 100 feet of boom or over (including jib); or 2 yard capacity or over	7.95	.25	.25	.05	
Booms 200 feet and over	8.20	.25	.25	.05	
Motor crane oiler	6.75	.25	.25	.05	
Farm tractor with attachments	6.75	.25	.25	.05	
Boist, each additional drum over two - an additional .25c					

NOTICES

Basic Hourly Rates	H & W	Franchise	Vacation	App. To:	Other
<u>LABORERS:</u>					
Board sat weavers & cable tiers; Georgia buggy (manually operated); Miterman-co skip; lift; Nailers, Salamander Tenders; Track men; Tractor Swingers; Truck Dumper; Wire Mesh Setter; Water Pump up to 4 inch; & all other General laborer including Flagman	\$5.00	.35	.25		
Air tool operators; Cement Handlers (Bulk); Chain Saw; Georgia Backs (Mechanically operated); Grade Man; Hot Mastic Battlemen; Crusher Feeders; Joint Man; Jute Man; Mason Tenders; Material Batch Hopper & Scale man; Mixer Man; Pier Hole Man Working 10 foot deep; Pilelayer - drainage (concrete and/or corrugated metal); Signal Man (Crane); Truck Dumper - Dry Batch; Vibrator Operator; Wagon and Churn Drill Operator Asphalt ziker, Barco Tamper; Concrete Saw; Gressots Material - Handling & Applying; Nozzle Burner (cutting torch)	5.15	.35	.25		
Concrete Pipe; Tile & Duct Line Setter; Form Setter & Liner on concrete paving; Powderman; Sandblasting & Gunite Workers; Sanitary Sewer Pipe Layer Lashmen or Pusher	5.25	.35	.25		

Site Preparation & Grading

SITE PREPARATION & GRAVING

POWER EQUIPMENT OPERATORS					
	Fringe Benefits Payments				
	Basic Hourly Rates	H & W	Pensions	Vacation	App. To.
Master Mechanic	\$ 6.50	.25	.25	.25	.05
Group I Asphalt Paver & Spreader; Back Hoe; Boring Machine; Clam Shell; Concrete Mixer Paver Operator; Concrete Central Plant Operator (Automatic); Cranes, Truck Crane, Piping Crane, Hydr. Crane or any machine with power swing; Derrick or derrick trucks; Dragline Operator; Dredge Operator; Ditching Machine; Euclid Loader; Hoist - 2 active drums; Loader, all types; Mechanic or weldor; Mixermobiles; Multi-unit Scrap-er; Pile Driver Operator; Power Shovel Operator; Quad Track; Sidebock Cat - Cherry Picker; Skimmer Scoop Operator					
Group II Asphalt Plant Operator; Elevating Grader Operator; Pushcar Operator	6.00	.25	.25	.05	
Blades, all types; Boxer; Scoop Operator, all types	6.25	.25	.25	.05	
Group III A-Frame Truck; Asphalt Roller Operator; Asphalt Plant Boiler Fireman; Back Filler Operator; Barber-Green Loader; Boiler Operator - other than asphalt; Bull Float Operator; Churn Drill Operator; Compressor Operator (II); Concrete Central Plant Operator; Concrete Mixer Operator; Skip; Concrete Pump Operator; Crusher Operator; Distributor Operator; Finish Machine Operator - Concrete; Fireman other than asphalt; Flex Flame Operator; Fork Lift; Form Grader Operator; Graser; Hoist - 1 drum; Jeep; Ditching Machine; Pavement Breaker, self-propelled (of the Hydra Hammer or similar type); Pump Operator, 4" or over, two; Pump Operator, other than dredge; Screening & Wash Plant Operator; Small Machine Operator; Spreader-Box Operator, self-propelled; Tractor Operator over 50 h.p.					

SITE PREPARATION & GRAVING					
Fringe Benefits Payments					
	Basic Hourly Rates	H & W	Pensions	Vacation	App. To.
Group III (Cont'd) Self-propelled Roller Operator, other than asphalt; Siphone & Jets; Subgrading Machine Operator; Tank Car Heater Operator, combination booster & boiler; Towboat Operator; Vibrating Machine Operator, not hand	\$ 5.75	.25	.25	.25	.05
Group IV Concrete Gang Saw, self-propelled (concrete); Conveyor Operator; Harrow, disc seeder; Oiler; Tractor Operator, 50 h.p. or less without attachments	5.40	.25	.25	.25	.05
Group V Oiler; motor crane	5.50	.25	.25	.25	.05

SITE PREPARATION & GRAVING

POWER EQUIPMENT OPERATORS (CONT'D)					
	Basic Hourly Rates	H & W	Pensions	Vacation	App. To.
Group III (Cont'd) Tucker Grader; Pickups, panel trucks, station wagons	\$ 4.42	.275	.25		
Flat beds, dump and batch trucks, single axle	4.57	.275	.25		
Tandem trucks	4.62	.275	.25		
Lowboys, semi-trailers, all transit mixer trucks (single or tandem axle) A-frame and winch trucks when used as such	4.67	.275	.25		
Euclid, end and bottom dump, tournarockers, abeyas, dumpers and similar off-road equipment and mechanics on such equipment	4.70	.275	.25		
Warehousemen or portmen, mechanic helper	4.67	.275	.25		
Services	4.67	.275	.25		

NOTICES

STATE: Kansas
DECISION NO.: AG-33
Superseded Decision No. AP-501, dated August 11, 1972, in 37 FR 16312.
DESCRIPTION OF WORK: Residential construction consisting of single family houses and garden type apartments up to and including 4 stories.

10-Kansas-1-q (1-2)						10-Kansas-1-q (2-2)					
BUILDING CONSTRUCTION			BUILDING CONSTRUCTION			Fringe Benefits Payments			Fringe Benefits Payments		
Basic Hourly Rates	H & W	Performs	Yearbase	App. To.	Other	H & W	Pensions	Vacation	App. To.	Other	
ASBESTOS WORKERS	\$ 8.40	.30	.30	.02		7.00					
BOILERMAKERS	8.15	.30	1.00	.02		4.50					
BRICKLAYERS: Stonemasons	7.70	.35	.25			6.225	.35	.25			
CARPENTERS:											
Carpenters: Filledrivers	7.10	.35	.25	.05							
MILLERS/DRIVERS: Filedrivers	7.475	.35	.25	.05							
GENERIC MAINTENANCE:											
Cement masons	7.05	.35	.25								
Machine operators	7.175	.35	.25								
Composition color or chloride additives											
ELECTRICIANS:	7.2.	.35	.25								
Electricians	8.35	.25	12 + .30	2/10%							
Cable splicers	9.185	.25	12 + .30	2/10%							
GLAZIERS	6.49	.35	.20	.50 + a	.01						
INDUSCERS:											
Ornamental: Structural	8.50	.40	.40	.00	.05						
Reinforcing	8.50	.40	.40	.00	.05						
LABORERS:											
General laborer	6.00	.35	.25								
Power tool operators: Compactors; Concrete breakers; Chipping tools; Drilling tools; Concrete saws, Mechanically operated Georgia buggy	6.20	.35	.25								
Mason tenders: Plaster tenders; Mortar mixers for masons and cement finishers; All stocking scaffold; Clean up for masons (Building and wrecking)											
Sand and concrete gun nozzleman and powderman	6.30	.35	.25								
LATERS	6.40	.35	.25								
PAINTERS:											
Brush; Drywall; Sanding; Taping Painting of structures over 50' (all types)	6.85	.35			.01						
Spray	7.45	.35			.01						
PLASTERERS	7.75	.35			.01						
PLUMBERS; Steamfitters	8.75	.15	.20		.02						
ROOFERS:											
Flat, Slate & Tile; Dampproofers and Waterproofers	7.16	.18	.40								
SHEET METAL WORKERS	7.05	.15	.57	.57	.01						
SOFT FLOOR LAYERS	6.875	.275	.20	.72	.03						
SPRINKLER FITTERS	8.75	.25	.40	.40	.05						

NOTICES

TILE SETTERS' HELPERS			
TRUCK DRIVERS:			
Light, Pickups, Station wagons Medium flat beds & dumps, 5 tons or less; Warehousemen & Paintmen	6.225	.35	.25
Trucks over 5 tons & semi-trailers	6.325	.35	.25
WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.	6.575	.35	.25
PAID HOLIDAYS:			
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day; G-Friday after Thanksgiving Day.			
FOOTNOTES:			
b. Paid Holidays: A through C.			

Building Construction Power Equipment Operators	Basic Hourly Rates	Fringe Benefits Payments			Site Preparation & Grading	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation			Asst. Tc.	Cr.	H & W	Cr.
GROUP I										
Frankie-type pile driving machine; tower cranes and derricks; Boiler (1); boom cat; boring machine, ditching machine; concrete ready-mix plant; crane, truck crane; clamshell, dragline; dozer, scraper all types; patrol firemen (open operating steam or air valve); gradall; hi-loaders; hoists; two drum; locomotive; mechanic or welder; mixer; paver, or any other machine with power swing; piledriver operator; power shovel; pump; concrete or other material	\$ 7.70	.25	.25	.50	.05					
GROUP II										
A-frame truck; barber-green loader or similar type; boiler (1); ditching machine, small; elevator operator; firemen; fork lift; greaser, equipment; hoist, one active drum; hydro hammer; jeep ditcher; mixer, other than paver; power broom; pump, 4" or larger; small machine engineer; welding machine (1)	7.30	.25	.25	.50	.05					
GROUP III										
Farm tractor (without attachments); and oiler	6.50	.25	.25	.50	.05					
GROUP IV										
Crane, truck crane, clamshell, dragline; piledriver operator & power shovel; 100 feet of boom or over (including jib); or 2 yard capacity or over	7.95	.25	.25	.50	.05					
Booms 200 feet and over	8.20	.25	.25	.50	.05					
Motor crane oiler	6.75	.25	.25	.50	.05					
Farm tractor with attachments	6.75	.25	.25	.50	.05					
Hoist, each additional drum over two - an additional .25c										

NOTICES

Site Preparation & Grading

POWER EQUIPMENT OPERATORS

Kansas 1 PEO 2 J (1-2)						Kansas 1 PEO 2 J (2-2)					
Basic Hourly Rates			Fringe Benefits Payments			Basic Hourly Rates			Fringe Benefits Payments		
W	H & W	Pensions	Vacation	Asst. T.	Other	W	H & W	Pensions	Vacation	Asst. T.	Other
\$ 6.50	.25	.25	.25	.05							
Master Mechanic											
Group I											
Asphalt Paver & Spreader; Back Hoe; Boring Machine; Clam Shell; Concrete Mixer Paver Operator; Concrete Central Plant Operator (Automatic); Crane, Truck Crane, Pitman Crane, Hydro Crane or any machine with power swing; Derrick or derrick trucks; Dragline Operator; Dredge Operator; Ditching Machine; Euclid Loader; Hoist - 2 active drums; Loader, all types; Mechanic or welder; Mizermobile; Multi-unit Scraper; Pile Driver Operator; Power Shovel Operator; Quad Track; Sideboom Cat - Cherry Picker; Skidder Scoop Operator											
Group II											
Asphalt Plant Operator; Elevating Grader Operator; Pushcart Operator											
Blades, all types; Dozer; Scoop Operator, all types											
Group III											
A-Frame Truck; Asphalt Roller Operator; Asphalt Plant Boiler Fireman; Back Filler Operator; Barber-Greene Loader; Boiler - other than asphalt; Ball Float Operator; Churn Drill Operator; Compressor Operator (1); Concrete Central Plant Operator; Concrete Mixer Operator; Skip; Concrete Pump Operator; Crusher Operator; Distributor Operator; Finish Machine Operator - Concrete; Fireman other than asphalt; Flex Plane Operator; Fork Lift; Form Grader Operator; Greaser; Hoist - 1 drum; Jeep; Ditching Machine; Pavement Breaker, self-propelled (of the Hydra Hammer or similar type); Pump Operator, 4" or over; two; Pump Operator, other than dredge; Screening & Wash Plant Operator; Small Machine Operator; Spreader Box Operator; self-propelled; Tractor Operator over 50 h.p.											
5.75	.25	.25	.25	.05							

SITE PREPARATION & GRADING

POWER EQUIPMENT OPERATORS (CONT'D)

Kansas 1 PEO 2 J (1-2)						Kansas 1 PEO 2 J (2-2)					
Basic Hourly Rates			Fringe Benefits Payments			Basic Hourly Rates			Fringe Benefits Payments		
W	H & W	Pensions	Vacation	Asst. T.	Other	W	H & W	Pensions	Vacation	Asst. T.	Other
\$ 6.75	.25	.25	.25	.05							
Group III (Cont'd)											
Self-propelled Roller Operator, other than asphalt; Siphone & Jets; Supergrader Machine Operator; Tank Car Heater Operator, combination booster & boiler; Toeboar Operator; Vibrating Machine Operator, not hand											
Group IV											
Concrete Gang Saw, self-propelled (com-cut); Conveyor Operator; Harrow, disc seeder; Oiler; Tractor Operator, 50 h.p. or less without attachments											
5.40	.25	.25	.25	.05							
Group V											
Oiler, motor crane											
5.50	.25	.25	.25	.05							

SITE PREPARATION & GRADING

TRUCK DRIVERS:				
Pickups, panel trucks, station wagons	\$ 4.42	.275	.25	
Flat beds, dump and batch trucks, single axle	4.57	.275	.25	
Tandem trucks	4.62	.275	.25	
Longhorns, semi-trailers, all transit silver trucks (single or tandem axle) A-frames and winch trucks when used as such	4.67	.275	.25	
Scalers, end and bottom dump, totempoles, atleys, dumpsters and similar off-road equipment and mechanics on such equipment	4.70	.275	.25	
Warehousemen or porters, mechanic helper	4.67	.275	.25	
Service men	4.67	.275	.25	

STATE: Kentucky
 DECISION NUMBER: AQ-4013
 Supersedes Decision No. AP-168
 DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

COUNTY: See Below
 DATE: Date of Publication
 dated March 9, 1973 in 38 EM 6513.

PAID HOLIDAYS: (WHERE APPLICABLE)
 A-New Year's Day; B-Memorial Day; C-Independence Day;
 D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

59-XY-1-G (1-2)

*Continent	Boone, Campbell, Kenton & Pendleton.	Fringe Benefits Payments				Overtime
		Basic Hourly Rates	H & W Furniture	Vacation	Age. Tr.	
Asbestos Workers	\$9.21	*.30	*.35	*.55	*.02	
Boilermakers	8.10	*.30	*.50	*.55	*.01	
Boilermakers' Helpers	7.85	*.30	*.70	*.55	*.01	
Bricklayers	9.745	*.45				
Carpenters:						
Carpenters	9.05	*.40	*.55		*.025	
Millwrights	9.34	*.25	*.50		*.05	
Piledrivers	9.05	*.40	*.55		*.025	
Cement Masons	9.045	*.50	*.50		*.12	
Electricians	9.25	*.60	1% + .30		*.12	
Elevator Constructors	8.53	*.195	*.20	2% + .65	*.025	
Elevator Constructors' Helpers	70.878	*.195	*.20	2% + .65	*.025	
Gilders	8.70					
Ironworkers, Structural & Ornamental	9.195	*.55	*.55		*.03	
Ironworkers, Reinforcing	8.895	*.55	*.85		*.015	
Laborers: (Demolition)						
Wrecking Laborers	7.57	*.45	*.50			
Jackhammer Operators	7.72	*.45	*.50			
Wallmen	7.72	*.45	*.50			
Burners	7.72	*.45	*.50			
Lathers	9.845					
Lead Burners	8.25	*.30				
Linemen	9.25	*.60	1% + .30		*.01	
Marble Setters	9.485	*.45				
Marble Setters' Helpers	8.635					
Painters, Brush:						
Commercial	8.80	*.35	*.15			
Industrial	8.95	*.35	*.15			
Painters, spray:						
Commercial	9.05	*.35	*.15			
Industrial	9.20	*.35	*.15			
Pipe Fitters	9.20	*.60	*.775		*.04	
Plasterers	9.445		*.65		*.01	
Plumbers & Gas Fitters	9.055	*.38	*.55		*.05	
Resilient Floor Layers	7.80	*.40	*.40		*.05	
Roofers	9.745		*.30			
Sheet Metal Workers	8.995	*.40	*.70		*.02	
Sprinkler Fitters	9.25	*.50				
Stone Masons	9.485	*.45				
Terrazzo Workers:						
Terrazzo Workers' Helpers & Grinders	9.435	*.45				
Terrazzo Base Grinder	8.585					
Tile Setters	9.435	*.45				
Tile Setters' Helpers	8.535					
Tile Setters' Helpers (Prob.)	75.58					

NOTICES

AD-5013 P-4

LABORERS:	FRINGE BENEFITS PAYMENTS					
	Basic Hourly Rates	H & W	Pensions	Vacation	App. To O.	
Common laborers, cement masons helpers, hand operated mechanical mule, mechanical sweeper, signal man	\$7.85	.45	.20			
Bottom man, pipe layers	7.95	.45	.20			
Burner torch operator, jack hammer, mechanical and air tapper operator, mechanical concrete bongers, power operated mechanical mule, concrete pump hose man, vibrator man	8.00	.45	.20			
Plasterer's tender, mason tender, stone mason tender, bottom jack-hammer man	8.05	.45	.20			
Plaster mixer pump operator	8.20	.45	.20			
Tunnel laborer	8.35	.45	.20			
Concrete nozzle operator	8.60	.45	.20			

BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS					
	H & W	PENSIONS	VACATION	APP. TO O.	OTN	
POWER EQUIPMENT OPERATORS:						
A-frames, air compressor on steel erection, all rotary drills used on cast-iron work for foundations and sub-structure work, boiler operator or compressor operator when compressor or boiler is mounted on crane (piggy back operations), boom trucks (all types), cableways, cherry pickers, combination concrete mixer and tower, concrete pumps, cranes (all types), derricks (all types), draglines, elevating grader or euclid loader, floating equipment, gradalls, helicopter operator hoisting building materials, helicopter winch operator hoisting builders materials, hoists (all types), hoisting engines (two or more drums), lift slab or panel jacks, operators, locomotives (all types), maintenance engineer (mechanic or welder), mixer paving (multiple drum), mobile concrete pumps with boom, panelboard (all types on site), pile drivers, power shovels, side booms, slip form pavers, straddle carriers, tower derricks, trench machines (over 24" wide)	\$8.63	.38	.65			
Asphalt, paver, bulldozer, OGI type equipment, and loaders, kohlman type loaders (first loading), mucking machines, power grader, power scoops, power scrapers, push carts						
Air compressor (pressurizing shafts or tunnels), all asphalt rollers, fork lifts, hoist (one drum), house elevators, man lift, power boilers (over 15 lbs. pressure), pump operator installing or operating well points or other type of dewatering system, pumps (< 6' & over discharge), submersible pumps (< 6' & over discharge), trenchers (24" and under)						

BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS			
	H&W	PENSIONS	VACATION	APP. TR.		H&W	PENSIONS	VACATION	APP. TR.
POWER EQUIPMENT OPERATORS:									
Compressors on building construction, conveyors (building material), granite machines, mixers (capacity more than one bag), mixers (one bag capacity side loader), post driver, post driver, post hole digger, pavement breaker (hydraulic or cable), road widening trencher, rollers welder operator					TRUCK DRIVERS				
Backfillers & tamers, batch plant, bar & joint installing machines, ball floats, burlap & curing machines, cleiplanes, concrete spreading machines, crushers, drum fireman (asphalt), farm type tractor (pulling attachments), finishing machines (over 1/2" discharge), hydro seeder, self propelled power spreaders, self tractors pulling sheep foot roller or grader, vibratory compactors (with integral power)	.75	.38	.65	.09	4-wheel service trucks, 4-wheel dump trucks Batch trucks, oil distributors, asphalt distributors Tandem trucks Tractor-trailer combinations: Semi-tractor trucks, pole trailers, readymix trucks, fuel trucks Asphalt-oil spray-bar man, when operated from cab	\$5.41	a \$56.00 a \$6.00 a \$6.00		
Older, helpers, signalman, light plant operator, power driven beaters (oil fired), power boilers (less than 15 lbs. pressure), pumps (under 4" discharge), submersible pumps (under 4" discharge)	7.44	.38	.65	.09	Euclid wagons, Euclid end-dumps, long boys, heavy duty equipment over 12 cu. yds., capacity (irrespective of load carried) when used exclusively for transportation, truck mechanics	5.71	a \$6.00 a \$6.00 a \$6.00		
					FOOTNOTES:				
					a. Per week per employee.				

NOTICES

STATE: Montana
 DECISION NUMBER: AQ-1,042
 Supersedes Decision No. AF-914 dated June 29, 1973, in 38 FR 17396
 DESCRIPTION OF WORK: Heavy and Highway Construction

Basic Hourly Rates	Fringe Benefits Payments			Basic Hourly Rates	Fringe Benefits Payments		
	H & W	Pension	Vacation		H & W	Pension	Vacation
CARPENTERS:							
Carpenters Piledrivers; Sawyers; Carpenters on charred and creosote wood	\$6.26 6.51	.30 .30	.45 .45	.02 .02			
CEMENT MASON'S (Eastern Counties):							
Grinder, bush hammer and clipping fan preparing finish surface; Epoxy	5.99	.35	.15				
CEMENT MASON'S (Western Counties):							
Grinder, bush hammer and clipping fan preparing finish surface; Epoxy	6.14	.35	.15				
ELECTRICIANS:							
Beaverhead, Jefferson, Madison and Sheridan, Valley and Gallatin Counties							
Carpenters; Piledrivers; Sawyers; Carpenters on charred and creosote wood	\$6.26 6.51	.30 .30	.45 .45	.02 .02			
CEMENT MASON'S (Eastern Counties):							
Grinder, bush hammer and clipping fan preparing finish surface; Epoxy	5.99	.35	.15				
CEMENT MASON'S (Western Counties):							
Grinder, bush hammer and clipping fan preparing finish surface; Epoxy	6.14	.35	.15				
PAINTERS:							
Beaverhead, Jefferson, Madison and Sheridan, Valley and Gallatin Counties							
Brush							
Roller, over 8 ft.							
Spray							
Big Horn, Carbon, Carter, Crook, Daniels, Dawson, Fallon, Garfield, Golden Valley, McCona, Musselshell, Petroleum, Phillips, Powder River, Prairie, Richland, Roosevelt, Rosebud, Sheridan, Stillwater, Treasure, Valley, Wibaux and Yellowstone Counties							
Brush							
Steel							
Spray							
Cascade, Chouteau, Fergus, Glacier, (excluding Glacier National Park), Judith Basin, Lewis & Clark R. Fonda, Teton and Toole Counties							
Brush							
Brush on steel							
Spraying; Sandblasting							
Granite (Northarm area, north limits of Phillipsburg), Lake (Southern area Includes City of Ronan), Mineral, Missoula, Powell (Northern area through south limits of Havre), Ravalli and Sanders (area south of Johnson Falls), Custer							
Brush							
Spray; Sign Painters							
Beaverhead, Gallatin, Jefferson (W.E. of the City of Bozeman), Lewis & Clark (Southern area including the City of Clark), Madison (East of the west limits of the City of Harrison), Meagher, Park, Sweet- water and Wheatland Counties							
Brush							
Spray and steel							
Taping, hand							

NOTICES

NOTICES

PLATES:		Fringe Benefits Payments					
		Basic Hourly Rates	H & W	Pensions	Vacation	Acc. To Order	
Flathead, Lake (Area north of the City of							
Beaumont, Lincoln, and Sanders							
Northern area including the City of							
Thompson Falls) Counties							
Lake (Southern area incl. the City of							
Sonoma), Mineral, Missoula and Sanders							
(Area south of Thompson Falls) Counties							
Blaine, Cascade, Chouteau, Fergus,							
Glacier, Hill, Judith Basin, Lincoln,							
McCone, Meagher, Phillips, Pondera,							
Roswell, Teton, Toole and Valley Cos.							
Beaverhead, Broadwater, Deer Lodge,							
Galatin, Granite, Jefferson, Lewis &							
Clark, Madison, Park, Powell, Silver- bow and Sweet Grass Counties							
Big Horn, Carbon, Carter, Custer,							
Daniels, Dawson, Fallon, Garfield,							
Golden Valley, Musselshell, Petroleum,							
Poudre River, Prairie, Richland,							
Rosebud, Shoshone, Stillwater,							
Treasure, Wheatland, Wibaux, and							
Yellowstone Counties							
SMALL METAL WORKERS:							
Blaine, Cascade, Chouteau, Glacier,							
Hill, Judith Basin, Lincoln, Pondera,							
Teton and Toole Counties							
Callatin County							
Broadwater, Jefferson, (Bl. Incl. City of Boulder), Lewis and Clark and							
Meagher Counties							
Flathead, Lincoln, Mineral,							
Missoula, Ravalli, and Sanders Counties							
Big Horn, Carbon, Carter, Custer,							
Daniels, Dawson, Fallon, Fergus,							
Garfield, Golden Valley, Mccone,							
Musselshell, Petroleum, Phillips,							
Poudre River, Park, Prairie, Richland,							
Roswell, Rosebud, Sheridan, Still- water, Sweet Grass, Valley, Wheatland,							
Wibaux, Treasure and Yellowstone Cos.							
Beaverhead, Bear Lodge, Granite,							
Jefferson (S.), Madison, Powell,							
and Silver bow Counties							

PLATES:		Fringe Benefits Payments					
		Basic Hourly Rates	H & W	Pensions	Vacation	App.	
EASTERN COUNTIES	WESTERN COUNTIES						
NON-LAB-2-3-b	NON-LAB-2-3-b						
ALL COUNTIES	ALL COUNTIES						
LABORERS:		Basic Hourly Rates	H & W	Pensions	Vacation	App.	
Asphalt Baker		\$5.53	\$5.68	.37	.27	.03	
Asphalt Worker		5.37	5.52	.37	.27	.03	
Car and Truck Loader, Sch'sorman		5.37	5.52	.37	.27	.03	
Caisson Workers (Free Air)		5.53	5.68	.37	.27	.03	
Carpenter Tender		5.37	5.52	.37	.27	.03	
Cement Handlers		5.53	5.68	.37	.27	.03	
Cement Mason Tender		5.53	5.68	.37	.27	.03	
Choker Setter		5.53	5.68	.37	.27	.03	
Chock Tender and Ripper (above ground)		5.37	5.52	.37	.27	.03	
Concrete Laborers (wet or dry);		5.53	5.68	.37	.27	.03	
Beckerman and Signman		5.47	5.62	.37	.27	.03	
Concrete or Asphalt Saw		5.58	5.73	.37	.27	.03	
Concrete Vibrator (5y and over)		5.37	5.52	.37	.27	.03	
Gasoline applying and removing		5.37	5.52	.37	.27	.03	
Core Drill		5.97	6.12	.37	.27	.03	
Core Machine		5.47	5.62	.37	.27	.03	
Drill, Air-Tract, self-propelled, Cat.		5.63	5.78	.37	.27	.03	
or Truck mounted air operated		5.73	5.88	.37	.27	.03	
Drill, Air-Tract, with Dual Mass		5.37	5.52	.37	.27	.03	
Drill, Air-Tract, self-propelled,		5.68	5.83	.37	.27	.03	
Hamstang type or similar		5.37	5.52	.37	.27	.03	
Hamstang (Spotter)		5.37	5.52	.37	.27	.03	
Dumper (Grademan)		5.53	5.68	.37	.27	.03	
Fence Erector and Installer (Incl.)							
Installation and erection of fences,							
guard rails, median rails, reference							
posts, guide posts and right-of-way							
markers)							
Form Stripper		5.37	5.52	.37	.27	.03	
Form Setter		5.47	5.62	.37	.27	.03	
Grade Setter		5.63	5.78	.37	.27	.03	
General Laborer		5.37	5.52	.37	.27	.03	
Hand Faller		5.45	5.60	.37	.27	.03	
High Scaler		5.73	5.88	.37	.27	.03	
High Pressure Machine Nozzlemen		5.57	5.72	.37	.27	.03	
Nozzlemen		5.37	5.52	.37	.27	.03	
Rebar Tender							
Jackhammer, Pavement Breaker, Wagon							
Brillies, Concrete Vibrators, Mechanical							
Tampers, Vibrating Roller, hand steered							
and other Air Tools							
Landscape Laborer							
Boatmen-Air and Water, Gunite and							
Placo Machine							
Pipe Layer (all types)							
Pipe Wraper							
Post Hole Digger (Power Auger)							

Basic Hourly Rates	Fringe Benefits Payments			POWER EQUIPMENT OPERATORS		
	Basic Hourly Rates	H.A.W.	vacation allowance	H.A.W.	Pensions	Vacation
Power Saw, Bucking	\$5.33	\$5.88	*.37	*.27	*.03	
Power Saw, Fallng	5.63	5.78	*.37	*.27	*.03	
Powderman Helper	5.47	5.62	*.37	*.27	*.03	
Powderman	5.93	6.08	*.37	*.27	*.03	
Power Driven Wheelbarrow	5.47	5.62	*.37	*.27	*.03	
Riprupper	5.53	5.68	*.37	*.27	*.03	
Riprap Belp	5.37	5.52	*.37	*.27	*.03	
Scalerman	5.53	5.68	*.37	*.27	*.03	
Sandblaser	5.47	5.68	*.37	*.27	*.03	
Sodcutter-Hand Operated	5.37	5.52	*.37	*.27	*.03	
Stake-Jumper for Equipment	5.37	5.52	*.37	*.27	*.03	
Tar Pot	5.47	5.62	*.37	*.27	*.03	
Tool Checker, Toolhouseman	5.37	5.52	*.37	*.27	*.03	

*Eastern Counties: Blaine-Carter-Custer-Daniels-Deacon-Fallon-Garfield-Idaho- -Lincoln-Madison-Morgan-Powell-Potter-Riverton-Richland-Roosevelt- -Shoshone-Valley and Idaho -Western Counties: Beaverhead-Big Horn-Broadwater-Carbon-Cascade-Custer-Deer Lodge- -Fergus-Flathead-Gallatin-Glacier-Golden Valley-Green River-Hamilton- -Jefferson-Judith Basin-Lake-Lewis & Clark-Liberty-Lincoln- -Madison-McCormick-Mineral-Missoula-Musselshell-Park-Pondera- -Powell-Ravalli-Rosebud-Sanderson-Silver Bow-Stillwater-Sweet Grass- -Teton-Toole-Treasure-Heatland and Yellowstone	Bit Grinder	Bituminous Miner Paving, Travel Plant Boring Machine (small), Jeeps, Pickup or farm tractor mounted Boring Machine (large) Broom, self-propelled Cableway Highline Cement Silo	7.02	*.45	*.45	*.03
	Bituminous Miner Paving, Travel Plant Boring Machine (small), Jeeps, Pickup or farm tractor mounted Boring Machine (large) Broom, self-propelled Cableway Highline Cement Silo	7.02	*.45	*.45	*.45	*.03
	Central Mixing Plants, Concrete dam & stationary Chain Bucket Loader Cap or Gravel Spreader, self- propelled Concrete Batch Plant, one & two mixers Concrete Batch Plant, three and four mixers Concrete Batch Plant, five mixers & over Concrete Batch Plant Oilers, up to 6 incl., two mixers Concrete Batch Plant Oiler, three mixers and over Concrete Bucket Dispacher Concrete Curing Machine Concrete Finish Machine Paving Concrete Float-Spreader Concrete Mixer, three bags & under Concrete Mixer, four bags and over Concrete Power Saw, self-propelled Concrete Travel Batcher Conveyor Loader, up to 4 incl. 42' belt Conveyor Loader, over 42 inch belt Crane, to 4 incl. 80' boom with Jib Crane, 81' to 130' boom	6.61	*.45	*.45	*.45	*.03
	Central Mixing Plants, Concrete dam & stationary Chain Bucket Loader Cap or Gravel Spreader, self- propelled Concrete Batch Plant, one & two mixers Concrete Batch Plant, three and four mixers Concrete Batch Plant, five mixers & over Concrete Batch Plant Oilers, up to 6 incl., two mixers Concrete Batch Plant Oiler, three mixers and over Concrete Bucket Dispacher Concrete Curing Machine Concrete Finish Machine Paving Concrete Float-Spreader Concrete Mixer, three bags & under Concrete Mixer, four bags and over Concrete Power Saw, self-propelled Concrete Travel Batcher Conveyor Loader, up to 4 incl. 42' belt Conveyor Loader, over 42 inch belt Crane, to 4 incl. 80' boom with Jib Crane, 81' to 130' boom	6.72	*.45	*.45	*.45	*.03
	Central Mixing Plants, Concrete dam & stationary Chain Bucket Loader Cap or Gravel Spreader, self- propelled Concrete Batch Plant, one & two mixers Concrete Batch Plant, three and four mixers Concrete Batch Plant, five mixers & over Concrete Batch Plant Oilers, up to 6 incl., two mixers Concrete Batch Plant Oiler, three mixers and over Concrete Bucket Dispacher Concrete Curing Machine Concrete Finish Machine Paving Concrete Float-Spreader Concrete Mixer, three bags & under Concrete Mixer, four bags and over Concrete Power Saw, self-propelled Concrete Travel Batcher Conveyor Loader, up to 4 incl. 42' belt Conveyor Loader, over 42 inch belt Crane, to 4 incl. 80' boom with Jib Crane, 81' to 130' boom	7.02	*.45	*.45	*.45	*.03
	Central Mixing Plants, Concrete dam & stationary Chain Bucket Loader Cap or Gravel Spreader, self- propelled Concrete Batch Plant, one & two mixers Concrete Batch Plant, three and four mixers Concrete Batch Plant, five mixers & over Concrete Batch Plant Oilers, up to 6 incl., two mixers Concrete Batch Plant Oiler, three mixers and over Concrete Bucket Dispacher Concrete Curing Machine Concrete Finish Machine Paving Concrete Float-Spreader Concrete Mixer, three bags & under Concrete Mixer, four bags and over Concrete Power Saw, self-propelled Concrete Travel Batcher Conveyor Loader, up to 4 incl. 42' belt Conveyor Loader, over 42 inch belt Crane, to 4 incl. 80' boom with Jib Crane, 81' to 130' boom	7.15	*.45	*.45	*.45	*.03
	Central Mixing Plants, Concrete dam & stationary Chain Bucket Loader Cap or Gravel Spreader, self- propelled Concrete Batch Plant, one & two mixers Concrete Batch Plant, three and four mixers Concrete Batch Plant, five mixers & over Concrete Batch Plant Oilers, up to 6 incl., two mixers Concrete Batch Plant Oiler, three mixers and over Concrete Bucket Dispacher Concrete Curing Machine Concrete Finish Machine Paving Concrete Float-Spreader Concrete Mixer, three bags & under Concrete Mixer, four bags and over Concrete Power Saw, self-propelled Concrete Travel Batcher Conveyor Loader, up to 4 incl. 42' belt Conveyor Loader, over 42 inch belt Crane, to 4 incl. 80' boom with Jib Crane, 81' to 130' boom	6.72	*.45	*.45	*.45	*.03
	Central Mixing Plants, Concrete dam & stationary Chain Bucket Loader Cap or Gravel Spreader, self- propelled Concrete Batch Plant, one & two mixers Concrete Batch Plant, three and four mixers Concrete Batch Plant, five mixers & over Concrete Batch Plant Oilers, up to 6 incl., two mixers Concrete Batch Plant Oiler, three mixers and over Concrete Bucket Dispacher Concrete Curing Machine Concrete Finish Machine Paving Concrete Float-Spreader Concrete Mixer, three bags & under Concrete Mixer, four bags and over Concrete Power Saw, self-propelled Concrete Travel Batcher Conveyor Loader, up to 4 incl. 42' belt Conveyor Loader, over 42 inch belt Crane, to 4 incl. 80' boom with Jib Crane, 81' to 130' boom	7.02	*.45	*.45	*.45	*.03
	Central Mixing Plants, Concrete dam & stationary Chain Bucket Loader Cap or Gravel Spreader, self- propelled Concrete Batch Plant, one & two mixers Concrete Batch Plant, three and four mixers Concrete Batch Plant, five mixers & over Concrete Batch Plant Oilers, up to 6 incl., two mixers Concrete Batch Plant Oiler, three mixers and over Concrete Bucket Dispacher Concrete Curing Machine Concrete Finish Machine Paving Concrete Float-Spreader Concrete Mixer, three bags & under Concrete Mixer, four bags and over Concrete Power Saw, self-propelled Concrete Travel Batcher Conveyor Loader, up to 4 incl. 42' belt Conveyor Loader, over 42 inch belt Crane, to 4 incl. 80' boom with Jib Crane, 81' to 130' boom	6.60	*.45	*.45	*.45	*.03
	Central Mixing Plants, Concrete dam & stationary Chain Bucket Loader Cap or Gravel Spreader, self- propelled Concrete Batch Plant, one & two mixers Concrete Batch Plant, three and four mixers Concrete Batch Plant, five mixers & over Concrete Batch Plant Oilers, up to 6 incl., two mixers Concrete Batch Plant Oiler, three mixers and over Concrete Bucket Dispacher Concrete Curing Machine Concrete Finish Machine Paving Concrete Float-Spreader Concrete Mixer, three bags & under Concrete Mixer, four bags and over Concrete Power Saw, self-propelled Concrete Travel Batcher Conveyor Loader, up to 4 incl. 42' belt Conveyor Loader, over 42 inch belt Crane, to 4 incl. 80' boom with Jib Crane, 81' to 130' boom	6.72	*.45	*.45	*.45	*.03

U.L.-4

MONT-1-PEO-2-2-3-b

NOTICES

MONT-1-FED-2-3-5

(2-6)

POWER EQUIPMENT OPERATORS (cont'd)						Fringe Benefits Payments					
Basic Hourly Rates	H & W	Franchise	Vacation	App. To	Other	Basic Hourly Rates	H & W	Franchise	Vacation	App. To	Other
Crane, 131' to 150' boom	\$7.38	.45	.45	.03		Push Tractor	7.02	.45	.45	.03	
Crane, 151' boom & over	7.63	.45	.45	.03		Quad Cat	7.32	.45	.45	.03	
Crusher Oiler	6.59	.45	.45	.03		Refrigerator Plant	7.02	.45	.45	.03	
Crusher	7.02	.45	.45	.03		Retort	6.61	.45	.45	.03	
Crusher Oiler & Helper	6.51	.45	.45	.03		Boiler, on blade or hot mix oil paving	7.02	.45	.45	.03	
Crusher Conveyor, when required	6.48	.45	.45	.03		Boiler, on other blade or hot mix paving	6.72	.45	.45	.03	
Distributor	7.02	.45	.45	.03		Boiler, 25 tons or over	7.02	.45	.45	.03	
IN 10, 15, or 20 Tractor pulling roller	6.74	.45	.45	.03		Boss & similar type carriers, on	7.02	.45	.45	.03	
Electric Overhead Cranes	7.20	.45	.45	.03		construction site	7.02	.45	.45	.03	
Flaying Grader	7.02	.45	.45	.03		Rubber-tired Dozer	7.02	.45	.45	.03	
Farm Type Tractor, up to & incl. 50						Rubber-tired Front End Loader, 1 yd. &					
HP Engine	6.48	.45	.45	.03		under	6.73	.45	.45	.03	
Farm Type Tractor, over 50HP Engine	6.56	.45	.45	.03		Rubber-tired Front End Loader, 1 yd.					
Field Equipment Serviceman	6.94	.45	.45	.03		to and incl. 3 yds.	7.02	.45	.45	.03	
Field Equipment Serviceman Helper	6.51	.45	.45	.03		Rubber-tired Front End Loader, over					
Fireman	6.61	.45	.45	.03		3 yds. to and incl. 5 yds.	7.14	.45	.45	.03	
Forklifts, on construction job site	6.83	.45	.45	.03		Rubber-tired Front End Loader, over					
Farm Grader	6.79	.45	.45	.03		5 yds. to and incl. 10 yds.	7.24	.45	.45	.03	
Gradall	7.02	.45	.45	.03		Rubber-tired Front End Loader, over					
Grade Satter	6.48	.45	.45	.03		10 yds. to and incl. 15 yds.	7.34	.45	.45	.03	
Heavy Duty Drill, all types	7.02	.45	.45	.03		Rubber-tired Front End Loader, over					
Heavy Duty Drillier Helper	6.61	.45	.45	.03		15 yds.	7.44	.45	.45	.03	
Karman-Holmes & similar type	6.56	.45	.45	.03		Scrapers, 15, 20, 21 & similar type					
Hoist, Single drum	6.79	.45	.45	.03		if power is not used	7.02	.45	.45	.03	
Hoist, two or more drums	7.02	.45	.45	.03		Scrapers, single or twin engine pulling					
Sellicopter Hoist	7.52	.45	.45	.03		belly dump trailer	7.40	.45	.45	.03	
Hot Plant	7.02	.45	.45	.03		Scrapers, single engine	7.15	.45	.45	.03	
Hot Plant Fireman, when in operation	7.02	.45	.45	.03		Scrapers, twin engine	7.25	.45	.45	.03	
Hot Plant Oiler, 100 ton per hour or						Scrapers, tandem engine	7.31	.45	.45	.03	
over						Shovels, incl. all attachments, over					
Hydra lift and similar types	6.92	.45	.45	.03		3 cu. yd. to 5 incl. 5 cu. yd.	7.02	.45	.45	.03	
Industrial Locomotive all classes	7.02	.45	.45	.03		Shovels, incl. all attachments, over					
Mechanic and/or Welder on Job	7.12	.45	.45	.03		1 cu. yd.	7.10	.45	.45	.03	
Mechanic and/or Welder Helper on Job	6.31	.45	.45	.03		5 cu. yd.					
Mixermobile	7.10	.45	.45	.03		Shovels, incl. all attachments, over					
Motor Patrol	7.15	.45	.45	.03		3 cu. yd. to 5 incl. 5 cu. yd.	7.47	.45	.45	.03	
Mountain Loader or similar type	7.02	.45	.45	.03		Shovels, incl. all attachments, over					
Mocking Machine	7.02	.45	.45	.03		5 cu. yd.	7.50	.45	.45	.03	
Oiler-Drives, Turret Tired Cranes	6.59	.45	.45	.03		Shovel Oiler, 3 yds. & under	6.51	.45	.45	.03	
Oilers, other than Shovels & Cranes	6.31	.45	.45	.03		Shovel Oiler, over 3 cu. yds.	6.92	.45	.45	.03	
Oiler, hoist house, dams	6.92	.45	.45	.03		Slip form paver	7.15	.45	.45	.03	
Pavement Breaker, Emco & similar	7.02	.45	.45	.03		Stiff leg derrick & guy derrick	7.47	.45	.45	.03	
Paving & Mixing Machine	7.15	.45	.45	.03		Track-type front end loaders; up to					
Power Auger, Large Truck or Tractor						6 incl. 5 cu. yds.	7.02	.45	.45	.03	
Mounted	7.02	.45	.45	.03		Track-type front end loaders; over					
Power Mower, single or double drum	7.02	.45	.45	.03		5 cu. yds. to 5 incl. 10 cu. yds.	7.25	.45	.45	.03	
Power Saws, Multiple cut, self-propelled	7.02	.45	.45	.03		Track-type front end loaders, over					
Power Take-off Machine	7.02	.45	.45	.03		10 cu. yds. to 5 incl. 15 cu. yds.	7.35	.45	.45	.03	
Pumpjack	6.55	.45	.45	.03							

NOTICES

NOTICES

POWER EQUIPMENT OPERATORS (cont'd)						(4-4)					
MONT-1 E200-2-3-b			Fringe Benefits Payments			MONT-1 E200-2-3-b			Fringe Benefits Payments		
Basic Hourly Rate	H & W	Permits	Vacation	App. To.	Other	Basic Hourly Rate	H & W	Permits	Vacation	App. To.	Other
Track-type front end loaders, over 15 cu. yds.	\$7.45	.45	.45	.03		COMBINATION TRUCK; Concrete Mixer and Transit Mixer:					
Track-type tractor with or without attachments	7.02	.45	.45	.03	To and incl. 4 cu. yds.	\$6.30	.475	.325			
Track-type tractor, on Euclid Loader	7.20	.45	.45	.03	Over 4 cu. yds. to and incl. 6 cu. yds.	6.38	.475	.325			
Trenching Machine	7.02	.45	.45	.03	Over 6 cu. yds. to and incl. 8 cu. yds.	6.46	.475	.325			
Turnhead Conveyor, or Head Tower on Batch Plant	7.02	.45	.45	.03	Over 8 cu. yds. to and incl. 10 cu. yds.	6.54	.475	.325			
Wagner Roller & similar type Whirley Crane	7.02	.45	.45	.03	Over 10 cu. yds. - additional \$.08 per hour each additional 2 cu. yds. increment						
Whirley Crane	7.55	.45	.45	.03							
Water Pull, when used for compaction	7.02	.45	.45	.03							
Washing and Screening Plant Oiler	6.51	.45	.45	.03							
Washing and Screening Plant Oiler											

POWER EQUIPMENT OPERATORS (cont'd)						(4-4)					
MONT-1 E200-2-3-b			Fringe Benefits Payments			MONT-1 E200-2-3-b			Fringe Benefits Payments		
Basic Hourly Rate	H & W	Permits	Vacation	App. To.	Other	Basic Hourly Rate	H & W	Permits	Vacation	App. To.	Other
Track-type front end loaders, over 15 cu. yds.	\$7.45	.45	.45	.03		COMBINATION TRUCK; Concrete Mixer and Transit Mixer:					
Track-type tractor with or without attachments	7.02	.45	.45	.03	To and incl. 4 cu. yds.	\$6.30	.475	.325			
Track-type tractor, on Euclid Loader	7.20	.45	.45	.03	Over 4 cu. yds. to and incl. 6 cu. yds.	6.38	.475	.325			
Track-type tractor, on Euclid Loader	7.02	.45	.45	.03	Over 6 cu. yds. to and incl. 8 cu. yds.	6.46	.475	.325			
Trenching Machine	7.02	.45	.45	.03	Over 8 cu. yds. to and incl. 10 cu. yds.	6.54	.475	.325			
Turnhead Conveyor, or Head Tower on Batch Plant	7.02	.45	.45	.03	Over 10 cu. yds. - additional \$.08 per hour each additional 2 cu. yds. increment						
DISTRIBUTOR DRIVER AND HELPER	7.02	.45	.45	.03							
DAY BATCH TRUCKS:											
3 Batch or under:											
Over 3 Batch to and incl. 5 Batch											
Over 5 Batch to and incl. 10 Batch											
Over 10 Batch to and incl. 15 Batch											
Over 15 Batch - additional \$.15 per hour each additional 5 Batch increment											
DUMPMAN, GRAVEL SPREADER BOX; Pickup Driver, Hauling Materials; Pilot Car Driver, Teamsters and Helpers; Warehousemen, Partsmen, Cardex men, Warehouse Expediter											
DUMP TRUCKS AND SIMILAR EQUIPMENT WATER LEVEL CAPACITY, INCLUDING SIDEBOARDS:											
7 cu. yds. or less:											
Over 7 cu. yds. to and incl. 10 cu. yds.											
Over 10 cu. yds. to and incl. 15 cu. yds.											
Over 15 cu. yds. to and incl. 20 cu. yds.											
Over 20 cu. yds. to and incl. 25 cu. yds.											
Over 25 cu. yds. to and incl. 30 cu. yds.											
Over 30 cu. yds. to and incl. 35 cu. yds.											
Over 35 cu. yds. to and incl. 40 cu. yds.											
Over 40 cu. yds. to and incl. 45 cu. yds.											
Over 45 cu. yds. - additional \$.06 per hour each additional 5 cu. yds. increment											
DUMPSTERS											

MONT-1 - D-1-2-3-5

(2-2)

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments				Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Parachute Vestiment	Vacation	App. Tr.		H & W	Parachute Vestiment	Vacation	App. Tr.
DET 200, DM 21, or EUCOLID 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										
SEVICEMEN	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 TIREMAN	6.32	.475	.325							
LODGEOTS, FOUR-WHEEL TRAILER, FLOAT SEMI-TRAILER	6.40	.475	.325							
LUMBER CARRIERS, LIFT TRUCKS; Power brooms	6.14	.475	.325							
WATER TANK DRIVERS, PETROLEUM PRODUCTS TANKERS:										
Over 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										
VINCH, A-FRAME, SWEDISH CRANE, HYDRA-LIFT, CONCRETE, AND CONCRETION MULCHING, SEEDING AND FERTILIZING	6.30	.475	.325							
TRUCK MECHANIC	6.79	.475	.325							

NOTICES

REMAINING COUNTRIES	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. To:	
<u>LINE CONSTRUCTION:</u> (Jobs 69,000 volts or less)						
Cable splicer	\$7.18	.25	15	15		
Linemen	6.49	.25	15	15		
Line equipment operators; Fudermen	6.38	.25	15	15		
Experienced groundmen (2 yrs.); Truck drivers	5.05	.25	15	15		
Groundmen	4.49	.25	15	15		
(Jobs over 69,000 volts) and/or (projects of \$400,000 or over)						
Cable splicers	7.36	.25	15	15		
Linemen; Pole sprayer	6.99	.25	15	15		
Line equipment operators; Fudermen	6.42	.25	15	15		
Groundmen	5.31	.25	15	15		

STATE: Texas
 DECISION NO.: AD-28
 Supersedes Decision No. AD-726, dated April 27, 1973, in 38 FR 10554.
 DESCRIPTION OF WORK: Building Construction, (excluding single family houses and garden type apartments up to and including 4 stories).

BUILDING CONSTRUCTION				33 - Texas - 1 - 2 (1 - 2)					
				Fringe Benefits Payments					
Basic Hourly Rates	H & W	Frailties	Vacation	App. To:	H & W	Pensions	Vacation	App. To:	Other
ASBESTOS WORKERS									
\$7.02	.50	.495		.05	\$6.29	.20	.10	.15	.05
6.50	.30	.50		.02	5.35	.20	.10	.15	.03
7.45	.275	.30		.03	4.13	.20	.10	.15	.03
BONZAIERS									
BROOKEVATORS									
CARPENTERS:									
Carpenters	7.02	.45	.30	.05	5.72	.25	.125	.125	.05
Hillbenders	7.29	.45	.30	.05	6.62	.25	.10	.10	.05
Piledrivers	7.02	.45	.30	.05	8.35	.30	.15	.15	.05
CEMENT MASONS	6.60	.44	.37	.02	7.45	.20	.10	.15	.03
ELECTRICIANS	7.49	.28	12+3.0	.03	6.50	.20	.10	.15	.03
ELEVATOR CONSTRUCTORS	7.06	.345	.23	.03	7.45	.20	.10	.15	.03
ELEVATOR CONSTRUCTORS' HELPS	70.12	.345	.23	.03	7.45	.20	.10	.15	.03
ELEVATOR CONSTRUCTORS' HELPS (200%)	500.13				7.45	.20	.10	.15	.03
GLAZIERS	6.75	.225	.20	.01	7.45	.20	.10	.15	.03
IRONWORKERS:					7.45	.20	.10	.15	.03
Structural; Ornamental; Reinforcing	7.145	.40	.50	.03	7.45	.20	.10	.15	.03
LABORERS:					7.45	.20	.10	.15	.03
Common	4.90	.28	.20	.02	7.45	.20	.10	.15	.03
Air tool operator (Jachameter -					7.45	.20	.10	.15	.03
vibrator)					7.45	.20	.10	.15	.03
Mason tenders	5.075	.28	.20	.02	7.45	.20	.10	.15	.03
Pipelayers (concrete & clay)	5.075	.28	.20	.02	7.45	.20	.10	.15	.03
Sandblasters	5.075	.28	.20	.02	7.45	.20	.10	.15	.03
Powder blaster operators	5.075	.28	.20	.02	7.45	.20	.10	.15	.03
Labor tenders	5.175	.28	.20	.02	7.45	.20	.10	.15	.03
Mortar mixers	5.175	.28	.20	.02	7.45	.20	.10	.15	.03
Well driller's helpers	5.45	.28	.20	.02	7.45	.20	.10	.15	.03
Blaster, powderman	5.025	.28	.20	.02	7.45	.20	.10	.15	.03
Plasterer tender & hod carrier	5.175	.28	.20	.02	7.45	.20	.10	.15	.03
MASSIVE MASONS	6.50				7.45	.20	.10	.15	.03
PAINTERS:									
Painters on swinging stage work or	5.675	.55	.45	.065	7.075	.25	.10	.15	.03
using materials injurious to the					7.485	.225	.10	.15	.03
skin					7.425	.375	.55	.55	.045
PLASTERERS:					6.825	.27	.10	.15	.03
PLUMBERS:					7.075	.225	.10	.15	.03
Commercial work up to \$50,000					7.685	.225	.10	.15	.03
Commercial work \$50,000 & over									

NOTICES

AD-26 V. 2

BUILDING CONSTRUCTION										33 - Texas - 1 - 2 (1 - 2)					
				Fringe Benefits Payments											
Basic Hourly Rates	H & W	Frailties	Vacation	App. To:	H & W	Pensions	Vacation	App. To:	Other						
ROOFERS:															
Roofers					\$6.29	.20	.10	.15	.05						
Kettleman					5.35	.20	.10	.15	.05						
Helpers					4.13	.20	.10	.15	.05						
SHED METAL WORKERS					5.72										
SPRINKLER PLUMBERS					6.62	.25	.125	.125	.05						
STURMANS					8.35	.30	.15	.15	.05						
TILE SETTERS					7.45	.275	.20	.20	.05						
TRUCK DRIVERS:					6.50										
Under 1½ tons; wash, grease, tire, man, fuel, pump operation when used on construction jobs															
1½ thru 2½ tons; dump truck less than 7 yrs.															
Over 2½ tons; farm tractor; forklifts, floats															
EUCILIS (not self-loading)															
Warehouses															
Material checkers; pick-up drivers															
WENDERS - receive rate prescribed for craft; performing operation to which welding is incidental															
H.D. HOLIDAYS:															
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day															
a - 1st 6 mos. + none; 6 mos. to 5 yrs. - 2½ over 5 yrs. - 4½ of basic hourly rate.															
b - Paid Holidays - A through F.															
PIPPERS:															
East of the Trinity River:															
Commercial work to \$50,000															
Commercial work \$50,000 & over															
West of the Trinity River															
PLASTERERS:															
Commercial work up to \$50,000															
Commercial work \$50,000 & over															

NOTICES

AO-28 P. 3 14 - Texas - 720 - 1 3 (1 - 2) AO-28 P. 4 14 - Texas - 720 - 1 3 (2 - 2)

POWER EQUIPMENT OPERATORS	BUILDING CONSTRUCTION				Fringe Benefits Payments			
	Basic Hourly Rates	H & W	Permits	Vacation	Asst. To	Other	H & W	Permits
HEAVY EQUIPMENT								
Heavy Duty Mechanic; Blade Grader, Self-propelled; Ball Glass; Back Filler; Derrick-power operated (all types); Clam Shell; Dragline; Push Car Operator; Bull Doser; 5 all types; Cat Tractors; Cable-dig; Backhoe; Shovel, power operated; Crane, power operated (all types); Elevating Grader; Self-propelled; Hoist, Motor-Driven, Two Drums or more; Mix Mobiles; Water Well Drilling Machines, used on Construction; Building Elevator, used on Construction; Tug Boat Operator, Assigned to Construction; Winch Truck; Locomotive Crane; Concrete Mixer, 14 cu. ft. or more; Paving Mixer (all types); Pile Driver; Scraper, Heavy Type, over 3 cu. yds.; Trenching Machines (all sizes); Griddle; High-Lift; Quad-creeper; Piling Machine; Gasoline or Diesel-Driven Welding Machines, 7 or more; Pumpcrete Machine Operators; Tunnels; 30-10 Caterpillar, S-18 Euclid and Similar Tractors; Asphalt Plant Mixer Operator on Job; Cruiser Operator on Job; Scoopmobiles; Forklift, used on construction (not including waste-housing); Well Point Pump; Concrete Batch Plant Operator; Pneumatic Rollers, Self-propelled; All other equipment of similar nature coming under the Heavy Equipment Class, when power operated	\$6.95	.30	.40					

AO-28 P. 4 14 - Texas - 720 - 1 3 (2 - 2)

AO-28 P. 4 14 - Texas - 720 - 1 3 (2 - 2)

POWER EQUIPMENT OPERATORS	BUILDING CONSTRUCTION				Fringe Benefits Payments			
	Basic Hourly Rates	H & W	Permits	Vacation	Asst. To	Other	H & W	Permits
LIGHT EQUIPMENT								
Air Compressors; Blade Grader, Towed; Flex Plans; Form Grader; Concrete Mixer, less than 14 cu. ft.; Pumps; Pulsometer; Truck crane Driver; Gasoline or diesel Driven Welding Machines (on 3 or more, up to 6 machines); Rotat, Single Drum; Scraper, 3 cu. yds. or less; Wagon Drill Operator; Conveyor; Generator, Gasoline or diesel; driven, over 1500 watts; Rubber Tired Farm Tractor with attachments; A light Equipment Operator may run 1 or 2 105 cfm compressors; All other equipment of similar nature coming under the Light Equipment Class, when power operated	\$6.27	.30	.40					

FIREMAN
OLIZZ

LINE CONSTRUCTION:
Lineman
Groundmen
Groundmen (last 6 mos.)

\$8.035
5.50
4.00
*28
*28
*28
1/2%
1/2%
1/2%

RESIDENTIAL, RUSTIC & UTILITIES
(EXCLUDING CALVERTON ISLAND)

14 - Texas - 3 1 (1 - 2)

$$14 = \text{Text} - 3 - 4 - (2 + 2)$$

Basic Hourly Rates	Fringe Benefits Requests			App. To	Deliver
	H & W	Pensions	Vacation		
\$2.90					
3.10					
2.50					
3.15					
4.00					
3.00					
4.00					
3.25					
2.45					
3.55					
3.00					
3.15					
5.70					
3.75					
2.75					
3.85					
3.50					
2.75					
3.75					
3.00					
2.25					
4.00					
3.25					
3.50					
4.50					
3.00					
4.00					
3.50					
3.00					
3.50					
3.50					
3.45					
3.00					

INCIDENTAL PAYING & UTILITIES
(EXCLUDING GALTSON ISLAND)

INCIDENTAL PAVING & UTILITIES (EXCLUDING GALVESTON ISLAND)	Power Equipment Operators:
Asphalt Distributor	
Asphalt Paving Machine	
Builder, 150 HP and Less	
Builder, over 150 HP	
Concrete Paving, Cutting Machine	
Concrete Paving, Finishing Machine	
Concrete Paving, Pore Grader	
Concrete Paving, Joint Machine	
Concrete Paving, Mixer	
Concrete Paving Saw	
Concrete Paving Spreader	
Crane, Classshell, Backhoe, Derricks	
Crashline, Shovel, (less than 11 cu yds)	
Crane, Classshell, Backhoe, Derricks	
Crashline, Shovel (11 cu yds and over)	
Crusher or Screening Plant Operator	
Foundation Drill Operator (Crane Mounted)	
Front End Loader (2 1/2 CY and less)	
Front End Loader (Over 2 1/2 CY)	
Hiker (16 CY and less)	
Motor Grader Operator, Pine Grader	
Roller, Steel Wheel (Pavement-Hit Pavers)	
Roller, Steel Wheel (Other Pavement)	
Roller, Pneumatic (Self-Propelled)	
Scraper (17 CY and less)	
Scraper (Over 17 CY)	
Self-Propelled Hammer	
Tractor (Crawler Type) 150 HP and less	
Tractor (Crawler Type) over 150 HP	

NOTICES

$$14 = \text{Texas} - 3 - 4 - (2 + 2)$$

$$-3 \quad 1 \quad (2+2)$$

STATE: Texas
 DECISION NO.: AQ-29
 Superseded Decision No. AP-722, dated April 27, 1973, in 38 FR 10588.
 DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

BUILDING CONSTRUCTION				14 - Texas - 1 x (1 - 2)			
Basic Hourly Rates	Fringe Benefits Projects			App. To:	Other		
	H & W	Pensions	Vacation				
\$7.02	.50	.495	.03				
6.60	.30	.50	.02				
7.45	.275	.30	.03				
7.02	.45	.30	.05				
7.29	.45	.30	.05				
7.02	.45	.30	.05				
6.60	.44	.37	.05				
7.30	.25	.35	.06				
7.06	.345	.23	.015				
7.053	.345	.23	.015				
GLAZIERS							
STRUCTURAL: Reinforcing							
LABORERS:							
Common	4.90	.28	.20	.02			
Air tool operator (Jackhammer - vibratory)	5.075	.28	.20	.02			
Shovel tenders	5.075	.28	.20	.02			
Piglayers (concrete and clay)	5.075	.28	.20	.02			
Sandblasters	5.075	.28	.20	.02			
Power buggy operator	5.075	.28	.20	.02			
Laborer Center	5.175	.28	.20	.02			
Mortar mixers	5.175	.28	.20	.02			
Well driller	5.45	.28	.20	.02			
Well driller helpers	5.025	.28	.20	.02			
Blaster, powdermen	5.325	.28	.20	.02			
Plaster tender & hod carrier	5.175	.28	.20	.02			
Lathers	7.25	.20	.15				
PAINTERS:							
East Harris County:							
All brush painting, hand roller	7.00						
All spray painting, sandblasting, waterblasting							
Steeple jack work, hot materials	7.455						
Remainder of County:							
Brush							
Boiler, steam cleaning, pneumatic tools	6.285	.275	.30	.03			
Spray	6.60	.275	.30	.03			
Sandblasting-waterblasting	6.60	.275	.30	.03			
Steeple jack work, hot materials	6.91	.275	.30	.03			

BUILDING CONSTRUCTION

PIPERITERS
 PLASTERERS
 PLUMBERS
 ROOFERS
 Roofers
 Kettlemen
 Helpers
 SWEET METAL WORKERS
 SOFT FLOOR LAYERS
 SPRINKLER & FITTER IS
 TILE SETTER IS, MARBLE MASONS, MOSAIC
 6' TO 10'2" WORKERS
 TRUCK DRIVERS:
 Under 1½ tons: wash, grease, tire-
 man, fuel pump operation when
 used on construction jobs
 1½ thru 2½ tons: dump truck less
 than 7 yds.
 Over 2½ tons: farm tractors; fork
 lifts, floats
 Potholes (not self-loading)
 Warehouses
 Material checkers; pick-up drivers
 WELDERS - receive rate prescribed
 for craft performing operation to
 which welding is incidental.

NOTES:

a - Inc 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rates.
 b - 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

Zeele Harris County:
 All brush painting, hand roller
 All spray painting, sandblasting
 waterblasting
 Steeple jack work, hot materials
 Remainder of County:
 Brush
 Boiler, steam cleaning, pneumatic
 tools
 Spray
 Sandblasting-waterblasting
 Steeple jack work, hot materials

Basic Hourly Rates	Fringe Benefits Projects			Basic Hourly Rates	H & W	Pensions	Vacation	App. To:	Other
	H & W	Pensions	Vacation						
\$7.625	.375	.55		7.03	.27	.30			.065
				7.08	.32	.42			.06

NOTICES

AC-29 P. 3		14 - Texas - 200 - 1 - m		(1 - 2)		14 - Texas - 200 - 1 - m		(2 - 2)			
BUILDING CONSTRUCTION				Fringe Benefits Payments				Fringe Benefits Payments			
Basic Hourly Rates	H & W	Pensions	Vacation	Appl. To:	Category	H & W	Pensions	Vacation	Appl. To:	Other	
POWER EQUIPMENT OPERATORS											
HEAVY EQUIPMENT											
Heavy Duty Mechanic; Blade Grader; Self-propelled; Bull Dozer; Backfiller; Derrick-power operated (all types); Clean-Shell; Draglines; Push Cat Operator; Bull Dozer & all types Cat Tractors; Cable-Ways; Backhoe; Shovel, power operated; Crane, power operated (all types); Elevating Grader, Self-propelled; Hoist, Motor-driven, Two Urns or more; Mix Mobile; Water Well Drilling Machines, Used on Construction Building Elevator, used on Construction; Tug Boat Operator, Assigned to Construction; Winch Truck; Locomotive Crane; Construction Boring Machine; Gasoline or Diesel-driven Welding Machines, 7 or more; Pumper Machine Operators; Tarpauli; 10-10 Caterpillar, S-18 Euclid and Similar Tractors; Asphalt Plant Mixer Operator on Job; Crusher; Operator on Job; Scoopmobiles; Forklift, used on construction (not including warehousing); Wall Pile Pump; Concrete Batches; Operator; Pneumatic Rollers, Self-propelled; All other equipment of similar nature coming under the Heavy Equipment Class, when power operated											
BUILDING CONSTRUCTION											
LIGHT EQUIPMENT											
Air Compressor; Blade Grader, Towed; Flex Placer; Burn Grade; Concrete Mixer, less than 14 cu. ft.; Pump; Polymeter; Truck crane; Driven; Gasoline or diesel Driven Welding Machines (on 3 or more, up to 6 machines); Hoist, Single; Drum; Scraper, 3 cu. yds. or less; Wagon Drill Operator; Conveyor; Generator, Gasoline or diesel-driven, over 1500 watts; Rubber Tired Farm Tractor with attachments; A Light Equipment Operator may run 1 or 2 100 cfm compressors; All other equipment of similar nature coming under the Light Equipment Class, when power operated											
POWER EQUIPMENT OPERATORS											
LINEN											
Lineman	\$8.00	.30	.40								
Groundmen	5.50	.30	.40								
Groundmen (1st 6 mos.)	4.00	.30	.40								
BUILDING CONSTRUCTION											
LINE CONSTRUCTION:											
Lineman	\$8.00	.30	.40								
Groundmen	5.50	.30	.40								
Groundmen (1st 6 mos.)	4.00	.30	.40								
POWER EQUIPMENT OPERATORS											
PAINT											
Painter	\$5.83	.30	.40								
OILER	5.69	.30	.40								
LINE CONSTRUCTION:											
Lineman	\$8.00	.30	.40								
Groundmen	5.50	.30	.40								
Groundmen (1st 6 mos.)	4.00	.30	.40								
POWER EQUIPMENT OPERATORS											
PAINT											
Painter	\$5.83	.30	.40								
OILER	5.69	.30	.40								
LINE CONSTRUCTION:											
Lineman	\$8.00	.30	.40								
Groundmen	5.50	.30	.40								
Groundmen (1st 6 mos.)	4.00	.30	.40								
POWER EQUIPMENT OPERATORS											
PAINT											
Painter	\$5.83	.30	.40								
OILER	5.69	.30	.40								
LINE CONSTRUCTION:											
Lineman	\$8.00	.30	.40								
Groundmen	5.50	.30	.40								
Groundmen (1st 6 mos.)	4.00	.30	.40								
POWER EQUIPMENT OPERATORS											
PAINT											
Painter	\$5.83	.30	.40								
OILER	5.69	.30	.40								
LINE CONSTRUCTION:											
Lineman	\$8.00	.30	.40								
Groundmen	5.50	.30	.40								
Groundmen (1st 6 mos.)	4.00	.30	.40								
POWER EQUIPMENT OPERATORS											
PAINT											
Painter	\$5.83	.30	.40								
OILER	5.69	.30	.40								
LINE CONSTRUCTION:											
Lineman	\$8.00	.30	.40								
Groundmen	5.50	.30	.40								
Groundmen (1st 6 mos.)	4.00	.30	.40								
POWER EQUIPMENT OPERATORS											
PAINT											
Painter	\$5.83	.30	.40								
OILER	5.69	.30	.40								
LINE CONSTRUCTION:											
Lineman	\$8.00	.30	.40								
Groundmen	5.50	.30	.40								
Groundmen (1st 6 mos.)	4.00	.30	.40								
POWER EQUIPMENT OPERATORS											
PAINT											
Painter	\$5.83	.30	.40								
OILER	5.69	.30	.40								
LINE CONSTRUCTION:											
Lineman	\$8.00	.30	.40								
Groundmen	5.50	.30	.40								
Groundmen (1st 6 mos.)	4.00	.30	.40								
POWER EQUIPMENT OPERATORS											
PAINT											
Painter	\$5.83	.30	.40								
OILER	5.69	.30	.40								
LINE CONSTRUCTION:											
Lineman	\$8.00	.30	.40								
Groundmen	5.50	.30	.40								
Groundmen (1st 6 mos.)	4.00	.30	.40								
POWER EQUIPMENT OPERATORS											
PAINT											
Painter	\$5.83	.30	.40								
OILER	5.69	.30	.40								
LINE CONSTRUCTION:											
Lineman	\$8.00	.30	.40								
Groundmen	5.50	.30	.40								
Groundmen (1st 6 mos.)	4.00	.30	.40								
POWER EQUIPMENT OPERATORS											
PAINT											
Painter	\$5.83	.30	.40								
OILER	5.69	.30	.40								
LINE CONSTRUCTION:											
Lineman	\$8.00	.30	.40								
Groundmen	5.50	.30	.40								
Groundmen (1st 6 mos.)	4.00	.30	.40								
POWER EQUIPMENT OPERATORS											
PAINT											
Painter	\$5.83	.30	.40								
OILER	5.69	.30	.40								
LINE CONSTRUCTION:											
Lineman	\$8.00	.30	.40								
Groundmen	5.50	.30	.40								
Groundmen (1st 6 mos.)	4.00	.30	.40								
POWER EQUIPMENT OPERATORS											
PAINT											
Painter	\$5.83	.30	.40								
OILER	5.69	.30	.40								
LINE CONSTRUCTION:											
Lineman	\$8.00	.30	.40								
Groundmen	5.50	.30	.40								
Groundmen (1st 6 mos.)	4.00	.30	.40								
POWER EQUIPMENT OPERATORS											
PAINT											
Painter	\$5.83	.30	.40								
OILER	5.69	.30	.4								

NOTICES

INCIDENTAL PAVING & UTILITIES					
Basic Hourly Rates	Fringe Benefits Payments				
	H & W	Franchise	Vacation	App. Tu.	Other
\$2.90					
Air Tool Man					
Asphalt Baker	3.10				
Asphalt Shovelier	2.50				
Batching Plant Scaleman	3.15				
Carpenter	4.00				
Carpenter Helper	3.00				
Concrete Finisher (Paving)	4.00				
Concrete Finisher Helper (Structure)	3.25				
Concrete Finisher (Structure)	3.65				
Concrete Finisher Helper (Structures)	3.00				
Concrete Rubber	3.15				
Electrician	5.70				
Form Builder (Structures)	3.75				
Form Builder Helper (Structures)	2.75				
Form Liner (Paving and Curb)	3.15				
Form Setter (Paving and Curb)	3.50				
Form Setter Helper (Paving and Curb)	2.75				
Form Setter (Structures)	3.75				
Form Setter Helper (Structures)	3.00				
Laborer, Common	2.15				
Laborer, Utility Man	2.75				
Manhole Builder, Brick	4.00				
Mechanic	4.00				
Mechanic Helper	3.35				
Other	3.15				
Serviceman	3.30				
Painter (Structures)	4.50				
Painter Helper (Structures)	3.00				
Plasterer	4.00				
Pipelayier	3.50				
Pipelayier Helper	3.00				
Reinforcing Steel Setter (Paving)	3.50				
Reinforcing Steel Setter (Structures)	3.60				
Reinforcing Steel Setter Helper	2.85				
Steel Worker (Structural)	3.50				
Steel Worker Helper (Structural)	3.45				
Sign Erector	3.00				

INCIDENTAL PAVING & UTILITIES					
Basic Hourly Rates	Fringe Benefits Payments				
	H & W	Franchise	Vacation	App. Tu.	Other
\$3.25					
Asphalt Distributor					
Asphalt Paving Machine	3.50				
Bulldozer, 150 HP and Less	3.25				
Bulldozer, over 150 HP	3.70				
Concrete Paving Cutting Machine	3.35				
Concrete Paving Finishing Machine	3.40				
Concrete Paving Form Grader	3.25				
Concrete Paving Joint Machine	3.25				
Concrete Paving Mixer	4.00				
Concrete Paving Saw	3.25				
Concrete Paving Spreader	3.90				
Crane, Crawler, Backhoe, Derrick,					
Crane, Shovel (less than 1k cu.)	3.75				
Crane, Crawler, Backhoe, Derrick,					
Crane, Shovel (1k cu and over)	4.00				
Crusher or Screening Plant Operator	3.25				
Foundation Drill Operator (Crawler Mounted)	4.35				
Foundation Drill Operator (Truck Mounted)	4.00				
Front End Loader (2k cu and less)	3.25				
Front End Loader (over 2k cu)	3.45				
Mixer (16 cu and less)	3.25				
Motor Grader Operator, Fine Grade	4.00				
Motor Grader Operator	3.50				
Roller, Steel Wheel (Plant-Mix Pavement)	3.00				
Roller, Steel Wheel (Crawler-Plant)	3.00				
Roller, Pneumatic (Crawler-Plant)	2.75				
Scrapers (1/7 cu and less)	3.00				
Scrapers (over 1/7 cu)	3.25				
Self-Propelled Hammer	3.25				
Tractor (Crawler Type) 150 HP and Less	3.00				
Tractor (Crawler Type) over 150 HP	3.45				
Tractor (Pneumatic) over 80 HP	2.75				
Treeching Machine, Light	3.50				
Truck Drivers:					
Single Axle, Light	2.50				
Single Axle, Heavy	2.75				
Tandem Axle or Semitrailer Transit-Six	2.50				
Winch	3.15				
Vibrator Man (Hand Type)	2.50				
Weighman (Truck Scales)	2.50				
Welder	4.60				
Welder Helper	2.75				

SUITABILITY DISCUSSION

STATE: Texas
DECISION NO.: AD-30
Superseded Decision No. AD-725, dated April 27, 1973, to 38 FR 10600.
DEFINITION OF WORK: Building Construction, (excluding single family
homes and garden type apartments up to and including 4 stories).

26 - Texas - 1 u (1 - 2)

BUILDING CONSTRUCTION		BUILDING CONSTRUCTION		24 - Texas - 1 u (2 - 2)	
Basic Hourly Rate	H & W	Basic Hourly Rate	H & W	Fringe Benefits Payable	Fringe Benefits Payable
\$7.25	.30	.25	.02		
6.80	.30	.50	.02		
6.65					
6.05	.25	.30	.01		
5.25					
ELECTRICIANS:		ELECTRICIANS:		1/10% 1/10%	
Electricians		6.70	.25	15	15
Cable splicers		6.95	.25	15	15
IRONWORKERS:		IRONWORKERS:		1/10% 1/10%	
Structural; Ornamental; Reinforcing		6.38	.40	.50	.10
All ironworkers on jobs (30) miles or more from the city of Lubbock		6.505	.40	.50	.10
LABORERS:		LABORERS:		.01	
Construction laborers, including					
excavation, pouring concrete,					
carpenter, tucker, reinforced,					
shoring, digging, loading and					
unloading materials, wrecking					
buildings and all structures and					
all construction laborers except					
those named below					
Air tool operator (jackhammers, vibrators, tamper, brush hammer, chipping hammer, air or electric), power buggy man, pipelayer (concrete and clay and all non-metallic pipe); handling, laying and cleaning concrete pipe		3.775	.275	.275	.01
Mortar mixers, sagoon tenders, plasterer tenders, cement finisher tenders, lather tenders		4.05	.275	.275	.01
Wagon drill		3.975	.275	.275	.01
Plasterers and powder make-up men		4.125	.275	.275	.01
Lathers		4.375	.275	.275	.01
PAINTERS:		6.625	.20	.20	.01
Brush		5.75			
Spray		6.40			

NOTICES

AD-30 7-2

BUILDING CONSTRUCTION		BUILDING CONSTRUCTION		PLASTERERS	
Basic Hourly Rate	H & W	Basic Hourly Rate	H & W	Fringe Benefits	Fringe Benefits
\$5.875		6.60			
		7.32			
		5.75			
		6.35			
		3.00			
PLASTERERS - STEAMPITERS		PLASTERERS - STEAMPITERS		.35	
SHEET METAL WORKERS		SHEET METAL WORKERS		.50	
SOFT FLOOR LAYERS		SOFT FLOOR LAYERS		.05	
SPRINKLER FITTERS		SPRINKLER FITTERS			
TRUCK DRIVERS		TRUCK DRIVERS			
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

NOTICES

AO-30 P-4

AO-30 P-3

BUILDING CONSTRUCTION		Fringe Benefits Payable				Fringe Benefits Payable				
Basic Hourly Rates	H & W	Pensions	Vacation	Ap. To.	Overn.	H & W	Pensions	Vacation	Ap. To.	Overn.
POWER EQUIPMENT OPERATORS										
HEAVY EQUIPMENT OPERATORS										
Drilling machine (all types); Scrapers; Hoists, two drums or more; Winch truck; Six wheel truck, when used continuously for 5 days; Mammobile; Locomotives; Mixers, 14 cubic feet or over; Blade Graders, self-propelled; Cableways; Cranes - power operated to 100 feet; Dordson type backhoe; Derricks, power operated (all types); Griddle; Hy-ho; Hop-toi; Paving mixers (all types); Pile- drivers; Mobile concrete mixers, over 14 cubic feet; Ballioners, loaders, tracorators; Scrappers and pullers; Welders; Trenching machines; Solder, ten tons or over; Air compressors, three; Air compressor & one pump; Pump, three or more; Air compressor & air tugger; Boilers, two or more fired by one man; Heavy duty mechanic	\$5.00	.30	.50	.10						
LIGHT EQUIPMENT OPERATORS										
Air compressor (1); Pump (1); Pulrometer; Conveyor; Throttle valves; Wagon drill; Elevators building; Form Grader; Hoist, single drum; Mixers, less than 14 cubic feet; Screening plants; Welding machines, gas & diesel (2 or more); Crushing plants; Rock lifts (short, under 25 feet); Concrete pumps (all types); Bobcat type equipment; Ford tractor or lorry with any attachment (except backhoe)	5.50	.30	.50	.10						
OILERS (ALL TYPES)										
Oilers (all types)	4.70	.30	.50	.10						

24 - Texas - 3 1 (1 + 2)			
Basic Hourly Rates	H & W	Pensions	Vacation
\$2.70			
Asphalt Baker	3.00		
Asphalt Shoveler	2.35		
Batching Plant Scaleman	2.95		
Carpenter	3.75		
Carpenter Helper	3.25		
Concrete Finisher (Paving)	3.60		
Concrete Finisher (Structures)	3.25		
Concrete Finisher Helper (Structures)	2.80		
Form Builder (Structures)	3.25		
Form Setter (Structures)	3.50		
Form Setter Helper (Structures)	2.50		
Laborer, Common	2.00		
Laborer, Utility Man	2.50		
Mechanic	3.40		
Mechanic Helper	2.25		
Oilier	2.70		
Serviceeman	3.00		
Toolerman	3.25		
Toolerman Helper	2.50		
Sign Tractor	2.75		
Sign Erector Helper	2.25		
Spreader Box Man	2.75		
Spreader	2.55		
Power Equipment Operators:			
Asphalt Distributor	3.00		
Asphalt Paving Machine	3.00		
Broom or Sweeper Operator	2.25		
Bulldozer, 150 HP and Less	3.25		
Bulldozer, over 150 HP	3.50		
Crane, Clawshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CT)	3.50		
Crane, Clawshell, Backhoe, Derrick, Dragline, Shovel (1½ CT and Over)	3.75		
Crusher or Screening, Plane Operator Mounted)	3.00		
Front End Loader (2½ CT and Less)	3.55		
Front End Loader (Over 2½ CT)	3.00		
	3.25		

		24 - Texas - 3 1 (2 - 2)	
		Prelge Benefits Payment	
	Basic Hourly Rate	H&W	Per Diem
INCIDENTAL PAVING & UTILITIES			
Power Equipment Operators (Cone &4):			
Motor Grader Operator, Pine Grade	\$4.10		
Motor Grader Operator	3.50		
Roller, Steel Wheel (Plant-Mix Pavements)	2.60		
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	2.55		
Roller, Pneumatic (Self-Propelled)	2.45		
Scrapers (17 CT and Less)	3.00		
Scrapers (Over 17 CT)	3.50		
Tractor (Crawler Type) 150 HP and Less	2.50		
Tractor (Crawler Type) over 150 HP	3.00		
Tractor (Pneumatic) 80 HP and Less	2.50		
Tractor (Pneumatic) over 80 HP	3.00		
Traveling Mixer	3.15		
Wagon Drill, Boring Machine or Pothole Driller Operator	3.00		
Truck Drivers:			
Single Axle, Light	2.25		
Single Axle, Heavy	2.25		
Tandem Axle or Semitrailer	2.25		
Transit-HDX	3.10		
Welder (Truck Scales)	2.25		
Welder	3.00		

LINE CONSTRUCTION:		
Lineran Operators	\$6.70	.25
Groundmen (more than 1 year experience)	5.36	.25
Groundmen (less than 1 year experience)	3.69	.25
Flat bed truck operator	3.25	.25
	4.69	.25
		.25

NOTICES

AQ-31 p. 2

SUBSEQUENT DECISION

STATE: Texas
 DECISION NO.: AQ-31
 Supercedes Decision No. AQ-728, dated April 27, 1973, in 38 FR 16606.
 DESCRIPTION OF WORK: Building Construction, (excluding single family
 houses and garden type apartments up to and including 4 stories).

15 - Texas - 1 x (1 - 2)

Basic Hourly Rates	Fringe Benefits Payments					Basic Hourly Rates	Fringe Benefits Payments				
	H & W	Pensions	Vacation	Agc. Tc.	Other		H & W	Pensions	Vacation	Agc. Tc.	Other
BUILDING CONSTRUCTION											
ASBESTOS WORKERS	\$6.905	.35	.295	.02			\$5.445	.25	.25	2/10%	
BOILERMAKERS	6.80	.30	.50	.02			5.85	.25	.25	2/10%	
BRICKLAYERS	6.45	.15		.02			5.70	.25	.25	2/10%	
CAVENDISHES:							6.85				.01
Carpenters	5.88	.21	.07	.02			6.35	.15	.25		.035
Millwrights	6.23										
CONCRETE MASONRY	6.00	.15									
ELECTRICIANS:											
Electricians	7.50	.35	.15	1/2%							
Cable splicers	7.62	.35	.15	1/2%							
GLAZIERS	5.06	.20		1/2%							
IRONWORKERS:											
Structural: Ornamental	5.39	.40	.40	.06							
Reinforcing	5.265	.40	.40	.06							
LABORERS:											
General labor (any work not specifically defined herein)	3.55	.15	.10								
Craft tenders: Bricklayers, plasterers, tile setters, concrete 6. mortar mixers, pipelayers, lathers, finish carpenters, slip form operators, scaffolding, water profers, cement finishers	3.65	.15	.10								
Power tool operators - Includes paving buster, jackhammer, chip- ping gun, air tamper, barre tamper, electric vibrator, air or gasoline driven vibrator or drills, pump pumps and any and all power driven equipment operated by laborers	3.65	.15	.10								
Concrete masons	4.00	.15	.10								
Pipe wrappers & doopers	3.99	.15	.10								
Pounder man or blaster	4.00	.15	.10								
LATHERS	5.70	.20		1.00							
MASSIVE SETTERS, HELPERS	5.83										
MASSIVE SETTERS, HELPERS	4.02										

PAINTERS:

Brush

Spray

Sign

PLASTICS

PLUMBERS-STEAMFITTERS

ROOFERS:

Roofers

Kettlesmen

Waterproofers

Deckman

SHEET METAL WORKERS

SOFT FLOOR LAYERS

SPRINKLER FITTERS

TERRELL WORKEES

TERRELL WORKEES' HELPERES:

Terrazzo helpers

Floor machine operators

Base machine operators

TILE SETTERES

TILE SETTERES' HELPERES

WELDERS - receive rate prescribed
for craft performing operation to
which welding is incidental.

Craft tenders: Bricklayers,
plasterers, tile setters, concrete
6. mortar mixers, pipelayers,
lathers, finish carpenters, slip
form operators, scaffolding, water
profers, cement finishers
Power tool operators - Includes
paving buster, jackhammer, chip-
ping gun, air tamper, barre tamper,
electric vibrator, air or gasoline
driven vibrator or drills, pump
pumps and any and all power driven
equipment operated by laborers
Concrete masons
Pipe wrappers & doopers
Pounder man or blaster
LATHERS
MASSIVE SETTERS, HELPERS
MASSIVE SETTERS, HELPERS

NOTICES

AC-31, P. 4

AC-31, P. 3

15 - Texas - PEO - 1 a

BUILDING CONSTRUCTION		Fringe Benefits Payable			INCIDENTAL PAVING & UTILITIES		
Basic Hourly Rates	H & W	Position	Version	App. To:	H & W	Position	Version
<u>WORK EQUIPMENT OPERATORS</u>							
<u>LIGHT EQUIPMENT</u>							
Air compressor (1); Blade grader (towed); Conveyor; Fireman; Fork grader; Flexplana; Generator (gas or diesel over 1500 watts); Hoist (1 drum); Lubrication truck driver; Mixer (less than 14 cu. ft.); Pulsometer; Pump (1); Roller (towed); Tractor (wheel type); Truck crane driver-oiler; Wagon drill; Welding machines (3 to 6) other than electric; All other equipment of similar nature coming with light equipment of class when power operated	\$5.475	.15	.45				
<u>OLIVE</u>							
Oiler, first year	4.875	.15	.45				
Oiler, second year	5.025	.15	.45				
<u>HEAVY EQUIPMENT</u>							
Air compressors (2); Asphalt plant mixer; Backfiller; Back plant (concrete); Blade grader; Boring machine; Ball clam; Bulldozer; Cablesaw; Clamshell; Crane; power operated, all types; Crusher; Derrick, power operated, all types; Dragline; Elevator grader; Elevator, building (used on construction); Excavids & similar type machines; Forklift; Grade-sail; Hi-lift; Hoist (2 drums or more); Locomotive and switch engines; Mixer (paving); Mixer (concrete); Piledriver; Pumps (2); Pumper machine; Push cat or pull cat; Roller (flatsheel); Scraper (all types); Shovel (power); Scopemobile; Trench machine; Tug-boat (on construction); Turnspools and similar machines; Welding machines (7 to 13) other than electric; Well point; Winch truck; Mechanic; All other equipment of similar nature coming with heavy equipment class when power operated	6.05	.15	.45				

15 - Texas - 3

15 - Texas - 1 a

AC-31, P. 4

15 - Texas - 1 a

Fringe Benefits Payable

Basic
Hourly
Rates

H & W

Position

Version

App. To:

Others

Air Tool Man

Asphalt Basterman

Asphalt Baker

Asphalt Shoveler

Batching Plant Salesman

Batterboard Setter

Carpenter

Carpenter Helper

Concrete Finisher (Paving)

Concrete Finisher (Structures)

Concrete Finisher Helper (Structures)

Electrician

Electrician Helper

Form Builder (Structures)

Form Builder Helper (Structures)

Form Setter (Paving and Curb)

Form Setter Helper (Paving and Curb)

Form Setter (Structures)

Form Setter Helper (Structures)

Laborer, Common

Laborer, Utility Man

Manhole Builder, Brick

Mechanic

Mechanic Helper

Oilier

Pipelayer

Reinforcing Steel Setter (Structures)

Reinforcing Steel Setter Helper

Spreader Box Man

Power Equipment Operators:

Asphalt Distributor

Asphalt Paving Machine

Bulldozer, 150 HP and Less

Bulldozer, over 150 HP

Concrete Paving Saw

Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CT)

Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CT and Over)

NOTICES

AO-31, P. 5

15 • Texas - 3 1 (2 - 2)

AO-1, 021 1 - WKS - TD - 1-2-3 (1-2)

INCIDENTAL PAVING & UTILITIES	Fringe Benefits Payments					Basic Hourly Rates	H & W Fees	Vacation	App. To Overtime	Basic Hourly Rates	H & W Fees	Vacation	App. To Overtime	Basic Hourly Rates	H & W Fees	Vacation	App. To Overtime	Group	
	All Counties and parts of Counties East of the 120th Meridian																		
Power Equipment Operators (Cont'd.):																			
Front End Loader (2 1/2 CT and Less)	\$2.50																		
Front End Loader (Over 2 1/2 CT)	3.15																		
Motor Grader Operator, "Sine Grade"	3.75																		
Motor Grader Operator	3.00																		
Roller, Steel Wheel (Plast-Mix Pavements)	2.65																		
Roller, Steel Wheel (Other-Flat Wheel or Tamper)	2.05																		
Roller, Pneumatic (Self-Propelled)	2.00																		
Scrapers (1/2 CT and Less)	2.75																		
Scrapers (Over 1/2 CT)	2.90																		
Tractor (Crawler Type) over 150 HP	2.65																		
Tractor (Pneumatic) 80 HP and Less	2.00																		
Tractor (Pneumatic) over 80 HP	2.25																		
Traveling Shovel	2.50																		
Wagon Drill, Boring Machine or Pest Hole Drill Operator	3.25																		
Truck Drivers:																			
Single Axle, Light	2.00																		
Single Axle, Heavy	2.25																		
Tandem Axle or Semitrailer	2.50																		
Vibrator Van (Gas Type)	2.00																		
Welder	3.00																		
LINE CONSTRUCTION:																			
Linenman	\$1.22	.28	15																
Cable Splicer	7.345	.28	15																
Groundman	4.74	.28	15																

INCIDENTAL PAVING & UTILITIES

INCIDENTAL PAVING & UTILITIES	Fringe Benefits Payments					Basic Hourly Rates	H & W Fees	Vacation	App. To Overtime	Basic Hourly Rates	H & W Fees	Vacation	App. To Overtime	Basic Hourly Rates	H & W Fees	Vacation	App. To Overtime	Group	
	All Counties and parts of Counties East of the 120th Meridian																		
Power Equipment Operators (Cont'd.):																			
Front End Loader (2 1/2 CT and Less)	\$2.50																		
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Motor Grader Operator	3.00																		
Roller, Steel Wheel (Plast-Mix Pavements)	2.65																		
Roller, Steel Wheel (Other-Flat Wheel or Tamper)	2.05																		
Roller, Pneumatic (Self-Propelled)	2.00																		
Scrapers (1/2 CT and Less)	2.75																		
Scrapers (Over 1/2 CT)	2.90																		
Tractor (Crawler Type) over 150 HP	2.65																		
Tractor (Pneumatic) 80 HP and Less	2.00																		
Tractor (Pneumatic) over 80 HP	2.25																		
Traveling Shovel	2.50																		
Wagon Drill, Boring Machine or Pest Hole Drill Operator	3.25																		
Truck Drivers:																			
Single Axle, Light	2.00																		
Single Axle, Heavy	2.25																		
Tandem Axle or Semitrailer	2.50																		
Vibrator Van (Gas Type)	2.00																		
Welder	3.00																		
Group I																			
FLAT BED TRUCK, single rear axle;																			
Excav Driver; Fish Truck; Fork Lift;																			
3,000 lbs. & under; Flat Truck Driver																			
(Steam cleaner & washer); Helper &																			
Swampers; Leverman Loading Trucks at																			
Bunkers; Pickup Hauling Material;																			
Stationary Fuel Op.; Team Driver;																			
Tractor (small rubber tired pulling																			
trailer or sim. equip.); Water Tank																			
Truck 1,800 gallons																			
Group II																			
BUS DRIVER OR MANHOLE DRIVER: Flat Bed																			
Truck, dual rear axle; Fireman No. 1;																			
Warehouseman																			
6.75	.50																		
Group III																			
BUDDY MOBILE & SIM: Bulk Cement																			
Tanker; Oil Tank Driver; Power Operated																			
Sweeper; Semi-Trailer, low bed;																			
truck & Trailer; Straddle Carrier																			
(Ross, Byster & sim.); Transit Mixers																			
6 Trucks Hauling Concrete (over 3 yds. &																			
under); Trucks, side and bottom dump																			
dump (under 6 yds.); Water Tank Truck																			
(1,801 - 4,000 gallons)																			
6.80	.50																		
Group IV																			
AUTO CRANE - 2000 lbs. capacity; Bulk																			
Cement Spreader; Dumper (6 yds. &																			
under); Plaster Spreader; box driver;																			
Fork Lift (over 3,000 lbs.)																			
Oil Distributor Driver (road, boatman;																			
Leverman, helper); Rubber tired Tunnel																			
Jumbo; Scissors Truck; Sherry Truck;																			
Driver; Transit Mixers & Trucks Hauling																			
Concrete (over 3 yds. to 6 yds.)																			
Trucks, side, and bottom dump																			
Crusher (4,001 - 6,000 gals.);																			
Wrecker & Tow Trucks																			
6.90	.50																		

40-1,071 3-145 D-1-27-3 (3-3)

BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
	H & W	PENNSYNS	VACATION	APP. TR.	OTHERS
Dump trucks, side, end & bottom dump, including semi-trucks & trains or combin. thereof: over 80 cu. yds. & incl. 90 cu. yds.	\$7.30	.40	.45	.25	
Dump trucks, side, end & bottom dump, incl. semi-trucks and trains or combin. thereof: over 90 cu. yds. & incl. 100 cu. yds.	7.40	.40	.45	.25	
Drivers and Belgers (handling sacked cement add \$.15 per hour).					
Winch truck - takes classification of truck on which winch is mounted.					

[FPR Doc. 73-20481 Filed 9-27-73 8:45 am]

CUMULATIVE LISTS OF PARTS AFFECTED—SEPTEMBER

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during September.

	Page	7 CFR—Continued	Page	7 CFR—Continued	Page
1 CFR					
CFR checklist	23771	354	23934	1134	24216
		401	25907	1136	24216
3 CFR		725	23935	1138	24216
PROCLAMATIONS:		777	25665	1137	24216
4239	24191	864	25427	1139	24216
4240	24193	891	26706	1207	26354
4241	24881	905	25665	1421	23935,
4242	26099	908	24215,	24634, 25668, 26006, 26182, 26904	
4243	26101		25431, 25907, 26353, 26601, 26903	1430	23938
4244	26179	910	24345, 24890, 25908, 26443	1821	27055
4245	26351	928	24345	1866	24346
4246	26441	930	24890		
EXECUTIVE ORDERS:		932	24215, 27053	PROPOSED RULES:	
11359 (superseded by 11737)	24883	944	26108	20	25690
11802 (superseded by E.O.		948	25667	26	23955, 25186
11738)	25161	981	25668, 26181	46	26207
11635 (superseded by 11737)	24883	991	23771	52	24654, 24904, 24907, 24910, 27068
11659 (amended by 11737)	24883	1001	24216	301	26808
11737	24883	1002	24216	722	24911
11738	25161	1004	24216	730	27068
Presidential Documents other than		1006	24216	905	26454
Proclamations and Executive		1007	24216	906	26384, 26614, 26615
Orders:		1011	24216	909	27068
Memorandum of August 17,		1012	24216	927	26615
1973	25903	1013	24216	932	24910
4 CFR		1015	24216	944	26807
400	24195	1030	24216	945	26384
405	24195	1033	24216	981	24911
PROPOSED RULES:		1036	24216	989	26729
331	23971	1040	24216	1007	25024
351	23971, 26072	1044	24216	1030	22796, 25448, 25756
400	23971	1046	24216	1032	25756
401	23971	1049	24216	1046	25756
402	23971	1050	24216, 26182, 27053	1049	25756
403	23971	1060	24216	1050	25186, 25756
404	23971	1061	24216	1060	25222
5 CFR		1062	24216	1061	25222
213	2344,	1063	24216	1062	25756
	24885, 25165, 25907, 26181, 26353,	1064	24216	1063	25222
	26443, 26675, 26797	1065	24216	1064	25222
335	26601	1068	24216	1065	25222
430	26601	1069	24216	1068	25222
451	26601	1070	24216	1069	25222
630	26601	1071	24216	1070	25222
715	26601	1073	24216, 26707	1071	25024
6 CFR		1075	24216	1073	24654, 25024
102	25427	1076	24216	1076	25222
130	24213	1078	24216	1078	25222
140	24214	1079	24216	1079	25222
150	23794,	1090	24216	1090	25024
	23931, 24214, 24885, 25427, 25686,	1094	24216	1094	25024
	26181, 26611, 26917	1096	24216	1096	25190
152	23794, 24214	1097	24216	1097	25024
155	24885	1098	24216	1098	25024
PROPOSED RULES:		1098	24216	1099	25756
Ch. I.	24917	1099	24216	1102	25024
152	23806, 24219, 24667	1101	24216	1104	25282
7 CFR		1102	24216	1106	25282
2	24633	1106	24216	1108	25024
51	23931	1108	24216	1120	25282
52	24344, 25165, 26903	1120	24216	1126	25282
56	26797	1121	24216	1127	25282
201	25661, 26800	1124	24216	1128	25282
250	24633	1125	24216	1129	25282
301	25664	1126	24216	1130	25282
		1127	24216	1131	25282
		1128	24216	1132	25282
		1129	24216, 26709	1132	25282
		1130	24216	1138	25282
		1131	24216	1140	26729
		1132	24216	1701	24660, 26919
		1133	24216		

Page	14 CFR—Continued	Page	19 CFR—Continued	Page
24891, 26354	97—24350, 26446, 26715, 26907	103—26446	1—24374, 25185	27904
24891	103—26446	10—25995, 27904	4—27904	25995
	208—24642	11—25995		
	229—26908	12—25995		
	240—26601	19—25995, 27904		
24346, 26904	241—24351, 26461	24—23954		
23940, 26904	288—23772	25—25995, 27904		
24891, 25669	302—24894	113—25995		
23940	389—24895, 26113	114—25995		
24640	399—23777, 24642	141—23954		
PROPOSED RULES:	PROPOSED RULES:	142—25995		
92—26808	25—26811, 26939	143—27904		
94—24219	37—25450	144—27904		
102—23957	39—23962, 26811	145—27904		
104—23957	61—23962	151—25448		
113—26118	71—23804,	172—25995		
308—27069	23969, 24222, 24914, 25195, 25451,			
325—27069	25452, 25696, 26007, 26389, 26730—			
381—24374, 26454, 26455, 27069	26734, 26812, 26813, 26940, 27081			
10 CFR	73—26732	20 CFR		
50—26354	75—23804, 26735, 27081	404—26806		
55—26354	121—23962, 26811, 26939	405—26718		
110—23953	135—26811	701—26860		
PROPOSED RULES:	139—26389	702—26861		
9—27096	Ch. II—24660	703—26873		
31—26813	221—23804	704—26877		
32—26813	241—24223, 24661	725—26042		
50—26814	298—23805, 24662, 26616	PROPOSED RULES:		
70—26735	372a—24664	404—26921		
12 CFR	389—24662	405—23802, 25448, 26132, 26616		
201—23772	399—25453	725—26069		
204—25985	15 CFR	21 CFR		
207—26905	8—23777	Ch. II—26609		
217—26109	256—25908	8—24643		
329—25432, 26355	376—23777, 25446	9—24208		
506—26355	377—25184, 26206, 26908	26—25985		
506a—26355	399—26908	45—25671		
525—26357	1000—25909, 26876	121—24354,		
526—23940, 25433	1020—26697	24643, 25437, 26447, 26909, 20746		
545—24200, 26709, 26710	1025—26699	135—23942		
546—24201	1030—26699	135a—26909		
561—26110, 26711	1035—26703	135b—24355,		
583—24202, 26110, 26357, 26711, 26712	1040—26704	24643, 24895, 25673, 26183, 26910		
566—26112	1050—26705	135c—24355, 24644, 25673, 26183, 26910		
570—26112	16 CFR	135e—25674, 25676, 26909		
PROPOSED RULES:	13—24352,	141—25674		
204—25703	24353, 24634, 25434—25436, 26602	144—25437		
217—26468	1500—27012	146—25674		
220—26009	1505—27012	149b—25674, 26183		
266—26469	PROPOSED RULES:	149d—25675		
329—26391	1700—25195	191—26910		
526—26736	17 CFR	191b—26910		
545—24228, 26133	210—26182	308—26447		
702—26216	211—24635	1308—26610		
13 CFR	231—24635	1401—26611		
PROPOSED RULES:	241—24635, 26358, 26716	PROPOSED RULES:		
107—24028	251—24635	10—25195		
14 CFR	271—24635	27—26384		
Ch. I—26444	PROPOSED RULES:	121—24374, 24375, 25694, 27076		
39—23941,	210—27088, 27090	128—27076		
24347, 24349, 24640, 24641, 25170,	230—24668	130—24220, 26809		
25669, 25870, 25905, 26358, 26713,	240—26943	133—27076		
26800, 26905, 27045	249—27090	135—25694		
71—23941,	270—26133, 26816	141e—26006		
23942, 24204, 24350, 24641, 24892,	275—26816	273—26130		
25171, 25433, 25905—25907, 26112,		278—26007		
26444, 26445, 26714, 26801, 26905,	18 CFR	22 CFR		
26906, 27046	2—26603	133—27047		
73—26445, 26714, 26906, 27046	157—26603			
75—24204, 25171, 26715, 26907	19 CFR	23 CFR		
91—24893	Ch. I—25171	PROPOSED RULES:		
95—24893	1—24354, 25171	770—23969		
	4—24354	772—25696		

24 CFR	Page	30 CFR	Page	39 CFR	Page
42	25172, 26113	57	23781	235	26193
200	25993	PROPOSED RULES:		3000	24898
201	25676	270	26807	3001	24898
203	24637	271	26807	40 CFR	
205	24637, 24896	504	24024	35	24639, 26358, 26882
207	24637			50	25678
213	24637			52	24333, 26324
220	24637			94897	26449
221	24637			24762, 26189	113
232	24637			24898	25439
234	24637			120	26358
235	24638			126	25681
236	24638			129	24342
241	24638	166	25990	162	26360
242	24638	301	26720	168	26360
244	24638, 24896	802	26190	180	23781, 25440, 26450, 26913
1700	23866	806	26190	PROPOSED RULES:	
1710	23866	809	23945	51	25697
1715	23873	818b	26801	52	23805, 26390, 26462
1720	23874	881	26891	120	26209, 26463
1914	23943-	883	26802	180	23806, 24667, 24918, 25455
	23945, 24355-24357, 25677, 25678.	1285	24206	411	24462
	25994, 26113, 26114, 26367, 26911	1453	24210	412	24466
1915	24358, 24360, 26368	PROPOSED RULES:		422	24470
PROPOSED RULES:		1604	25704	41 CFR	
20	24222	1623	26392	1-1	24210, 26913
42	26923	1626	26392	1-2	26913
201	23803	1628	26392	1-3	26914
205	26132	1631	26392	1-7	26916
242	26132	1632	26392	1-9	23782
244	26132	1641	26392	1-16	26916
25 CFR		32A CFR		1-18	23791
141	24638	Ch. IV:		3-16	24644
251	25987	BP Notice 1	25175	8-4	26368
252	25988	Ch. X:		8-16	26369
256	23945	Reg. 1		8-95	26359
PROPOSED RULES:		Ch. XI		101-25	26604
221	23954, 23955, 26729	OIAB Rules and Procedures	26103	105-64	26604
243	26118	Ch. XIII:		114-43	26370
		EPO Reg. 3	23977	114-50	24649
26 CFR		PROPOSED RULES:		42 CFR	
1	24206, 26184, 26911, 26912	Ch. X	26005	21	25683
301	27047	33 CFR		51	26194
PROPOSED RULES:		117	25493, 26115	51a	26195
1	26918	127	24898	51b	26196
28 CFR		207	25176	52	26196
0	26910	401	24210	53	26196
2	26652	PROPOSED RULES:		54	26197
17	26448	117	24912-24914, 25455, 26938	55	26197
29 CFR		127	23804	56	26197
201	26449	35 CFR		57	26198
202	26449	5	25438	59	26198
203	26449	51	26722	59a	26199
204	26449	36 CFR		87	26199
205	26449	Title Change		91	26200
206	26449	50	24218	205	26201
610	25988	221	23948	206	26201
612	25989	295	26723	208	26201
614	25989	701	27049	PROPOSED RULES:	
723	26718	702	27049	50	26459
1602	26719	PROPOSED RULES:		81	26730
1907	25150	7	23796, 24912, 25185	43 CFR	
1910	27047	38 CFR		4	23948
1952	24896, 25172, 26449	1	24364	3830	24650
1953	24361	2	24366	4710	24650
PROPOSED RULES:		3	26804	PUBLIC LAND ORDERS:	
203	26919	17	24366, 26190	5169 (Amended by PLO 5396)	26378
206	26919	21	23948	5170 (Amended by PLO 5395)	26375
1201	27088	36	25678	5171 (Amended by PLO 5389)	26371
1203	27088	PROPOSED RULES:		5172 (Amended by PLO 5392)	26373
1207	27088	17	26393	5173 (Amended by PLO 5391)	26372
1910	24300, 24375, 26207, 26459	21	26944	5175 (Amended by PLO 5394)	26375
1960	27070	PROPOSED RULES:		5176 (Amended by PLO 5393)	26373
		17		5177 (Amended by PLO 5397)	26377
		21		5179 (Amended by PLO 5389)	

43 CFR—Continued	Page	45 CFR—Continued	Page	47 CFR—Continued	Page
PUBLIC LAND ORDERS—Continued				PROPOSED RULES—Continued	
5393, 5395, 5396, 5397) 26370-	26377	234	26380	73	25703,
5393, 5394, 5396, 5397) 26377		401	26320	26008, 26211, 26212, 26380, 26463-	
5180 (Amended by PLO 5388,		403	26320	26465, 27082, 27086, 27087	
5393, 5394, 5396, 5397) 26370-	26377	404	26320	74	27082
5181 (Amended by PLO 5388,		405	26320	89	27082
5394) 26370-26377		406	26320	91	27082
5186 (Amended by PLO 5393) 26373		408	26320	93	27082
5191 (See PLO 5371. 5392, 5394,		416	26320	97	26942
5396, 5397) 26370-26377		901	26201		
5192 (See PLO 5389, 5393, 5395,		903	26201		
5396, 5397) 26370-26377		904	26201		
5193 (See PLO 5393, 5394, 5395,		905	26201		
5396, 5397) 26370-26377		909	24900, 26201		
5194 (See PLO 5388, 5394) 26370-	26377	PROPOSED RULES:			
5213 (See 5391) 26372		83	26384	1	24901, 24902, 26805
5250 (See PLO 5389, 5393, 5395,		167	26768	170	23791
5396, 5397) 26370-26377		190	26680	171	23792
5251 (See PLO 5393, 5394, 5395,		221	24872, 27081	172	23792
5396, 5397) 26370-26377		233	23802	177	23792
5252 (See PLO 5391) 26372		249	26460	178	23792
5253 (See PLO 5389) 26371		250	25450, 26920	395	27049
5254 (See PLO 5393) 26373		903	23912	570	23949, 25685
5256 (See PLO 5396) 26376		PROPOSED RULES:		571	27050
5321 (See PLO 5391) 26372		146	23959	1003	26205
5383 25684		160	26938	1033	23792,
5387 26370		Ch. IV	26943	23793, 23952, 24212, 24902, 25183,	
5388 26370		542	23979	25685, 26205, 26805	
5389 26371		538	24228	1	24368
5390 26372		47 CFR		1048	
5391 26372		0	24900, 26724	1056	26608
5392 26373		1	26202	1115	23953, 24903, 25686, 26609
5393 26373		2	24901, 25180, 25991	1121	24902, 26726
5394 26375		13	25684	1134	26205
5395 26375		23	24901	1140	26205
5396 26376		73	24367,	1304	26805
5397 26377		74	25991, 26203, 26204, 26380, 26451,	1307	26805
PROPOSED RULES:		81	26453	1309	26806
3000 26918		83	24368, 25180, 25992, 27052	1322	26726
3200 26918		87	25684	PROPOSED RULES:	
44 CFR		89	24211, 25180, 25991	172	24915
308 27049		91	24901	173	24915
501 27049		93	25182, 26381	393	24223, 25452, 25696, 26461
502 27049		97	24901	542	23979
45 CFR		PROPOSED RULES:		571	23804, 26940
74 26274		2	24211	1057	24228
201 26320		18	25992, 26381	1131	23979
205 26378, 26804		21	27082	50 CFR	
220 26320		61	27082	20	23793, 26609
233 26379, 26608, 26916		17	24920	32	23793
				23	23794, 24212, 24369-24373, 24650-
					24652, 25183, 25441-25445, 25686,
					25992, 26115, 26116, 26205, 26381-
					26383, 26727, 26728, 26917, 27052
				33	25445
				253	26116
				PROPOSED RULES:	
				21	23796
				32	25693

FEDERAL REGISTER PAGES AND DATES—SEPTEMBER

Pages	Date	Pages	Date
23765-23922	Sept. 4	26093-26171	18
23923-24184	5	26173-26344	19
24185-24326	6	26345-26433	20
24327-24625	7	26435-26593	21
24627-24874	10	26595-26668	24
24875-25154	11	26669-26790	25
25155-25420	12	26791-26883	26
25421-25654	13	26885-27038	27
25655-25895	14	27039-27203	28
25897-26091	17		

AGENCIES WHICH PUBLISHED IN SEPTEMBER

This is a list of agencies which published documents in the Federal Register during September 1973. This list appears in the final issue of each month.

THE PRESIDENT

EXECUTIVE ORDERS

11737 Upper Mississippi River Basin Commission
11738 Clean Air Act and Water Pollution Control

PROCLAMATIONS

4239 National Highway Week, 1973
4240 United Nations Day, 1973
4241 National Hispanic Heritage
4242 National Hunting and Fishing Day
4243 Fire Prevention Week, 1973
4244 Child Health Day, 1973
4245 National Employ the Handicapped Week, 1973
4246 Johnny Horizon '76

MEMORANDA

Defense Grant to Turkey

EXECUTIVE AGENCIES

Agriculture Department
5, 6, 7, 10, 11, 12, 13, 14, 17, 18, 19, 20, 21, 24, 25, 26, 27, 28
Air Force Department
5, 6, 14, 17, 19, 26, 27
Alcohol, Tobacco, and Firearms Bureau
18
American Revolution Bicentennial Commission
5, 7
Army Department
13, 19, 24, 25, 26
Atomic Energy Commission
4, 5, 6, 7, 10, 11, 13, 14, 17, 18, 19, 20, 21, 24, 25, 26, 27, 28
Blind and Other Severely Handicapped, Committee for Purchase of Products and Services of
4, 10, 20, 28
Bonneville Power Administration
10, 14, 17
Civil Aeronautics Board
4, 5, 6, 7, 10, 11, 12, 13, 14, 17, 18, 19, 20, 21, 24, 25, 26, 27, 28
Civil Rights Commission
7, 10, 11, 21, 24, 26
Civil Service Commission
7, 11, 12, 17, 19, 20, 21, 24, 25, 26
Coast Guard
4, 5, 11, 13, 18, 21, 27
Commerce Department
4, 5, 6, 12, 21, 24
Commodity Credit Corporation
5, 10, 14, 17, 19, 27
Comptroller of Currency
4, 14, 26
Consumer Product Safety Commission
11, 12, 25, 27
Cost Accounting Standards Board
5, 6, 17
Cost of Living Council
4, 5, 6, 10, 11, 13, 14, 18, 19, 24, 25, 27
Customs Service
4, 5, 7, 12, 13, 17, 18, 24, 26
Defense Department
10, 17, 19, 21, 25, 26
Defense Supply Agency
6

Date	Date
Delaware River Basin Commission	20
Disease Control, Center for	10, 18, 19
Domestic and International Business Administration	4
Drug Abuse Prevention Special Action Office	6, 12, 13, 19, 21, 25, 26, 27
Drug Enforcement Administration	12, 21, 24
Economic Advisers, Council of	4
Education Office	7, 11, 12, 13, 17, 24, 25, 26
Employment Standards Administration	7, 14, 17, 21, 26, 28
Energy Policy Office	5
Engineers Corps	12, 28
Engraving and Printing Bureau	11
Environmental Protection Agency	4, 5, 6, 7, 10, 11, 12, 13, 14, 18, 19, 20, 21, 25, 26, 27, 28
Environmental Quality Citizens Advisory Committee	6, 20
Environmental Quality Council	4, 7, 10, 17, 20, 27
Equal Employment Opportunity Commission	25
Farmers Home Administration	7, 13, 14, 28
Federal Aviation Administration	4, 5, 6, 7, 10, 11, 12, 13, 14, 17, 18, 20, 21, 25, 26, 28
Federal Communications Commission	4, 6, 7, 10, 11, 12, 14, 17, 19, 20, 21, 25, 27, 28
Federal Court Appellate System, Commission on Revision of	13
Federal Crop Insurance Corporation	17
Federal Deposit Insurance Corporation	13, 20
Federal Disaster Assistance Administration	6, 19, 24
Federal Highway Administration	5, 6, 10, 12, 13, 14, 21, 28
Federal Home Loan Bank Board	5, 6, 13, 18, 20, 25
Federal Housing Administration	4, 6, 10, 11, 14, 17, 18
Federal Insurance Administration	5, 7, 14, 17, 18, 20, 27
Federal Maritime Commission	4, 5, 6, 10, 11, 12, 13, 14, 18, 20, 26, 27
Federal Pay, Advisory Committee on	10, 17
Federal Power Commission	4, 6, 7, 11, 12, 13, 14, 17, 19, 20, 21, 24, 25, 27, 28
Federal Register	4
Federal Reserve System	4, 5, 6, 7, 10, 11, 12, 14, 17, 18, 20, 21, 25, 26, 27, 28
Federal Trade Commission	7, 10, 13, 18, 24
Fiscal Service	10, 19
Fish and Wildlife Service	4, 6, 7, 10, 12, 13, 14, 17, 18, 19, 20, 24, 25, 27, 28

Date	Date	Date
National Institutes of Health..... 6, 7, 11, 14, 17, 18, 25, 27, 28	Panama Canal..... 13, 25	Social and Rehabilitation Service..... 4, 10, 13, 19, 20, 21, 24, 26, 27, 28
National Mediation Board..... 28	Parole Board..... 24	Social Security Administration..... 4, 6, 12, 13, 18, 24, 25, 26, 27
National Oceanic and Atmos- pheric Administration..... 4, 13, 14, 17, 18, 19, 24	Plant and Operations Office..... 25	Soil Conservation Service..... 5, 6, 27, 28
National Park Service..... 4, 5, 6, 7, 10, 11, 12, 17, 21, 24, 25, 27	Postal Rate Commission..... 11	State Department..... 4, 5, 14, 17, 21, 25, 26, 28
National Science Foundation..... 25	Postal Service..... 5, 19	Tariff Commission..... 5, 10, 12, 14, 17, 19, 25, 28
National Technical Information Service..... 5, 12, 19	Public Buildings Service..... 18	Textile Agreements Implemen- tation Committee..... 10, 12, 13, 21, 24, 26, 27
Navy Department..... 13, 19, 25	Renegotiation Board..... 6	Transportation Department..... 10, 11, 18, 19, 26
Occupational Safety and Health Administration..... 6, 7, 11, 12, 19, 21, 25, 26, 28	Rural Electrification Administra- tion..... 10, 27	Treasury Department..... 5, 10, 12, 13, 19, 20, 25
Oceans and Atmosphere, Na- tional Advisory Committee on..... 18	Saint Lawrence Seaway Develop- ment Corporation..... 6	United States Travel Service..... 19
Oil and Gas Office..... 13, 17, 27	Securities and Exchange Com- mission..... 5, 7, 10, 12, 13, 17, 18, 19, 20, 21, 25, 26, 27, 28	Urban Mass Transportation Ad- ministration..... 24
Oil Import Appeals Board..... 18	Selective Service System..... 12, 14, 20, 28	Veterans Administration..... 4, 5, 6, 7, 14, 19, 20, 25, 26, 27
Packers and Stockyards Admin- istration..... 24	Small Business Administration..... 5, 6, 11, 13, 20, 21, 25, 26, 27	Wage and Hour Division..... 5, 17, 25, 26
	Social and Economic Statistics Administration..... 6, 11, 14, 28	Water Resources..... 10

Just Released

CODE OF FEDERAL REGULATIONS

(Revised as of July 10, 1973)

Title 28—Judicial Administration \$1.70

*[A Cumulative checklist of CFR issuances for 1973 appears in the first issue
of the Federal Register each month under Title 1]*

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