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EXECUTIVE ORDER 11746

Assigning Emergency Preparedness Functions to the United States Treasury Department

By virtue of the authority vested in me as President of the United States, and pursuant to Reorganization Plan No. 1 of 1958 (72 Stat. 1799), the National Security Act of 1947, as amended, the Defense Production Act of 1950, as amended, and the Federal Civil Defense Act, as amended, Executive Order No. 11490 of October 28, 1969, is amended by substituting the following for paragraph (13) of Section 301 in Part 3—Department of the Treasury:

"(13) administration of customs laws, tax laws, the laws on control of alcohol, alcoholic beverages, tobacco, and firearms, and Title XI (Regulation of Explosives) of the Organized Crime Control Act of 1970 (Title 18, U.S.C., Chapter 40);"

Richard Nixon

THE WHITE HOUSE,
November 7, 1973.

[FR Doc.73-24044 Filed 11-7-73;4:41 pm]

EXECUTIVE ORDER 11747

Delegating Certain Authority of the President Under the Water Resources Planning Act, as Amended

By virtue of the authority vested in me by section 301 of title 3 of the United States Code, and as President of the United States, it is hereby ordered as follows:

SECTION 1. The Director of the Office of Management and Budget is designated and empowered to exercise, without the approval, ratification, or other action of the President, the functions vested in the President by (1) sections 104(b) and 204(3) of the Water Resources Planning Act, as amended (42 U.S.C. 1962a–3(b) and 1962b–3(3), respectively), with respect to reviewing plans, or revisions thereof, of river basin commissions established pursuant to that act and transmitting those plans or revisions thereto to the Congress with appropriate recommendations; and (2) section 301(b) of the same act (42 U.S.C. 1962c(b)) with respect to approving rules, procedures, arrangements, and provisions relating to coordination of Federal planning assistance programs and utilization of Federal agencies administering related programs.

SEC. 2. The Chairman of the Water Resources Council is designated and empowered to exercise, without the approval, ratification, or other action of the President, the approval function for standards and procedures vested in the President by section 103 of the Water Resources Planning Act, as amended (42 U.S.C. 1962a–2).

Richard Nixon

THE WHITE HOUSE,
November 7, 1973.

[FR Doc.73–24045 Filed 11–7–73;4:41 pm]

Rules and Regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 7—Agriculture

CHAPTER I—AGRICULTURAL MARKETING SERVICE (STANDARDS, INSPECTIONS, MARKETING PRACTICES), DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—REGULATIONS AND STANDARDS UNDER THE AGRICULTURAL MARKETING ACT OF 1946

PART 53—LIVESTOCK, MEATS, PREPARED MEATS, AND MEAT PRODUCTS (GRADING, CERTIFICATION, AND STANDARDS)

Fees for Grading Service

This document updates the regulations under which voluntary meat grading and related services are provided by increasing the hourly fees charged to users of this self-supporting service.

The Agricultural Marketing Act of 1946 provides for the collection of fees equal as nearly as may be to the cost of the services, such as Federal meat grading services, rendered under its provisions. Public Law 92-210 and Executive Order 11739 increased salaries paid to Federal employees. Therefore, it has been determined that, in order to cover the increased cost of Federal meat grading services resulting from increases in salaries paid to Federal employees and increases in other costs, the hourly fee must be increased as provided for herein.

Pursuant to the authority of sections 203 and 205 of the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1622, 1624), the provisions of 7 CFR 53.29(a) prescribing fees in connection with the performance of Federal meat grading services are hereby amended by changing the phrases "$13.00 per hour," "$15.20 per hour," and "$26.00 per hour" to "$13.80 per hour," "$16.00 per hour," and "$27.60 per hour," respectively.

The need for the increase and the amount thereby are dependent upon facts within the knowledge of the Agricultural Marketing Service. Therefore, under the provisions of 5 U.S.C. 553, it is found that notice and other public procedures with respect to this amendment are impractical and unnecessary and good cause is found to make the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

This amendment shall become effective November 18, 1973, with respect to all Federal meat grading services rendered on and after that date, including service under commitment agreement whether heretofore or hereafter made.

(Secs. 203, 205, 60 Stat. 1087, 1090, 7 U.S.C. 1622, 1624.)

Done at Washington, D.C. this 1st day of November 1973.

E. L. PETERSEN,
Administrator,
Agricultural Marketing Service.

[FR Doc.73-23958 Filed 11-8-73;8:46 am]

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

PART 906—ORANGES AND GRAPEFRUIT GROWN IN LOWER RIO GRANDE VALLEY IN TEXAS

Expenses and Rate of Assessment

This document authorizes expenses of $680,000 of the Texas Valley Citrus Committee, under Marketing Order No. 906, for the 1973-74 fiscal period and fixes a rate of assessment of $0.045 per 7/10 bushel carton or equivalent quantity of oranges and grapefruit handled in such period to be paid to the committee by each first handler as his pro rata share of such expenses.

On September 20, 1973, notice of rulemaking was published in the FEDERAL REGISTER (38 FR 26384), regarding proposed expenses and the related rate of assessment for the period August 1, 1973, through July 31, 1974, pursuant to the marketing agreement, as amended, and Order No. 906, as amended (7 CFR Part 906), regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas. This notice allowed interested persons 12 days during which they could submit written data, views, or arguments pertaining to these proposals. None were submitted. This regulatory program is effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Texas Valley Citrus Committee (established pursuant to said amended marketing agreement and order), it is hereby found and determined that:

§ 906.213 Expenses and rate of assessment.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Texas Valley Citrus Committee during the period August 1, 1973, through July 31, 1974, will amount to $680,000.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 906.34, is fixed at $0.045 per 7/10 bushel carton, or an equivalent quantity of oranges and grapefruit.

It is hereby found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of oranges and grapefruit are now being made; (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment fixed for a particular fiscal period shall be applicable to all assessable fruit from the beginning of such period; and (3) the current fiscal period began on August 1, 1973, and the rate of assessment herein fixed will automatically apply to all assessable oranges and grapefruit beginning with such date.

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

Dated November 6, 1973.

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

[FR Doc.73-23959 Filed 11-8-73;8:45 am]

[Lemon Regulation 612]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

This regulation fixes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period Nov. 11-17, 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.

§ 910.912 Lemon Regulation 612.

(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 recom-

mendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

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

(i) The committee has submitted its recommendation with respect to the quantity of lemons it deems advisable to be handled during the ensuing week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the demand for lemons is somewhat easier, particularly on all sizes of second grade fruit. Sales volume is expected to be about the same as last week. Average f.o.b. price was $6.29 per carton the week ended Nov. 3, 1973 compared to $6.33 per carton the previous week.

Track and rolling supplies at 116 cars were up 9 cars from last week.

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

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on November 6, 1973.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period Nov. 11, 1973, through November 17, 1973, is hereby fixed at 200,000 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 November 7, 1973.

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

[FR Doc.73-24038 Filed 11-8-73;8:45 am]

[Grapefruit Regulation 92]

PART 912—GRAPEFRUIT GROWN IN THE INDIAN RIVER DISTRICT IN FLORIDA

Limitation of Handling

This regulation fixes the quantity of Florida Indian River grapefruit that may be shipped to fresh market during the weekly regulation period November 12–November 18, 1973. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 912. The quantity of grapefruit produced in the Indian River District in Florida so fixed was arrived at after consideration of the total available supply of Indian River grapefruit, the quantity currently available for market, the fresh market demand for Indian River grapefruit, Indian River grapefruit prices, and the relationship of season average returns to the parity price for Florida grapefruit.

§ 912.392 Grapefruit Regulation 92.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 912, as amended (7 CFR Part 912), regulating the handling of grapefruit grown in the Indian River District in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Indian River Grapefruit Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling such grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

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

(i) The committee has submitted its recommendation with respect to the total quantity of grapefruit which it deems advisable to be handled during the next succeeding week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the market demand for Indian River grapefruit is steady on pink and red seedless but is declining for white seedless.

Prices, f.o.b. per ⅘ bushel carton were for the week ended November 4, 1973, averaged $2.95 for white seedless and $3.45 for pink seedless. Shipments for the week ended November 4, 1973, and for the previous week were 340 carlots and 285 carlots, respectively. On November 5, 1973, there were 13,476 carloads of Indian River grapefruit remaining for interstate shipments, while 1,274 carlots have been shipped to date.

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

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Indian River grapefruit, and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Indian River grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this 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 November 6, 1973.

(b) *Order.* (1) The quantity of grapefruit grown in the Indian River District which may be handled during the period November 12, through November 18, 1973 is hereby fixed at 150,000 standard packed boxes.

(2) As used in this section, "handled," "Indian River District," "grapefruit," and "standard packed box" have the same

meaning as when used in said amended marketing agreement and order.

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

Dated: November 7, 1973.

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

[FR Doc.73-24036 Filed 11-8-73;8:45 am]

[Grapefruit Regulation 58]

PART 913—GRAPEFRUIT GROWN IN THE INTERIOR DISTRICT IN FLORIDA

Limitation of Handling

This regulation fixes the quantity of Florida Interior grapefruit that may be shipped to fresh market during the weekly regulation period November 12–18, 1973. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 913. The quantity of grapefruit produced in the Interior District in Florida so fixed was arrived at after consideration of the total available supply of Florida Interior grapefruit, the quantity currently available for market, the fresh market demand for Florida Interior grapefruit, Interior grapefruit prices, and the relationship of season average returns to the parity price for Florida grapefruit.

§ 913.358 Grapefruit Regulation 58.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 913, as amended (7 CFR Part 913), regulating the handling of grapefruit grown in the Interior District in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Interior Grapefruit Marketing Committee, established under said marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this section to limit the quantity of Interior District grapefruit that may be marketed during the ensuing week stems from the production and marketing situation confronting the Interior District grapefruit industry. The committee has submitted its recommendation with respect to the total quantity of grapefruit which it deems advisable to be handled during the next succeeding week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports limited demand for Florida Interior District white seedless grapefruit. Average f.o.b. prices per ⅘ bushel carton were $2.55 for white seedless and $2.95 for pink seedless during the week ended November 4, 1973. Shipments for the week ended November 4, 1973, and for the previous week were 480 carlots and 470 carlots, respectively. On November 4, 1973, 9,805 carlots of Interior District grapefruit were remaining for interstate shipments while 2,449 carlots had been shipped to that date. Having considered the recommendation and information submitted by the committee, and other available information the Secretary finds that the quantity of grapefruit which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Interior grapefruit, 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 Interior grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this 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 November 6, 1973.

(b) *Order.* (1) The quantity of grapefruit grown in the Interior District which may be handled during the period November 12, 1973, through November 18, 1973, is hereby fixed at 200,000 standard packed boxes.

(2) As used in this section, "handled," "Interior District," "grapefruit," and "standard packed box" have the same meaning as when used in said marketing agreement and order.

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

Dated: November 7, 1973.

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

[FR Doc.73-24037 Filed 11-8-73;8:45 am]

PART 982—HANDLING OF FILBERTS GROWN IN OREGON AND WASHINGTON

Expenses of the Filbert Control Board, and Rate of Assessment, for the 1973–74 Fiscal Year

Notice was published in the October 24, 1973, issue of the FEDERAL REGISTER (38 FR 29337) regarding proposed expenses of the Filbert Control Board, and rate of assessment, for the 1973–74 fiscal year. The proposal was under §§ 982.60 and 982.61 of the marketing agreement, as amended, and Order No. 982, as amended (7 CFR Part 982), regulating the handling of filberts grown in Oregon and Washington. The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The total expenses proposed in the notice were $34,835 and the assessment rate proposed was 0.20 cent per pound of assessable filberts.

The notice afforded interested persons an opportunity to submit written data, views, or arguments with respect to the proposal. None were received.

After consideration of all relevant matter presented, including that in the notice, the information and recommendation submitted by the Filbert Control Board, and other available information, it is found that the expenses of the Filbert Control Board, and rate of assessment, for the fiscal year beginning August 1, 1973, shall be contained in a new § 982.318 in Subpart—Operating Reserve Fund; Budget of Expenses and Rate of Assessment (7 CFR 982.300, 982.317).

It is further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) The relevant provisions of the marketing agreement and this part require that the rate of assessment fixed for a particular fiscal year shall be applicable to all assessable filberts from the beginning of such year; and (2) the current fiscal year began on August 1, 1973, and the rate of assessment herein fixed will automatically apply to all such assessable filberts beginning with that date.

Section 982.318 reads as follows:

§ 982.318 Expenses of the Filbert Control Board and rate of assessment for the 1973–74 fiscal year.

(a) *Expenses.* Expenses in the amount of $34,835 are reasonable and likely to be incurred by the Filbert Control Board during the fiscal year beginning August 1, 1973, for its maintenance and functioning and for such purposes as the Secretary may, pursuant to the provisions of this part, determine to be appropriate.

(b) *Rate of assessment.* The rate of assessment for said fiscal year, payable by each handler in accordance with § 982.61, is fixed at 0.20 cent per pound of filberts.

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

Dated: November 6, 1973.

CHARLES R. BRADER,
Deputy Director,
Fruit and Vegetable Division.

[FR Doc.73-23904 Filed 11-8-73;8:45 am]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS AND GRANTS PRIMARILY FOR REAL ESTATE PURPOSES

[FHA Instruction 444.1]

PART 1822—RURAL HOUSING LOANS AND GRANTS

Subpart A—Section 502 Rural Housing Loan Policies, Procedures, and Authorizations

DELETION

In 7 CFR 1822.1 (35 FR 14901), reference to Part 1890a is hereby deleted. Part 1890a is being deleted from the Code of Federal Regulations.

Effective date. This deletion becomes effective on November 9, 1973.

(42 U.S.C. 1480; delegation of authority by the Sec. of Agri., 38 FR 14944, 14948, 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 38 FR 14944, 14952, 7 CFR 2.70.)

Dated: November 5, 1973.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration,

[FR Doc.73-23919 Filed 11-8-73;8:45 am]

[FHA Instruction 444.3]

PART 1822—RURAL HOUSING LOANS AND GRANTS

Subpart B—Section 504 Rural Housing Loan Policies, Procedures and Authorizations

DELETION

In 7 CFR 1822.21 (38 FR 12901), reference to Part 1890a is hereby deleted. Part 1890a is being deleted from the Code of Federal Regulations.

Effective date. This deletion becomes effective on November 9, 1973.

(42 U.S.C. 1480; delegation of authority by the Sec. of Agri., 38 FR 14944, 14948, 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 38 FR 14944, 14952, 7 CFR 2.70.)

Dated: November 5, 1973.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.73-23920 Filed 11-8-73;8:45 am]

SUBCHAPTER G—MISCELLANEOUS REGULATIONS

[AL-98 (440)]

PART 1890a—LOANS TO POULTRYMEN

Deletion of Part

Part 1890a, Loans to Poultrymen, (37 FR 14688), is deleted from Chapter XVIII of Title 7 of the Code of Federal Regulations. The regulations provided guidelines for loans to poultrymen. These guidelines are no longer required because the authorities for Loans to Poultrymen are included in Parts 1821 and 1831 of Chapter XVIII, Title 7 of the CFR. In accordance with 5 U.S.C. 553 it is unnecessary to publish notice of proposed rulemaking because these guidelines are provided for elsewhere in the CFR. This deletion, therefore, only does away with unnecessary duplication in the present regulations.

Effective date. This deletion shall be effective on November 9, 1973.

(7 U.S.C. 1989; 42 U.S.C. 1480; 40 U.S.C. 442; 42 U.S.C. 2942; delegation of authority by the Sec. of Agri., 38 FR 14944, 14948, 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 38 FR 14944, 14952, 7 CFR 2.70; delegations of authority by Dir., OEO, 29 FR 14764, 33 FR 9850.)

Dated: November 5, 1973.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.73-23921 Filed 11-8-73;8:45 am]

Title 12—Banks and Banking

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

[No. 73-1652]

PART 523—MEMBERS OF BANKS

Liquid Assets

NOVEMBER 2, 1973.

The Federal Home Loan Bank Board considers it desirable to amend § 523.10 of the Regulations for the Federal Home Loan Bank System (12 CFR 523.10) by revising paragraph (g)(4) thereof in order to authorize certain time deposits in an insured bank held subject to a repurchase agreement to be counted as liquidity. The Board wishes to make this change because it is of the opinion that this will provide additional flexibility in maintaining liquidity requirements.

Accordingly, the Federal Home Loan Bank Board hereby amends said § 523.10 by revising paragraph (g)(4) thereof to read as set forth below, effective November 9, 1973.

Since the above amendment to paragraph (g)(4) of § 523.10 relieves restriction, the Board hereby finds that notice and public procedure with respect to said amendment is unnecessary under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); and publication of said amendment for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date of said amendment would in the opinion of the Board likewise be unnecessary for the same reason.

§ 523.10 Definitions.

* * * * *

(g) * * *

(4) Time deposits in an insured bank (including such time deposits held subject to a repurchase agreement), if:

(i) the total of all time deposits of the same member in the same bank does not exceed the greater of (*a*) one-fourth of 1 percent of the total deposits of such bank (calculated on the basis of total deposits of such bank as shown by its last published statement of condition preceding the date each time deposit is made or acquired by a member), or (*b*) $20,000;

(ii) no consideration, other than discounting to a current market rate of interest, is received by the member from a third party in connection with the making or acquiring of such deposits by the member; and

(iii) the remaining periods to maturity of such deposits are not more than 1 year and such deposits are negotiable, or, in the case of time deposits which may not be withdrawn without notice, the notice periods do not exceed 90 days;

* * * * *

(Sec. 5B, 47 Stat. 727, as added by sec. 4, 80 Stat. 824, as amended by Pub. L. 91-151, sec. 2(b), 83 Stat. 371; sec. 17, 47 Stat. 736, as amended; 12 U.S.C. 1425b, 1437. Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943-48 Comp., p. 1071.)

By the Federal Home Loan Bank Board.

[SEAL] EUGENE M. HERRIN,
Assistant Secretary.

[FR Doc.73-23953 Filed 11-8-73;8:46 am]

Title 14—Aeronautics and Space

[Docket No. 73-NE-29; Amdt. 39-1742]

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

PART 39—AIRWORTHINESS DIRECTIVES

General Electric Aircraft Engines

Amendment 39-855 (34 FR 15467), AD 69-20-8, requires the inspection of the first and second stage turbine discs for cracks and minimum radius with required replacement of those discs not meeting the specified criteria. After issuing Amendment 39-855, due to service experience, the agency determined the need for the adoption of an improved inspection technique for both the first and second stage turbine discs together with both a reduction of the total cyclic life and a revision of the present inspection schedule for the first stage turbine discs. The new inspection schedule provides for the initial inspection of the first stage disc within 10 cycles with the exception of those discs with less than 2,300 total cycles that had been previously inspected in accordance with the present method. As to those discs, the initial inspection must be accomplished within 800 cycles after the date of the previous inspection. While the new inspection technique is being made applicable to both first and and second stage discs, the inspection schedule for the second stage turbine disc remains unchanged from that presently contained in Amendment 39-855. The reduction in the cyclic life of first stage turbine discs is from 4,100 cycles to 3,100 cycles and is based on a recent analysis of updated stress concentration factors. Since these modifications are quite extensive in nature, a new airworthiness

directive is being issued superseding AD 69-20-8.

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

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

GENERAL ELECTRIC. Applies to Models CJ610-1, -4, -5, -6 and J85-GE-17B turbojet and CF700-2C turbofan engines.

Compliance required as indicated.

1. Inspect first stage turbine discs, P/N 634E583P4 and P/N 634E383P4Y (Wheel Assembly P/N 841B690P6), for cracks and a minimum radius of .015 inch in the forward rabbet radius and for cracks and a minimum radius of .020 inch in the aft rabbet radius in accordance with the following schedule. Use the procedures outlined in General Electric Alert Service Bulletin No. (CJ610) A72-70, Addendum No. 1 or (CF700) A72-70, Addendum No. 1, or later FAA approved revision or equivalent inspection method approved by the Chief, Engineering and Manufacturing Branch, New England Region, Federal Aviation Administration.

a. Inspect turbine discs with 2,300 or more total cycles on the effective date of this AD, in accordance with G.E. Alert Service Bulletin No. (CJ610) A72-70 Addendum No. 1 or (CF700) A72-70 Addendum No. 1 within the next 10 cycles (if not previously inspected in accordance with G.E. Alert S.B. A72-70) or within the next 50 cycles if previously inspected in accordance with G.E. Alert Service Bulletin A72-70.

b. Inspect turbine discs with less than 2,300 total cycles on the effective date of this AD, in accordance with G.E. Alert Service Bulletin No. (CJ610) A72-70 Addendum No. 1 or (CF700) A72-70 Addendum No. 1 prior to the accumulation of 2,310 cycles or every 800 cycles since last inspection, whichever comes later, if discs have been previously inspected in accordance with G.E. Alert Service Bulletin A72-70.

2. Remove from service all first stage turbine discs in accordance with the following schedule.

a. Remove turbine discs with 3,090 or less total cycles on the effective date of this AD, from service prior to the accumulation of 3,100 cycles.

b. Remove turbine discs with more than 3,090 total cycles on the effective date of the AD, from service prior to the accumulation of 10 additional cycles.

3. Inspect second stage turbine discs, P/N 646C596P1, for cracks and a minimum radius of .020 inch in the forward rabbet radius in accordance with the following schedule. Use the procedures outlined in General Electric Alert Service Bulletin No. (CJ610) A72-80, Addendum No. 1, or (CF700) A72-80, Addendum No. 1, or later FAA approved revision or equivalent inspection method approved by the Chief, Engineering and Manufacturing Branch, New England Region, Federal Aviation Administration.

a. Inspect turbine discs with 2,800 or more cycles on the effective date of this AD, in accordance with General Electric Alert Service Bulletin No. (CJ610) A72-80, Addendum No. 1, or (CF700) A72-80, Addendum No. 1, within the next 10 cycles.

b. Inspect turbine discs with 2,201 or more cycles on the effective date of this AD, in accordance with General Electric Alert Service Bulletin No. (CJ610) A72-80, Addendum No. 1, or (CF700) A72-80, Addendum No. 1, within the next 100 cycles or at 2,810 cycles whichever occurs first.

c. Inspect turbine discs with 2,200 or less cycles on the effective date of this AD, in accordance with General Electric Alert Service Bulletin No. (CJ610) A72-80, Addendum No. 1, or (CF700) A72-80, Addendum No. 1, at first overhaul or at 2,300 cycles whichever occurs first.

4. For the purposes of this AD, a cycle is defined as that set forth in the subject Alert Service Bulletins.

5. Discs with less than the specified radius or which exhibit the specified point-type fluorescent indications or cracks are to be replaced with like parts which meet the specified minima for radii and criteria for size and location of point-type fluorescent indications and cracks.

This supersedes Amendment 39-855 (34 FR 15467), AD 69-20-8.

This amendment becomes effective November 20, 1973.

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

Issued in Burlington, Massachusetts, on October 30, 1973.

FERRIS J. HOWLAND,
Director, New England Region.

[FR Doc.73-23894 Filed 11-8-73;8:45 am]

[Docket No. 73-EA-94; Amdt. 39-1738]

PART 39—AIRWORTHINESS DIRECTIVES

Lycoming Aircraft Engines

Correction

In FR Doc. 73-22919, appearing on page 29803 in the issue of Monday, October 29, 1973, the agency designation in brackets should read as set forth above.

[Airspace Docket No. 73-WA-12]

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

Designation of Terminal Control Area at Seattle, Washington

On June 29, 1973, a notice of proposed rulemaking (NPRM) was published in the FEDERAL REGISTER (38 FR 17250), stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a Group II Terminal Control Area (TCA) for Seattle, Wash.

Interested persons were afforded an opportunity to participate in the proposed rulemaking through the submission of comments. Four comments were received in response to this proposal. Two comments either supported or had no objection to the proposal.

One of the commenters based his objection on a newspaper article that did not outline the proposal in sufficient detail. Since this objection was based on a misunderstanding, it must be considered invalid.

The other commentator was opposed to the TCA, pointing out that there has never been a collision between an airlines and a general aviation aircraft in the Seattle area. He further objected to the cost involved particularly for installation of the transponders and to the increase in required manpower. In addition, the commentator objected that the TCA would include the Seattle-Tacoma Airport which is used by many aircraft as an airport of entry pointing out that Seattle-Tacoma is the only airport in the area which has custom officers based on the field.

The decision to establish a TCA at Seattle was the result of separate rulemaking action (Amendment 71-6) 35 FR 7782, and is predicated upon airport traffic and the need for a safer environment in specified congested terminal areas.

The balance between the cost involved and the safety to be achieved was also discussed in the same rulemaking action. As to the need for additional manpower, past experience at existing TCA locations indicate that no additional controllers are required as a result of establishing TCAs. Regarding customs services, while it is true that the Seattle-Tacoma Airport is the only airport in the area where customs officers are based on the field, customs service is available at Boeing International Airport at no cost to the user, Monday through Saturday and at other times on a cost shared overtime basis. Elsewhere there are airports available where, with one hour advance notice, aircraft inbound from Canada may obtain customs service. While customs service at these other airports may not be as convenient for some pilots, it is available.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., January 31, 1974, as hereinafter set forth.

In § 71.401(b) (38 FR 622), the following Seattle, Wash., Group II Terminal Control Area is added:

SEATTLE, WASH., TERMINAL CONTROL AREA

Primary Airport. Seattle Tacoma International Airport (Lat. 47°26'55" N., Long. 122°18'28" W.).

Boundaries. (Based on Seattle VORTAC (SEA) (Lat. 47°26'08" N., Long. 122°18'30" W.) arcs, DME distances, and radials.)

Area A. That airspace extending upward from the surface to and including 7,000 feet MSL within an area bounded by a line beginning at the 4-mile DME point on the SEA 012° radial thence south along the 012° radial to and clockwise along a 2-mile arc to and southeast along the 163° radial to and clockwise along a 5-mile arc to and north along the 192° radial to and clockwise along a 2-mile arc to and northwest along the 342° radial to and clockwise along a 4-mile arc to the point of beginning.

Area B. That airspace extending upward from 1,100 feet MSL to and including 7,000 feet MSL beginning at the 6-mile DME point on the SEA 007° radial, thence south along the 007° radial to and counterclockwise along a 4-mile arc to and north along the 346° radial to and clockwise along a 6-mile arc to the point of beginning.

Area C. That airspace extending upward from 1,600 feet MSL to and including 7,000 feet MSL within an area bounded by a line beginning at the 5-mile DME point on the SEA 163° radial, thence south along the 163° radial to and clockwise along an 11-mile arc to and north along the 192° radial to and

counterclockwise along the 5-mile arc to the point of beginning.

Area D. That airspace extending upward from 1,800 feet MSL to and including 7,000 feet MSL within an area bounded by a line beginning at the 12-mile DME point on the SEA 007° radial, thence south along the 007° radial to and counterclockwise along a 6-mile arc to and northwest along the 342° radial to and clockwise along the 12-mile arc to the point of beginning.

Area E. That airspace extending upward from 3,000 feet MSL to and including 7,000 feet MSL within an area bounded by a line beginning at the 18-mile DME point on the SEA 007° radial, thence south along the 007° radial to and counterclockwise along a 12-mile arc to and southeast along the 342° radial to and clockwise along a 6-mile arc to and southeast along the 346° radial to and counterclockwise along a 4-mile arc to and southeast along the 342° radial to and counterclockwise along a 2-mile arc to and south along the 192° radial to and counterclockwise along an 11-mile arc to and northwest along the 163° radial to and counterclockwise along a 5-mile arc to and southeast along the 137° radial to and clockwise along a 15-mile arc to and north along the 185° radial to the 14-mile DME point, thence direct to the 15-mile DME point on the 257° radial, thence clockwise along a 15-mile arc to and northwest along the 312° radial to and clockwise along an 18-mile arc to the point of beginning; and that airspace within an area bounded by a line beginning at the 12-mile DME point on the 032° radial, thence southwest along the 032° radial to and counterclockwise along the 8-mile arc to and north along the 007° radial to and clockwise along the 12-mile arc to the point of beginning.

Area F. That airspace extending upward from 4,000 feet MSL to and including 7,000 feet MSL within an area bounded by a line beginning at the 5-mile DME point on the SEA 123° radial, thence southeast along the 123° radial to and clockwise along a 15-mile arc to and northwest along the 137° radial to and counterclockwise along a 15-mile arc to the point of beginning; and that airspace within an area bounded by a line beginning at the 15-mile DME point on the SEA 137° radial, thence southeast along the 137° radial to and clockwise along an 18-mile arc to and north along the 185° radial to and counterclockwise along a 15-mile arc to the point of beginning.

Area G. That airspace extending upward from 5,000 feet MSL to and including 7,000 feet MSL within an area bounded by a line beginning at the 22-mile DME point on the SEA 032° radial, thence south along the 032° radial to and counterclockwise along a 12-mile arc to and north along the 007° radial to and counterclockwise along the 18-mile arc to and northwest along the 312° radial to and clockwise along the 22-mile arc to the point of beginning; and that airspace within an area bounded by a line beginning at the 15-mile DME point on the 123° radial, thence southeast along the 123° radial to and clockwise along an 18-mile arc to and northwest along the 137° radial to and counterclockwise along a 15-mile arc to the point of beginning.

(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 October 31, 1973.

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

[FR Doc.73-23896 Filed 11-8-73;8:45 am]

[Airspace Docket No. 73-WA-42]

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

Redesignation of Reporting Point

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to redesignate the Idaho INT reporting point.

The Mona Island, P.R., RBN was decommissioned August 24, 1973, and therefore can no longer be used as an air navigation aid upon which to predicate the Idaho reporting point. The San Juan, P.R., VORTAC 296° T (304° M) radial overlies the Idaho INT and can be used in its designation. Such action is taken herein.

Since designation of reporting points is a minor matter upon which the public would not have particular reason to comment, notice and public procedure thereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., January 3, 1974, as hereinafter set forth.

Section 71.209 (38 FR 616), is amended as follows: "Idaho INT: INT Ramey AFB, P.R., 326° radials, Mona Island, P.R., RBN 012° bearing." is deleted and "Idaho INT: INT Ramey AFB, P.R., 326° and San Juan, P.R. 296° radials." is substituted therefor.

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

Issued in Washington, D.C., on November 1, 1973.

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

[FR Doc.73-23895 Filed 11-8-73;8:45 am]

[Docket No. 13293; Amdt. No. 889]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Recent Changes and Additions

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the standard instrument approach procedures (SIAP's) that were recently adopted by the Administrator to promote safety at the airports concerned.

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

SIAP's are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591. Copies of SIAP's adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAP's may be purchased from the FAA Public Document Inspection Facility, HQ-405, 800 Independence Avenue SW., Washington, D.C. 20591 or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft, or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $150 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for $30 each.

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

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

1. Section 97.23 is amended by originating, amending, or canceling the following VOR-VOR/DME SIAP's, effective December 20, 1973:

Glasgow, Mont.—Glasgow International Airport, VOR Runway 12, Admt. 1.
Glasgow, Mont.—Glasgow International Airport, VOR Runway 30, Amdt. 1.
Maxton, N.C.—Laurinburg-Maxton Airport, VOR/DME-A, Amdt. 1.
Newton, Kans.—Newton-City-County Airport, VOR/DME Runway 35, Amdt. 3.
Pueblo, Colo.—Pueblo Memorial Airport, VOR Runway 25R, Amdt. 16.
Roseburg, Oreg.—Roseburg Municipal Airport, VOR A, Amdt. 1.

* * * effective October 29, 1973:

St. Clairsville, Ohio—Alderman Field, VOR-A, Amdt. 7, Canceled.

2. Section 97.25 is amended by originating, amending, or canceling the following SDF-LOC-LDA SIAP's, effective December 20, 1973:

Cordova, Alaska—Cordova Mile 13 Airport, LOC/DME Runway 27, Amdt. 7.
Pueblo, Colo.—Pueblo Memorial Airport, LOC (BC) Runway 25R, Amdt. 8.
Waukegan, Ill.—Waukegan Memorial Airport, LOC (BC) Runway 5, Original.

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAP's, effective December 20, 1973:

Augusta, Ga.—Bush Field, NDB Runway 35, Amdt. 20.
Beatrice, Nebr.—Beatrice Municipal Airport, NDB Runway 13, Amdt. 1.
Carbondale-Murphysboro, Ill.—Southern Illinois Airport, NDB-A, Original.
Carbondale-Murphysboro, Ill.—Southern Illinois Airport, NDB Runway 6, Amdt. 1.
Carbondale-Murphysboro, Ill.—Southern Illinois Airport, NDB (ADF) Runway 18, Amdt. 2, Canceled.
Fort Scott, Kans.—Fort Scott Municipal Airport, NDB Runway 17, Amdt. 3.
Glasgow, Mont.—Glasgow International Airport, NDB Runway 12, Amdt. 2.
Glasgow, Mont.—Glasgow International Airport, NDB Runway 30, Amdt. 2.
Pueblo, Colo.—Pueblo Memorial Airport, NDB Runway 7L, Amdt. 8.

Pueblo, Colo.—Pueblo Memorial Airport, NDB Runway 25R, Amdt. 5.

* * * effective November 22, 1973:

Henryetta, Okla.—Henryetta Municipal Airport, NDB Runway 35, Original.
Pascagoula, Miss.—Jackson County Airport, NDB Runway 23, Original.
Rugby, N. Dak.—Rugby Municipal Airport, NDB Runway 29, Original.

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAP's effective January 13, 1974:

Dallas-Fort Worth, Tex.—Dallas-Fort Worth Regional Airport, ILS Runway 17L, Amdt. 1.
Dallas-Fort Worth, Tex.—Dallas-Fort Worth Regional Airport ILS Runway 17R, Amdt. 1.
Dallas-Fort Worth, Tex.—Dallas-Fort Worth Regional Airport, ILS Runway 35L, Amdt. 1.
Dallas-Fort Worth, Tex.—Dallas-Fort Worth Regional Airport, ILS Runway 35R, Amdt. 1.

* * * effective December 20, 1973:

Augusta, Ga.—Bush Field, ILS Runway 35, Amdt. 19.
Dallas, Tex.—Dallas Love Field, ILS Runway 13L, Amdt. 21.
Pueblo, Colo.—Pueblo Memorial Airport, ILS Runway 7L, Amdt. 11.
Pueblo, Colo.—Pueblo Memorial Airport, ILS Runway 25R, Amdt. 1.

* * * effective August 10, 1973:

Newark, N.J.—Newark International Airport, ILS Runway 22L, Amdt. 2.

5. Section 97.31 is amended by originating, amending, or canceling the following Radar SIAP's, effective December 20, 1973:

Akron, Ohio—Akron-Canton Regional Airport, RADAR-1, Amdt. 9.

* * * effective December 6, 1973:

Fairbanks, Alaska—Fairbanks International Airport, RADAR-1, Amdt. 6, Canceled.

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

Issued in Washington, D.C., on November 1, 1973.

JAMES M. VINES,
Chief, Aircraft Programs Division.

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

[FR Doc.73-23897 Filed 11-8-73;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. C-2461]

PART 13—PROHIBITED TRADE PRACTICES

Compact Electra Corp., et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections;* 13.15–25 Concealed subsidiary, fictitious collection agency, etc. 13.15–30 Connections or arrangements with others; 13.15–50 Direct dealing advantages; 13.15–150 Endorsement; 13.15–170 Large purchases and stock turnover; 13.15–270 Size and extent; 13.15–280 Unique or special status or advantage; § 13.75 *Free goods or services;* § 13.110 *Endorsements, approval and testimonials;* § 13.155 *Prices;* 13.155–35 Discount savings; 13.155–80 Retail as cost, wholesale, discounted, etc. 13.155–95 Terms and conditions; 13.155–100 Usual as reduced, special, etc. § 13.240 *Special or limited offers;* § 13.280 *Unique nature or advantages;* § 13.285 *Value.* Subpart—Claiming or using endorsements or testimonials falsely or misleadingly: § 13.330 *Claiming or using endorsements or testimonials falsely or misleadingly;* 13.330–9 Better Business Bureau. Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1370 *Business methods, policies, and practice;* § 13.1390 *Concealed subsidiary, fictitious collection agency, etc.* § 13.1295 *Connections and arrangements with others;* § 13.1405 *Direct dealing advantages;* § 13.1470 *Large purchases and stock turnover;* § 13.1555 *Size, extent, or equipment;* § 13.1565 *Trade names;* § 13.1570 *Unique status or advantages*—Goods; § 13.1625 *Free goods or services;* § 13.1747 *Special or limited offers;* § 13.1760 *Terms and conditions;* 13.1760–50 Sales contract; § 13.1775 *Value*—Prices; § 13.1817 *Reductions for prospect referrals;* § 13.1820 *Retail as cost, etc., or discounted;* § 13.1823 *Terms and conditions;* § 13.1825 *Usual as reduced or to be increased.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1882 *Prices;* § 13.1892 *Sales contract, right-to-cancel provision;* § 13.1905 *Terms and conditions;* 13.1905–50. Subpart—Offering unfair, improper and deceptive inducements to purchase or deal: § 13.1925 *Coupon, certificate, check, credit voucher, etc., deductions in price;* § 13.1955 *Free goods;* § 13.2005 *Membership in fictitious bureau or organization.* Subpart—Securing signatures wrongfully: § 13.2175 *Securing signatures wrongfully.* Subpart—Threatening suits, not in good faith: § 13.2264 *Delinquent debt collection.* Subpart—Using misleading name—Vendor: § 13.2365 *Concealed subsidiary, fictitious collection agency, etc.;* § 13.2425 *Nature, in general.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45.) [Cease and desist order, Compact Electra Corp., et al., Bellerose, N.Y., Docket C-2461, October 1, 1973.]

In the Matter of Compact Electra Corp., a Corporation, Compact Bellerose, Inc., a Corporation, Compact Discount, Inc., a Corporation, Northeast Discount Corp., a Corporation, Compact Associates, Inc., a Corporation, Hyman Sindelman, a/k/a Hy Delman, Individually and as an Officer of Said Corporations, and Theodore Decker, Individually.

Consent order requiring a Bellerose, New York, five-corporation business engaged in the selling of vacuum cleaners and accessories to consumers, among other things, to cease using deceptive and misleading selling and debt collection tactics.

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

I. *It is ordered,* That respondents Compact Electra Corp., Compact Bellerose, Inc., Compact Discounts, Inc., Northeast Discount Corp., Compact Associates, Inc., corporations, their successors and assigns and their officers, and Hyman Sindelman, also known as Hy Delman, individually and as an officer of said corporate respondents, and respondents' agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the offering for sale, sale, or distribution of vacuum cleaners or memberships in group purchasing programs or other products or services in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing orally, visually, in writing or in any other manner, directly or indirectly, that any merchandise is free without clearly revealing all of the terms, conditions or obligations necessary to the receipt and retention of said merchandise.

2. Representing orally, visually, in writing or in any other manner, directly or indirectly, that membership in any group-buying program is free; or representing in any manner, the nature of any offer of anything of value to purchasers or prospective purchasers without clearly disclosing all of the terms, conditions, and limitations with respect thereto.

3. Representing orally, visually, in writing or in any other manner, directly or indirectly, that purchasers of respondents' products will enjoy substantial savings in the purchase of products through any group-buying program, or representing, in any manner, the amount of savings available to purchasers of respondents' products as members of any group-buying program.

4. Representing orally, visually, in writing or in any other manner, directly or indirectly that respondents' buying program purchases in mass quantities and thereby obtains low prices for its members; representing that products are available at wholesale or cost prices through the group-buying program; and representing that respondents own or control the group-buying program.

5. Representing orally, visually, in writing or in any other manner, directly or indirectly that respondents' group-buying program has about one million members, or any other number of members that is in excess of the actual number of members enrolled in the group-buying program.

6. Representing orally, visually, in writing or in any other manner, directly or indirectly that respondents and/or their methods of doing business are approved by the Better Business Bureau.

7. Representing orally, visually, in writing or in any other manner, directly or indirectly that unless the prospect is enrolled as a purchaser of respondents'

products the cost of membership alone in respondents' group-buying program is substantial or that said membership is available to the prospective purchaser only if he purchases respondents' products at the first offering.

8. Representing orally, visually, in writing or in any other manner, directly or indirectly that respondents' products are being left at consumers' homes on approval; or that respondents' retail installment contract is only a receipt for goods left at prospective purchasers' homes; or that the contract is not effective without the approval of purchasers' or prospective purchasers' spouses.

9. Representing orally, visually, in writing or in any other manner, directly or indirectly that purchasers' old vacuum cleaners will be sold by respondents or that a specific price will be realized from the sale unless the representation including the specific amount of the sales price is incorporated in the retail installment contract and payment or credit therefor assured by the respondents.

10. Representing orally, visually, in writing or in any other manner, directly, or indirectly that the cost to purchasers of respondents' products may be substantially reduced if purchasers provide respondents with names and addresses of individuals who will buy respondents' products.

11. Representing orally, visually, in writing or in any other manner, directly or indirectly that the telephone numbers provided by respondents' salesmen to purchasers are the home telephone numbers of such salesmen which purchasers may call in order to cancel their contracts.

12. Representing orally, visually, in writing or in any other manner, directly or indirectly that respondent Compact Discount, Inc., sells its vacuum cleaners and accessories at a discount, or that its prices for said products constitute a reduction from the prices at which said merchandise is usually and customarily sold at retail in the trade area where the representation is made, or misrepresenting in any manner the amount of savings available to purchasers of respondent's merchandise.

13. Using "Discount" or any abbreviation or simulation thereof as part of respondent Compact Discount's trade or corporate name except for the collection of accounts of indebtedness incurred by consumers as a result of sales made to them prior to the effective date of this order; or misrepresenting through the use of a trade or corporate name the nature or character of respondent's business.

14. Making any statements or representations described in Paragraphs 2 and 3 of this order, or furnishing the means and instrumentalities through or by means of which any person or firm may make any statement or representation described in the paragraphs enumerated herein unless the statement or representation is true, and respondents maintain, or cause to be maintained, for a period of three years after the statement or representation and, upon reasonable notice, provide access to the Commission or its representatives for purposes of inspection or copying, full, complete and accurate records which will disclose a factual, documented and verifiable basis in substantiation of the statement or representation, and the period of time during which the statement or representation is made.

II. *It is further ordered*, That respondents Compact Electra Corp., Compact Bellerose, Inc., Compact Discount, Inc., Northeast Discount Corp., Compact Associates, Inc., corporations, their successors and assigns, and their officers, and Hyman Sindelman, also known as Hy Delman, individually and as an officer of said corporate respondents, and respondents' agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the collection of, or attempt to collect, accounts allegedly due and owing pursuant to any contract or other agreement relating to the purchase of any Compact vacuum cleaner or accessory, or any other merchandise or service, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

15. Representing orally, visually, in writing or in any other manner, directly or indirectly, that delinquent accounts are referred to bona fide credit reporting agencies.

16. Representing orally, visually, in writing or in any other manner, directly or indirectly, that affirmative action will be taken against an alleged delinquent debtor to injure his credit rating.

17. Representing orally, visually, in writing or in any other manner, directly or indirectly, the nature and extent of respondents' debt collection procedures.

18. Representing orally, visually, in writing or in any other manner, directly or indirectly, that a delinquent account will be referred to an attorney for the institution of legal proceedings.

19. Representing orally, visually, in writing or in any other manner, directly or indirectly, that where payment is not received, alleged delinquent debtors' employers will be contacted prior to judgment.

20. Communicating, or threatening to communicate, or implying the fact of a debt or alleged debt other than to a person who might reasonably be expected to be liable therefor, to any person, including an employer, unless specifically authorized by statute or by written permission of the alleged debtor.

21. Representing orally, visually, in writing or in any other manner, directly or indirectly, that where payment is not received, legal action will be instituted which will result in embarrassment to, and loss of respect of the debtor and his family in the community; or employing in collection letters, or in any other form of communication with debtors, any statement, word or phrase which is unfair by reason of its being exaggerative, exploitative or oppressive.

22. Representing orally, visually, in writing or in any other manner, directly or indirectly, the legal consequences of non-payment; or representing orally, visually, in writing or in any other manner, directly or indirectly that the debtor's account has been placed with an attorney for collection.

23. Representing orally, visually, in writing or in any other manner, directly or indirectly, that any collection letter or notice is a "final notice" before litigation.

24. Representing orally, visually, in writing or in any other manner, directly or indirectly, that respondents maintain a separate department for collection purposes, or misrepresenting in any manner any departmentalization of respondents' business.

25. Using forms, letters or materials printed or written, which misrepresent, directly or by implication, that a debtor's account has been turned over to an attorney for collection, or that said attorney is actually corresponding with said debtor, or misrepresenting that a collection attorney maintains his law office at the principal place of business of respondents.

26. Using, preparing, furnishing or placing in the hands of others letters, letterheads, forms and other written materials which appear and purport to be letters, lettersheads, forms, and other written materials utilized by an attorney for collection of debts where such attorney does not have continuous control and supervision over their preparation, use, and processing in the collection of debtors' accounts.

27. Representing orally, visually, in writing or in any other manner, directly or indirectly, that a debtor's account has been investigated.

28. Representing orally, visually, in writing or any other manner, directly or indirectly, that a debtor has been found liable for the debt prior to a determination of such liability by a court or other tribunal, except that such representation may be made to a court, or an officer of the court, in connection with court proceedings relative to the indebtedness.

29. Representing orally, visually, in writing or in any other manner, directly or indirectly, that Northeast Discount Corp. is a holder-in-due course respecting the commercial paper issued by the other corporate respondents named herein or any other affiliated firm; or that Northeast Discount Corp. purchases or acquires any contract or commercial paper from the other corporate respondents named herein or any other affiliated firm; or misrepresenting in any manner, directly or indirectly, the corporate or business relationship existing among the corporate respondents.

30. Failing to include the following statement, captioned by the word "NOTICE" in bold face type, clearly on the face of any note, contract or other instrument of indebtedness executed by or on behalf of respondents' customers:

NOTICE

The seller herein agrees not to transfer or assign this contract or the debt evidenced hereby.

31. Contracting for any sale obtained by home solicitation which shall preclude or waive the right of the buyer to cancel the sale prior to midnight of the third day excluding Sundays and legal holidays after the date of signing the contract.

32. Failing to disclose prior to the time of any home solicitation sale, both orally, and in writing on any conditional sales contract, promissory note or other instrument executed by the buyer, that the buyer may rescind or cancel the sale by written notice of cancellation to respondents' address prior to midnight of the third day, excluding Sundays and legal holidays, after the date of the sale. Upon such cancellation the burden shall be on respondents to collect any goods left in the buyer's home and to return any payments received from him. Nothing contained in this right-to-cancel provision shall relieve buyers of the responsibility for taking reasonable care of the goods prior to, and for a reasonable period following, cancellation; the written disclosure required by this paragraph shall be clearly stated, and headed by the following in bold face type:

NOTICE—BUYER'S RIGHT OF CANCELLATION

Provided, however, That nothing contained in paragraphs 31 and 32 of this Order shall relieve respondent of any contractual obligations required by federal law or that law of the state in which the contract is negotiated. When such obligations are inconsistent, respondent may apply to the Commission for relief from this provision with respect to contracts executed in the State in which such different obligations are required.

33. Failing to provide a separate and clearly understandable form which the buyer may use as a notice of cancellation.

34. Making any statements or representation described in Paragraphs 17, 18, 22, 23, and 27 of this order, or furnishing the means and instrumentalities through or by means of which any person or firm may make any statement or representation described in the paragraphs enumerated herein unless the statement or representation is true, and respodnents maintain or cause to be maintained for a period of three years after the statement or representation and, upon reasonable notice, provide access to the Commission or its representatives for purposes of inspection or copying, full, complete and accurate records which will disclose a factual, documented and verifiable basis in substantiation of the statement or representation, and the period of time during which the statement or representation is made.

III. *It is further ordered,* That the respondent Theodore Decker, an individual, and his agents, representative and employees, directly or through any corporation, subsidiary, division or other device, in connection with the collection of, or attempt to collect, accounts allegedly due and owing on merchandise or services purchased by consumers, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

35. Representing orally, visually, in writing or in any other manner, directly or indirectly, the extent of his debt collection procedures.

36. Representing orally, visually, in writing or in any other manner, directly, or indirectly, that where payment is not received the debtors' employers will be contacted prior to judgment.

37. Communicating, or threatening to communicate, or implying the fact of a debt or alleged debt, other than to a person who might reasonably be expected to be liable therefor, to any person, including an employer, unless specifically authorized by statute or by written permission of the alleged debtor.

38. Representing orally, visually, in writing or in any other manner, directly or indirectly, that where payment is not received, legal action will be instituted which will result in embarrassment to, and loss of respect of the debtor and his family in the community; or employing in collection letters, or in any other form of communication with debtors, any statement, word or phrase which is unfair by reason of it being exaggerative, exploitative or oppressive.

39. Representing orally, visually, in writing or in any other manner, directly or indirectly, the legal consequences of non-payment.

40. Representing orally, visually, in writing or in any other manner, directly or indirectly, that any collection letter or notice is a final notice before litigation.

41. Using, or providing to others for their use, forms, letters or materials printed or written, which misrepresent, directly or by implication, that a debtor's account has been turned over to him for collection as attorney or that he is actually corresponding with the debtor, or misrepresenting that he maintains his law office at the place of business of his client.

42. Using, preparing, furnishing or placing in the hands of others, letters, letterheads, forms and other written materials which appear and purport to be letters, letterheads, forms and other written materials utilized by him for the collection of debts where he does not have continuous control over their preparation, use and processing in the collection of debtors' accounts.

43. Representing orally, visually, in writing or in any other manner, directly or indirectly, that a debtor's account has been investigated.

44. Representing orally, visually, in writing or in any other manner, directly or indirectly, that a debtor has been found liable for the debt prior to a determination of the debtor's liability by a court or other tribunal, except that such representation may be made to a court, or to an officer of the court in connection with court proceedings relative to the indebtedness.

45. Making any statement or representation described in Paragraphs 35, 39, 40, and 43 of this order, or furnishing the means and instrumentalities through or by means of which any person or firm may make any statement or representation described in the paragraphs enumerated herein unless the statement or representation is true, and respondent Theodore Decker maintains or causes to be maintained for a period of three years after the statement or representation and, upon reasonable notice, provides access to the Commission or its representatives for purposes of inspection or copying, full, complete and accurate records which will disclose a factual, documented and verifiable basis in substantiation of the statement or representation, and the period of time during which the statement or representation is made.

IV. *It is further ordered,* That nothing in this Order shall be construed to imply that any past or future conduct of respondents is subject to and complies with the rules and regulations of, or the statutes administered by the Federal Trade Commission, nor shall execution of this or any agreement or order evidence good or bad faith on the part of the respondents.

It is further understood that nothing contained in this Order shall be construed in any way to annul, invalidate, repeal, terminate, modify or exempt respondents from complying with agreements, orders or directives of any kind obtained by any other agency or act as a defense to actions instituted by municipal or state regulatory agencies.

It is further ordered, That the respondent corporations shall forthwith distribute copies of this order to each of its operating divisions and to all salesmen.

It is further ordered, That the individual respondents named herein promptly notify the Commission in the event that they discontinue their present business or employment, and become affiliated with a new business or employment. Such notice shall include respondents' current business address and a statement as to the nature of the business or employment in which they are engaged as well as a description of their duties and responsibilities.

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

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

By the Commission.

Issued: October 1, 1973.

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

[FR Doc.73-23880 Filed 11-8-73;8:45 am]

Title 21—Food and Drugs

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

SUBCHAPTER C—DRUGS

PART 135c—NEW ANIMAL DRUGS IN ORAL DOSAGE FORMS

PART 149b—AMPICILLIN

Approval of Application

The Commissioner of Food and Drugs has evaluated a new animal drug application (55-013V) filed by Wyeth Laboratories, Inc., Post Office Box 8299, Philadelphia, PA 19101, proposing the safe and effective use of ampicillin capsules, veterinary, for the treatment of dogs and cats. The application is approved.

The Commissioner concludes that the drug is subject to the antibiotic certification requirements of the act and that the requirements for certification for said drug should be published.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 512 (i) and (n), 82 Stat. 347, 350; 21 U.S.C. 360b (i) and (n)) and under authority delegated to the Commissioner (21 CFR 2.120), Parts 135c and 149b are amended as follows:

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

§ 135c.110 Ampicillin capsules, veterinary.

(a) *Specifications.* The drug conforms to the certification requirements of § 149b.24 of this chapter.

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

(c) *Conditions of use.* (1) The drug is administered orally as follows:

(i) To dogs:

(*a*) In the treatment of urinary tract infections (cystitis) due to *Proteus spp.*, hemolytic and non-hemolytic streptococci, beta hemolytic streptococci and *E. coli.*

(*b*) In upper respiratory tract infections tracheobronchitis (kennel cough), tonsillitis due to alpha and beta hemolytic streptococci, hemolytic positive staphylococci, *E. coli* and *Proteus spp.*

(*c*) In infections associated with abscesses, lacerations, and wounds due to *Staphylococcus spp. and Streptococcus spp.*

(ii) To cats:

(*a*) In respiratory tract infections (bacterial pneumonia) due to alpha and beta hemolytic streptococci, hemolytic positive *staphylococci, E. coli,* and *Proteus spp.*

(*b*) In infections associated with abscesses, lacerations, and wounds due to *Staphylococcus spp. and Streptococcus spp.*

(2) Dosage is recommended as follows:

(i) In dogs 5 to 10 milligrams per pound of body weight, e.g., one 125 milligram capsule per 14 to 25 pounds, given 2 to 4 times daily; for those weighing 6 to 14 pounds, one capsule twice daily is suggested.

(ii) In cats, 125 milligrams twice daily; in more acute conditions three times daily.

(3) Bacteriologic studies to determine the causative organisms and their susceptibility to ampicillin should be performed.

(4) Use of the drug is contraindicated in animals with a history of an allergic reaction to any of the penicillins. Ampicillin is contraindicated in infections caused by penicillinase-producing organisms.

(5) Not for use in animals which are raised for food production.

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

2. Part 149b is amended by adding the following new section:

§ 149b.24 Ampicillin capsules, veterinary.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Ampicillin capsules veterinary are composed of ampicillin with or without one or more buffer substances, diluents, binders, lubricants, vegetable oils, colorings, and flavorings, enclosed in a gelatin capsule. Each capsule contains 125 milligrams or 250 milligrams of ampicillin. Its potency is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of ampicillin that it is represented to contain. The loss on drying is not more than 4.0 percent. The ampicillin used conforms to the standards prescribed by § 146a.123(a).

(2) *Labeling.* It shall be labeled in accordance with the requirements of §§ 148.3 and 135c.110 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The ampicillin used in making the batch for potency, safety, loss on drying, pH, ampicillin content, crystallinity, and identity.

(*b*) The batch for potency and loss on drying.

(ii) Samples required:

(*a*) The ampicillin used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The batch: A minimum of 30 capsules.

(b) *Tests and methods of assay—*(1) *Potency.* Assay for potency by either of the following methods; however, the results obtained from the microbiological agar diffusion assay shall be conclusive.

(i) *Microbiological agar diffusion assay.* Proceed as directed in § 141.110 of this chapter, preparing the sample for assay as follows: Place a representative number of capsules into a high-speed glass blender jar with sufficient 0.1M potassium phosphate buffer, pH 8.0 (solution 3), to give a convenient concentration. Blend for 3 to 5 minutes. Remove an aliquot and further dilute with solution 3 to the reference concentration of 0.1 microgram of ampicillin per milliliter (estimated).

(ii) *Iodometric assay.* Proceed as directed in § 141.506 of this chapter, preparing the sample as follows: Place the contents of a representative number of capsules into a high-speed glass blender jar, and add sufficient distilled water to give a convenient concentration. Blend 3 to 5 minutes. Filter through Whatman No. 2 filter paper. Further dilute an aliquot of the filtrate with distilled water to the prescribed concentration.

(2) *Loss on drying.* Proceed as directed in § 141.501(a) of this chapter.

Effective date. This order shall be effective November 9, 1973.

(Secs. 512 (i) and (n), 82 Stat. 347, 350; 21 U.S.C. 360b (i) and (n).)

Dated: November 2, 1973.

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

[FR Doc.73-23931 Filed 11-8-73;8:46 am]

HYDRABAMINE PHENOXYMETHYL PENICILLIN

Recodification, Technical Changes, and Updating

In a notice of proposed rulemaking published in the FEDERAL REGISTER of April 3, 1973 (38 FR 8520), the Commissioner of Food and Drugs proposed that the antibiotic drug regulations be amended by revising Parts 141a, 146a, and 149h to provide for the recodification, updating and technical revision of the hydrabamine phenoxymethyl penicillin monographs. Interested persons were invited to submit their comments in response to the notice of the proposed rulemaking within 60 days. The only comment received was from the National Formulary, which stated that hydrabamine phenoxymethyl penicillin and its dosage forms (oral suspension and tablets) have been approved for provisional admission to the National Formulary XIV. The National Formulary recommended that the designation hydrabamine phenoxymethyl penicillin chewable wafers be revised to hydrabamine phenoxymethyl penicillin tablets to conform with the nomenclature policy of the National Formulary, an official compendium.

The Commissioner concludes that this recommendation is consistent with the policy of the Food and Drug Administration and that this drug should be labeled hydrabamine phenoxymethyl penicillin tablets. Accordingly, this order has been revised to require that the nonproprietary name be changed from "chewable wafer" to "tablet". The monograph heading includes the phrase "chewable tablet" to clarify that the certification requirements are for chewable tablets.

Therefore, under provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357), and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), Parts 141a, 146a, and 149h are amended as follows:

PART 141a—PENICILLIN AND PENICILLIN-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

§§ 141a.91, 141a.92, and 141a.121 [Revoked]

1. In Part 141a by revoking § 141a.91 *Hydrabamine phenoxymethyl penicillin (phenoxymethyl penicillin hydrabamine salt)*, § 141a.92 *Hydrabamine phenoxymethyl penicillin oral suspension*, and § 141a.121 *Hydrabamine phenoxymethyl penicillin chewable wafers*, and by reserving them for future use.

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

§§ 146a.72, 146a.73, and 146a.117 [Revoked]

2. In Part 146a by revoking § 146a.72 Hydrabamine phenoxymethyl penicillin (phenoxymethyl penicillin hydrabamine salt), § 146a.73 Hydrabamine phenoxymethyl penicillin oral suspension, and § 146a.117 Hydrabamine phenoxymethyl penicillin chewable wafers, and by reserving them for future use.

PART 149h—PHENOXYMETHYL PENICILLIN

3. Part 149 is amended:

a. By revising the part heading as set forth above.

b. By adding the following new §§ 149h.3, 149h.12, 149h.13.

§ 149h.3 Hydrabamine phenoxymethyl penicillin.

(a) *Requirements for certification—(1) Standards of identity, strength, quality, and purity.* Hydrabamine phenoxymethyl penicillin is the hydrabamine salt of phenoxymethyl penicillin. It is so purified and dried that:

(i) Its potency is not less than 825 units and not more than 965 units per milligram.

(ii) It passes the safety test.

(iii) Its moisture content is not more than 2 percent.

(iv) Its pH in a saturated aqueous solution is not less than 3.0 and not more than 6.5.

(v) Its hydrabamine absorptivity at 276 nanometers is not less than 8.

(vi) It contains not less than 48.6 percent and not more than 57 percent of phenoxymethyl penicillin.

(vii) It is crystalline.

(2) *Labeling.* In addition to the labeling requirements prescribed by § 148.3 of this chapter, each package shall bear on its outside wrapper or container and the immediate container the following statement "For use in the manufacture of nonparenteral drugs only."

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, safety, moisture, pH, hydrabamine absorptivity, phenoxymethyl penicillin content, and crystallinity.

(ii) Samples required: 10 packages, 9 containing approximately equal portions of not less than 300 milligrams and 1 containing not less than 2 grams.

(b) *Tests and methods of assay—(1) Potency.* Using the phenoxymethyl penicillin working standard as the standard as the standard of comparison, assay for potency by either of the following methods; however, the results obtained from the iodometric assay shall be conclusive.

(i) *Microbiological agar diffusion assay.* Proceed as directed in § 141.110 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed sample in sufficient methyl alcohol to give a solution containing 1,000 units of phenoxymethyl penicillin per milliliter (estimated). By means of a volumetric pipet, add dropwise a 1.0-milliliter aliquot of the 1,000-units-per-milliliter concentration to a 1-liter volumetric flask containing approximately 800 milliliters of 1 percent potassium phosphate buffer, pH 6.0 (solution 1), constantly swirling the flask during the addition. Dilute to volume with solution 1.

(ii) *Iodometric assay.* Proceed as directed in § 141.506 of this chapter, except in lieu of paragraphs (c)(1) and (c)(2), transfer 10 milliliters each of the sample and working standard solutions to glass-stoppered Erlenmeyer flasks, add 10 milliliters of 1*N* NaOH, and shake well immediately and 5 minutes later. Fifteen minutes after the initial shaking, pipet 2.0 milliliters of the upper NaOH layer into a 125-milliliter glass-stoppered Erlenmeyer flask and proceed as directed in paragraphs (c)(3) and (c)(4) of that section.

(2) *Safety.* Proceed as directed in § 141.5 of this chapter, except observe the mice for 5 days in lieu of 48 hours, noting mortality every 24 hours. Repeat the test as described in § 141.5(d) if one or more animals die within 5 days. Prepare the sample as follows: Accurately weigh a convenient amount of the sample (usually 1 or 2 grams) and transfer to a mortar. Add 1 drop of polysorbate 80 and, while grinding with a pestle, slowly add sufficient sterile distilled water to make a 10-percent suspension (100 milligrams per milliliter) of smooth consistency.

(3) *Moisture.* Proceed as directed in § 141.502 of this chapter.

(4) *pH.* Proceed as directed in § 141.503 of this chapter, using a saturated aqueous solution prepared by adding approximately 5 milligrams per milliliter.

(5) *Hydrabamine absorptivity.* Place an accurately weighed sample of approximately 100 milligrams into a 125-milliliter separatory funnel. Add 20 milliliters of spectrophotometric grade chloroform and 20 milliliters of 0.5 *N* NaOH. Shake well for 1 minute. Allow the layers to separate, filter the lower cholorform layer through a cotton pledget, and collect the clear chloroform solution. Save the upper alkaline layer. Dilute 5 milliliters of the clear chloroform filtrate to 25 milliliters with spectrophotometric grade chloroform. Using a suitable spectrophotometer equipped with a 1-centimeter quartz cell and chloroform as the blank, determine the absorbance of each solution at 276 nanometers. (The exact position of the peak should be determined for the particular instrument used.) Calculate the hydrabamine absorptivity as follows:

$$\text{Hydrabamine absorptivity} = \frac{\text{Absorbance of sample}}{\text{Grams of sample per 100 milliliters}}$$

(6) *Phenoxymethyl penicillin content.* Dilute 5 milliliters of the alkaline layer, prepared as described in subparagraph (5) of this paragraph, to 25 milliliters with distilled water. Treat a portion of the phenoxymethyl penicillin working standard in the same manner. Using a suitable spectrophotometer and 0.1 *N* NaOH as the blank, determine the absorbance of each solution at 276 nanometers. Calculate the percent of phenoxymethyl penicillin as follows:

$$\text{Percent phenoxymethyl penicillin} = \frac{\text{Absorbance of sample} \times \frac{\text{Weight in milligrams of standard}}{\text{Percent phenoxymethyl penicillin in standard}}}{\text{Absorbance of standard} \times \text{Weight in milligrams of sample}}$$

(7) *Crystallinity.* Proceed as directed in § 141.504(a) of this chapter.

§ 149h.12 Hydrabamine phenoxymethyl penicillin oral suspension.

(a) *Requirements for certification—(1) Standards of identity, strength, quality, and purity.* Hydrabamine phenoxymethyl penicillin oral suspension is composed of hydrabamine phenoxymethyl penicillin and one or more suitable suspending or dispersing agents, buffer substances, preservatives, colorings, and flavorings. Each milliliter contains hydrabamine phenoxymethyl penicillin equivalent to 36 milligrams (60,000 units) of phenoxymethyl penicillin. Its potency is satisfactory if it is not less than 90 percent and not more than 125 percent of the number of milligrams or units of phenoxymethyl penicillin that it is represented to contain. Its pH is not less than 4.5 and not more than 6.5. The hydrabamine phenoxymethyl penicillin used conforms to the standards prescribed by § 149h.3(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The hydrabamine phenoxymethyl penicillin used in making the batch for

potency, safety, moisture, pH, hydrabamine absorptivity, phenoxymethyl penicillin content, and crystallinity.

(b) The batch for potency and pH.

(ii) Samples required:

(a) The hydrabamine phenoxymethyl penicillin used in making the batch: 10 packages, nine containing approximately equal portions of not less than 300 milligrams and one containing not less than 2 grams.

(b) The batch: A minimum of five immediate containers.

(b) *Tests and methods of assay*—(1) *Potency.* Using the phenoxymethyl penicillin working standard as the standard of comparison, assay for potency by either of the following methods; however, the results obtained from the iodometric assay shall be conclusive.

(i) *Microbiological agar diffusion assay.* Proceed as directed in § 141.110 of this chapter, preparing the sample for assay as follows: Place 1.0 milliliter of the sample into a 100-milliliter volumetric flask and dilute to volume with methyl alcohol. Further dilute an aliquot with methyl alcohol to give a solution containing 1,000 units of phenoxymethyl penicillin per milliliter (estimated). By means of a volumetric pipet, add dropwise a 1.0-milliliter aliquot of the 1,000-units-per-milliliter concentration to a 1-liter volumetric flask containing approximately 800 milliliters of 1 percent potassium phosphate buffer, pH 6.0 (solution 1), constantly swirling the flask during the addition. Dilute to volume with solution 1.

(ii) *Iodometric assay.* Proceed as directed in § 141.506 of this chapter, preparing the sample as follows: Dilute 1.0 milliliter of the sample with 1*N* NaOH to obtain a suspension containing 2,000 units per milliliter (estimated) and add approximately half the amount of chloroform U.S.P. Shake well immediately and again after 5 minutes. Allow to stand for a total of 15 minutes. Use the upper NaOH layer as the sample. For the blank determination, dilute 1.0 milliliter of the sample with sufficient 1 percent potassium phosphate buffer, pH 6.0 (solution 1), to obtain a suspension containing 2,000 units per milliliter (estimated).

(2) *pH.* Proceed as directed in § 141.503 of this chapter, using the undiluted drug.

§ 149h.13 Hydrabamine phenoxymethyl penicillin chewable tablets.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Hydrabamine phenoxymethyl penicillin chewable tablets are composed of hydrabamine phenoxymethyl penicillin with suitable diluents, binders, buffers, colorings, and flavorings. Each tablet contains hydrabamine phenoxymethyl penicillin equivalent to 125 milligrams (200,000 units) or 250 milligrams (400,000 units) of phenoxymethyl penicillin. Its potency is satisfactory if it is not less than 90 percent and not more than 125 percent of the number of milligrams or units of phenoxymethyl penicillin that it is represented to contain. The loss on drying is not more than 2 percent. The hydrabamine phenoxymethyl penicillin used conforms to the standards prescribed by § 149h.3(a)(1).

(2) *Labeling.* In addition to the labeling requirements prescribed by § 148.3 of this chapter, this drug shall be labeled "hydrabamine phenoxymethyl penicillin tablets."

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(a) The hydrabamine phenoxymethyl penicillin used in making the batch for potency, safety, moisture, pH, hydrabamine absorptivity, phenoxymethyl penicillin content, and crystallinity.

(b) The batch for potency and loss on drying.

(ii) Samples required:

(a) The hydrabamine phenoxymethyl penicillin used in making the batch: 10 packages, nine containing approximately equal portions of not less than 300 milligrams and one containing not less than 2 grams.

(b) The batch: A minimum of 30 tablets.

(b) *Tests and methods of assay*—(1) *Potency.* Using the phenoxymethyl penicillin working standard as the standard of comparison, assay for potency by either of the following methods; however, the results obtained from the iodometric assay shall be conclusive.

(i) *Microbiological agar diffusion assay.* Proceed as directed in § 141.110 of this chapter, preparing the sample for assay as follows: Place a representative number of tablets into a glass blending jar with sufficient methyl alcohol to give a convenient concentration. Blend for 3 to 5 minutes. Further dilute an aliquot with methyl alcohol to 1,000 units of phenoxymethyl penicillin per milliliter (estimated). By means of a volumetric pipet, add dropwise a 1.0-milliliter aliquot of the 1,000-units-per-milliliter concentration to a 1-liter volumetric flask containing approximately 800 milliliters of 1 percent potassium phosphate buffer, pH 6.0 (solution 1), constantly swirling the flask during the addition. Dilute to volume with solution 1.

(ii) *Iodometric assay.* Proceed as directed in § 141.506 of this chapter, preparing the sample as follows: Weigh and finely powder 10 tablets. Transfer an accurately weighed portion of the powdered tablets, equivalent to about 200,000 units, to a 100-milliliter volumetric flask. Dissolve the powder in chloroform, dilute to volume with chloroform, and mix. Pipet 10 milliliters of the solution into each of two 50-milliliter glass-stoppered centrifuge tubes. To one tube add 10.0 milliliters of 1*N* sodium hydroxide. To the other tube (which is to be used as the blank) add 10.0 milliliters of 1 percent potassium phosphate buffer, pH 6.0 (solution 1). Shake both tubes vigorously for 20 to 30 seconds, and then centrifuge. Use the buffer layer for the blank determination. In lieu of § 141.506 (c) (1) and (2), of this chapter, pipet 2.0 milliliters of the alkaline layer from the first tube into a glass-stoppered Erlenmeyer flask and let stand for a total of 15 minutes from the time the sodium hydroxide was added to the chloroform solution. At the end of the 15-minute waiting period, proceed as directed in § 141.506 (c) (3) and (c) (4) of this chapter.

(2) *Loss on drying.* Proceed as directed in § 141.501(b) of this chapter.

Effective date. This order shall become effective December 10, 1973.

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357.)

Dated: October 30, 1973.

MARY A. MCENIRY,
Assistant to the Director for Regulatory Affairs, Bureau of Drugs.

[FR Doc.73-23930 Filed 11-8-73;8:46 am]

[Recodification Docket No. 1]

SUBCHAPTER J—RADIOLOGICAL HEALTH

PART 1030—PERFORMANCE STANDARDS FOR MICROWAVE AND RADIO FREQUENCY EMITTING PRODUCTS

Reorganization and Republication; Correction

In FR Doc. 73-21646 appearing at page 28624 of the FEDERAL REGISTER of October 15, 1973 (38 FR 28624), the text set forth for § 1030.10 (b) (3) and (c) (2) and (3) of Part 1030 of Subchapter J (formerly § 278.212 (b) (3) and (c) (2) and (3) of Part 278 of Subchapter F) is effective August 7, 1974 pursuant to the amendment published in the FEDERAL REGISTER of August 7, 1973 (38 FR 21262).

Dated: November 2, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-23929 Filed 11-8-73;8:46 am]

Title 30—Mineral Resources

CHAPTER I—BUREAU OF MINES, DEPARTMENT OF THE INTERIOR

SUBCHAPTER O—COAL MINE HEALTH AND SAFETY

PART 75—MANDATORY SAFETY STANDARDS, UNDERGROUND COAL MINES

Miscellaneous Amendments

Correction

In FR Doc. 73-23221, appearing at page 29997 in the issue for Wednesday, October 31, 1973, the reference in the 10th line of paragraph (6), page 29998, to "500 feet and 500 feet" should read "500 feet and 800 feet".

Title 32—National Defense

CHAPTER I—OFFICE OF THE SECRETARY OF DEFENSE

SUBCHAPTER P—RECORDS

PART 295—AVAILABILITY TO THE PUBLIC OF DEFENSE MAPPING AGENCY INFORMATION

The Director of the Defense Mapping Agency has approved the following policy.

This part is issued to implement the provisions of the Freedom of Information Act, 5 U.S. Code, Section 552, within the Defense Mapping Agency.

Sec.
295.1 Purpose.
295.2 Applicability.
295.3 Authority.
295.4 Responsibilities.
295.5 "For Official Use Only" records.

AUTHORITY: 5 U.S.C. 301, 552.

§ 295.1 Purpose.

This part establishes responsibility for making available to members of the general public the maximum amount of information concerning the operations and activities of the Defense Mapping Agency (DMA).

§ 295.2 Applicability.

This part is applicable to Headquarters DMA and all DMA Components.

§ 295.3 Authority.

This part is published in accordance with the authority contained in Part 286 of this subchapter.

§ 295.4 Responsibilities.

(a) The Chief of Staff, Headquarters DMA, and the Director of each Component will, subject to the exceptions set forth in § 286.8 of this subchapter:

(1) Insure the Public Information Officer, Headquarters DMA is provided with all materials relevant to publication in the FEDERAL REGISTER.

(2) Insure each Public Information Officer receives all documentary material described in § 286.7 of this subchapter upon notice of a request from a private person.

(b) The Public Information Officer, Headquarters DMA will:

(1) Subject to the exemptions in § 286.8 of this subchapter and unless readily available elsewhere in published form and incorporated by reference in the FEDERAL REGISTER, arrange for publication on an up-to-date basis in the FEDERAL REGISTER, those circulars, instructions, notices, and other relevant material which describe the functions of DMA and inform all interested prsons how to deal effectively with DMA.

(2) Make material described in §§ 286.5 and 286.6 of this subchapter available for public inspection and copying in Headquarters DMA, Building 56, U.S. Naval Observatory, Washington, D.C. 20305. This material will be indexed in accordance with § 286.6 of this subchapter.

(1) All Public Information Officers will:

(1) Respond to all requests from privat persons for records and information.

(2) If the initial request for information does not meet the requirements in § 286.7(c)(1) of this subchapter, the individual will be so advised, stating in detail why the request cannot be honored.

(3) Whenever a proper request for a record or document is to be denied for any reason other than the fact it has been classified, concurrence of Counsel at a Component where available, or Counsel, Headquarters DMA, in all other cases, wil be obtained.

(4) If any private person is deniled a record or document the reason(s) for such action shal be explained in detail and the individual advised of his right to appeal the adverse decision to the Director, DMA.

(d) The Chief of Staff, Headquarters DMA, is hereby delegated authority to make all final determinations in accordance with the provisions of § 286.10(e) of this subchapter.

§ 295.5 "For Official Use Only" records.

There shall be only one designation for marking unclassified material and records which are the subject of this part. That designation shall be "FOR OFFICIAL USE ONLY" (FOUO). Its employment shall be governed by strict adherence to the provisions of § 286.9 of this subchapter.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD (Comptroller).

NOVEMBER 5, 1973.

[FR Doc.73-23916 Filed 11-8-73;8:45 am]

Title 38—Pensions, Bonuses, and Veterans' Relief

CHAPTER I—VETERANS ADMINISTRATION

PART 17—MEDICAL

Special Automobile Equipment

On page 26393 of the FEDERAL REGISTER of September 20, 1973, there was published a notice of proposed regulatory development to add § 17.115d to provide additional authority under which payment or reimbursement for special automobile equipment may be made. Interested persons were given 30 days in which to submit comments, suggestions, or objections regarding the proposed regulation.

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

Effective date. This VA regulation is effective January 11, 1971.

Approved: November 5, 1973.

By direction of the Administrator:

[SEAL] FRED B. RHODES,
Deputy Administrator.

§ 17.115d Special automobile equipment.

Any veteran who acquires a powered lifter or other device of access or egress, or other appliance or therapeutic or rehabilitative device, coincident with obtaining an automobile or adaptive equipment under the provisions of § 3.808 of this chapter (where such appliance or device is not adaptive equipment for purposes of chapter 39, title 38, United States Code) shall be deemed to have complied with this section when a medical determination of need for such is made. The medical determination of need does not have to precede the purchase, and payment or reimbursement is not subject to the provisions of §§ 17.80 through 17.91, since the procurement is not to be considered as unauthorized under these circumstances when the veteran would clearly have been eligible and entitled to the device or equipment had the medical prescription been submitted in advance.

[FR Doc.73-23940 Filed 11-8-73;8:45 am]

Title 39—Postal Service

CHAPTER I—U.S. POSTAL SERVICE

PART 221—GENERAL PRINCIPLES OF ORGANIZATION

Purpose of Executive Committee

At present, paragraph (d) of § 221.6 merely names the members of the Executive Committee. It does not describe its purpose. This amendment adds the purpose of the Executive Committee. In addition, it changes the membership by removing the Deputy Postmaster General from membership and adding to the Committee membership the Executive Assistant for Postal Affairs. Accordingly, paragraph (d) of § 221.6 is revised, upon publication in the FEDERAL REGISTER, to read as follows:

§ 221.6 Groups and departments.

* * * * *

(d) The Executive Committee is the established organization through which the Postmaster General and his top staff collectively consider and act on major policy, planning, and other management control matters. The Postmaster General, the Senior Assistant Postmasters General for Administration, Employee and Labor Relations, Finance, and Operations, the General Counsel, and the Executive Assistant for Postal Affairs comprise the Executive Committee of which the Postmaster General is Chairman and the Executive Assistant for Postal Affairs is Secretary.

* * * * *

ROGER P. CRAIG,
Deputy General Counsel.

[FR Doc.73-23881 Filed 11-8-73;8:45 am]

Title 47—Telecommunications

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[FCC 73-1132]

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

Measurement of Output Power

1. The Commission has before it a letter from Lorain Electronics Corporation which points out that there is need to update §§ 83.517(c)(2) and 83.542(d)(2) to include therein provision for the measurement of output power under conditions where the transmitter output is connected to a dummy load (artificial antenna) of an impedance which matches the output impedance of solid state transmitters.

2. The output impedance of many of the solid state transmitters currently available have a characteristic output impedance of 50 Ohms. Inclusion in the rules of the suggested amendment would facilitate vessel inspection by Commission personnel to determine compliance with Subparts T and U of Part 83, since it would remove the frequently lengthy process of matching the transmitter output (50 Ohms) to that prescribed in §§ 83.517 and 83.542 (10 Ohms effective resistance and 200 picofarads capacitance). Lastly, it would improve the accuracy of the output power measurement, since it would remove the need to compensate for loss in the matching network.

3. The amendments to the rules, as set forth in the attached Appendix, are issued pursuant to authority contained in sections 4(i), 303 (f) and (r) of the Communications Act of 1934, as amended.

4. The amendments adopted herein are minor in nature and are ones in which the public is not particularly interested, and, hence the prior notice and procedure provisions of 5 U.S.C. 553 are unnecessary.

5. Accordingly, Part 83 of the Commission's rules is amended as shown below, effective December 14, 1973.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; (47 U.S.C. 154, 303).)

Adopted: October 31, 1973.

Released: November 5, 1973.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

Part 83 of 47 CFR Ch. I is amended as follows:

1. In § 83.517, paragraph (c)(2) is amended to read as follows:

§ 83.517 Medium frequency transmitter.

* * * * *

(c) * * *

(2) The transmitter has been demonstrated, or is of a type which has been demonstrated, to the satisfaction of the Commission as capable, with normal operating voltages applied, of delivering not less than 25 watts carrier power for A3 emission or 50 watts peak envelope power for A3H emission on each of the frequencies 2182 and 2638 kHz into either an artificial antenna consisting of a series network of 10 ohms effective resistance and 200 picofarads capacitance or an artificial antenna of 50 Ohms nominal impedance; Provided, however, That an individual demonstration of the power output capability of the transmitter, with the radiotelephone installation normally installed on board ship, may be required whenever in the judgment of the Commission this is deemed necessary.

2. In § 83.542, paragraph (d)(2) is amended to read as follows:

§ 83.542 Radiotelephone transmitter.

* * * * *

(d) * * *

(2) The transmitter has been demonstrated, or is of a type which has been demonstrated, to the satisfaction of the Commission as capable, with normal operating voltages applied, of delivering not less than 50 watts carrier power for A3 emission or 100 watts peak envelope power for A3H emission on each of the frequencies 2182 and 2003 kHz into either an artificial antenna consisting of a series network of 10 Ohms effective resistance and 200 picofarads capacitance or an artificial antenna of 50 Ohms nominal impedance; Provided, however, That an individual demonstration of the power output capability of the transmitter, with the radiotelephone installation normally installed on board ship, may be required whenever in the judgment of the Commission this is deemed necessary.

[FR Doc.73-23935 Filed 11-8-73;8:46 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER B—PRACTICE AND PROCEDURE

[Ex Parte No. 55 (Sub-No. 9)]

PART 1100—GENERAL RULES OF PRACTICE

Modified Procedure for Pleadings

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 27th day of August 1973.

It appearing, that Rule 51 (49 CFR 1100.51) of this Commission's General Rules of Practice allows an applicant or complainant whose application or complaint is being processed under this Commission's modified procedure, 10 days after the filing of protestants' or defendants' statements to file a reply thereto;

It further appearing, that by petition filed April 27, 1973, the Motor Carrier Lawyers Association seeks an amendment of this Rule to permit 20 days within which the complainant or applicant may file its reply under the modified procedure; that the Association contends (a) that it is the experience of its members that (with but few exceptions) the present 10-day rule does not permit sufficient time to prepare and submit a meaningful reply statement, (b) that the major reason for its request for an additional 10 days to file replies is the deterioration of the United States Postal Service to the point where "it cannot be relied upon unless time is of no importance", (c) that protestants' and defendants' statements usually must be mailed to shippers for their comments and that this additional use of the mail service results in further delays which compound the problem of filing within the presently prescribed 10-day period, (d) that, as a consequence, while the rule allows 10 days in which to file a reply statement, an applicant or complainant often has as little as 1 day to prepare its statement and mail it to this Commission, and (e) that this Commission is lenient in granting extensions of time to file reply statements, but that the obtaining of additional time is costly and time consuming both to the representative of the complainant or applicant and our overburdened staff;

It is further appearing, that pursuant to section 553 of the Administrative Procedure Act (5 U.S.C. 553), notice of the filing of the petition was published in the FEDERAL REGISTER on May 16, 1973 (38 FR 12822-12823); that the notice stated that no oral hearing was contemplated, and persons desiring to participate in these proceedings were invited to file representations supporting or opposing the relief sought; that the parties listed in the Appendix to this order have submitted comments which unqualifiedly support the relief sought; and that no representations were filed opposing the relief sought;

It further appearing, that the granting of the relief sought will continue to assure the public of fair and equitable procedures before this Commission, will alleviate the burdens presently upon parties that may not have sufficient time properly to prepare reply statements, and will ease this Commission's administrative burdens occasioned by the processing of requests for extensions of the said filing dates; and that the evidence of record amply warrants the action set forth below;

And it further appearing, that persons practicing before this Commission are forewarned that in view of the action taken herein requests for extensions of time for the filing of the involved reply statements will be treated less leniently in the future;

Wherefore, and good cause appearing therefor:

It is ordered, That Subchapter B of Chapter X of Title 49 of the Code of Federal Regulations be, and it is hereby, amended so that § 1100.51 shall read as follows:

§ 1100.51 Modified procedure; when pleadings filed and served. (Rule 51)

Within 20 days from the date of an order requiring modified procedure, complainant shall serve upon the other parties a statement of all the evidence upon which it relies. Within 30 days thereafter defendant shall serve its statement. Within 20 days thereafter complainant shall serve its statement in reply. No further reply may be made by any party except by permission of the Commission.

(49 U.S.C. 17, 305, 916, and 1017 and 5 U.S.C. 553.)

It is further ordered, That this order shall become effective on October 1, 1973, and shall continue in effect until further order of the Commission.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy of this notice in the Office of the Secretary of the Commission at Washington, D.C., for public inspection and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-23968 Filed 11-8-73;8:46 am]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

[Docket No. FI-245]

List of Communities With Special Hazard Areas

The Federal Insurance Administrator finds that comment and public procedure and the use of delayed effective dates in identifying the areas of communities which have special flood or mudslide hazards, in accordance with 24 CFR Part 1915, would be contrary to the public interest. The purpose of such identifications is to guide new development away from areas threatened by flooding, a purpose which is accomplished pursuant to statute by denying subsidized flood insurance to structures thereafter built within such areas. The practice of issuing proposed identifications for comment or of delaying effective dates would tend to frustrate this purpose by permitting imprudent or unscrupulous builders to start construction within such hazardous areas before the official identification became final, thus increasing the communities' aggregate exposure to loss of life and property and the agency's financial exposure to flood losses, both of which are contrary to the statutory purposes of the program. Accordingly, the Department is not providing for public comment in issuing this amendment and it will become effective November 9, 1973. Section 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 **List of communities with special hazard areas.**

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
*	*	*	*	*	*	*
Arkansas	Clay	Piggott, City of	H 05 021 3130 01	Division of Soil and Water Resources, State Department of Commerce, 1920 West Capitol Ave., Little Rock, Ark. 72201. Arkansas Insurance Department, 400 University Tower Bldg., Little Rock, Ark. 72204.	Mayor, City Hall, Piggott, Ark. 72454.	Nov. 16, 1973.
Do	Crawford	Van Buren, City of.	H 05 033 3030 01 through H 05 033 3030 04	do	Mayor, City Hall, Van Buren, Ark. 72956.	Do.
Do	Hot Springs	Malvern, City of	H 05 059 2500 01 through H 05 059 2500 02	do	City Manager, City Hall, Malvern, Ark. 72104.	Do.
Do	Howard	Nashville, City of	H 05 061 2790 01 through H 05 061 2790 02	do	Mayor, City Hall, Nashville, Ark. 71852.	Do.
Do	Jackson	Newport, City of	H 05 067 2820 01 through H 05 067 2820 03	do	City Manager, City Hall, Newport, Ark. 72112.	Do.
Do	do	Tuckerman, City of.	H 05 067 3870 01	do	Mayor, City Hall, Tuckerman, Ark. 72473.	Do.
Do	Mississippi	Blytheville, City of.	H 05 093 0450 01 through H 05 093 0450 05	do	Mayor, Blytheville, Ark. 72315.	Do.
Do	do	Gosnell, City of	H 05 093 1535 01	do	Mayor, Gosnell, Ark. 72315.	Do.
Do	Poinsett	Turrnann, City of.	H 05 111 3860 01	do	Mayor, Turmann, Ark. 72472.	Do.
Do	Randolph	Pocahontas, Town of	H 05 121 3190 01 through H 05 121 3190 04	do	Planning Commission, City Hall, Pocahontas, Ark. 72455.	Do.
Do	Saline	Benton, City of	H 05 125 0330 01 through H 05 125 0330 06	do	Mayor, City Hall, Benton, Ark. 72015.	Do.
California	Colusa	Colusa, City of	H 06 011 0800 01	Department of Water Resources, P.O. Box 388, Sacramento, Calif. 95802. California Insurance Department, 107 South Broadway, Los Angeles, Calif. 90012 and, 1407 Market St., San Francisco, Calif. 94103.	City Hall, 260 Sixth Street, Colusa, Calif. 95932.	Do.
Colorado	El Paso	Palmer Lake, Town of.	H 08 041 1920 01	Colorado Water Conservation Board, Room 102, 1845 Sherman St., Denver, Colo. 80203. Colorado Division of Insurance, 106 State Office Bldg., Denver, Colo. 80203.	Town Hall, Town Clerk, Palmer Lake, Colo. 80133.	Do.
Connecticut	Hartford	E. Windsor, Town of.	H 09 003 0223 01	Department of Environmental Protection, Director of Water and Related Resources, Room 207 State Office Bldg., Hartford, Conn. 06115. Connecticut Insurance Department, State Capitol Bldg., 165 Capitol Ave., Hartford, Conn. 06115.	Town Hall of Town of East Windsor, 11 Rye St., Broad Brook, Conn. 06016.	Do.
Florida	Holmes	Bonifay, City of	H 12 059 0310 01	Department of Community Affairs, 2571 Executive Center Circle East, Howard Bldg., Tallahassee, Fla. 32301. State of Florida Insurance Department, Treasurer's Office, The Capitol, Tallahassee, Fla. 32304.	Mayor, City Hall, Bonifay, Fla. 32425.	Do.
Idaho	Bonneville	Iona, City of	H 16 019 0810 01	Department of Water Administration, State House, Annex 2, Boise, Idaho 83707. Idaho Department of Insurance, Room 206, Statehouse, Boise, Idaho 83707.	Mayor, Iona, Idaho 83417.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
* * *	* * *	* * *	* * *	* * *	* * *	* * *
Illinois	Cook	Arlington Heights, Village of.	H 17 031 0280 01	Department of Local Government Affairs, 309 West Washington St., Chicago, Ill. 60606. Illinois Insurance Department, 535 West Jefferson St., Springfield, Ill. 62702.	Planing Commission, Village of Arlington Heights, Arlington Heights, Ill. 60006.	Do.
Do.	do.	Mt. Prospect, Village of.	H 17 031 5870 01 through H 17 031 5870 05	do.	Village Manager, Village of Mount Prospect, 113 East Northwest Highway, Mt. Prospect, Ill. 60056.	Do.
Do.	Du Page	Itasca, Village of.	H 17 043 4220 01 through H 17 043 4220 02	do.	Village of Itasca, 100 North Walnut Ave., Itasca, Ill. 60143.	Do.
Do.	Madison	Granite City.	H 17 119 3550 01 through H 17 119 3550 06	do.	City Council, Administration Bldg., Granite City, Ill. 62040.	Do.
Do.	Peoria	Peoria Heights, Village of.	H 17 143 6860 01 through H 17 143 6860 02	do.	Tri-County Regional Planning Commission, Suite 7-A, Junction City, Peoria, Ill. 61614.	Do.
Do.	Pike	Pleasant Hill, Village of.	H 17 149 7020 01	do.	Mayor, Pleasant Hill, Ill. 62366.	Do.
Do.	St. Clair	E. St. Louis, City of.	H 17 163 2610 01 through H 17 163 2610 07	do.	Coordinator of Community Development Department, 331 East Broadway Ave., East St. Louis, Ill. 62201.	Do.
Do.	do.	Lebanon, City of.	H 17 163 4730 01	do.	Zoning Director, St. Clair Bldg., One South Church, Belleville, Ill. 62220.	Do.
Do.	Sangamon	Chatham, Village of.	H 17 167 1600 01 through H 17 167 1600 02	do.	Mayor, Chatham, Ill. 62629.	Do.
Do.	do.	Riverton, Village of.	H 17 167 7360 01	do.	Mayor, City Hall, 313 East Jefferson, Riverton, Ill. 62561.	Do.
Louisiana	Acadia Parish	Church Point, Town of.	H 22 001 0390 01 through H 22 001 0390 03	State Department of Public Works, P.O. Box 44155, Capitol Station, Baton Rouge, La. 70804. Louisiana Insurance Department, Box 44214, Capitol Station, Baton Rouge, La. 70804.	Mayor, City Hall, Church Point, La. 70525	Do.
Do.	Ouachita Parish	West Monroe, City of.	H 22 073 2410 01 through H 22 073 2410 03	do.	Building Inspector, City Complex, Haynes St., West Monroe, La. 71291.	Do.
Do.	St. Tammy Parish.	Slidell, City of.	H 22 103 2180 01 through H 22 103 2180 05	do.	Mayor, City Hall, Slidell, La. 70458.	Do.
Do.	Winn Parish	Winnfield, Town of.	H 22 127 2440 01 through H 22 127 2440 02	do.	Mayor, City Hall, Winnfield, La. 71483.	Do.
Maryland	Carroll	Union Bridge, Town of.	H 24 013 1600 01	Department of Water Resources, State Office Bldg., Annapolis, Md. 21401. Maryland Insurance Department, 301 West Preston St., Baltimore, Md. 21201.	1 West Broadway St., Union Bridge, Md. 21791.	Do.
Michigan	Macomb	Harrison, Township of.	H 26 099 3390 01 through H 26 099 3390 07	Water Resources Commission, Bureau of Water Management, Stevens T. Mason Bldg., Lansing, Mich. 48926. Michigan Insurance Bureau, 111 North Hosmer St., Lansing, Mich. 48913.	Township of Harrison, 38151 L'Anse Creuse, Mount Clemens, Mich. 48043.	Do.
Minnesota	Dakota	Hastings, City of.	H 27 037 3120 01	Division of Waters, Soils and Minerals, Department of Natural Resources, Centennial Office Bldg., St. Paul, Minn. 55105. Minnesota Division of Insurance, R-210 State Office Bldg., St. Paul, Minn. 55101.	City Clerk Administrator, City Hall, 100 Sibley St., Hastings, Minn. 55033.	Do.
Do.	Swift	Appleton, Village of.	H 27 151 0200 01 through H 27 151 0200 02	do.	Village Clerk, Appleton, Minn. 56208.	Do.
Do.	Yellow Medicine and Chipewa.	Granite Falls, City of.	H 27 173 2860 01 through H 27 173 2860 02	do.	City Hall, 885 Prentice St., Granite Falls, Minn. 56241.	Do.
Mississippi	Washington	Greenville, City of.	H 28 151 0990 01 through H 28 151 0990 06	Mississippi Research and Development Center, P.O. Drawer 2470, Jackson, Miss. 39205. Mississippi Insurance Department, 910 Woolfolk Bldg., Jackson, Miss. 39205.	City Clerk, City of Greenville, City Hall, Greenville, Miss. 38701.	Do.
New York	Livingston	Mount Morris, Village of.	H 36 051 3930 01 through H 36 051 3930 02	New York State Department of Environmental Conservation, Division of Resources, Management Services, Bureau of Water Management, Albany, N.Y. 12201. New York State Insurance Department, 123 William St., New York, N.Y. 10038, and 324 State St., Albany, N.Y. 12210.	Village Hall, Mount Morris, N.Y. 14510.	Do.
Do.	Steuben	Painted Post, Village of.	H 36 101 4620 01	do.	Village Hall, Painted Post, N.Y. 14870.	Sept. 7, 1973 and Nov. 16, 1973.
Do.	do.	South Corning, Village of.	H 36 101 5820 03 through H 36 101 5820 04	do.	Village Clerk's Office, 413 Park Ave., Corning, N.Y. 14830.	July 13, 1973 and Nov. 16, 1973.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
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North Dakota	Traill	Hillsboro, City of	H 38 097 1530 01	State Water Commission, State Office Bldg., 900 East Blvd., Bismarck, N. Dak. 58501. North Dakota Insurance Department, State Capitol, Bismarck, N. Dak. 58501.	Chairman, Board of City Commissioners, Hillsboro, N. Dak. 58045.	Do.
Do	La Moure	La Moure, City of	H 38 145 1730 01	do	Mayor, La Moure, N. Dak. 58458	Do.
Ohio	Crawford	Bucyrus, City of	H 39 033 1130 01 through H 39 033 1130 02	Ohio Department of Natural Resources, Ohio Departments Bldg., Columbus, Ohio 43215. Ohio Insurance Department, 115 East Rich St., Columbus, Ohio 43215.	Mayor, City Hall, 500 South Sandusky St., Bucyrus, Ohio 44820.	Do.
Do	Cuyahoga	Lakewood, City of.	H 39 035 4040 01 through H 39 035 4040 02	do	Lakewood City Hall, 12650 Detroit Ave., Lakewood, Ohio 44107.	Do.
Do	Greene	Spring Valley, Village of.	H 39 057 7810 01	do	Village Council, Spring Valley, Ohio 45370.	Do.
Do		Franklin, City of	H 39 165 2710 01 through H 39 165 2710 03	do	City Manager, City Bldg., Franklin, Ohio 45005.	Do.
Do	Marion	Green Camp	H 39 191 3140 01	do	Mayor, Green Camp, Ohio 43322	Do.
Oregon	Clackamas	Canby, City of	H 41 005 0260 01 through H 41 005 0260 02	Executive Department, State of Oregon, Salem, Oreg. 97310. Oregon Insurance Division, Department of Commerce, 158 12th St., NE., Salem, Oreg. 97310.	Mayor, City Hall, Canby, Oreg. 97013.	Do.
Do	Umatilla	Milton-Freewater, City of.	H 41 059 1350 01 through H 41 059 1350 02	do	Mayor, City Hall, 11 Southwest 5th, Milton-Freewater, Oreg. 97862.	Do.
Do	do	Pilot Rock, City of.	H 41 059 1640 01	do	Mayor, City Hall, Pilot Rock, Oreg. 97868.	Do.
Pennsylvania	Delaware	Colwyn, Borough of.	H 42 045 1570 01	Department of Community Affairs, Commonwealth of Pennsylvania, Harrisburg, Pa. 17120. Pennsylvania Insurance Department, 108 Finance Bldg., Harrisburg, Pa. 17120.	Colwyn Borough Hall, 3d and Square St., Colwyn, Pa. 19023.	Do.
South Dakota	Meade	Sturgis, City of	H 46 093 2560 01	South Dakota Planning Agency, State Capitol Bldg., Pierre, S. Dak. 57501. South Dakota Department of Insurance, Insurance Bldg., Pierre, S. Dak. 57501.	Municipal Bldg., 1147 Sherman St., Sturgis, S. Dak. 57785.	Do.
Do	Union	N. Sioux City, City of.	H 46 127 2005 01 through H 46 127 2005 02	do	City Hall Bldg., North Sioux City, S. Dak. 57049.	Do.
Wisconsin	Winnebago	Menasha, City of	H 53 139 2980 01 through H 53 139 2980 03	Department of Natural Resources, P.O. Box 450, Madison, Wis. 53701. Wisconsin Insurance Department, 212 North Bassett St., Madison, Wis. 53703.	City Hall, 175 Main St., Menasha, Wis. 54952.	Do.

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

Issued: October 31, 1973.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.73-23801 Filed 11-7-73;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

Farmers Home Administration

[7 CFR Part 1873]

[FHA Instruction 471.1]

CERTIFICATE OF BENEFICIAL OWNERSHIP AND INSURED NOTES

Proposed Termination of Individual Insured Notes

Notice is hereby given that the Farmers Home Administration (FHA) has under consideration a proposed revision of 7 CFR Part 1873 (37 FR 23628). The proposed revision of Part 1873 would terminate the sale of individual insured notes by the Farmers Home Administration. Certificates of Beneficial Ownership in a trust of FHA Insured Loans would be sold to the investing public. The sale of Certificates of Beneficial Ownership would enable FHA to offer an investment instrument that would have even denominations, a fixed principal amount until maturity, and would allow denominational exchanges.

Part 1873 also sets out proposed regulations for servicing existing insured notes that have been sold. It incorporates regulations pertaining to lost, stolen, mutilated or defaced insured notes, insurance contracts, and certificates of beneficial interest previously published in the FEDERAL REGISTER dated August 30, 1973 (38 FR 23412), as Part 1875, "Loss, Theft, Destruction, Mutilation, or Defacement of Insured Notes and Insurance Contracts." That proposal will be withdrawn.

Part 1812 of Title 7 of the Code of Federal Regulations (32 FR 8366), Loan Checks, Notes, and Insurance Endorsements for Insured Loans Made by Local Lenders, Except Certain Insured Loans to Public Bodies, would become obsolete upon the effective date of new Part 1873. The regulations in this part would no longer be applicable as the sale of individual notes would be discontinued.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed amendment to the Deputy Administrator Comptroller, Farmers Home Administration, U.S. Department of Agriculture, Room 5007, South Building, Washington, D.C. 20250, on or before December 10, 1973. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Deputy Administrator Comptroller during regular business hours (8:15 a.m. to 4:45 p.m.).

As proposed, revised Part 1873 will read as follows:

PART 1873—CERTIFICATES OF BENEFICIAL OWNERSHIP AND INSURED NOTES

Subpart A—Certificates of Beneficial Ownership in Farmers Home Administration Loans

Sec.
1873.1 Definitions.
1873.2 Special trusts of loans.
1873.3 Certificates of beneficial ownership.
1873.4 Issue date and maturity of certificates.

Subpart B

1873.11–1873.20 [Reserved]

Subpart C—Certificates Issued by the Finance Office of the Farmers Home Administration

1873.21 Order and payments.
1873.22 [Reserved]
1873.23 Registration.
1873.24 Errors in registration.
1873.25 [Reserved]
1873.26 Transfers and exchanges of certificates—closed periods.
1873.27 [Reserved]
1873.28 Redemption or payment.
1873.29 [Reserved]
1873.30 Assignments.
1873.31 Death of certificate holder.
1873.32 Replacement of certificates.

Subpart D—Servicing of Insured Notes Outstanding With Investors

1873.41 Delegations of authority.
1873.42 General policies.
1873.43 Procedure for sale of insured notes by private holders to private lenders.
1873.44 Procedure for assignment of insured notes to Farmers Home Administration.
1873.45 Replacement of called or fully paid notes.
1873.46 Procedure to be followed upon the death of a holder of an insured note.

Subpart E—Loss, Theft, Destruction, Mutilation or Defacement of Insured Notes, Insurance Contracts, and Certificates of Beneficial Ownership

1873.51 General.
1873.52 Authorization.
1873.53 Policies.

AUTHORITY: 7 U.S.C. 1989, 42 U.S.C. 1480, delegation of authority by the Secretary of Agriculture, 38 FR 14944, 1498, 7 CFR 2.23, delegation of authority by the Assistant Secretary for Rural Development, 38 FR 14944, 14952, 7 CFR 2.70.

Subpart A—Certificates of Beneficial Ownership in Farmers Home Administration Loans

§ 1873.1 Definitions.

As used in Subparts A, C, D, and E, of this part, the following definitions will apply:

(a) "Announcement of sale" shall mean any notice of terms and conditions respecting a sale of certificates.

(b) "Certificate" shall mean a Certificate of Beneficial Ownership issued by Farmers Home Administration under this part.

(c) "Director, Finance Office" is the Director or the Insured Loan Officer of the Finance Office of FHA.

(d) "FHA" is the United States acting through the Farmers Home Administration.

(e) "Finance office" is the office which maintains the FHA finance records. It is located at 1520 Market Street, St. Louis, Missouri 63103. (Phone: 314–622–4400)

(f) "Fixed period" is any time interval (preceding an option period) during which the insured holder is not entitled to require FHA to purchase the insured note, as specified in the insurance agreement.

(g) "Insurance agreement" is the entire contract evidencing and setting forth the terms and conditions of FHA insurance of the payment for the insured note. The insurance agreement with respect to any particular loan may be evidenced by Form FHA 440–5, "Insurance Endorsement (Insured Loan)," Form FHA 440–30, "Insurance Endorsement (Insured Loans)," Form FHA 471–6, "Reinsurance and Repurchase Agreement (Automatic Renewal)," or any other form or forms prescribed by the National Office and executed by an authorized official of FHA. It may include such provisions as, for example, an agreement of FHA to purchase or repurchase the loan, or to make supplementary payments from the insurance fund.

(h) "Insurance fund" is the Agricultural Credit Insurance Fund authorized by section 309 of the Consolidated Farm and Rural Development Act, the Rural Development Insurance Fund authorized by section 309A of the Consolidated Farm and Rural Development Act, or the Rural Housing Insurance Fund authorized by section 517 of Title V of the Housing Act of 1949.

(i) "Insured holder" is the current owner of an insured note other than FHA, according to the records of FHA as insurer of the note.

(j) "Insured note" is any promissory note or bond evidencing an insured loan regardless of whether it is held by FHA in the insurance fund, by a private holder, or by FHA as Trustee.

(k) "Loans" shall mean loans made and held in the Agricultural Credit Insurance Fund, Rural Development Insurance Fund, or the Rural Housing Insurance Fund.

(l) "National office" is the Administrator or other authorized officer of the FHA in Washington, D.C.

(m) "Option period" is any period during which the insured holder has the optional right to require the FHA to purchase the insured note, as specified in the insurance agreement.

(n) "Par value" is the total amount to which the insured holder is entitled under the terms of the insurance agreement.

(o) "Private buyer" is a buyer of an insured note other than FHA.

(p) "Private holder" is an insured holder other than FHA.

(q) "Repurchase agreement" is a provision in the insurance agreement obligating FHA to buy the insured note at the option of the holders.

(r) "Sale," or "seller," and "buyer" are respectively, the transfer of ownership (including possession or the right of possession), the transferor, and the transferee.

(s) "State director" is the State Director of FHA for the State in which is located the real estate improved, purchased, or refinanced with the loan evidenced by the insured note.

§ 1873.2 Special trusts of loans.

(a) *Establishment of special trusts.* From time to time FHA will place in special trusts unmature loans evidenced by notes or other instruments. Loans may be placed into or removed from a special trust, but there will always be maintained in such trusts loans on which the unpaid amount is at least equal to the face value of the outstanding unmature certificates evidencing beneficial ownership in such special trust as provided in paragraph (b) of this section.

(b) *Beneficial ownership of special trusts.* To permit interested persons to acquire a beneficial ownership of loans comprising a special trust established under paragraph (a) of this section, FHA will sell certificates which will evidence beneficial ownership of an interest in the special trust to the extent of the face value of such certificates. FHA will own an interest in special trusts equal to the amount by which the unpaid principal amount of loans comprising the trusts exceeds the face value of all outstanding certificates evidencing beneficial ownership in such trusts.

§ 1873.3 Certificates of beneficial ownership.

(a) *Sale of certificates.* Certificates will be offered for sale from time to time by FHA. Such sales will be made on such terms and conditions as FHA may deem appropriate.

(b) *Form of certificates.* The certificates may be interest-bearing or non-interest-bearing. The certificates may be made payable to the bearer or registered holder thereof, and will be negotiable. The certificates will be issued in denominations specified in the invitations for bid or other announcement of sale. For sales made from and issued by the National Finance Office, the terms of the sales shall be announced from time to time in the FEDERAL REGISTER.

§ 1873.4 Issue date and maturity date of certificates.

The certificates will be issued on such dates and mature on such dates as specified in the invitation for bid or other announcement of sale. Such dates will appear on the face of the certificates.

Subpart B

§§ 1873.11–1873.20 [Reserved]

Subpart C—Certificates Issued by the Finance Office of the Farmers Home Administration

§ 1873.21 Orders and payment procedure.

Orders for investment in certificates may be placed with the Finance Office by mail, telephone, or in person. Payment for purchase of certificates may be made by a wire transfer to the Federal Reserve Bank of St. Louis for credit to the Farmers Home Administration, by a certified check, or bank draft payable to the Farmers Home Administration. The rate of interest paid on the certificate will be the rate in effect on the date the payment is received by the Finance Office.

§ 1873.22 [Reserved]

§ 1873.23 Registration.

The registration used must express the actual ownership of a certificate and may not include any restriction on the authority of the owner to dispose of it in any manner. FHA reserves the right to treat the registration as conclusive ownership. Request for registration must be clear, accurate and complete, and include the appropriate taxpayer identifying number or social security number. The registration of all certificates owned by the same person, organization, or fiduciary, should be uniform with respect to the name of the owner and in case of fiduciary, the description of the fiduciary capacity. Individual owners should be designated by the names by which they are ordinarily known or under which they do business, preferably including at least one full given name. The name of an individual may be preceded by an applicable title, as for example, "Mrs." "Miss" "Ms." "Dr." or "Rev." or followed by a designation such as "M.D." "D.D." "Sr." or "Jr." Any other similar suffix should be included when ordinarily used or when necessary to distinguish the owner from a member of his family. The address should include, where appropriate, the name and street, route, or any other location feature, and zip code.

§ 1873.24 Errors in registration.

If an erroneously inscribed certificate is received, it should not be altered in any respect, but FHA should be furnished full particulars concerning the error and asked to furnish instructions.

§ 1873.25 [Reserved]

§ 1873.26 Transfers and exchanges of certificates—closed periods.

(a) *General.* Transfer of registered certificates should be made by assignment in accordance with this section. Registered securities are eligible for denominational exchange. Specific instructions for issuance and delivery of new certificates signed by the owner or his authorized representative must accompany the certificates presented. Certificates presented for transfer must be received by FHA not less than one full month before the date on which the certificates mature. Any certificates so presented which are received too late to comply with this provision will be accepted for payment only.

(b) *Closing of transfer books.* The transfer books are closed for one full month preceding interest payment dates. If the date set for closing the transfer books falls on Saturday, Sunday, or a legal holiday, the books will be closed as of the close of business on the last business day preceding that date. The books are reopened on the first business day following the date on which interest falls due. Registered certificates which have not matured, or have been submitted for transfer, which are received during the period the books for that certificate are closed will be processed on or after the date such books are reopened. If certificates are received for transfer during the time the books are closed for payment of final interest at maturity, the following action will be taken in the absence of different instructions:

(1) Payment of final interest will be made to the registered owner of record on the date the books were closed.

(2) Payment of principal will be made to the assignee under a proper assignment of the certificate.

§ 1873.27 [Reserved]

§ 1873.28 Redemption or payment.

(a) *General.* Certificates are payable in regular course of business at maturity. FHA may provide for the exchange of maturing certificates. The registered certificates should be presented and surrendered for redemption to FHA at its Finance Office. No assignments or evidence in support of assignments will be required by or on behalf of the registered owner or assignee for redemption for his or its account, or for redemption-exchange if the new certificates are to be registered in exactly the same names and forms as appeared in the registrations or assignments of the certificates surrendered.

(b) *Redemption at maturity.* Registered certificates presented and surrendered for redemption at maturity need not be assigned unless the owner desires that payment be made to some other person in which case assignments should be made to the "Farmers Home Administration for redemption for the account of (inserting name and address of person to whom payment is to be made)."

Specific instructions for the issuance and delivery of the redemption check signed by the owner or his authorized representative must accompany the certificates unless included in the assignment. Payment of the principal and interest will be made by a check drawn on the Treasurer of the United States to the

order of the person entitled and mailed in accordance with the instructions received. If instructions are not received concerning interest, interest will be paid to the registered owner.

(c) *Interest.* The interest on FHA certificates accrues and is payable on an annual basis. A full interest period does not include the day on which the last preceding interest became due, but does include the day on which the next succeeding interest payment is due. Certificates will cease to bear interest on the date of their maturity. The interest on registered certificates is payable by checks drawn on the Treasurer of the United States to the order of the registered owners, except as otherwise provided herein. The interest checks are prepared by FHA in advance of the interest payment date and are ordinarily mailed in time to reach the addressees on that date. Interest on a registered certificate which has not matured and which is presented for any transaction during the period the books for that certificate are closed will be paid by check drawn to the order of the registered owner of record. Upon receipt of notice of the death or incompetency of an individual named as registered owner, a change in the name or in the status of a partnership, corporation, or unincorporated association, the removal, resignation, succession, or death of a fiduciary or trustee, delivery of interest checks will be withheld pending receipt and approval of evidence showing who is entitled to receive the interest checks. If the inscriptions on certificates do not clearly identify the owners, delivery of interest checks may be withheld pending reissue of the certificates in the correct registration, except as provided in this section. The final installment of interest will be paid by check drawn to the order of the registered owner of record upon presentation and surrender of the certificate for redemption. To assure timely delivery of interest checks, owners should promptly notify FHA of any change of address.

§ 1873.29 [Reserved]

§ 1873.30 Assignments.

Assignments of certificates should be executed by the owner or his authorized representative in the presence of an officer authorized to certify assignments. Assignments shall be made on back of the certificate. Registered certificates may be assigned to a specified transferee or to FHA for redemption or for exchange for other certificates offered at maturity. Assignments to "United States," "Farmers Home Administration," "Farmers Home Administration for Transfer," or "Farmers Home Administration for Exchange" will not be accepted unless supplemented by specific instructions by or in behalf of the owner. If an alteration or erasure has been made in an assignment, the assignor should be obtained. Otherwise, an affidavit of explanation by the person responsible for the alteration or erasure should be submitted for consideration.

§ 1873.31 Death of certificate holder.

The Finance Office should be notified of the death of the registered owner of a certificate. The following documents should be forwarded with the notice if available:

(a) A certified copy of the death certificate.

(b) A certified copy of the court order appointing the Administrator or Executor (include the mailing address of the Administrator or Executor). The Finance Office will notify the person submitting such notice and/or documentation if any other records or documents are needed. Legal opinions and advice will be obtained by the Finance Office as needed from the Regional Attorney.

§ 1873.32 Replacement of certificates.

Lost, stolen, destroyed, or mutilated certificates will be replaced by the Finance Office upon the registered owner's compliance with the requirements of Subpart E of this part.

Subpart D—Servicing of Insured Notes Outstanding With Investors

§ 1873.41 Delegations of authority.

The Director, Finance Office, is authorized in connection with the sale of any insured note to execute required documents on behalf of FHA and to take other appropriate action, including, but not limited to acknowledging notice of sale of an insured note, or requiring an insured holder to sell an insured note to FHA in connection with any voluntary conveyance or foreclosure, or transfer related to liquidation of the borrower's account or any other servicing action so related. Upon the recommendation by the State Director that purchase of an insured note is necessary for any servicing action not related to liquidation of the borrower's account authorization may be given by the National Office to request the Director, Finance Office to require a holder to sell an insured note to FHA.

§ 1873.42 General policies.

(a) *Effective date of assignment.* When an insured note is sold by a private holder to a private buyer, notice of such sale executed by the seller must be given to and acknowledged by FHA in order for the sale to be binding upon FHA; and, as to FHA, the effective date of the sale will be the acknowledgment date specified in the acknowledgment of notice executed by FHA.

(b) *Assignment to FHA at request of FHA.* At any time FHA deems it necessary for proper servicing of the loan, FHA may require in writing a private holder to sell an insured note to FHA.

(c) *Assignment to FHA at option of holder.* A private holder at any time during the option period may require in writing FHA to purchase an insured note.

(d) *Price.* Where FHA is the buyer of an insured note the price will be the par value as of the effective date of the sale. In other cases, the price will be determined by an agreement between the parties.

§ 1873.43 Procedure for sale of insured notes by private holders to private buyers.

(a) Upon receipt of notice from a private holder of intention to assign an insured note, the Director, Finance Office, will send the holder Form FHA 471–7, "Notice and Acknowledgment of Sale of Insured Loan," a statement of the unpaid principal, and appropriate information on how to complete the assignment. If requested the Director, Finance Office, will furnish a statement of account instead of or in addition to a statement of the unpaid principal.

(b) If the Director, Finance Office, is informed that an insured note has been assigned and FHA is requested to recognize the assignment, the Director, Finance Office, will send the assignor Form FHA 471–7, with directions for its execution.

(c) Upon receipt of Form FHA 471–7 properly executed by the assignor, the Director, Finance Office, will complete and execute the acknowledgment section of the form. The Director, Finance Office, will retain the original of the form, have two facsimile copies made and send one to the assignor, and one to the assignee. For any correction or other change to be made in the record of the name or address of a private holder, or of a designated agent of a private holder, a request will be made to FHA in writing.

(d) As of the date of the acknowledgment executed by the Director, Finance Office, on Form FHA 471–7, the Director, Finance Office, will transfer the insured note from the assignor to the assignee as the insured holder on the records of FHA. The name and address of the assignee will be recorded by FHA exactly as they appear on Form FHA 471–7.

(e) Payments transmitted by FHA on or after the acknowledgment date shown on Form FHA 471–7 will be transmitted to the assignee. The Director, Finance Office, will give notice to the assignor and the assignee of any payments transmitted by FHA to the assignor before the acknowledgment date and after either the date of sale, or the date of the statement of account, whichever is earlier. However, FHA will not be liable for any failure to give such notice.

(f) The Federal National Mortgage Association has statutory authority to purchase, in its secondary market operations, loans insured under Title V of the Housing Act of 1949. In case of an assignment of an insured Labor Housing (LH), Rural Rental Housing (RRH), or Rural Housing (RH) note by a private holder to the Federal National Mortgage Association:

(1) The Director, Finance Office, will verify that the insured note covered by the notice and acknowledgment evidences an LH, RRH, or RH loan when he executes the acknowledgment and will have the following statement stamped or typed on Form FHA 471–7, "The payment of the note or bond covered by this notice and acknowledgment is insured pursuant to Title V of the Housing Act of 1949."

(2) A statement of account as of the acknowledgment date will accompany the copies of Form FHA 471-7 sent to the assignor and assignee respectively.

§ 1873.44 Procedure for assignment of insured notes to FHA.

(a) *Assignment at the request of the holder.* For assignment of an insured note to FHA during the option period at the request of the holder, the following procedure will apply:

(1) The holder will endorse the insured note as follows: "Pay to the order of the United States of America. Without recourse." The holder will then deliver the endorsed note, together with the insurance agreement, to the Director, Finance Office.

(2) Upon receipt of the endorsed note with the accompanying insurance agreement, the Director, Finance Office will:

(i) Acknowledge receipt of the note; and

(ii) Process payment to the assignor of the par value of the note as of the date of the Treasury check.

(b) *Assignment at the request of FHA.* The procedure for assigning an insured note at the request of FHA will be the same as that prescribed in paragraph (a) of this section, except that the Director, Finance Office, will send a written request to the holder requiring that the insured note be assigned to FHA and delivered to the Director, Finance Office, with the accompanying insurance agreement. The Director, Finance Office, will explain that the assignment is necessary to enable FHA to service the account properly and will give the holder all necessary information as to the manner of making the assignment and the amount to be paid by FHA.

§ 1873.45 Replacement of called or fully paid notes.

Certain insurance endorsements contain a clause or rider providing for a replacement note when the original note is paid in full, or is called by FHA. This provision applies to loans sold for a fixed period of 10 years or longer for loans sold on or after December 1, 1969, and a fixed period of 15 years or longer for loans sold before December 1, 1969. If a note is paid in full or called by the Government and the lender is entitled to a replacement note, the lender may obtain a certificate of beneficial ownership in lieu of the replacement note. The certificate will carry the rates and terms applicable to the replacement note.

§ 1873.46 Procedure to be followed upon the death of a holder of an insured note.

The Finance Office should be notified of the death of a holder of an insured note. The following documents should be forwarded with the notice if available:

(a) A certified copy of the death certificate.

(b) A certified copy of the court order appointing the Administrator or Executor (include the mailing address of the Administrator or Executor). The Finance Office will notify the person submitting the notice and/or documentation if any other records or documents are needed, and will provide any additional instructions that are needed. Legal opinions and advice will be obtained by the Finance Office as needed from the Regional Attorney.

Subpart E—Loss, Theft, Destruction, Mutilation or Defacement of Insured Notes, Insurance Contracts, and Certificates of Beneficial Ownership

§ 1873.51 General.

This subpart prescribes the authorities, policies, and procedures to be followed when an insured note, insurance contract, or certificates of beneficial ownership are lost, stolen, destroyed, mutilated, or defaced while owned by an insured investor.

§ 1873.52 Authorization.

(a) The Director, Finance Office, is authorized on behalf of the Government, in connection with insured notes or certificates of beneficial ownership sold through the Farmers Home Administration (FHA) Finance Office to require indemnity bonds from a note holder when a note or certificate is lost, stolen, destroyed, mutilated, or defaced while in the custody of the holder or his designee.

(b) The Deputy Administrator Comptroller, is authorized in connection with block sale insurance contracts to authorize the FHA's fiscal agent to establish requirements for issuance of a replacement insurance contract when the original issued by the Federal Reserve Bank of New York (FHA's fiscal agent) is lost, stolen, destroyed, mutilated, or defaced.

§ 1873.53 Policies.

(a) *Block sale insurance contracts.* When a block sale insurance contract is lost, stolen, or destroyed, a duplicate may be issued to the registered holder upon receipt of an acceptable certificate of loss and an indemnity bond without surety. The certificate of loss should include the legal name and present address of the owner and address when issued, if different from the present address; the capacity of person certifying, if other than owner; the identity of the insurance contract, including series number, contract number, denomination, issue date, and form of inscription of registry, and the full statement of circumstances of the loss. All available portions of an insurance contract that is mutilated, defaced, or partially destroyed should be submitted to the Federal Reserve Bank of New York (FHA's fiscal agent) for determination whether a duplicate insurance contract can be issued without a certificate of loss and posting of an indemnity bond. In the event the holder of a block sales insurance contract obtains possession of the underlying notes, the requirements of paragraph (b) of this section apply.

(b) *Notes and certificates of beneficial ownership sold by FHA County Office and Finance Office.* When a note or certificate of beneficial ownership is lost, stolen, or destroyed while in the custody of the holder or his designee, the following will apply:

(1) A certificate of loss should be filed with FHA Finance Office. The certificate should include:

(i) Legal name and present address of owner and address of owner when issued, if different from present address.

(ii) Capacity of person certifying, if other than the owner.

(iii) Identity of the note or certificate of beneficial ownership, including the name and FHA case number of the maker thereof, issue date, interest rate of obligation, face amount of note or certificate of beneficial ownership, and a full description of any assignment, endorsement, or any other writing.

(iv) A full statement of circumstances of the loss, theft, or destruction of the note.

(2) An indemnity bond in the amount of the unpaid principal and interest will be required except in the following instances:

(i) Substantially the entire note or certificate of beneficial ownership is presented and surrendered by the owner or holder, and the Director of the Finance Office is satisfied as to the identity of the instruments and that any missing portions are not sufficient to form the basis of a valid claim against the United States or the borrower; or

(ii) The owner or holder is the United States, a Federal Reserve Bank, a Federal Government Corporation, a state or territory, or the District of Columbia.

(3) An indemnity bond without surety will be provided in the following cases:

(i) Cases involving registered unassigned obligations held by banks, trust companies, savings and loan association, or companies holding certificates of authority from the Secretary of Treasury as acceptable sureties on Federal Bonds (companies listed on Treasury Circular 570) where the financial responsibilities of such claimants are well known or readily ascertainable.

(ii) Cases involving registered unassigned obligations where the evidence reasonably justifies a conclusion that the obligations were destroyed and the unpaid principal and interest amount does not exceed $1,000.

(4) An indemnity bond posted with a qualified surety is required in all cases involving registered unassigned obligations other than those cited in paragraphs (b)(2)(i), (b)(2)(ii), (b)(3)(i), (b)(3)(ii) of this section. A qualified surety is a company holding a certificate of authority from the Secretary of the Treasury as acceptable sureties on Federal Bonds, and listed on Treasury Circular 570.

(5) All indemnity bonds for notes must be payable to both the borrower and FHA. All indemnity bonds for certificates of beneficial ownership must be payable to FHA. The bond may be posted at the time the note or certificate of beneficial ownership becomes eligible for repurchase by FHA. If the Holder desires to continue to hold the note for the life of the note, an indemnity bond will not be required.

(6) An assignment of the note or certificate of beneficial ownership shall be made to the United States of America, acting through the Farmers Home Ad-

ministration, United States Department of Agriculture. An acceptable form of assignment is available from the Director, Finance Office.

(c) *Other cases.* Cases involving bearer obligations and other cases not discussed in this section will be forwarded to the Director, Finance Office for requirements.

(d) *Replacement notes.* FHA will not attempt to obtain replacement notes from borrowers.

Dated: November 5, 1973.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.73-23957 Filed 11-8-73;8:46 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 73]

[Airspace Docket No. 73-SW-68]

DESIGNATION OF TEMPORARY RESTRICTED AREA

Notice of Proposed Rulemaking

The Federal Aviation Administration (FAA) is considering an amendment to Part 73 of the Federal Aviation Regulations that would designate a temporary joint-use restricted area in the southeastern portion of the State of New Mexico, to accommodate the proposed military exercise GALLANT CREW 74.

Interested persons may participate in the proposed rulemaking 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, Southwest Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, P.O. Box 1685, Fort Worth, Tex. 76101. All communications received on or before December 14, 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 Air Force has requested the establishment of a temporary joint-use restricted area during the period February 15, through February 22, 1974, for a Joint Training Exercise GALLANT CREW 74. This exercise would use the same area in the southeastern portion of New Mexico as used by Brave Shield VI in 1973. The proposed restricted area would be utilized 24 hours per day during the eight-day period. The restricted airspace is required to effectively test participating tactical aircraft units under the most realistic conditions. Exercise aircraft, while engaging in combat maneuvers with rapid changes in altitudes and headings, may present hazardous conditions to nonparticipating aircraft.

The air operations necessitate restricted airspace of sufficient size to accommodate high-performance tactical aircraft and extensive low-level tactical fixed- and rotary-wing aircraft under the control of a tactical air control system. The maximum number of participating aircraft is estimated at 230, approximately 50 percent each of fixed- and rotary-wing categories. The lateral limits of the proposed area would extend from portions of the southern boundary of New Mexico northward to south of the Fort Sumner-Cedarvale-Scholle line and from the east side of Elephant Butte Reservoir eastward to approximately 50 miles east of Roswell, New Mexico. The required altitude limits for this area are from the surface to FL 280, inclusive.

Essentially all of the restricted area volume associated with the White Sands military complex would be used for this exercise and it represents one-third (⅓) of the total requirement. Using the maximum amount of existing restricted airspace in the planning of this exercise has required the minimum of additional airspace to be proposed.

The proposed temporary area would overlie approximately 21 general aviation airports and a number of low altitude airways and jet routes, the latter generally associated with the Roswell, N. Mex., VORTAC. Five (Alamogordo, Artesia, Carrizozo, Roswell, and Ruidoso) of the airports are publicly owned municipal airports. Ten of the sixteen remaining airports are privately owned and not open to the public.

A reverse-charge telephone system would be made available by the Air Force for the use of general aviation pilots to request necessary clearance to operate within the restricted area on an individual basis.

Temporary rerouting procedures would be established if necessary to handle low altitude airway and jet route operations during the exercise period. Procedures and agreements would subsequently be developed to handle VFR and IFR flight operations within the area for other than exercise aircraft. Specifically, procedures would be developed to accommodate scheduled air carrier operations into and out of Alamogordo and Roswell, N. Mex. Therefore the proposed restricted area description would exclude airspace in the Roswell area from the surface to and including 12,000 feet MSL to accommodate these operations during specified hours.

With respect to nonparticipating aircraft operations within the VFR corridor between El Paso and Alamogordo, it is planned that communications would be established between the tactical control system and FAA facilities as necessary so that nonparticipating aircraft would be able to transit the VFR corridor with prior coordination having been accomplished. Controls would also be exercised within the corridor to provide protection and traffic control of vehicular and railroad operations therein when combat maneuver movements are transiting the highway and railroad areas.

The military flight operations would conform to the minimum safe altitudes as described in Federal Aviation Regulations Part 91 with respect to providing altitude/distance separation from persons, assemblies, property, in congested areas, and other than congested areas.

The proposed amendment would designate the following temporary restricted area:

R-5120 GALLANT CREW '74, N. MEX.

Boundaries. Beginning at Lat. 33°26'50" N., Long. 107°00'00" W.; to Lat. 33°21'00" N., Long. 107°08'00" W.; to Lat. 33°14'00" N., Long. 107°10'00" W.; to Lat. 32°06'20" N., Long. 106°34'00" W.; then eastward along the southern boundary of R-5107A across the El Paso-Alamogordo VFR corridor to the southwest corner of R-5103 and continuing easterly along its southern boundary to Lat. 32°00'15" N., Long. 105°56'40" W.; to Lat. 32°10'00" N., Long. 105°30'00" W.; to Lat. 32°10'00" N., Long. 104°38'00" W.; to Lat. 32°31'00" N., Long. 104°19'00" W.; to Lat. 34°10'00" N., Long. 103°41'00" W.; to Lat. 34°10'00" N., Long. 103°55'00" W.; to Lat. 34°18'00" N., Long. 103°55'00" W.; to Lat. 34°15'45" N., Long. 106°40'30" W.; to Lat. 33°56'30" N., Long. 106°44'00" W.; to Lat. 33°54'00" N., Long. 106°46'30" W.; to Lat. 33°32'45" N., Long. 106°58'45" W.; to point of beginning; excluding that airspace:

1. 500 feet AGL and below east of a line beginning at Lat. 34°15'45" N., Long. 106°40'30" W.; to Lat. 33°57'20" N., Long. 106°43'50" W.; to Lat. 33°49'45" N., Long. 106°45'20" W.; thence along the southern boundary of R-5107C to Lat. 33°44'45" N., Long. 106°04'00" W.; thence along the eastern boundary of R-5107B to Lat. 32°45'00" N., Long. 106°04'40" W.; to Lat. 32°45'00" N., Long. 105°59'00" W.; thence clockwise along the north and east boundary of R-5103 to Lat. 32°00'15" N., Long. 105°56'40" W.;

2. 800 feet AGL and below within 3 nautical miles of the Alamogordo, Artesia, Carrizozo, Roswell, and Ruidoso, N. Mex., Airports;

3. 12,000 feet MSL and below within a 15-nautical-mile radius of the Roswell VORTAC from 0600-2200 local time daily;

4. 12,000 feet MSL and below during the period 0600-2000 local time daily which encompasses an area bounded by a line 4 NM north of and parallel to Roswell VORTAC 051° M radial, extending northeast from the Roswell 15 NM radius area to the eastern boundary of R-5120, thence south along this boundary to a point 4 NM southwest of Carlsbad 331°M/Roswell 151° M radial, thence northwest paralleling these radials to the Roswell 15 NM radius, thence counterclockwise along this 15 NM arc to point of beginning.

Designated altitudes. Surface to and including FL 280.

Time of designation. Continuous 0001 local, February 15, 1974, to 2359 local, February 22, 1974.

Controlling agency. Federal Aviation Administration, Albuquerque ARTCC Center.

Using agency. U.S. Air Force Readiness Command (USAFRED), Langley Air Force Base, Virginia.

The proposed temporary Restricted Area R-5120 would be divided into operational subareas in order to define that airspace which can be released for use by nonparticipating aircraft.

AREA A: Includes R-5103, R-5107A, B, D, and E, R-5111A and portions of R-5111B. It also includes the El Paso-Alamogordo VFR

corridor. Prior authorization must be obtained for conduct of VFR flights anywhere within Area A. Only military aircraft can be permitted to operate within R-5107B.

AREA B: Includes R-5107C and the area east of the eastern boundaries of R-5103 and R-5107B. Prior authorization is required for all VFR flights operating within Area B.

AREA C: Includes the airspace 12,000 feet MSL and below within 15 NM radius of the Roswell VORTAC. However, this area is not part of R-5120—GALLANT CREW 74 Exercise from 0600 to 2200 local time.

AREA D: Includes the airspace 12,000 feet MSL and below within the pie-shaped area southeast of the Roswell VORTAC, described as exclusion number four in R-5120. However, this area is not part of R-5120—GALLANT CREW 74 Exercise from 0600 to 2000 local time.

GALLANT CREW 74 would have two separate phases of operation. Phase I would be conducted during February 15–19, 1974 (a five-day period), and the entire area would be used. Phase II would be conducted during February 20–22, 1974 (a three-day period), and only a portion of the area would be used. Phase II area would include R-5107A, the El Paso-Alamogordo VFR corridor, R-5103 and that part of Area B east of R-5107B and R-5107C.

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 October 30, 1973.

EDWARD J. MALO,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.73-23892 Filed 11-8-73;8:45 am]

[14 CFR Part 91]

[Docket No. 12288; Reference Notice 72-27]

POWERED CIVIL AIRCRAFT

Withdrawal of Notice of Proposed Rulemaking

The purpose of this notice is to withdraw Notice 72-27 (37 FR 20955), in which the Federal Aviation Administration solicited comments on a proposed Amendment of Part 91 of the Federal Aviation Regulations which would delete the requirement for a pyrotechnic signaling device in an aircraft that is operated for hire over water and beyond power-off gliding distance from shore.

Comments received in response to Notice 72-27 were about equally divided between those that expressed opposition to the proposed amendment and those that favored it. Those favoring the proposal agreed with the rationale in the notice that improved aircraft performance and reliability and the use of newly required emergency locator transmitters would provide an adequate level of safety, thus obviating the need for a pyrotechnic signaling device.

However, commentators opposing the deletion of the requirement, especially those concerned primarily with air-sea search and rescue efforts, are of the opinion that, notwithstanding the improvements in aircraft reliability and the recent addition of a requirement for an emergency locator transmitter, the primary and most effective means of actual close-in spotting for rescue purposes, especially during darkness or other reduced visability conditions, is visual. Under these conditions, it was pointed out that the availability and use of pyrotechnic devices could significantly affect the outome of rescue operations. In addition, a commentator expressed the view that the low cost and lack of any real burden in complying with the current regulation justified retaining it.

In light of the comments received, the FAA has determined that the proposed amendment requires further study, that rulemaking action on the proposal is not appropriate at this time, and that Notice 72-27 should be withdrawn. The withdrawal of this Notice, however, does not preclude the FAA from issuing similar notices in the future or commit the FAA to any course of action.

In consideration of the foregoing, the notice of proposed rulemaking published in the FEDERAL REGISTER (37 FR 20955), on October 5, 1972, and circulated as Notice 72-27 entitled "Proposed Instrument and Equipment Requirements," is hereby withdrawn.

(Secs. 313(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a)) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Washington, D.C., on October 31, 1973.

JAMES F. RUDOLPH,
Director, Flight Standards Service.

[FR Doc.73-23893 Filed 11-8-73;8:45 am]

Hazardous Materials Regulations Board

[49 CFR Parts 173, 177]

[Docket No. HM-110; Notice No. 73-5]

HANDLING OF HAZARDOUS MATERIALS ON MOTOR VEHICLES

Extension of Time To File Comments

On August 27, 1973, the Hazardous Materials Regulations Board published Docket No. HM-110; Notice No. 73-5 (38 FR 22901), Handling of Hazardous Materials on Motor Vehicles. In response to a petition filed in accordance with 49 CFR 170.25, the Board has extended the period for comments on this notice of proposed rule making from October 30, 1973, to January 15, 1974.

This extension is made under the authority of sections 831–835 of Title 18, United States Code, and section 9 of the Department of Transportation Act (49 U.S.C. 1657).

Issued in Washington, D.C. on November 2, 1973.

ALAN I. ROBERTS,
Secretary, Hazardous Materials Regulations Board.

[FR Doc.73-23924 Filed 11-8-73;8:46 am]

National Highway Traffic Safety Administration

[49 CFR Part 571]

[Docket No. 73-26; Notice 1]

STANDARDS APPLICABLE TO POLICE VEHICLES

Advance Notice of Proposed Rulemaking

The National Highway Traffic Safety Administration is considering amending Part 571, Federal Motor Vehicle Safety Standards, as they apply to vehicles designed for use by law-enforcement agencies. This is an advance notice of proposed rulemaking, and no rule will be issued on this subject without further notice of proposed rulemaking and opportunity to comment.

The NHTSA has received several communications from police and State purchasing agencies indicating concern over the potential effects of safety standards No. 208 and No. 215 on the operation of police vehicles. The NHTSA appreciates the importance of efficient motor vehicle operation by the police, and intends to ensure that its safety standards do not interfere with police effectiveness. It is also important, however, that any changes made in the standards as they apply to police vehicles do not unnecessarily increase the danger to the police officer or a subsequent purchaser of the vehicle in the event of an accident. The NHTSA is also considering the possibility of additional safety requirements that might be appropriate because of the special uses of police vehicles.

Since vehicles need not meet the requirements of the safety standards after the first purchase for purposes other than resale, police users are free to alter their vehicles as they see fit. The question of application of the standards, therefore, is in part one of the cost to alter the vehicle by police departments as compared with the cost of alteration or special handling by the manufacturers before delivery.

Comments are specifically invited from police and other State and local agencies, motor vehicle manufacturers and dealers, and other interested parties on the following issues:

1. The minimum requirements for occupant restraint that should be applicable to all police vehicles as delivered.

2. The extent to which relevant standards should be altered, or exemptions granted, to achieve the best regulatory scheme.

3. The comparative cost of alteration of various types of restraint systems, and of other vehicle systems such as bumpers (Standard No. 215), by the user and by the manufacturer.

4. The number of police vehicles bought new annually, the portion of this number bought by special order from the manufacturer, and the number resold to the public and at what time intervals.

5. The degree to which the vehicles are restored to a normal public-use configuration, including conformity to the standards, and the cost and difficulty of such restoration.

6. Areas in which police vehicles should have special safety characteristics beyond those normally present in comparable vehicles, and the need for development of safety standards in these areas.

The National Highway Traffic Safety Administration has scheduled a public meeting on this subject to be held on December 10, 1973. The meeting will provide an opportunity for any interested persons to make presentations and to exchange technical information. Persons who desire to make a formal presentation should contact Mr. Guy Hunter, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, D.C. 20590 (Area Code 202–426–2242), before November 5, 1973, so that time limitations (if necessary) and the need for any special equipment, such as projectors, can be discussed and final arrangements can be made. Persons whose presentations include photographs, slides, motion pictures, or other visual aids should plan to submit copies of them for the record at the meeting.

An agenda will be available at the meeting. A transcript of the meeting will be made, and will be available for examination in the Docket Section, Room 5221, 400 Seventh Street SW., Washington, D.C. approximately 3 days after the meeting.

To date, time and place of the meeting are as follows:

Date: December 10, 1973.
Time: 9:30 a.m. to 5 p.m.
Place: Room 2230, Nassif Building, 400 Seventh Street SW., Washington, D.C.

Interested persons are invited to submit comments on the proposal. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5221, 400 Seventh Street SW., Washington, D.C. 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material, as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Comment closing date: January 7, 1974.

Proposed effective date: To be determined.

(Secs. 103, 119, Pub. L. 89–563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegations of authority at 49 CFR 1.51.)

Issued on November 2, 1973.

JAMES B. GREGORY,
Administrator.

[FR Doc.73–23871 Filed 11–8–73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 13]

[Docket No. 19856; FCC 73–1127]

SHIP RADIOTELEPHONE OPERATOR PERMITS

Limitations

1. Notice of proposed rulemaking is hereby given.

2. Section 13.61 of the rules sets forth the limitations on the scope of operating authority of the various classes of radiotelegraph and radiotelephone operators. Several of the limitations imposed upon the use of ship radiotelephones by first-class, second-class and restricted radiotelephone operators appear to be no longer needed.

3. Under § 13.61(e)(2) and under § 13.61(f)(7) of the rules, an operator who holds either a radiotelephone first-class license or a radiotelephone second-class license is not permitted to operate a ship station licensed to use telephony and power in excess of 100 watts for communication with Class I–B coast stations. No such restriction, however, is presently imposed upon an operator who holds only a third-class radiotelephone operator permit. It is our conclusion that no rational policy is served by prohibiting more qualified operators from operating radiotelephones which less qualified operators are not prohibited from operating. Accordingly, we propose to amend § 13.61 by deleting subsections (e)(2) and (f)(7).

4. Under § 13.61(h)(4) of the rules, holders of restricted radiotelephone operator permits are prohibited from operating ship stations licensed to use telephony for communications with Class I coast stations on frequencies between 4 MHz and 30 MHz, the so-called high seas frequencies. This limitation appears to be no longer needed in light of the power output restrictions imposed upon restricted radiotelephone operators by § 83.159 of the rules. That section authorizes a restricted radiotelephone operator to operate a public or limited ship telephone, as long as such radiotelephone does not have more than 100 watts carrier power or 400 watts peak envelope power. Accordingly, we propose to amend paragraph (h)(4) of § 13.61 by eliminating the restriction presently contained therein as to use of high seas frequencies by restricted operators, and also by having the subsection reflect the power limitations presently imposed by § 83.159 upon use of ship telephones by restricted operators.

5. The proposed amendments to the rules, as set forth below, is issued pursuant to the authority contained in sections 4(i), 303(1)(1), and 303(r) of the Communications Act of 1934, as amended.

6. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before December 14, 1973, and reply comments on or before December 24, 1973. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

7. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all statements, briefs, or comments filed shall be furnished to the Commission. Responses will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C.

Adopted: October 31, 1973.

Released: November 5, 1973.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] VINCENT J. MULLINS,
Secretary.

1. Part 13 of 47 CFR Ch. I is amended as follows:

In § 13.61, paragraphs (e)(2) and (f)(7) are deleted and shown as reserved and paragraph (h)(4) is amended to read as follows:

§ 13.61 Operating authority.

* * * * *

(h) * * *

(4) Ship stations licensed to use telephony at which the power is more than 100 watts carrier power or 400 watts peak envelope power, or

* * * * *

[FR Doc.73–23934 Filed 11–8–73;8:46 am]

[47 CFR Part 73]

[Docket No. 19789]

COMBINATION ADVERTISING RATES AND OTHER JOINT SALES PRACTICES

Order Extending Time for Filing Comments and Reply Comments

1. On July 18, 1973, the Commission adopted a notice of inquiry and notice of proposed rulemaking in the above-captioned proceeding. Publication was given in the FEDERAL REGISTER on July 30, 1973, 38 FR 20276. Comment and reply comment dates are presently specified as November 1, 1973, and December 3, 1973.

2. On October 26, 1973, Greater Media, Inc., through its attorneys, requested that the time for filing comments and reply comments be extended to December 1, 1973 and January 7, 1974, respectively. Greater Media states that directly or through subsidiary corporations, it operates a number of stations, that it is in the process of collecting data which it intends to file in this proceeding, and that it will need additional time to prepare comments.

3. By letter of October 30, 1973, L. Adrian Roberts, the attorney for Stauffer Publications, Inc., requested that the time for filing comments be extended to and including November 30, 1973. He states that additional time is requested because the proceeding raises complex questions about important and long established industry practices which require time consuming analysis and re-

search and that the present time for filing comments does not allow sufficient time to prepare a document that will be of maximum assistance to the Commission.

4. It appears that extension of time is warranted. *Accordingly, it is ordered,* That the dates for filing comments and reply comments are extended to and including December 3, 1973 and January 3, 1974, respectively.

5. This action is taken pursuant to authority found in sections 4(i), 5(d)(i), 303(r), and 403 of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules.

Adopted: November 1, 1973.

Released: November 2, 1973.

[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.73-23938 Filed 11-8-73;8:45 am]

[47 CFR Part 73]

[Docket No. 19811; RM-2013]

FM BROADCAST STATIONS

Melbourne, Florida; Extension of Time

In the matter of amendment of § 73.202(b) Table of Assignments, FM Broadcast Stations (Melbourne, Florida).

1. On September 6, 1973, the Commission adopted a notice of proposed rule making in the above-entitled proceeding. Publication was given in the FEDERAL REGISTER on September 19, 1973, 38 FR 26211. The date for filing comments has expired and the date for filing reply comments is presently November 1, 1973.

2. On November 1, 1973, Radio Melbourne, Inc. (proponent), requested that the time for filing reply comments be extended to and including November 12, 1973. It stated that the additional time is needed to prepare an adequate reply to comments filed in the proceeding.

3. It appears that the requested extension is warranted. *Accordingly, it is ordered,* That the date for filing reply comments is extended to and including November 12, 1973.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules.

Adopted: November 2, 1973.

Released: November 5, 1973.

[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.73-23939 Filed 11-8-73;8:46 am]

[47 CFR Part 76]

[DOCKET NO. 19859; 73-1139]

CABLE TELEVISION SERVICES

Network News Programs

1. Notice is hereby given of proposed rulemaking in the above-entitled matter.

2. We recently have had occasion to consider the applicability of our signal carriage rules to network news programs. All three major national television networks "feed" their evening news programs to affiliates two or three times daily.[1] This universal and accepted practice raises a question under § 76.61(e)(2) of the Commission's rules, however, as to whether each feed is a separate "program" which a cable television system may carry if it is "not carried by a station normally carried on the system."[2]

3. To be sure, there usually is little or no difference between the contents of each feed. More than fifty percent of the time, the feeds are identical. And most differences just consist of technical mistakes in one of the feeds. Only rarely is a change substantial or substantive—e.g., addition of new film or coverage of a late-breaking story. Accordingly, the difference usually is not sufficient to create a separate "program" within the meaning of § 76.61(e)(2).

4. This result is, however, less than satisfactory. It forces cable subscribers to miss a small but significant amount of news coverage, since a cable operator cannot predict when a difference between feeds will be significant enough to create a separate "program." In addition, the present rule saddles cable subscribers with a particular feed's technical mistakes. Finally, it runs against the broad national policy of diversity in news programming. As the Supreme Court noted in Associated Press v. United States, 326 U.S. 1 (1945), and as we so often have iterated," the widest possible dissemination of information from diverse and antagonistic sources is essential to the welfare of the public * * *" Indeed, in Paragraph 19 of our Reconsideration we noted that "availability of full network service" was "of particular importance in those cases where the programs not otherwise available include network news * * *"

5. Accordingly, we find that a relaxation of present restrictions would be appropriate. The proposed rule (Appendix A) thus would increase the availability of network news programs while limiting the impact on stations which a system normally carries.

6. Section 76.61(e)(3) would allow a cable television system to carry a network news program from any television station, unless the program simultaneously duplicated a signal which the system normally carried. The proposed rule deliberately does not draw a distinction in terms of different feeds, since such a standard would be unworkable. It would require both television stations and cable systems to identify the feed used not only by each network station which the system normally carried, but also by each network station whose news program the system might carry. Since a station's choice of feeds may vary from day to day, this would be an exercise in futility.[3] To be sure, this formulation will allow a few cable systems—most commonly those near the border of two time zones—to carry the same network news program several times daily. In most cases, however, the cost of importing a signal for just a largely duplicative half hour of news will be prohibitive.

7. Section 76.5(ii) merely would add "network news program" to the existing list of definitions. The proposed rule would define "network news program" in conventionally accepted terms. Thus a program would need to meet all three criteria in order to fall within the rule. Section 76.5(ii)(1) restates and reflects the meaning of "news program" pursuant to our program logging rules.[4] By its terms, it therefore excludes programs which are in the nature of "public affairs;"[5] inclusion of such programs would expand the rule's scope further than we contemplate. Section 76.5(ii)(2)(3) also would limit the breadth of the rule, by excluding special reports and regularly scheduled documentaries.

8. Section 76.61(e)(2) would be a technical amendment to the existing rule, in order to avoid precisely the problem to which this notice of proposed rulemaking is addressed. By excluding network news programs from its scope, proposed § 76.61(e)(2) would prevent a cable system from claiming that different feeds constituted separate "programs."

9. Finally § 76.61(e)(3) would allow a cable television system to carry a network news program unless the program were broadcast simultaneously by a station which the system normally carried.[6] It thus affords greater protection than our present exclusivity rules, to

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[1] We note, of course, that some affiliates receive network programming through rebroadcast agreements with other stations.

[2] Section 76.61 provides in pertinent part:

(e) In addition to the television broadcast signals carried pursuant to paragraphs (a) through (d) of this section, any such cable television system may carry:

(2) Any television station broadcasting a network program that will not be carried by a station normally carried on the system. Carriage of such additional stations shall be only for the duration of the network programs not otherwise available, and shall not require prior Commission notification or approval in the certificating process.

[3] We recognize, of course, that some stations—particularly those in the Eastern Standard Time Zone and those which receive network programming by rebroadcast agreements—have little or no control over their choice of feeds. Where both the normally carried stations and the other stations consistently use the same feed, we will entertain requests for waiver.

[4] Section 73.112, Note 1(c) states that "news programs" include "reports dealing with current local, national, and international events, including weather and stock market reports; and when an integral part of a news program, commentary, analysis, and sports news."

[5] Section 73.112, Note 1(d) states that "public affairs programs" include "talks, commentaries, speeches, editorials, political programs, documentaries, forums, panels, roundtables, and similar programs primarily concerning local, national, and international public affairs."

[6] As with the exclusivity provisions of §§ 76.91 and 76.93, a station may forfeit its protection by unduly delaying its broadcast of a program. We noted in Paragraph 33 of our Reconsideration that "to qualify for simultaneous exclusivity protection, no more than five or ten minutes of a program may be overlooked."

stations which a cable television system normally carries.[7] Like present § 76.61 (e)(2), the proposed rule would not require a cable television system to secure a Certificate of Compliance in order to carry an additional network news program.

10. Authority for the proposed rule making instituted herein is contained in sections 4(i), 303 and 403 of the Communications Act of 1934, as amended.

11. All interested persons are invited to file written comments on the rule making proposals on or before December 14, 1973, and reply comments on or before December 24, 1973. In reaching a decision in this matter, the Commission may take into account any other relevant information before it, in addition to the comments invited by this notice.

12. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and 14 copies of all comments, replies, pleadings, briefs, or other documents filed in this proceeding shall be furnished to the Commission. Responses will be available for public inspection during regular business hours in the Commission's Public Reference Room at its Headquarters in Washington, D.C.

Adopted: October 31, 1973.

Released: November 5, 1973.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

Part 76 of 47 CFR Ch. I is amended as follows:

1. In § 76.5, paragraph (ii) is added, to read as follows:

§ 76.5 Definitions.

* * * * *

(ii) *Network news program.* Network programming which: (1) Includes reports dealing with current events, stock market reports, commentary, analysis, and sports news; and (2) is offered by one of the three major national television networks to its affiliated stations on a daily or weekly basis at a regularly scheduled time or times; and (3) has a total duration of thirty minutes or less.

* * * * *

2. In § 76.61, paragraph (e)(2) is amended as follows and paragraph (e)(3) is added, to read as follows:

§ 76.61 Provisions for the first fifty major television markets.

* * * * *

(e) * * *

(2) Any television station broadcasting a network program, other than a network news program, that will not be carried by a station normally carried on the system. Carriage of such additional stations shall be only for the duration of the network programs not otherwise available, and shall not require prior Commission notification or approval in the certificating process.

(3) Any television station broadcasting a network news program, except at the same time that the network news program is broadcast by a television station which the cable television system normally carries. Carriage of such additional stations shall be only for the duration of the network news program, and shall not require prior Commission notification or approval in the certificating process.

3. In § 76.59, paragraph (d)(2) is amended as follows and paragraph (d)(3) is added, to read as follows:

§ 76.59 Provisions for smaller television markets.

* * * * *

(d) * * *

(2) Any television station broadcasting a network program, other than a network news program, that will not be carried by a station normally carried on the system. Carriage of such additional stations shall be only for the duration of the network programs not otherwise available, and shall not require prior Commission notification or approval in the certificating process.

(3) Any television station broadcasting a network news program, except at the same time that the network news program is broadcast by a television station which the cable television system normally carries. Carriage of such additional stations shall be only for the duration of the network news program, and shall not require prior Commission notification or approval in the certificating process.

[FR Doc.73-23933 Filed 11-8-73;8:46 am]

[7] The rule thus would parallel the present network exclusivity provisions of §§ 76.91 and 76.93, to the extent that it would prohibit simultaneous duplication. It would provide expanded protection, however, to stations which did not qualify for exclusivity under § 16.91(b)'s priorities. Section 76.93(b) would prohibit carriage of additional network news programming, of course, if a station were entitled to same-day exclusivity.

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

Customs Service

[T.D. 73-309]

REIMBURSABLE SERVICES

Excess Cost of Preclearance Operations

NOVEMBER 5, 1973.

Notice is hereby given that pursuant to § 24.18(d), Customs regulations (19 CFR 24.18(d)), the biweekly reimbursable excess costs for each preclearance installation are determined to be as set forth below and will be effective with the pay period beginning November 11, 1973.

Installation:	*Biweekly excess cost*
Montreal, Canada	$4,448
Toronto, Canada	7,369
Kindley Field, Bermuda	1,562
Nassau, Bahama Islands	2,164
Vancouver, Canada	1,088
Winnipeg, Canada	607

[SEAL] LEONARD LEHMAN,
Acting Commissioner of Customs.

[FR Doc.73-23945 Filed 11-8-73;8:46 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

RAISIN ADVISORY BOARD

Notice of Public Meeting

Pursuant to the Federal Advisory Committee Act (P.L. 92-463; 86 Stat. 770), notice is given of a meeting of the Raisin Advisory Board at 1:30 p.m., P.s.t., November 19, 1973, in Concourse "A" of the Airport Marina Hotel, Fresno, California.

The purpose of the meeting is to discuss the maturity standards for processed natural Thompson Seedless raisins, and whether any modification in these standards is necessary. The meeting will be open to the public.

The Raisin Advisory Board is established under the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 989), regulating the handling of raisins produced from grapes grown in California. The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674).

The names of board members, agenda, summary of the meeting and other information pertaining to the meeting may be obtained from Clyde E. Nef, Manager, Raisin Administrative Committee, 732 North Van Ness, Fresno, California, 93720; telephone 209-268-5666.

Dated: November 6, 1973.

JOHN C. BLUM,
Deputy Administrator, Regulatory Programs.

[FR Doc.73-23960 Filed 11-8-73;8:46 am]

Forest Service

SALMON RIVER WILDERNESS AND IDAHO WILDERNESS PROPOSAL

Hearings; Correction

A hearing notice on the Salmon River Wilderness and Idaho Wilderness Proposal was published in the FEDERAL REGISTER on October 18, 1973, on page 28995. Three meetings are scheduled. The third meeting scheduled for November 30, 1973, will be held in Pocatello, Idaho, instead of Boise, Idaho.

R. M. HOUSLEY,
Associate Deputy Chief, Forest Service.

NOVEMBER 2, 1973.

[FR Doc.73-23917 Filed 11-8-73;8:45 am]

UNCOMPAHGRE AND WILSON MOUNTAINS PRIMITIVE AREAS

Hearing

Notice is hereby given in accordance with provisions of the Wilderness Act of September 3, 1964 (78 Stat. 890, 892; 16 U.S.C. 1131, 1132) that a public hearing will be held beginning at 9 a.m. on Friday, January 11, 1974, at the Ouray High School gymnasium, Ouray, Colorado, and continuing at 9 a.m. on January 12, 1974, at the Ramada Inn, 718 Horizon Drive, Grand Junction, Colorado, on proposed management alternatives for the Uncompahgre and Wilson Mountains Primitive Areas relative to recommendations by the President of the United States to the Congress concerning the Uncompahgre and Wilson Mountains Primitive Areas.

The Uncompahgre and Wilson Mountains Primitive Areas are located within the San Juan and Uncompahgre National Forests, in Dolores, Hinsdale, Ouray, San Juan, and San Miguel Counties, State of Colorado.

A brochure and Environmental Statement containing maps and information about the area and the management alternatives under consideration may be obtained, after November 26, 1973, from the Forest Supervisor, Grand Mesa-Uncompahgre National Forest, P.O. Box 138, 11th and Main Street, Delta, Colorado 81416; Forest Supervisor, San Juan National Forest, Oliger Building, P.O. Box 341, Durango, Colorado 81301; or the Regional Forester, Building 85, Denver Federal Center, Denver, Colo. 80225.

Individuals or organizations may express their views by appearing at the hearing, or they may submit written comments for inclusion in the official record to the Regional Forester at the above address by February 15, 1974.

R. M. HOUSLEY,
Acting Deputy Chief, Forest Service.

NOVEMBER 2, 1973.

[FR Doc.73-23918 Filed 11-8-73;8:45 am]

DEPARTMENT OF COMMERCE

Maritime Administration

SS UNITED STATES

Invitation for Bids for Sale and Operation of the Vessel

Notice is hereby given that pursuant to the provisions of Pub. L. 92-296, the Maritime Administration has issued Invitation for Bids No. PD-X-969, dated November 9, 1973, inviting sealed bids from citizens of the United States for the purchase of the SS UNITED STATES, Official Number 263934.

The Assistant Secretary of Commerce for Maritime Affairs, acting for and on behalf of the Secretary of Commerce and pursuant to the provisions of Public Law 92-296, purchased on February 6, 1973, the passenger liner SS UNITED STATES from its former owner. The Public Law permits the Maritime Administration to sell or charter the vessel to a qualified operator or lay up the vessel in the National Defense Reserve Fleet. Notice in the FEDERAL REGISTER of February 26, 1973 (38 FR 5197) solicited proposals from qualified operators interested in the purchase or charter of the vessel for operation under the United States flag. None of the responses to that notice were completely satisfactory.

The Maritime Administration is now offering the ship for sale on an "as is, where is" basis to United States citizens for United States flag operation as contemplated by Pub. L. 92-296 under the terms and conditions set forth in the Invitation for Bids No. PD-X-969.

The minimum acceptable bid price for the SS UNITED STATES is $12,100,000. The purchase price is payable in cash

within 45 days of acceptance of the successful bid by the Maritime Administration.

For any prospective purchaser who is unable or unwilling to deliver the total cash purchase price within the specified 45 days, the Maritime Administration will also entertain bids which call for the granting of an option to purchase at the bid price for a period of up to six months, renewable for one six month period only. The cost of such an option, payable for the first six months at the time of submission of bid, is $150,000, and for the renewal period is $300,000, payable at least 10 days prior to the start of the renewal period. The cost of such option is applicable to the purchase price if the option is exercised, but is forfeited if the option is not exercised.

A ten percent bid deposit is required with each bid which contemplates purchase within forty-five days. However, bidders seeking only a purchase option will not be required to submit a bid deposit; but such bidders must deposit with the Maritime Administration at the time of submission of bid, the cost of the purchase option for the first six month period ($150,000).

Award will be made to the highest bidder; but there will be no consideration of bids involving a purchase option unless no suitable cash bids payable within 45 days are received. However, the Maritime Administration reserves the right to reject any bid proposing operations not considered in keeping with the intent of Pub. L. 92-296.

Each bid is to be accompanied by a suitably detailed outline of the proposed operation of the vessel, together with sufficient detail concerning the financial resources of the bidder to enable the Maritime Administration to determine the ability of the bidder to consummate the transaction and operate the vessel in a manner contemplated by Pub. L. 92-296. However, any bidder who submitted a proposal in response to the notice in the Federal Register of February 26, 1973, is permitted at his own risk to rely on material already submitted.

Sale of the SS UNITED STATES is subject to the following conditions:

1. No operating-differential subsidy shall be paid for operation of the vessel;

2. The provisions of Section 506 of the Merchant Marine Act, 1936, as amended, shall apply to operations of the SS UNITED STATES, since the exemption from such provision contained in Section 613 of the Act applies only to passenger vessels under operating-differential subsidy contracts.

Construction subsidy paid on the vessel amounted to $18,646,749. Thus, payback pursuant to section 506 could approximate $745,000 per year.

3. At no time may the vessel be sold or scrapped without the prior approval of the Maritime Administration, and during the statutory life of the vessel (until June 20, 1977), it shall not be used for any purpose not contemplated by Pub. L. 92-296. Should the Buyer utilize the vessel for any purpose not contemplated by Pub. L. 92-296 during its statutory life, the Maritime Administration shall have the option to repurchase the vessel at its net book value, or $3 million, whichever is less. Retention of this option by the Maritime Administration is simply to insure that the vessel will be used during its statutory life in a manner contemplated by Pub. L. 92-296, notwithstanding the provisions of Article 9(a) of Construction-Differential Subsidy Agreement, Contract No. MCc-61974, and Section 802 of the Merchant Marine Act, 1936, as amended.

Copies of the Invitation for Bids No. PD-X-969, dated November 9, 1973 may be obtained from the Contracting Officer, Burton T. Kyle, Chief, Office of Domestic Shipping, Maritime Administration, Washington, D.C. 20230.

Bids are to be in the form specified in the Invitation for Bids and are to be addressed to Secretary, Code 120, Maritime Administration, Washington, D.C. 20230. Bids will be received until 2:15 p.m., Eastern Standard Time, December 12, 1973, and public opening will be held at 2:15 p.m., Eastern Standard Time, on that date at the offices of the Maritime Administration, Room 3710, Commerce Building, 14th Street between E and Constitution Avenue NW., Washington, D.C.

Dated: November 2, 1973.

By Order of the Maritime Administration.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.73-23961 Filed 11-8-73;8:46 am]

Office of the Secretary

IMPORTERS' TEXTILE ADVISORY COMMITTEE

Public Meeting

NOVEMBER 6, 1973.

The Importers' Textile Advisory Committee will meet at 2 p.m. on November 20, 1973, in Room 4833, Department of Commerce, 14th and Constitution Avenue NW., Washington, D.C. 20230.

The Committee, which is comprised of 18 members representing importing firms and a trade association, advises Department officials of the effects on import markets of the cotton, wool and man-made fiber textile agreements.

The agenda for the meeting is as follows:

1. Review of Import Trends.
2. Implementation of Textile Agreements.
3. Report on Conditions in the Domestic Market.
4. Other Business.

A limited number of seats will be available to the public. The public will be permitted to file written statements with the Committee before or after the meeting. To the extent time is available at the end of the meeting, the presentation of oral statements will be allowed.

Further information concerning the Committee may be obtained from Arthur Garel, Director, Office of Textiles, Main Commerce Building, U.S. Department of Commerce, Washington, D.C. 20230.

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

[FR Doc.73-23983 Filed 11-8-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

NATIONAL PROFESSIONAL STANDARDS REVIEW COUNCIL

Public Meeting

The fourth meeting of the National Professional Standards Review Council, which was established to advise the Secretary of the Department of Health, Education, and Welfare on the administration of Professional Standards Review (title XI, part B, Social Security Act) will be held, Monday, November 26, 1973. The Council will meet from 9 a.m. to 5 p.m. at Room 5051, HEW North Building, 330 Independence Avenue SW., Washington, D.C. Professional Standards Review is the procedure to assure that the services for which payment may be made under the Social Security Act are medically necessary and conform to appropriate professional standards for the provision of quality health care. The Council's agenda will include discussion of a variety of issues relevant to the implementation of the PSRO program. The meeting is open to the public.

Dated: October 18, 1973.

HENRY E. SIMMONS,
Acting Executive Secretary, National Professional Standards Review Council.

[FR Doc.73-23950 Filed 11-8-73;8:46 am]

NATIONAL PROFESSIONAL STANDARDS REVIEW COUNCIL

Subcommittee on Data and Norms; Public Meeting

The National Professional Standards Review Council Subcommittee on Data and Norms will meet on November 26 and 27, 1973. This Subcommittee was formed to review issues of importance in the implementation of Title XI, Part B, Social Security Act, with respect to PSRO data and norms. The meeting will be held at the Mayflower Hotel, Washington, D.C. from 7 p.m. to 9 p.m. on the 26th of November, and at Room 5131, H.E.W. North Building, Washington, D.C. from 9 a.m. to 4 p.m. on the 27th of November. Professional standards review is the procedure to assure that the services for which payment may be made under the Social Security Act are medically necessary and conform to appropriate professional standards for the provision of quality care. The subcommit-

tee's agenda will consist of issues related to PSRO data, review and norms. The meeting is open to the public.

Dated: October 26, 1973.

HENRY E. SIMMONS,
Acting Executive Secretary, National Professional Standards Review Council.

[FR Doc.73-23949 Filed 11-8-73;8:46 am]

NATIONAL PROFESSIONAL STANDARDS REVIEW COUNCIL

Subcommittee on Evaluation; Public Meeting

The National Professional Standards Review Council Subcommittee on Evaluation will meet on November 25, 1973. This Subcommittee was formed to review issues of importance in the implementation of title XI, part B, Social Security Act with respect to Evaluation. The meeting will be held at the Mayflower Hotel from 8 p.m. to 10 p.m. Professional standards review is the procedure to assure that the services for which payment may be made under the Social Security Act are medically necessary and conform to appropriate professional standards for the provision of quality care. The Subcommittee's agenda will consist of discussions of the Evaluation Report to last Council meeting and PSRO Evaluation plan. The meeting is open to the public.

Dated: October 30, 1973.

HENRY E. SIMMONS,
Acting Executive Secretary, National Professional Standards Review Council

[FR Doc.73-23951 Filed 11-8-73;8:46 am]

NATIONAL PROFESSIONAL STANDARDS REVIEW COUNCIL

Subcommittee on Policy Development; Public Meeting

The National Professional Standards Review Council Subcommittee on Policy Development will meet on Tuesday, November 13, 1973. This Subcommittee was formed to review policy issues of importance in the implementation of title XI, part B, Social Security Act. The meeting will be held at the Parklawn Building, 5600 Fishers Lane, Rockville, Maryland, Room 17-64, 10 a.m. to 4 p.m. Professional standards review is the procedure to assure that the services for which payment may be made under the Social Security Act are medically necessary and conform to appropriate professional standards for the provision of quality care. The Subcommittee's agenda will include timely policy issues. The meeting is open to the public.

Dated: October 18, 1973.

HENRY E. SIMMONS,
Acting Executive Secretary, National Professional Standards Review Council.

[FR Doc.73-23952 Filed 11-8-73;8:46 am]

OFFICE OF THE ASSISTANT SECRETARY FOR EDUCATION

Order of Succession

Part I of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health, Education, and Welfare, is amended to revise Chapter 1K, Assistant Secretary for Education (38 FR 1134, Jan. 9, 1973) to provide a statement of the Order of Succession. The Order of Succession is stipulated in a new paragraph as follows:

SEC. 1K.30 *Order of succession.* During the absence or disability of the Assistant Secretary for Education, or in the event of a vacancy in that position, the first official listed below who is available shall act as Assistant Secretary, except during a period of planned absence for which a different order has been designated under (b) below.

(a) (1) Deputy Assistant Secretary for Education.

(2) Deputy Assistant Secretary (Policy Communication).

(3) Deputy Assistant Secretary (Policy Development).

(4) Director, Office of Administration.

(b) For a planned period of absence, the Assistant Secretary may specify a different order of succession.

Dated: November 2, 1973.

CASPAR W. WEINBERGER,
Secretary.

[FR Doc.73-23948 Filed 11-8-73;8:46 am]

Social Security Administration

HEALTH INSURANCE BENEFITS ADVISORY COUNCIL

Public Meetings

Notice is hereby given, pursuant to Public Law 92-463, that the Health Insurance Benefits Advisory Council (HIBAC), established pursuant to section 1867 of the Social Security Act, as amended, which advises the Secretary of Health, Education, and Welfare on Medicare and Medicaid matters, will meet on Friday, November 16, 1973, at 9 a.m., in Room 4131 of the Department of Health, Education, and Welfare's North Building, Third and C Streets SW., Washington, D.C. The Council will consider matters relating to the Medicare and Medicaid programs.

The Home Health Care Committee of HIBAC, which is studying the possibility of broadening the coverage of home health services, will meet on Thursday, November 15, 1973, at 1 p.m., in Room 4173 of the Department of Health, Education, and Welfare's North Building.

Both of these meetings are open to the public.

Further information on the Council and the Committee may be obtained from Mr. Max Perlman, Executive Secretary, Health Insurance Benefits Advisory Council, Room 585, East Building, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235, telephone 301-594-9134. Members of the public planning to attend either meeting should send written notice of intent to the Executive Secretary.

(Catalog of Federal Domestic Assistance Program Numbers: 13.800, Health Insurance for the Aged—Hospital Insurance; 13.801, Health Insurance for the Aged—Supplementary Medical Insurance; 13.714, Medical Assistance Program.)

Dated: November 2, 1973.

MAX PERLMAN,
Executive Secretary, Health Insurance Benefits Advisory Council.

[FR Doc.73-23873 Filed 11-8-73;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[FDAA-403-DR; Docket No. NFD-136]

KANSAS

Amendment to Major Disaster Notice

Notice of major disaster for the State of Kansas, dated September 28, 1973, and published October 5, 1973 (38 FR 27634); amended October 2, 1973, and published October 11, 1973 (38 FR 28103); amended October 4, 1973, and published October 11, 1973 (38 FR 28103); and amended October 19, 1973, and published October 29, 1973 (38 FR 29834); is hereby further amended to include the following counties among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of September 28, 1973:

The counties of:

Chase
Cloud
Republic

(Catalog of Federal Domestic Assistance Program No. 50.002, Disaster Assistance)

Dated: November 2, 1973.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.73-23942 Filed 11-8-73;8:46 am]

Office of Assistant Secretary for Housing Production and Mortgage Credit

[Docket No. N-73-207]

HOUSING ASSISTANCE PAYMENTS FOR CERTAIN NEWLY CONSTRUCTED LOW INCOME HOUSING

Policy Statement

The Department is publishing herewith a statement of policy regarding housing assistance payments under section 23 of the U.S. Housing Act of 1937, 42 U.S.C. 1421b. These policies and procedures apply to such payments made on behalf of eligible low-income families that occupy newly constructed rental housing. This statement sets forth, among other things, the roles and responsibilities of the Department, the local housing authority and the developer

or owner; the steps in processing Applications for section 23 Housing Assistance Program (HUD Form ____); the basis for determining the amount of subsidies; and the substance and format of contracts, leases and other documents.

While this statement expresses the Department's current policies and practices with respect to the section 23 program, HUD is considering revisions of its policies regarding both this program and the related programs for leasing of existing housing with and without substantial rehabilitation. The Department intends, therefore, to publish in the near future a notice of proposed rulemaking that will incorporate the procedures applicable to new construction and existing housing with and without substantial rehabilitation. Public comment with respect to these procedures will be invited before the Department promulgates its final regulations regarding these programs.

CHAPTER 1. APPLICABILITY, SCOPE, AND BASIC POLICIES

1-1. *Applicability and scope.* The policies and procedures contained herein are applicable to the making of housing assistance payments on behalf of eligible low-income families occupying newly constructed rental housing developed under the construction for leasing method pursuant to the provisions of Section 23 of the U.S. Housing Act of 1937. For the purposes of this Handbook, "construction for leasing" shall mean newly constructed housing for which, prior to the start of construction: (a) An Annual Contributions Contract is executed between the Department of Housing and Urban Development (HUD) and the local housing authority (LHA); and (b) a HUD-approved Agreement to Enter Into Housing Assistance Payments Contract (Agreement) is executed between the LHA and the owner. Unless specific approval is obtained from HUD, the policies and procedures contained herein shall apply to all construction for leasing projects for which agreements to lease have not yet been entered into. With respect to projects for which agreements to lease have been entered into prior to the effective date of this Handbook, HUD may apply these standards to the extent it determines it is practicable to do so.

This Handbook covers policies and procedures relating to the following: The roles and responsibilities of HUD, the LHA and the developer/owner; the application process; the project development format; the determination of the amount of annual contributions; HUD processing procedures; and contains prescribed contracts, agreements, and other documents.

1-2. *Definitions.*—a. *Fair market rent and gross rent.* Fair market rent is the gross rent (including utilities, ranges and refrigerators, and all maintenance and management services) for dwelling units of varying size (number of bedrooms) and structure type, which, as determined at least annually by HUD, would be required to be paid in each housing market area in order to obtain privately developed and owned, newly constructed rental housing of modest (nonluxury) nature. Gross rent includes all utilities (except telephone) whether or not paid directly to the utility company by the family.

b. *Agreement to enter into housing assistance payments contract (agreement).* A HUD-approved written agreement between an LHA and a developer/owner that upon satisfactory completion of the housing by the owner/developer pursuant to agreed upon plans, specifications and other requirements as set forth in the Agreement, the LHA will enter into a Housing Assistance Payments Contract with the owner.

c. *Housing assistance payments contract (Contract).* A HUD-approved written Contract between an LHA and an owner for the purpose of providing housing assistance payments on behalf of eligible families.

d. *Eligible families.* Those families determined by the LHA to meet the requirements for admission into and continued occupancy of housing assisted hereunder.

1-3. *Basic Policies.*—a. *Limitation on use of newly constructed housing.* Construction for leasing projects shall be permitted only in those localities where HUD determines that there is not and there is not likely soon to be an adequate supply of existing housing which, with the housing assistance payments provided by HUD, can meet the housing needs of low-income families, or where new housing is a necessary element of a public program of neighborhood renewal.

b. *Development process.* Under the construction for leasing method, any owner (defined to include a developer) who has a site, a site option or other evidence of site control may submit a proposal to provide housing opportunities for low-income families in newly constructed housing. Such proposals shall be in response to an invitation for proposals published by the LHA. If the developer's proposal is acceptable to HUD and the LHA, the LHA will enter into a HUD-approved Agreement under which the LHA agrees to provide housing assistance payments to enable low-income families to afford the rents payable to the owner for the units involved. This Agreement will be backed by the financial assistance commitment of the Government (the Annual Contributions Contract).

c. *Housing assistance payments.* The housing assistance payments will pay the owner the difference between the rent charged by the owner and that portion of said rent payable by the family. However, housing assistance payments shall be paid to owners only for those units occupied by eligible families. Families shall not be eligible for such Federal financial assistance when the LHA determines that 25 percent of adjusted family income equals or exceeds the gross rent for the unit occupied.

d. *Maximum rents to owners.* The maximum rents to owners that may be contracted for pursuant to the HUD-approved Housing Assistance Payments Contract (Contract) between the LHA and the owner generally shall not exceed the HUD-established fair market rents for newly constructed rental housing for the locality or localities in which the units are located. These HUD-determined rents, which may be exceeded by up to 10 percent when HUD determines that such additional amount is required to provide housing at desired locations or housing with extraordinary amenities or specialized non-dwelling facilities such as day care centers, shall be the maximum rents that may be contracted for under the construction for leasing program.

e. *Term of housing assistance payments contract.* The LHA and owner may enter into a Contract for a maximum initial term of five years, with an option in the owner to renew for three successive five year periods. However, the LHA may refuse any such renewals if it determines that the owner is in default under the terms of the Contract.

f. *Rent adjustments.*—(1) *Automatic annual adjustments.* (a) The monthly rents to the owner as set forth in the Contract shall be adjusted automatically on the annual anniversary date of the Contract. The adjustment(s) shall be based upon the HUD-determined adjustment factor, as defined in subparagraph (b) below.

(b) The adjustment factor shall be the HUD-determined percentage change in the fair market rent for existing housing for the market area in which the project is located.

(c) The amount of each automatic annual adjustment shall be computed by applying the adjustment factor in effect at the time of the adjustment (provided that the adjustment factor is not more than one year old) to the latest rents shown in the Contract.

(d) In no case may an annual adjustment result in Contract rents higher than the fair market rents in effect for the market area at the time of adjustment. For the first four annual adjustments the fair market rents shall be those which apply to newly constructed housing. For all subsequent adjustments, the fair market rents shall be those which apply to existing housing.

(e) Rents may be adjusted upward or downward, as may be appropriate; however, in no case shall the adjusted rents be less than the original rents set forth in the Contract.

(2) *Renegotiations.* The rents contained in the Contract may be renegotiated to become effective at the beginning of each of the three five-year renewal terms; provided that such renegotiations may not result in rents in excess of the fair market rents for existing housing for the housing market area in effect at the time of renegotiation.

g. *Annual contributions.* The maximum annual contribution that may be contracted for in the Annual Contributions Contract, by unit size (number of bedrooms), shall be (1) the sum of the fair market rent and the estimated LHA administrative expense minus (2) the estimated average family contribution (i.e., the portion of gross rent payable

by the family as determined by the LHA, not to exceed 25 percent of adjusted family income). The fair market rent may be exceeded by up to 10 percent under the circumstances discussed in 1–3d above. The estimated average family contribution shall be based upon a realistic estimate of the incomes of the families expected to be in occupancy.

h. *Eligible agencies.* All legally constituted local housing authorities created pursuant to State housing authorities laws are eligible to participate in a construction for leasing program. In addition, under the terms of the U.S. Housing Act, a "public housing agency" may include any State, county, municipality or other governmental entity or public body which is authorized by State law to engage in the development or administration of low-income housing or slum clearance and may, therefore, be eligible to participate in the construction for leasing program. The abbreviations "LHA" or "LHAs" as used herein include any governmental entity or public body as described in this paragraph.

Moreover, LHA's may, by agreement, cooperate with each other in carrying out their respective functions, and State laws typically provide that a locality which has no LHA can invite another LHA within the State to function within its borders. In addition to the few states that have created statewide LHAs, many more have state departments or agencies authorized to administer housing and urban development legislation which clearly qualifies them as public housing agencies under the U.S. Housing Act and authorizes them to carry out this function or to act through LHA's or other entities.

i. *Local governing body approval.* HUD cannot approve an application for a Section 23 construction for leasing project unless the governing body of the locality in which the units are to be located has, by resolution, approved the application of the provisions of Section 23 to the locality. Form HUD–53051, dated December 1971, is suggested for such resolutions. Once such a resolution has been enacted, it may satisfy this approval requirement for all subsequent Section 23 leasing projects, including construction for leasing projects. The terms of the resolution as enacted must be examined by the LHA and HUD to determine whether it contains any restrictive language (e.g., limits the number of dwelling units or authorizes only the leasing of existing housing) which would require a new resolution to provide approval for the proposed construction for leasing project.

j. *Nature of housing to be developed.* The LHA may utilize newly constructed (including manufactured) single family houses, row houses, or multifamily structures. In addition, congregate housing may be developed for elderly or handicapped families and individuals. Single room occupant (SRO) housing planned specifically as a relocation resource for single persons (who qualify for low-rent public housing) may also be developed under the construction for leasing program. (See the Low-Rent Housing Preconstruction Handbook, HPMC–FHA 7410.8 for guidelines and standards applicable to congregate and SRO housing.) High rise elevator projects for families with children may not be used in the construction for leasing program unless HUD determines there is no practical alternative. Mobile homes may not be utilized in the construction for leasing program.

k. *Limitation on number of units in single structure.* (1) Section 23(c) of the U.S. Housing Act provides that no more than 10 percent of the units in any single structure shall be assisted unless the LHA, because of the limited number of units in the structure or for any other reason, determines that such limit should not be applied. Where the LHA determines that the 10 percent limitation should not be applied, a record of its determination shall be maintained in the LHA's permanent file, and the LHA shall notify HUD of its action.

(2) It should be noted, however, that in approving applications for housing assistance programs involving multifamily (five or more units) structure, HUD will give priority to those applications which would provide for assistance for 20 percent or less of the units in a single multifamily structure or complex.

l. *Relocation requirements.* There is no available source of HUD funds which can be programmed for construction for leasing projects assisted under Section 23 for the payment of relocation costs, including costs for relocation assistance and payments, under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. Therefore, no Agreement shall be executed for housing which is to be constructed on a site which has occupants unless the owner voluntarily undertakes liability for and provides for the funding of all relocation costs in accordance with the regulations of 38 FR 18262, dated July 9, 1973 (copy attached hereto as Appendix I).

m. *Methods of finance.* Section 23 construction for leasing projects may be financed by means of a conventional loan from a commercial bank, savings bank, savings and loan association, pension fund, insurance company or other financial institution. State Housing Financing Agencies and sections 221(d)(4), 207, and 231 market rate FHA mortgage insurance programs may also be utilized.

n. *Availability of funds for security and utility deposits.* Families may be required to provide security deposits to landlords, and in some instances, to utility companies. In hardship cases where families are unable to obtain funds from community agencies or other sources for payment of security deposits to landlords or utility companies (except telephone), the LHA may pay the owner and/or the utility companies the funds necessary, not to exceed one month's rent plus utility deposits (excluding telephone). This amount shall be recovered by the LHA from the family over a one-year period.

o. *Responsibilities of the owner.* The owner shall be responsible for the complete and total management, maintenance and operation of the project. These responsibilities shall include but not be limited to the payment of utilties unless paid directly by the occupant), insurance and taxes, the performance of all ordinary and extraordinary maintenance; performance of all management functions including the taking of applications and selection of families (with the exception of determination and verification of eligibility for the particular dwelling unit involved which shall be the function of the LHA); collection of rents; risk of loss from vacancies and nonpayment of rent by tenant families; and, preparation of and furnishing of information required by the LHA under the Contract. This does not preclude the owner from contracting with the LHA for the management, maintenance, and operation of the project under a separate contract, for a prescribed fee, upon a determination by HUD that such services are not otherwise available in the locality. Any such contract shall be approved by HUD.

p. *Responsibilities of the LHA.* The LHA shall be responsible for review of applications submitted by families to determine eligibility for assistance; reexamination of family eligibility as prescribed by HUD regulations; provision of social and counseling services (unless these functions are to be assumed by the owner); inspection at least annually to determine that the units are maintained in decent, safe, and sanitary condition (Failure to do so shall constitute a Substantial Default by the LHA under the Annual Contributions Contracts): and authorization of evictions.

1–4. *Separate project requirements.*—a. A construction for leasing project may not include any other type of leasing, shall be processed with a separate Annual Contributions Contract List and be assigned a separate project number. All construction for leasing units to be placed under a single Housing Assistance Payments Contract shall comprise a separate project. However, the Area Director may designate as a single, separate project the units to be covered by two or more such Contracts where:

(1) The units are placed under ACC on the same date; and

(2) Such consolidation is necessary in the interest of administrative efficiency.

b. Separate Annual Contributions Contracts are not required for each project; rather, Consolidated Annual Contributions Contracts may be used but the LHA shall be required to operate each project as separate and distinct from other projects by amending the Consolidated Annual Contributions Contract to include the following provisions for each construction for leasing project:

Notwithstanding the other provisions of this Contract, (1) the books of account and records of the Local Authority shall be maintained in such a manner as will at all times show the Operating Receipts, Operating Expenditures, Reserves, and Residual Receipts for Project No. —— as separate and distinct from all other projects under this Contract, and (2) the Reserves and Residual Receipts

for this Project shall not be used to pay Operating Expenditures of any other Project under this Contract nor shall the Reserves and Residual Receipts of such other Projects be used to pay Operating Expenditures of this Project.

CHAPTER 2. PROJECT DEVELOPMENT

2-1. *Preapplication.*—a. The LHA shall determine whether there is a need for housing assistance for low-income families within its operating jurisdiction. Upon making such determination, the LHA shall survey the housing market to determine whether there is a sufficient supply of units that are suitable or may be made suitable to meet all or part of this need. In determining the adequacy of the housing supply, the LHA should estimate realistically the number and size (number of bedrooms) of units that may be available, the condition of such units, and the rents at which the units may be leased.

b. An LHA may apply for a construction for leasing project only if:

(1) There is not, and there is not likely soon to be, an adequate supply of existing housing which, with the aid of housing assistance payments provided by HUD, can meet the housing needs for low-income families; or

(2) New construction is a necessary element of a public program of neighborhood renewal.

2-2. *Submission of application.*—a. *Application form.* An application for a construction for leasing project to be submitted by the LHA to the HUD Area Office shall be in a form prescribed by HUD (see Appendix II for application form) and shall:

(1) Describe the results of the LHA's survey of the housing market in terms of the number, size (number of bedrooms), condition, and rents of units which may be available;

(2) Substantiate the existence of one or both of the necessary conditions prescribed in paragraph 2-1b for the approval of an application for a construction for leasing project;

(3) Document the need for housing assistance in terms of family incomes, housing conditions, and rental payments as proportion of income;

(4) Indicate the type of housing (e.g., row, walkup, semi-detached, detached) that is preferred, the bedroom distribution (i.e., number of one-bedroom units, two-bedroom units, etc.) proposed, and the number of units (if any) to be specifically designed for elderly or handicapped occupancy;

(5) Include an estimate of LHA administrative expenses attributable to the proposed project, including proposed staffing and related salaries, and provide a basis for all estimates;

(6) Provide an estimate of the reasonably anticipated average tenant rental payments based on rents to be charged occupant families (not to exceed 25 percent of estimated adjusted family income);

(7) Indicate whether the LHA intends to meet the unit limitation described in paragraph 1-3k(2).

FHA Form 3166, Project Selection Criteria Questionaire, is not required to be submitted. (See paragraph 2-8 for required site and neighborhood standards.)

Advice and assistance in the preparation of the application are available from the local HUD Area Office.

b. *Income limits and rent schedules.* LHA's not having previously approved income limits and rent schedules must submit income limits and rent schedules, in accordance with RHA 7465.1, paragraph 3, for approval with their applications for a construction for leasing project. Income limits for the leasing program may be established so as to allow admission of all families who cannot afford decent, safe, and sanitary dwellings in the locality without subsidy.

Those LHA's that are already operating low-rent housing may wish to consider increasing their present income limits generally as well as establishing higher income limits for the housing assistance payments program. Higher income limits are possible for the construction for leasing program because it is not subject to the usual U.S. Housing Act requirement that there be a gap of at least 20 percent between the upper rental limits for admission to low-rent public housing and the lowest rents at which private enterprise unaided by public subsidy is providing a substantial supply of decent, safe and sanitary housing.

It should be emphasized that it is the income from tenants to be housed under the proposed housing assistance payments program, not necessarily the income limits, that is most significant in enabling HUD to determine assistance requirements and project feasibility. It is essential, therefore, that the LHA make accurate estimates of anticipated family income and achievable per unit rents to be paid by the families expected to be assisted. In making this estimate, the LHA should utilize such information as income, after deductions and exemptions, of families on waiting lists, and rents being paid by tenants in other leased and nonleased units operated by the LHA, as well as incomes of families expected to be housed under the higher income limits established for the housing assistance payments program.

2-3. *HUD review and approval of application.*—a. *Review of application.* The HUD Area Office shall review the application, in accordance with the procedures outlined in Chapter 3 of this Handbook, to determine that there is need for assistance for the number of units applied for; that the necessary conditions for approval of a new construction project are met; that the estimate of administrative expense is realistic; and that the reasonably anticipated average monthly family contribution will amount to no less than 20 percent of the average monthly fair market rent for the project. If deemed appropriate, HUD shall make adjustments in size of program, bedroom distribution, administrative expenses or tenant rents. Such adjustments shall be accepted by the LHA in order to receive application approval. In determining whether or not to approve an application, HUD shall give priority to those applications meeting the unit limitation described in paragraph 1-3 k(2).

b. *Approval or disapproval of application.* Upon completion of its review, HUD shall notify the LHA by letter that the application is approved, can be approved if required changes are made, or is disapproved. If an application is disapproved, the letter shall indicate in detail the reasons for disapproval of the application. If the application is approved, the prescribed "Notification of Application Approval" attached as Appendix III, shall be utilized. The Notification shall indicate the amount of annual contributions reserved for the project and instruct the LHA to prepare a Developer's Packet (see paragraph 2-5 below).

2-4. *Invitation for proposals.*—a. *Authorization to publish.* Upon approval of the Developer's Packet by the Area Office, the Area Office shall transmit to the LHA an Invitation for Proposals which shall conform to Appendix IV. The LHA shall be authorized to publish the Invitation for Proposals immediately upon receipt.

b. *Publication of invitation for proposals.* The LHA shall publish the Invitation for Proposals at least weekly for two consecutive weeks in a newspaper of general circulation available within the locality. The LHA is encouraged also to use other media, publish the Invitation in trade association journals, local minority group newspapers and/or send copies of the Invitation to active developers and builders. The deadline date for receipt of proposals by the LHA shall be no earlier than 28 days after the date of the last publication in the newspaper. Any proposals received after the deadline date shall not be accepted by the LHA. Prior to the deadline date for receipt of proposals, the LHA shall provide HUD with two certified copies of each published invitation and a statement of other publicity methods used. One copy of the Invitation shall be available in the LHA's office for public inspection.

c. *Nondisclosure of information.* In order to provide all interested developers with an equal opportunity to prepare proposals, the contents of the Invitation for Proposals or requirements to be included in the Developer's Packet shall not be disclosed prior to publication.

2-5. *Preparation and contents of developer's packet.* The Area Office shall assist the LHA in preparing the Developer's Packet and shall provide the LHA with copies of all HUD standards, regulations and forms which are to be included in the Packet. The Developer's Packet, which shall be approved by the Area Office, is to be available for distribution at the time of the first publication of the Invitation for Proposals. In addition to a copy of this Handbook, the Developer's Packet shall:

a. Include the following information as to the housing required:

(1) The number of units and bedrooms per unit;

(2) The number of units for elderly and non-elderly occupancy;

(3) The fact that each unit must include a range and refrigerator;

(4) Community space requirements;
(5) Parking and outdoor recreational facilities required;
(6) The type of housing (row house, elevator apartment, detached, etc.);
(7) The preferred density of projects and type of location desired with reference to physical environment and accessibility to public and commercial facilities (see paragraph 2-8);
(8) The necessity to comply with all site selection and neighborhood standards set forth in this Handbook.

b. Include statements as to:
(1) Initial term of the Contract, including any options to renew;
(2) The fact that management, ordinary and extraordinary maintenance, utilities (except where paid directly by tenants), taxes, and insurance are to be the responsibility of the owner;
(3) Maximum gross rents (including all utilities), ranges and refrigerators, by number of bedrooms per unit, that the LHA may consider;
(4) The fact that the LHA shall be responsible only for its portion of the rent payable to the owner and only for those units occupied by eligible families.

c. Call attention to and supply detailed information concerning:
(1) Any limitation on the number of units in a single structure for which housing assistance payments may be made.
(2) Applicability of "Minimum Property Standards for Multifamily Housing" (FHA 2600) supplemented, where appropriate, by the "Minimum Property Standards for One and Two Living Units" (FHA 300), and "Minimum Property Standards for Elderly with Special Consideration for the Handicapped" (HUD-PG-46). These standards specify minimum acceptability and constitute a floor for design and planning. They do not prohibit utilizing higher standards. Proposed construction should also comply with special requirements due to local climatic, topographic or environmental conditions.
(3) Applicability of HUD planning and design criteria (contained in Chapter 3, Low-Rent Housing Preconstruction Handbook, HPMC-FHA 7410.8) for accessibility by the physically handicapped.
(4) Relocation requirements set forth in appropriate HUD issuances.
(5) Equal opportunity (including equal employment opportunity) requirements.
(6) HUD regulations implementing the requirements of Section 3 of the Housing and Urban Development Act of 1968 that, to the greatest extent feasible, opportunities for training and employment be given to lower income residents of the project area and contracts for work in connection with the project be awarded to business concerns which are located in or owned in substantial part by persons residing in the area of the project.
(7) The proposed Contract between the LHA and the owner (utilizing the prescribed form included as Appendix X).
(8) The number of copies of the proposal to be submitted to the LHA.
(9) The latest date by which proposals must be received by the LHA and the fact that there exists no obligation to select any of the proposals received.

2-6. *Submission of proposals.*—a. Developers and/or owners shall be required to submit sealed copies of their complete proposals to the LHA, and simultaneously submit copies to the HUD Area Office before the published deadline, in the number of copies specified in the Developer's Packet. Submission of proposals shall be by hand delivery or certified mail. Any proposal received by the LHA after the deadline shall not be accepted by the LHA but shall be returned unopened. No proposal shall be opened by the LHA or HUD until after the deadline. To assure that the Area Office has received copies of all proposals, the LHA shall advise the Area Office by letter immediately after the deadline for receipt of proposals as to the number of proposals received and the names of the proposers. This letter shall provide no comments as to evaluation or preference.

b. Proposal documents shall be sealed in an envelope or package which shall be clearly marked with a label contained in the Developer's Packet. The label shall be clearly and distinctively marked "New Construction for Leasing Proposal" and show the name of the LHA and project designation and be addressed to the LHA or HUD, respectively. The label on the inner envelope shall be marked "Sealed Proposal—Open on _____"
(date and time)

2-7. *Proposal contents.*—a. Each proposal shall include the following:
(1) A description of the housing proposed together with preliminary drawings and plans and outline specifications on Form HUD-5087. Preliminary drawings and plans, at the scale of ¼ inch equals one foot, shall include: Site layout based on the topographical information available from existing records and the known subsurface soil conditions; landscape plans; general floor plans and unit plans; and elevation drawings for each typical building.
(2) A copy of the site(s) option agreement(s), contract(s) of sale, or other document(s) which evidences developer's effective control of the site(s).
(3) A neighborhood map showing the location(s) of the site(s).

b. In addition, each proposal shall indicate:
(1) Who will be the developer, the builder and the owner/lessor; the qualifications and experience of each; the names of officials and principal members, shareholders and investors, and other parties having substantial interest, using HUD Form 2530, Previous Participation Certificate.
(2) Evidence of management capability.
(3) The present zoning and proposed action for rezoning if current zoning is not permissive.
(4) The rents required by unit size.
(5) The anticipated time required for construction of the improvements after the Agreement is signed.
(6) That there will be compliance with equal employment opportunity requirements.
(7) That the developer and/or owner will, to the greatest extent feasible, comply with Section 3 of the Housing and Urban Development Act of 1968 and regulations issued pursuant thereto in regard to providing opportunities for training and employment to lower income residents of the project area, and in regard to awarding contracts to business concerns located in, or owned in substantial part by residents of, the project area.

2-8. *Site and neighborhood standards.*—a. Proposed sites for construction for leasing projects must be approved by HUD as meeting the following standards:
(1) The sites and neighborhoods shall be suitable from the standpoint of facilitating and furthering full compliance with the applicable provisions of Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968 (and of Executive Order 11063 with respect to creed), and HUD regulations issued pursuant thereto.
(2) The site shall not be located in:
(a) An area of minority concentration unless (i) sufficient, comparable opportunities exist for housing for minority families, in the income range to be served by the proposed project, outside areas of minority concentration, or (ii) the project is necessary to meet overriding housing needs which cannot otherwise feasibly be met in that housing market area. (An "overriding need" may not serve as the basis for determining that a site is acceptable if the only reason the need cannot otherwise feasibly be met is that discrimination on the basis of race, color, creed or national origin renders sites outside areas of minority concentration unavailable.)
(b) A racially mixed area if the project will cause a significant increase in the proportion of minority to non-minority residents in the area.
(3) The site shall be free from adverse environmental conditions, natural or manmade, such as instability, flooding, septic tank backups, sewage hazards, or mudslides; harmful air pollution, smoke or dust; excessive noise, vibration, or vehicular traffic; rodent or vermin infestation; or dangerous fire hazards. Moreover, the neighborhood must be free of characteristics seriously detrimental to family life; and substandard dwellings or other undesirable elements should not predominate unless there is actively in progress a concerted program intended to upgrade the neighborhood.

b. The housing shall be accessible to social, recreational, educational, commercial, and health facilities and services, and other municipal facilities and services that are at least equivalent to those typically found in neighborhoods consisting largely of unsubsidized, standard housing of similar market rents.

c. Travel time and cost via public transportation or private automobile

from the neighborhood to employment providing a range of jobs for lower income workers is reasonable.

d. The developer may not propose to build on a site which has occupants unless the potential owner of the project voluntarily undertakes liability for and provides for the funding of all relocation costs pursuant to HUD-codified regulations dealing with relocation in the HUD Relocation Handbook 1371.1, and other appropriate HUD issuances.

2–9. *Evaluation of proposals.*—a. Each proposal received shall be evaluated on the basis of the following:

(1) *Site.* Whether the site and neighborhood requirements outlined in paragraph 2–8 are met.

(2) *Design and construction quality.* Whether applicable property standards (including Minimum Property Standards and accessibility by the physically handicapped) will be met.

(3) *Rents to owner.* The reasonableness of the rents proposed and that the gross rents do not exceed the maximum gross rents prescribed in the Invitation for Proposals.

(4) *Developer, builder, and owner qualifications.* Whether the developer, builder, and/or owner are responsible for purposes of meeting all the obligations of the prescribed Agreement.

b. HUD will provide the LHA with an analysis of each proposal received which will indicate the proposal or proposals found approvable.

c. The HUD analysis of all proposals shall be held available for public inspection in the LHA office for at least three years following the notification of developer selection.

2–10. *Notification of developer selection.* The LHA shall review the HUD analyses, and may only select a proposal or proposals from among those found approvable by HUD. The LHA shall notify the developer(s) of his selection using the prescribed form of letter attached hereto as Appendix VI. Upon selection, a copy of the LHA's Notification together with a copy of the LHA's resolution selecting the developer shall be sent promptly to the Area Office.

2–11. *Submission of architect's certification and execution of annual contributions contract.*—a. The LHA letter of notification shall advise the developer that before the LHA may enter into an Agreement, the developer shall submit to the LHA the architect's certification as required in the prescribed form of Notification of Developer Selection (see Appendix VI). The LHA shall immediately transmit one copy of the architect's certification to the Area Office.

b. After receipt of the architect's certification HUD shall prepare (i) the Agreement, which shall conform to the prescribed form shown as Appendix IX of this Handbook and (ii) the Annual Contributions Contract. The Agreement and the Annual Contributions Contract shall be transmitted by HUD to the LHA for execution and return to HUD.

c. If the developer fails to submit the architect's certification by the date specified in the letter, the LHA shall rescind the Notification unless it determines that a reasonable extension of time should be granted. A copy of the letter of extension or recision shall be transmitted to HUD.

2–12. *Agreement to enter into housing assistance payments contract.* As indicated by Appendix IX, the Agreement shall include, but not be limited to, the following:

a. A description of the property and the improvements to be constructed.

b. The actual text of the proposed Contract, complete in all respects except for execution, which shall specify the amount of rent to owner, and shall conform to the prescribed form as shown as Appendix X.

c. Construction initiation and completion dates.

d. Evidence of project completion as set forth in paragraph 2–13 below.

e. A provision that the owner may not:

(1) Make any sale, assignment, conveyance or transfer in any other form of his interests in the Agreement except:

(i) with the prior consent of the LHA and HUD; or

(ii) to a financial institution for the purpose of obtaining financing.

(2) Change to a different developer from the one named in the Agreement without prior consent of the LHA and HUD.

f. A provision that the owner shall provide for the relocation of site occupants pursuant to 38 FR 18262, dated July 9, 1973; comply with the HUD equal opportunity (including equal employment opportunity) requirements; comply with the requirements of Section 3 of the Housing and Urban Development Act of 1968 and regulations issued pursuant thereto in regard to providing opportunities for training and employment to lower income residents of the project area, and in regard to awarding contracts to business concerns located in, or owned in substantial part by residents of, the project area; and comply with and be responsible for compliance with all requirements relating to Affirmative Fair Housing Marketing as contained in HUD Handbook 8000.4, and to nondiscrimination as codified in 24 CFR, Subtitle A, Part 1.

2–13. *Project Completion.*—a. Completion of the project shall be evidenced by furnishing the LHA with the following:

(1) A certificate of occupancy and/or other official approvals necessary for occupancy;

(2) Separate certifications by a registered architect and the owner that:

(a) There are no defects or deficiencies in the project;

(b) All work has been completed in accordance with the requirements of the Agreement;

(c) The project is as good and tenantable condition.

(3) A set of "as-built" drawings.

b. The LHA shall notify HUD when the project is completed. Upon receipt of such notification, the Area Office Construction Representative shall inspect the project and the evidence of completion listed above. If he makes a written determination that the project has been satisfactorily completed, HUD will authorize execution of the Contract.

2–14. *LHA reporting requirements.* (Reserved).

2–15. *Area office review of contract compliance.* No later than 6 months after execution of the Housing Assistance Payments Contract for the project, the Area Office shall review project operations to ensure that the owner and the LHA are in full compliance with the terms and conditions of the Contract. Subsequent reviews shall be scheduled as necessary.

Chapter 3. Processing Procedures

3–1. *Organizational responsibility.*—a. *Multifamily housing representative.* The Multifamily Housing Representative (MHR) on the Program Management Staff is the primary point of contact in the Area Office through which the LHA deals in obtaining guidance and assistance with respect to the development of construction for leasing projects pursuant to the provisions of Section 23 of the U.S. Housing Act of 1937.

b. *Processing control and reports staff.* The Processing Control and Reports Staff (PC&R), under the direction of the Operations Division Director or his designee, is responsible for recording and controlling all documents relating to the Area Office processing.

3–2. *Transmittal of application form and related documents to the LHA.* At the direction of the Operations Division Director or his designee, the PC&R Staff shall supply copies of the following to LHA's requesting application forms for a construction for leasing program, and indicate in the transmittal letter the number of copies of each form required to be submitted:

a. HPMC–FHA ____, Section 23 Construction for Leasing Program Handbook.

b. Form HUD ____, Application for Section 23 Housing Assistance Payments Program.

c. Suggested Form of General Certificate or Organization Transcript.

d. Form HUD–52471, Suggested Form of Resolution by Local Housing Authority Authorizing Submission of Application for a Low-Rent Housing Program.

e. Form HUD–53051, Suggested Form of Resolution by Local Governing Body Approving Application of the Provisions of Section 23 of the United States Housing Act of 1937, as Amended, to a Locality.

f. Form HUD–53037, Statement of Local Authority as to Compliance Under Title VI of the Civil Rights Act of 1964.

g. Forms HUD–9011, –9012, –9013, –9014, Transcript of Proceedings.

3–3. *Receipt of application.* Upon receipt of an application, the PC&R Staff shall record the application, assign an application number, assign an LHA number (for new LHAs) and ascertain that the appropriate legal documents have been submitted prior to accepting the application for processing.

a. If any of the required documents are not submitted, a letter informing the LHA as to which documents are missing

shall be prepared for the signature of the Operations Division Director and mailed to the LHA.

b. If the application contains all required documents, a letter shall be mailed to the LHA acknowledging receipt and stating that the application is acceptable for initial evaluation.

3-4. *Review of application.*—a. *Routing of application for review.* The PC&R Staff shall distribute copies of each application accepted for initial evaluation to the MHR, Area Economist, the Technical Services Branch, the Housing Management and Equal Opportunity Divisions, and the Area Counsel for simultaneous reviews. All completed reviews, including recommendations and comments, shall be forwarded, through the PC&R Staff, to the MHR within five working days. If a reviewing office is unable to complete its review within such time period, it shall notify the MHR, who shall take appropriate action to expedite the review.

b. *The Multifamily Housing Representative* shall review the application for consistency with program policies.

c. *The Area Economist* shall review the application to determine that there is a need for housing assistance for the number of units applied for; the urgency of need, including submarket considerations, if appropriate; that this need cannot be met through use of the existing housing stock; and that the unit-size and elder/non-elderly distributions are appropriate. The Area Economist shall also review the income limits established for the locality to assure that they are adequate to serve families unable to afford decent, safe, and sanitary housing and recommend changes if deemed necessary.

d. *The Technical Services Branch* (TSB) shall evaluate the application to determine that there is not an adequate supply of units in the locality(ies) at or below the HUD-established fair market rents for existing housing in such locality(ies). TSB shall also determine that the correct fair market rents for new construction have been entered on the application.

e. *The Housing Management Division* shall review the application with respect to LHA capability to operate the program and provide adequate counseling to eligible families; to determine the adequacy of income limits, tenant selection policies and the estimates of family rentals and administrative expenses; and the LHA's demonstration of feasibility. If deemed necessary, Housing Management shall recommend appropriate changes in income limits, family rentals, tenant selection policies, or administrative expenses. Disapproval of the application shall be recommended if feasibility is not demonstrated.

f. *The Equal Opportunity Division* shall review the application for compliance with Equal Opportunity guidelines and requirements.

g. *The Area Counsel* shall review the LHA Organization Transcript, or General Certificate, and the LHA and local governing body resolutions to determine their legal acceptability and consistency with State enabling legislation.

3-5. *Approval of application.*—a. *MHR recommendation.* After resolving any disparate review comments, the MHR shall recommend, and obtain appropriate concurrences to initiate, one of the following actions:

(1) Approval of the application as submitted. (When there are more approvable appliactions than available annual contribution funds, the Area Office shall establish priorities for processing to ACC List, consistent with the provisions of paragraph 1-3k (2)).

(2) Preparation of a letter, to be signed by the Operations Division Director, to the LHA outlining the specific changes required for approval. Such letter shall indicate that if the LHA adopts the required changes and notifies HUD of such action within 30 days, the application will be approved (if annual contribution funds are available) in accordance with the instructions in paragraph 3-5b below. If the 30-day time limit is not met, the application shall be disapproved and returned to the LHA.

(3) Disapproval of the application. If an application is to be disapproved, a letter signed by the Area Director shall be mailed to the LHA, returning the application and explaining in detail the reasons for disapproval. Copies of the disapproval letter shall be forwarded to the ARA for HPMC and the Director, Publicly Financed Housing Division, HPMC.

b. *Approval.* If an application is to be approved, the MHR shall:

(1) Calculate the amount of annual contribution funds to be reserved using the following formula:

(a) Determine the average per unit annual contribution by multiplying twelve times the sum of (1) average PUM fair market rent (from line N(7) of application), plus (2) average PUM LHA administrative expense from line L(5) of application, minus (3) average PUM family rent (from line N(6) of application).

(b) Determine the average annual contribution for the project by multiplying the number obtained in (a) above by the number of units in the project.

(2) After making the calculation and determining that sufficient funds are available, initiate preparation of Notification of Application Approval (Appendix III) which shall:

(a) instruct the LHA to prepare a Developer's Packet for submission to HUD;

(b) indicate a date, not to exceed twelve months, from the date of the Notification of Application Approval by which, if an Agreement is not executed, the notice shall expire;

(c) indicate the number of units approved for assistance; and

(d) indicate the amount of annual contributions reserved (as calculated by the above formula).

(3) Advise the PC&R Staff to prepare HUD Form 416.2, to be transmitted to the Assistant Secretary for Legislative Affairs, utilizing the Magnavox facsimile system. The original HUD Form 416.2 shall also be forwarded "via air mail" to the Notification Division, Office of Legislative Affairs. Area Offices shall automatically release the approval after five working days, provided the Office of Legislative Affairs has not requested that the release be delayed.

(4) Prepare, following Congressional Clearance, a letter to the LHA, to be signed by the Area Director, transmitting the Notification of Application Approval.

(5) Advise the PC&R Staff to dispatch copies of the Notification of Application Approval to the ARA for HPMC and the Director, Publicly Financed Housing Division, HPMC.

c. *Approval of developer's packet and preparation of invitation for proposals.* Upon approval of the Developer's Packet by the Operations Division Director, the MHR shall initiate preparation of an Invitation for Proposals, which shall conform to the prescribed form attached hereto as Appendix IV, and be transmitted to the LHA for immediate publication, together with a copy of the approved Developer's Packet and a sufficient supply of forms to be included in the packets.

3-6. *Receipt of proposals and area office review.*—a. *Submission of Proposals.* Developers, in response to the published LHA invitation, will submit sealed proposals to the LHA by hand delivery or certified mail, and simultaneously submit copies to the Area Office. Immediately after the deadline for receipt of proposals, the LHA will advise the Area Office by letter as to the number of proposals received and the names of the proposers. If the MHR finds a discrepancy between the number of proposals and/or names of proposers indicated in the LHA's letter, he shall prepare, for the signature of the Operations Division Director, a letter to the LHA requesting appropriate clarification and submission to the Area Office of any missing proposals.

b. *Routing of proposals for review.* The PC&R Staff shall record receipt of each proposal received. However, the inner envelope, which will be marked "Sealed Proposal—Open on _____ (date and time)", shall not be opened until the appropriate date and time. Upon notification from the MHR that all proposals have been received, the PC&R Staff shall institute the "Previous Participation Clearance" procedure described in Circular 7410.10 for each proposal, and distribute copies of each proposal, together with a sufficient number of Review Checklists for Construction for Leasing Proposals (Appendix V), to the Assistant Director for Technical Services and the MHR, who shall coordinate reviews by the Housing Management and Equal Opportunity Divisions. Each reviewing office shall complete the section of the Review Checklist assigned to it, signing the form as required in terms of preparation, review and approval upon completion of its review. Completed Checklists shall be

forwarded to the MHR. For purposes of determination of acceptability, no changes in proposals shall be considered after the deadline date for receipt of proposals by the LHA.

c. *The Assistant Director for Technical Services* shall direct completion of Section A of the Review Checklist for each proposal with respect to:

(1) *Sites*, which must meet the requirements set forth in paragraph 2–8 of this Handbook.

(2) *Design and quality of construction*, which must provide decent, safe, and sanitary housing and be in compliance with the Invitation for Proposals and Developer's Packet.

(3) *Rents to owners*, which must be reasonable and shall not exceed the maximum gross rents published in the Invitation for Proposals.

(4) *Credentials of the builder, developer and/or owner*, in terms of their qualifications and experience to construct housing, and the disclosure of interest of the builder, developer and/or owner.

d. *The Director of the Housing Management Division* shall direct completion of Section B of the Review Checklist for each proposal with respect to the management capability of the developer/owner.

e. *The Director of the Equal Opportunity Division* shall direct completion of Section C of the Review Checklist for each proposal with respect to compliance with Equal Opportunity guidelines and requirements. He may also comment on other aspects of the proposal, such as site, which may be subject to Equal Opportunity considerations.

f. *The Multifamily Housing Representative* shall complete Section D of the Review Checklist for each proposal, requesting assistance from Equal Opportunity if necessary for completion of Section D 1. He shall reconcile review comments and complete a single Review Checklist for each proposal, incorporating all other review findings, and assign a rank number to each proposal, subject to review by the Program Manager and approval by the Operations Division Director. Those proposals found otherwise acceptable shall be forwarded to the Assistant Director for Planning and Relocation (or other designated Environmental Clearance Officer) for Environmental Clearance.

g. *A letter shall be mailed to the LHA*, signed by the Operations Division Director, transmitting a copy of the completed Review Checklist for each proposal and advising the LHA that:

(1) It may select a proposal or proposals only from among those proposals found approvable by HUD;

(2) These proposals are subject to Environmental Clearance and, therefore, a developer shall not be notified of selection by the LHA until the LHA has been notified as to the proposals meeting Environmental Clearance requirements.

h. *When environmental clearance procedures have been completed*, a letter shall be mailed to the LHA, signed by the Operations Division Director, advising the LHA of those proposals meeting Environmental Clearance requirements.

3–7 *Preparation of ACC list, annual contributions contract and agreement.*—a. *Preparation of ACC List.* After receipt of the architect's certification, the MHR shall initiate preparation of an Annual Contributions Contract List (Appendix VII). The following is an example of the methodology to be used to determine the annual contribution amounts for a hypothetical 50-unit project:

	EFF	1 BR	2 BR	3 BR	Total
(1) Monthly fair market rent	$150	$170	$190	$200	
(2) Monthly LHA Admin. expense	$7	$7	$7	$7	
(3) Line (1)+Line (2)	$157	$177	$197	$207	
(4) Av. Mo. rent payable by family	$30	$35	$50	$70	
(5) Line (3)—Line (4)	$127	$142	$147	$137	
(6) No. of units	10	15	20	5	50
(7) Max. total mo. contribution (Line (5) x (6))	$1,270	$2,130	$2,940	$685	$7,025
(8) Maximum total annual contribution				12 x Line (7) =	$84,300
(9) Average annual contribution per unit					$1,686

b. *Submission of ACC list to Central Office.* The prepared ACC List shall be submitted, through the ARA for HPMC, to the Director, Publicly Financed Housing Division, HPMC. A summary analysis of the selected proposal and a completed HUD Form 416.2 shall accompany the ACC List submission. Upon approval of the ACC List, a copy of the List shall be given to the Area Counsel for preparation of the Annual Contribution Contract, which shall include the special provisions applicable to Section 23 construction for leasing projects prescribed in Appendix VIII. At the same time, the Area Counsel shall prepare the Agreement, which shall conform in all respects to the prescribed form attached as Appendix IX.

c. *Transmittal to LHA of annual contributions contract and agreement.* The Area Director shall sign a letter transmitting to the LHA the Annual Contributions Contract and the Agreement for execution and return to the Area Office. The letter of transmittal shall indicate:

(1) The number of units approved and the maximum rents that can be paid to owners, by unit size (number of bedrooms); and

(2) The amount of annual contributions committed.

Copies of the transmittal letter shall be forwarded to the ARA for HPMC and the Director, Publicly Financed Housing Division, HPMC.

d. *Approval of agreement and execution of annual contributions contract.* Upon receipt of the executed Agreement and Annual Contributions Contract documents, they shall be approved and excuted, respectively, by HUD.

3–8. *Project completion.* Upon receipt of notification from the LHA that the project has been completed, the Assistant Director for Technical Services shall promptly schedule a visit to the LHA and the project by a Construction Representative (CR) and notify the LHA of the date of the scheduled visit. The CR shall inspect the project and evidence of completion required by paragraph 2–13, and complete a Construction Representative's Field Report (HUD–5379). The Assistant Director for Technical Services shall review the CR's findings. If the Assistant Director determines the project has been satisfactorily completed, a letter to the LHA shall be prepared, for the signature of the Area Director, authorizing execution of the Housing Assistance Payments Contract.

3–9. *Approval of executed housing assistance payments contract.* Upon receipt of the executed Housing Assistance Payments Contract, it shall be routed to the Area Counsel for review. The Area Counsel shall review the project file and the Contract to determine whether the Contract is approvable. If the Area Counsel finds that the Contract is approvable, he shall recommend approval by the Area Director. If it is not approvable, the Area Counsel shall prepare a letter, for the signature of the Area Director, to the LHA advising it of the changes necessary for approval.

3–10. *Area office review of contract compliance.* No later than 6 months after execution of the Housing Assistance Payments Contract, the Operations Division Director shall coordinate, with the Directors of Housing Management and Equal Opportunity, a review of project operations to determine whether the owner and the LHA are in full compliance with the terms and conditions of the Contract. Subsequent reviews shall be scheduled as necessary.

(Section 7(d) of the Dept. of HUD Act, 42 U.S.C. 3535(d); Delegation of Authority to the Asst. Sec., 36 FR 5006, March 16, 1971)

Issued at Washington, D.C., November 7, 1973.

SHELDON B. LUBAR,
Assistant Secretary for Housing Production and Mortgage Credit—FHA Commissioner.

[FR Doc.73-24012 Filed 11-8-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

AVAILABILITY OF MAINE PROPOSED ACTION PLAN

The Maine Department of Transportation has submitted to the Federal Highway Administration of the U.S. Department of Transportation a proposed Action Plan as required by Policy and Procedure Memorandum 90–4 issued on June 1, 1973. The Action Plan outlines the organizational relationships, the assignments of responsibility, and the procedures to be used by the State to assure that economic, social, and environmental effects are fully considered in developing

highway projects and that final decisions on highway projects are made in the best overall public interest, taking into consideration: (1) Needs for fast, safe, and efficient transportation; (2) Public services; and (3) Costs of eliminating or minimizing adverse effects.

The proposed Action Plan is available for public review at the following locations:

1. Project Schedule Group, Maine Department of Transportation, 5th Floor, State Office Building, Augusta, Maine 04330.
2. Maine Division Office—FHWA, Room 614, Federal Building, 40 Western Avenue, Augusta, Maine 04330.
3. FHWA Regional Office—Region 1, 4 Normanskill Boulevard, Delmar, N.Y. 12054.
4. U.S. Department of Transportation, Federal Highway Administration, Environmental Development Division, Nassif Building—Room 3246, 400-7th Street SW., Washington, D.C. 20590.

Comments from interested groups and the public on the proposed Action Plan are invited. Comments should be sent to the FHWA Regional Office shown above before December 15, 1973.

Issued on November 6, 1973.

NORBERT T. TIEMANN,
Federal Highway Administrator.

[FR Doc.73-23954 Filed 11-8-73;8:46 am]

Hazardous Materials Regulations Board

OLIN CORP. ET AL.

Special Permits Issued

Pursuant to Docket No. HM-1, Rulemaking Procedures of the Hazardous Materials Regulations Board, issued May 22, 1968 (33 FR 8277), 49 CFR 170, following is a list of new DOT Special Permits upon which Board action was completed during October 1973:

Special permit No.	Issued to—Subject	Mode or modes of transportation
6727	Olin Corporation, Stamford, Ct. to make limited shipments of certain oxidizing materials in authorized packagings bearing labels slightly out of size.	Cargo vessel, Cargo-only aircraft, Highway, Rail.
6801	Shippers registered with this Board to ship certain flammable liquids in a one gallon glass bottle in a DOT-12B-65 fiberboard box.	Highway, Rail.
6811	Shippers registered with this Board to ship nonflammable compressed gases in nonrefillable, welded steel cylinders built in compliance with DOT Spec. 39 with certain exceptions.	Cargo vessel, Cargo-only aircraft, Highway, Rail.
6812	Ohio Art Company, Bryan, Ohio to ship toy plastic caps packed on laminated aluminum foils in non-DOT Specification fiberboard boxes.	Cargo-only aircraft, Highway, Rail.
6814	Shippers registered with this Board to ship sulfuric acid of 57.9% and 62.2% concentrations in DOT Spec. MC-310, MC-311 or MC-312 tank motor vehicles.	Highway.
6815	Chemagro (Division of Baychem Corp.) Kansas City, Mo., to ship certain organic phosphate compound mixtures, liquid in a DOT Spec. MC-312 tank motor vehicle.	Highway.
6816	U.S. Department of Defense to ship a hybrid missile described as Rocket ammunition with explosive projectile.	Highway, Rail.
6817	Lox Equipment Co., Livermore, Ca., & Petrolite Corp., Barnsdall, Okla., to ship liquefied ethylene in proposed DOT Spec. 113C120W tank car.	Rail.
6818	American Smelting and Refining Co., New York, New York, to ship Arsenic trioxide in DOT Specification 10B wooden barrels or kegs having inside polyethylene bag in lieu of creped paper bag.	Rail.
6819	Union Carbide Corp., Bound Brook, N.J., to ship sodium, metallic in a limited number of new non-DOT Specification, single-trip, 20/18 gage steel drums.	Highway.

ALAN I. ROBERTS,
Secretary.

[FR Doc.73-23925 Filed 11-8-73;8:46 am]

National Highway Traffic Safety Administration

NATIONAL HIGHWAY SAFETY ADVISORY COMMITTEE AD HOC TASK FORCE ON ADJUDICATION

Notice of Public Meeting

On November 16, 1973, the National Highway Safety Advisory Committee's Ad Hoc Task Force on Adjudication will hold an open meeting at the Hotel Roosevelt, 45th and Madison Avenue, New York City.

The National Highway Safety Advisory Committee is composed of 35 members appointed by the President in accordance with the Highway Safety Act of 1966 (23 U.S.C. 401 et seq.). The Committee consists of representatives of State and local governments, State legislatures, public and private interests contributing to, affected by, or concerned with highway safety, other public and private agencies, organizations, and groups demonstrating an active interest in highway safety, and research scientists and other experts in highway safety.

The Advisory Committee advises, consults with, and makes recommendations to the Secretary of Transportation on matters relating to the activities of the Department in the field of highway safety. The Committee is specifically authorized (1) to review research projects or programs, and (2) to review, prior to issuance, standards proposed to be issued by the Secretary under the national highway safety program.

The Ad Hoc Task Force on Adjudication will meet from 1.30 p.m. to 4:30 p.m. at the Hotel Roosevelt with the following agenda:

Orientation and Symposium Reports.
Priority Problems for Future Task Force Consideration.
Review of Proposed Highway Safety Standard (N-7).
"Traffic Courts and Adjudication Systems."

This notice is given pursuant to section 10(a)(2) of Public Law 92-463, Federal Advisory Committee Act (FACA), effective January 5, 1973.

Further information may be obtained from the Executive Secretariat, National Highway Traffic Safety Administration, Department of Transportation, 400 Seventh Street SW., Washington, D.C. 20590, telephone 202-426-2872.

Issued on November 2, 1973.

CALVIN BURKHART,
Executive Secretary.

[FR Doc.73-23963 Filed 11-8-73;8:46 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-332]

ALLIED-GULF NUCLEAR SERVICES, ET AL.

Notice of Hearing

Allied-Gulf Nuclear Services, Allied Chemical Nuclear Products and Gulf Oil Corporation are the holders of Construction Permit No. CPCSF-4 (the Construction Permit), issued by the Atomic Energy Commission on December 18, 1970. The Construction Permit authorizes the licensees to construct a fuel reprocessing plant, designated as the Barnwell Fuel Reprocessing Plant, at the licensees' site seven and one-half miles west of the town of Barnwell, Barnwell County, South Carolina. The plant is designed to process 1,500 metric tons of uranium (MTU) at an average rate of 5 MTU per day.

The facility is subject to the provisions of section B of Appendix D to 10 CFR Part 50, which sets forth procedures applicable to review of environmental considerations for production and utilization facilities for which construction permits or operating licenses were issued in the period January 1, 1970 through September 9, 1971. Notice is hereby given pursuant to the Atomic Energy Act of 1954, as amended, and the regulations in 10 CFR Part 2, "Rules of Practice," and Appendix D to 10 CFR Part 50, "Implementation of the National Environmental Policy Act of 1969," that a hearing will be held in the captioned proceeding at a time and place to be set in the future by an Atomic Safety and Licensing Board to consider and make determinations on the matters set forth below:

1. In the event that this proceeding is not a contested proceeding as defined by 10 CFR 2.4(n) of the Commission's rules of practice, the Board will without conducting a de novo evaluation of the application determine whether the environment review conducted by the Commission's regulatory staff pursuant to Appendix D of 10 CFR Part 50 has been adequate.

2. In the event that this proceeding is a contested proceeding, the Board will decide any matters in controversy among the parties within the scope of Appendix D to 10 CFR Part 50, with regard to whether, in accordance with the requirements of Appendix D to 10 CFR Part 50, the construction permit should be continued, modified, terminated or appropriately conditioned to protect environmental values.

3. Regardless of whether the proceeding is contested or uncontested, the Board will, in accordance with section A.11 of Appendix D of 10 CFR Part 50: (a) Determine whether the requirements of section 102(2) (C) and (D) of NEPA and Appendix D to 10 CFR Part 50 of the Commission's regulations have been complied with in this proceeding; (b) independently consider the final balance among conflicting factors contained in the record of the proceeding with a view toward determining the appropriate action to be taken; and (c) determine, after weighing the environmental, economic, technical and other benefits against environmental costs and considering available alternatives, whether the construction permit should be continued, modified, terminated or appropriately conditioned to protect environmental values.

The hearing will be conducted by an Atomic Safety and Licensing Board (Board) which has been designated by the Chairman of the Atomic Safety and Licensing Board Panel, consisting of Dr. A. Dixon Callihan, Dr. Richard F. Cole, and Robert M. Lazo, Esq. Chairman. Dr. John R. Lyman has been designated as a technically qualified alternate, and John F. Wolf, Esq., has been designated as an alternate qualified in the conduct of administrative proceedings. By December 10, 1973 any person whose interest may be affected by this proceeding may file a petition for leave to intervene with respect to whether, considering those matters covered by Appendix D of 10 CFR Part 50, the construction permit should be continued, modified, terminated, or appropriately conditioned to protect environmental values. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's rules of practice in 10 CFR Part 2.

A petition for leave to intervene must be filed under oath or affirmation in accordance with the provisions of 10 CFR 2.714. As required by 10 CFR 2.714, a petition for leave to intervene shall set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and any other contentions of the petitioner including the facts and reasons why he should be permitted to intervene, with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) The nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) The possible effect of any order which may be entered in the proceeding on the petitioner's interest. Any such petition shall be accompanied by a supporting affidavit identifying the specific aspect or aspects of the subject matter of the proceeding as to which the petitioner wishes to intervene and setting forth with particularity both the facts pertaining to his interest and the basis for his contentions with regard to each aspect on which he desires to intervene. A petition that sets forth contentions relating only to matters outside the jurisdiction of the Commission will be denied.

A request for a hearing or a petition for leave to intervene must be filed with the Office of the Secretary of the Commission, United States Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff, or may be delivered to the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., not later than December 10, 1973.

A petition for leave to intervene which is not timely will not be granted unless the Commission determines that the petitioner has made a substantial showing of good cause for failure to file on time and after the Commission has considered those factors specified in 10 CFR 2.714 (a)(1) through (a)(4) and 2.714(d).

Any person who does not wish to, or is not qualified to become a party to this proceeding concerning continuation, modification, termination, or conditioning the construction permit may request permission to make a limited appearance pursuant to the provisions of 10 CFR 2.715. A person making a limited appearance may only make an oral or written statement on the record, and may not participate in the proceeding in any other way. Limited appearances will be permitted at the time of the hearing at the discretion of the Board, within such limits and on such conditions as may be fixed by the Board. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission, United States Atomic Energy Commission, Washington, D.C. 20545, not later than December 10, 1973.

A person permitted to make a limited appearance does not become a party, but may state his position and raise questions which he would like to have answered to the extent that the questions are within the scope of the hearing as specified in the issues set out above.

An answer to this notice, pursuant to the provisions of 10 CFR 2.705, must be filed by the licensees not later than November 29, 1973.

Papers required to be filed in this proceeding may be filed by mail or telegram addressed to the Secretary of the Commission, United States Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of the petition and/or request should also be sent to the Chief Hearing Counsel, Office of the General Counsel—Regulation, U.S. Atomic Energy Commission, Washington, D.C. 20545, and to Mr. Rudolf C. Ravasz, P.O. Box 847, Barnwell, South Carolina 29812, attorney for the applicant.

In the event that this proceeding is not contested, the Board will convene a prehearing conference of the parties at a time and place to be set by the Board. It will also set the schedule for the evidentiary hearings.

In the event that this proceeding becomes a contested proceeding, the Board will convene a special prehearing conference of the parties to the proceeding and persons who have filed petitions for leave to intervene, or their counsel, at a place to be set by the Board for the purpose of dealing with the matters specified in 10 CFR 2.751a.

The Board will convene a prehearing conference of the parties, or their counsel, to be held subsequent to any special prehearing conference after discovery has been completed, or within such time as may be appropriate, at a place to be set by the Board for the purpose of dealing with the matters specified in 10 CFR 2.752.

Notices of the dates and places of the special prehearing conference, the prehearing conference and the hearing will be published in the FEDERAL REGISTER.

For further details pertinent to the matters under consideration, see the licensees' Environmental Report dated November 5, 1971, as supplemented November 20, 1972, and the draft environmental statement issued in January 1973, which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., between the hours of 8:30 a.m. and 5 p.m. Monday through Friday, and at the office of T. S. Richardson, Chairman, Board of Commissioners, P.O. Box 443, Barnwell, South Carolina. The final environmental statement, upon issuance, also will be available for public inspection at the above locations. Copies of the final environmental statement may be obtained when it becomes available by request to the Deputy Director for Fuels and Materials, Directorate of Licensing, Regulation, U.S. Atomic Energy Commission, Washington, D.C. 20545.

With respect to this proceeding, pursuant to 10 CFR 2.785 an Atomic Safety and Licensing Appeal Board will exercise the authority and the review function which would otherwise be exercised and performed by the Commission. Notice as to membership of the Appeal Board will be published in the FEDERAL REGISTER.

Dated at Germantown, Maryland this 29th day of October 1973.

UNITED STATES ATOMIC ENERGY COMMISSION,
PAUL C. BENDER,
Secretary of the Commission.

[FR Doc.73-23877 Filed 11-8-73;8:45 am]

[License No. 12-15023-02E]

BRK ELECTRONICS

Notice of Issuance of Byproduct Material License

Please take notice that the Atomic Energy Commission has, pursuant to 10 CFR 32.26, issued License No. 12-15023-02E to BRK Electronics, 525 Rathbone Avenue, Aurora, Illinois 60538, which authorizes the distribution of Models SS718SS, SS74A, SS711M, SS714SG, SS728AC, SS728ACS, SS729AC, SS729ACS, SS729ACS-12V, SS69H, SS69HL, SS716DCM, SS69C, and SS717CU fire detectors to persons exempt from the requirements for a license pursuant to 10 CFR 30.20.

1. The devices are designed to detect incipient fires by responding to the products of combustion produced by thermal decomposition of building materials or contents prior to the appearance of visible smoke, flame, or appreciable heat. The sensitive element of the detector is an ionization chamber in which air floating into the chamber is made conductive by alpha particles emitted by americium 241.

2. The byproduct material incorporated in the detector is americium in the oxide form contained in foils manufactured by Nuclear Radiation Developments (Model A–001). The nominal activity contained in the unit is 2.5 microcuries.

3. Each exempt unit will have a label identifying the manufacturer (BRK Electronics) and the byproduct material (americium 241) contained in the unit and recommending that the unit be returned to BRK Electronics for repair or disposal.

A copy of the license and a safety evaluation containing additional information, prepared by the Directorate of Licensing, are available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Maryland, November 2, 1973.

For the Atomic Energy Commission.

JAMES C. MALARO,
Chief, Materials Branch, Directorate of Licensing.

[FR Doc. 73-23878 Filed 11-8-73;8:45 am]

[Docket Nos. 50-387, 50-388]

PENNSYLVANIA POWER & LIGHT CO.

Notice of Availability of Initial Decision of the Atomic Safety and Licensing Board and Issuance of Construction Permits

Pursuant to the National Environmental Policy Act of 1969 and the United States Atomic Energy Commission's regulation in Appendix D, section A.9 and A.11, to 10 CFR Part 50, notice is hereby given that an initial decision, dated October 29, 1973, by the Atomic Safety and Licensing Board in the above captioned proceeding authorizing issuance of construction permits to the Pennsylvania Power & Light Company for construction of the Susquehanna Steam Electric Station, Units 1 & 2, located in Salem Township, Luzerne County, Pennsylvania, is available for inspection by the public in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. and in the Osterhout Free Library, 71 South Franklin Street, Wilkes-Barre, Pennsylvania 18701.

The initial decision is also being made available at the Office of Radiological Health, Department of Environmental Resources, 5th Floor Fulton Building, 3rd & Locust Street, Harrisburg, Pennsylvania 17120.

Based upon the record developed in the public hearing in the above-captioned matter, the Initial Decision modified in certain aspects the contents of the Final Environmental Statement relating to the construction of the Susquehanna Steam Electric Station, prepared by the the Commission's Directorate of Licensing. Pursuant to the provisions of 10 CFR Part 50, Appendix D, section A.11, the Final Environmental Statement is deemed modified to the extent that the findings and conclusions relating to environmental matters contained in the initial decision are different from those contained in the Final Environmental Statement, dated June 1973. As required by section A.11 of Appendix D, a copy of the initial decision, which modifies the Final Environmental Statement, has been transmitted to the Council on Environmental Quality and made available to the public as noted herein.

Pursuant to the above-mentioned initial decision, the Atomic Energy Commission (the Commission) has issued Construction Permits Nos. CPPR–101 and CPPR–102 to the Pennsylvania Power & Light Company for construction of two boiling water nuclear reactors, known as the Susquehanna Steam Electric Station, Units 1 and 2, each designed for a rated power of approximately 3,293 megawatts thermal with a net electrical output of approximately 1,078 megawatts.

The Commission has made appropriate findings as required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations in 10 CFR Chapter I; which are set forth in the construction permits. The application for the construction permits complies with the standards and requirements of the Act and the Commission's rules and regulations.

The construction permits are effective as of their date of issuance. The earliest date for the completion of Unit 1 is March 1, 1979, and the latest date for completion is March 1, 1981. The earliest date for the completion of Unit 2 is September 1, 1980, and latest date for completion is September 1, 1982. The permits shall expire on the latest date for completion of that Unit.

In addition to the initial decision, copies of (1) Construction Permits CPPR–101 and CPPR–102; (2) the report of the Advisory Committee on Reactor Safeguards, dated April 13, 1972; (3) the Directorate of Licensing's Safety Evaluation dated March 17, 1972; (4) Supplement Number 1 to the Safety Evaluation, dated February 1973; (5) Supplement Number 2 to the Safety Evaluation, dated October 12, 1973; (6) the Preliminary Safety Analysis Report and amendments thereto; (7) the applicant's Environmental Report, Revised, dated July 1972 and supplements thereto; (8) the Draft Environmental Statement dated January 1973; and (9) the Final Environmental Statement dated June 1973, are also available for public inspection at the above-designated locations in Washington, D.C. and Wilkes-Barre, Pennsylvania. Single copies of the initial decision by the Atomic Safety and Licensing Board, the construction permits, the Final Environmental Statement, and the Safety Evaluation may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing, Regulation.

Dated at Bethesda, Maryland, this 1st day of November 1973.

For the Atomic Energy Commission.

WALTER A. PAULSON,
Acting Chief, Boiling Water Reactors, Branch 1 Directorate of Licensing.

[FR Doc.73-23879 Filed 11-8-73;8:45 am]

[Docket No. 50-432]

MITSUBISHI INTERNATIONAL CORP.

Issuance of Facility Export License

Please take notice that no request for a hearing or a petition for leave to intervene having been filed following publication of notice of proposed action in the FEDERAL REGISTER on May 29, 1973 (38 FR 14120), and the Atomic Energy Commission having found that:

(a) The application filed by Mitsubishi International Corporation, Docket No. 50–432, complies with the requirements of the Act, and the Commission's regulations set forth in Title 10, Chapter I, Code of Federal Regulations, and

(b) The reactor proposed to be exported is a utilization facility as defined in said Act and regulations,

the Commission has issued License No. XR–93 to Mitsubishi International Corporation, authorizing the export of a pressurized water reactor with a thermal power level of 1,650 megawatts to the Shikoku Electric Power Co., Ltd., Takamatsu-Shi, Japan.

The export of the reactor to Japan is within the purview of the present Agreement for Cooperation Between the Government of the United States of America and the Government of Japan Concerning Civil Uses of Atomic Energy.

Dated at Bethesda, Maryland, this 3d day of November 1973.

For the Atomic Energy Commission.

S. H. SMILEY,
Deputy Director for Fuels and Materials, Directorate of Licensing.

[FR Doc.73-23943 Filed 11-8-73;8:46 am]

[Docket Nos. STN 50-454—50-457]

COMMONWEALTH EDISON CO.

Notice of Receipt of Application for Construction Permits and Facility Licenses and Availability of Applicant's Environmental Reports; Time for Submission of Views on Antitrust Matters

Commonwealth Edison Company, pursuant to section 103 of the Atomic Energy Act of 1954, as amended, has filed an application which was docketed on September 20, 1973, for authorization to construct and operate four pressurized water nuclear power reactors at its Byron and

Braidwood sites. The application was tendered on February 28, 1973. Following a preliminary review for completeness, the application was rejected on April 11, 1973, for lack of sufficient information. The applicant submitted additional information on May 21, 1973. The Preliminary Safety Analysis Report was found to be acceptable for docketing; however, the Environmental Report was not acceptable. On August 16, 1973, the applicant filed additional environmental material, and the application was found to be acceptable for docketing. This application has been docketed under one of the options of the Commission's standardization policy for nuclear power plants. The applicable option involves a limited number of duplicate plants to be constructed within a limited time span by a utility or a group of utilities. Docket Nos. STN 50–454 and STN 50–455 for Units 1 and 2, respectively, at the Byron site and STN 50–456 and STN 50–457 for Units 1 and 2, respectively, at the Braidwood site have been assigned to this application and should be referenced in any correspondence relating to it.

The Byron site is located on a rectangular shaped site about two miles east of the Rock River and approximately three miles southwest of Byron in Ogle County, north central Illinois. The Braidwood site is located in north central Illinois, near the town of Braidwood, in Will County, approximately 60 miles southwest of Chicago and 24 miles southwest of Joliet.

Each of the proposed nuclear units, designated by the applicant as the Byron Station, Units 1 and 2, and the Braidwood Station, Units 1 and 2, are designed for initial operation at approximately 3425 megawatts thermal with a net electrical output of approximately 1,120 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 matters of the application presented to the Attorney General for consideration should 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 December 26, 1973. The request should be filed in connection with Docket Nos. STN 50–454–A, STN 50–455–A, STN 50–456–A, and STN 50–457–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, at the Byron Public Library, 3rd and Washington Streets, Byron, Illinois 61010, and at the Wilmington Township Public Library, 201 South Kankakee Street, Wilmington, Illinois 60481.

Commonwealth Edison has also filed, pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in Appendix D to 10 CFR Part 50, separate Environmental Reports for the Byron and Braidwood Stations. The reports, which discuss environmental considerations related to the proposed construction of the Byron and Braidwood Stations have been made available for public inspection at the aforementioned locations, and are also being made available at the Northeastern Illinois Planning Commission, 400 W. Madison Street, Chicago, Illinois, at the Office of Planning and Analysis, Executive Office of the Governor, Room 614, State Office Building, Springfield, Illinois 62706, and at the Kankakee County Regional Planning Commission, 291 S. Harrison, Kankakee, Illinois 60901.

After the Environmental Reports have been analyzed by the Commission's Director of Regulation or his designee, draft environmental statements related to the proposed action will be prepared by the Commission. Upon preparation of the draft environmental statements, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft statements. The summary notice will request comments from interested persons on the proposed action and on the draft statements. 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. Upon consideration of comments submitted with respect to the draft environmental statement, the Regulatory staff will prepare final environmental statements, the availability of which will be published in the FEDERAL REGISTER.

Dated at Bethesda, Maryland, this 11th day of October 1973.

For the Atomic Energy Commission.

KARL R. GOLLER,
Chief, Pressurized Water Reactors Branch No. 3, Directorate of Licensing.

[FR Doc.73-22742 Filed 10-25-73;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 25845 Agreement Nos. 16874–A35, 12075–A4; Order No. 73–11–7]

AIR TRAFFIC CONFERENCE OF AMERICA

Order Deferring Action and Requesting Comments

The Air Traffic Conference of America (ATC), on behalf of its air carrier members, has filed with the Board under section 412 of the Federal Aviation Act of 1958, as amended (the Act) two agreements which appear to change the ATC requirements applicable to the mandatory safeguard of ticket stock by travel agents.[1]

The first agreement (CAB 16874–A35) amends Resolution 80.1 of the Standard Agents' Ticket and Area Settlement Plan by adding a new paragraph 17(a) to Resolution 80.15 which would make compliance with the minimum safeguards for the protection of ticket stock contained in Scheduled B of the Sales Agency Agreement a contractual obligation under the agreement for all agents, and further provides that a failure to comply with such safeguards would constitute a breach of the Sales Agency Agreement, reviewable by a compliance panel. In other words, under the present Sales Agency Agreement compliance with the minimum safeguards is a threshold requirement for new applicants seeking ATC agency approval but is only a recommended practice as to existing agents. The proponents of the amendment claim that the requirement that all agents adhere to these safeguards will result in complete agency compliance and, consequently, relieve all agents from liability for losses occasioned through the theft of any ticket stock.[2]

The second agreement (CAB 12075–A4) amends Resolution 80.80 (Inspection of Agents' Records by Enforcement Office), by adding a provision to paragraph B whereby a formal complaint can be lodged against an agent for failure to comply with the minimum safeguards for the protection of airline ticket stock, MCO's, identification plates and other Standard ticket forms. This is a new provision which will provide the enforcement procedures to insure adherence to the above amendment.

Upon consideration of the significance of these agreements, we have decided to defer action to allow an opportunity for air carriers, agents, and other interested persons to file written comments in support of or in opposition to approval of the proposed amendments.[3]

Acting pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.3, it is concluded that it is in the public interest to defer action on those provisions of Agreements CAB 16874–A35 and CAB 12075–A4 discussed herein in order to permit interested persons to file comments as provided for herein.

Accordingly, it is ordered, That:

1. Action on Agreements CAB 16874–A35 and CAB 12075–A4, as discussed herein, be and it hereby is deferred;

2. All interested persons are afforded a period of 21 days from the date of service of this order to file comments in support of or in opposition to approval of these agreements;

3. This order shall be served upon the Air Traffic Conference of America and each air carrier member thereof; the American Society of Travel Agents and the Association of Retail Travel Agents.

Persons entitled to petition the Board for review of this order pursuant to the

[1] The present mandatory safeguards are set forth in Schedule B (a copy of which is attached hereto as Appendix A) of the Sales Agency Agreement. The two new agreements discussed herein will, by their terms, become effective only upon approval by the Board.

[2] Paragraph 18 of Resolution 80.15 of the Trade Practice Manual (TPM), relieves agents from such liability under condition that the agent adhere to these minimum safeguards of this ticket stock.

[3] These agreements were filed before adoption of PR 138, September 28, 1973, which in effect added such agreements to the documents covered by the rules in 14 CFR 302 governing the filing of applications and responses thereto. Consequently, these agreements will not be subject to those procedural rules.

Board's Regulations, 14 CFR 385.30, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review thereof is filed, or the Board gives notice that it will review this order on its own motion.

This order shall be published in the FEDERAL REGISTER.

Issued under delegated authority November 1, 1973.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

APPENDIX A

MINIMUM SAFEGUARDS TO PROTECT AIR LINE TICKET STOCK, MCO'S IDENTIFICATION PLATES AND OTHER STANDARD TICKET FORMS

1. No agency location shall maintain more than an estimated three-months supply of airline ticket stock at any one time. Orders for additional standard ticket stock must take the current inventory into account to preclude the build-up of excessive inventory.

2. The bulk supply of tickets or MCO's shall be maintained in a bank safe deposit box or equivalent off-premises security facility. A two-day working supply, mathematically computed on the basis of the last six (6) reporting periods, may be maintained on the premises of an agency. The on-premises working supply shall be locked in a steel container or safe during periods when the office is closed.

3. Where it is impossible or impracticable to obtain the off-premises storage set forth in the first sentence of 2 above, a safe or vault must be used which meets the approval of the Underwriter Laboratories sponsored by the National Board of Underwriters. Such safe/vaults must contain separate compartments with locks, weigh at least 400 pounds net, and carry A, B, or C classifications, and must be secured or bolted to preclude movement within or quick removal from the premises.

4. Validator plates must be stored in locked compartments separate and apart from the safeguards provided for the storage of ticket stock, (i.e. separate compartments of 3 above or separate locked steel container).

5. All means of access to the office(s) must have locks which must be secured when the office(s) is/are not manned by agency personnel.

[FR Doc.73-23956 Filed 11-8-73;8:46 am]

[Docket Nos. 25583, 25603]

RONSON CORP. AND RONSON HELICOPTERS, INC.

Acquisition by Liquigas S.p.a. Et Al.; Postponement of Hearing

Notice is hereby given that the hearing in the above-entitled matter scheduled to be held on December 17, 1973 (38 FR 26959, September 27, 1973), is hereby postponed to January 3, 1974, at 10 a.m. (local time) in Room 503, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned.

Dated at Washington, D.C., November 5, 1973.

[SEAL] JOSEPH L. FITZMAURICE,
Administrative Law Judge.

[FR Doc.73-23955 Filed 11-8-73;8:46 am]

CIVIL SERVICE COMMISSION

MINIMUM RATES AND RATE RANGES

Notice of Adjustment

Under the authority of 5 U.S.C. 5303 and Executive Order 11721, the Civil Service Commission has adjusted the minimum rates and rate ranges for certain occupations and grade levels for which special rates were approved under 5 U.S.C. 5303. The Civil Service Commission has decided that the pay of employees covered by special rate schedules shall be increased by an amount fully equivalent to the general pay increase for General Schedule employees authorized by Executive Order 11739. This decision is being implemented by the special schedules which follow, and the higher pay rates are effective the same date as the general pay increase.

The following tables contain the basic special salary rate information for each occupation and grade level for which special rates are authorized. Only the special minimum and special maximum rate (i.e., 10th step) are shown; however, a full special rate range is authorized for each occupation and grade level specified. The full range of special rates can be prepared by successively adding the amount of the within grade increase, as shown for each grade, beginning with the special minimum to produce a rate for each step up to the special maximum rate.

The effective date of the revised rates is the pay period that begins on or after October 1, 1973.

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

GS-000 MISCELLANEOUS OCCUPATIONS

Occupational series coverage	Geographic coverage	Grade	1st step rate	10th step rate	Within grade increase	Effective date
GS-081 Firefighter (General) Firefighter (Structural) Firefighter (Airfield) Table No. 001	Naval Training Center, Great Lakes, Illinois and Federal installations within a 22-mile radius of the Center.	GS-3 GS-4	$6,836 7,438	$8,762 9,598	$214 240	10-1-73
GS-081 Fire Protection and Prevention Series Table No. 011	Clear Air Force Base, Alaska.	GS-3 GS-4 GS-5 GS-6	7,906 8,308 8,859 9,276	9,532 10,538 11,271 11,967	214 240 268 229	10-1-73
GS-083 Police Series Table No. 008	Washington, D.C. SMSA, including District of Columbia Children's Center, Laurel, Maryland, and Quantico Marine Base.	GS-4 GS-5	7,918 8,323	10,078 10,735	240 268	10-1-73

GS-300 GENERAL ADMINISTRATIVE, CLERICAL, AND OFFICE SERVICES GROUP

GS-301 Police Cadet Table No. 130	District of Columbia Metropolitan Police Department.	GS-2 GS-3	6,060 6,622	7,761 8,548	189 214	10-1-73
GS-343 GAO Management Auditor Table No. 257	Worldwide.	GS-7	10,965	13,953	332	10-1-73
GS-359 Electric Accounting Machine Operating Series, Grade 4 Only. Table No. 154	Juneau Election District, Alaska.	GS-4	7,678	9,838	240	10-1-73

GS-500 ACCOUNTING AND BUDGET GROUP

GS-510 GAO Auditor Table No. 257	Worldwide.	GS-7	10,965	13,953	332	10-1-73
GS-510 Accounting Series GS-512 Internal Revenue Agent Series Table No. 258	Worldwide.	GS-5 GS-7	9,931 10,965	12,343 13,953	268 332	10-1-73

Occupational series coverage	Geographic coverage	Grade	1st step rate	10th step rate	Within grade increase	Effective date
GS-600 Medical, Hospital, Dental and Public Health Group						
GS-602 Medical Officer Series Table No. 290	Worldwide [1] Note: Maximum rate may not exceed $36,000 a year.	GS-11 GS-12 GS-13 GS-14 GS-15	$19,072 22,744 26,189 28,287 30,147	$23,473 27,991 32,390 35,559 [1] 38,625	$489 583 680 808 942	10-1-73
GS-610 Nurse Series Table No. 306	Galveston, Texas	GS-4 GS-5	8,398 8,859	10,558 11,271	240 268	10-1-73
GS-610 Nurse Series Table No. 303	San Francisco, California and 35-mile radius extended to include Travis Air Force Base.	GS-4 GS-5 GS-6	8,638 9,127 9,575	10,798 11,539 12,266	240 268 299	10-1-73
GS-610 Nurse Series Table No. 302	Baltimore, Maryland Standard Metropolitan Statistical Area.	GS-4 GS-5 GS-6	8,638 9,127 9,575	10,798 11,539 12,266	240 268 299	10-1-73
GS-610 Nurse Series Table No. 305	Boston, Massachusetts Standard Metropolitan Statistical Area.	GS-4 GS-5	8,398 8,859	10,558 11,271	240 268	10-1-73
GS-610 Nurse Series Table No. 304	Washington, D.C. Standard Metropolitan Statistical Area including the D.C. Government's Children's Center, Laurel, Maryland and the U.S. Marine Corps Base, Quantico, Virginia.	GS-4 GS-5	8,638 9,127	10,798 11,539	240 268	10-1-73
GS-610 Nurse Series GS-615 Public Health Nurse Series Table No. 296	New York City, New York.	GS-4 GS-5 GS-6 GS-7 GS-8	8,638 9,663 10,173 10,633 11,397	10,798 12,075 12,864 13,621 14,709	240 268 299 332 368	10-1-73
GS-621 Licensed Practical Nurse Table No. 334	New York, New York SMSA, Nassau-Suffolk, New York SMSA.	GS-3 GS-4 GS-5	$7,478 7,918 8,323	$9,404 10,078 10,735	$214 240 268	10-1-73
GS-621 Licensed Practical Nurse Table No. 337	Cook County, Illinois (Including the city of Chicago).	GS-3 GS-4	6,836 7,438	8,762 9,598	214 240	10-1-73
GS-621 Licensed Practical Nurse Table No. 342	West Haven, Connecticut.	GS-3 GS-4	6,836 7,438	8,762 9,598	214 240	10-1-73
GS-621 Licensed Practical Nurse Table No. 343	Boston, Massachusetts SMSA.	GS-3 GS-4 GS-5	7,264 7,918 8,323	9,190 10,078 10,735	214 240 268	10-1-73
GS-631 Occupational Therapist GS-633 Physical Therapist Table No. 308	Washington, D.C. SMSA.	GS-5 GS-6	9,127 9,276	11,539 11,967	268 299	10-1-73
GS-631 Occupational Therapist GS-633 Physical Therapist Table No. 309	Los Angeles-Long Beach, California SMSA.	GS-6	9,276	11,967	299	10-1-73
GS-631 Occupational Therapist GS-633 Physical Therapist Table No. 310	New York City and Suffolk County, New York.	GS-6 GS-7 GS-8	10,472 10,965 11,397	13,163 13,953 14,709	299 332 368	10-1-73
GS-644 Medical Technologist Series Table No. 318	Washington, D.C. SMSA.	GS-5	8,591	11,003	268	10-1-73
GS-644 Medical Technologist Series Table No. 316	Ann Arbor, Michigan Standard Metropolitan Statistical Area.	GS-5	$9,127	$11,539	$268	10-1-73
GS-644 Medical Technologist Series Table No. 314	Milwaukee (Wood), Wisconsin.	GS-5	9,305	11,807	268	10-1-73
GS-644 Medical Technologist Series Table No. 313	State of California.	GS-5 GS-7	9,127 10,301	11,539 13,280	268 332	10-1-73
GS-644 Medical Technologist Series Table No. 348	Indianapolis, Indiana.	GS-5	9,127	11,539	268	10-1-73
GS-644 Medical Technologist Series Table No. 331	New York City, New York (Includes Bronx, Kings, New York, Queens, and Richmond Counties).	GS-5	8,859	11,271	268	10-1-73
GS-647 Medical Radiology Technician Series Table No. 320	New York City, New York.	GS-4 GS-5 GS-6 GS-7	8,878 9,305 9,874 10,633	11,038 11,807 12,565 13,621	240 268 299 332	10-1-73
GS-647 Medical Radiology Technician Series Table No. 340	Los Angeles-Long Beach, California SMSA (Includes all of Los Angeles County).	GS-4 GS-5	8,398 8,591	10,558 11,003	240 268	10-1-73
GS-647 Medical Radiology Technician Series Table No. 346	Suffolk County, New York.	GS-4 GS-5 GS-6 GS-7	8,878 9,305 9,874 10,633	11,038 11,807 12,565 13,621	240 268 299 332	10-1-73
GS-64 Medical Radiology Technician Series Table No. 341	Cook County, Illinois (including the city of Chicago).	GS-4	$7,678	$9,838	240	10-1-73
GS-649 Inhalation Therapy Technician Table No. 344	New York, New York SMSA, Nassau-Suffolk, New York SMSA.	GS-4 GS-5 GS-6	8,158 8,859 9,276	10,318 11,271 11,967	240 268 299	10-1-73
GS-660 Pharmacist Table No. 322	State of California.	GS-9	12,573	16,227	406	10-1-73
GS-682 Dental Hygienist Series Table No. 327	Norfolk and Newport News-Hampton, Virginia SMSA's.	GS-4 GS-5	8,158 9,127	10,318 11,539	240 268	10-1-73

Occupational series coverage	Geographic coverage	Grade	1st step rate	10th step rate	Within grade increase	Effective date
GS-682 Dental Hygienist Table No. 328	States of California and Nevada.	GS-4 GS-5	7,678 8,591	9,838 11,003	240 268	10-1-73
GS-682 Dental Hygienist Series Table No. 338	Denver, Colorado SMSA.	GS-4 GS-5 GS-6	8,158 8,591 9,276	10,318 11,003 11,967	240 268 299	10-1-73
GS-682 Dental Hygienist Table No. 347	Columbia, Missouri.	GS-4 GS-5 GS-6	8,038 9,127 9,874	10,798 11,539 12,565	240 268 299	10-1-73
GS-701 Veterinarian Series Table No. 400	Worldwide.	GS-9	$13,791	$17,445	$406	10-1-73
GS-810 Civil Engineer Table No. 413	Dover AFB, Delaware.	GS-5 GS-7	10,467 11,629	12,879 14,617	268 332	10-1-73
GS-830 Mechanical Engineer [1] [1] (Special rates limited to mechanical engineers engaged in motor vehicle emission control mobile source compliance program and mobile source standards program.) Table No. 412	Ann Arbor, Michigan SMSA.	GS-5 GS-7	10,467 11,961	12,879 14,949	268 332	10-1-73
GS-1654 Printing Management Series (Note: Eligibility for these special rates is limited to employees who have at least a Baccalaureate Degree with a major in printing management.) Table No. 725	Nationwide.	GS-5	9,306	11,807	268	10-1-73
GS-1710 Teacher (Note: Eligibility for these special rates is limited to employees engaged in teaching students with "special needs" in the school identified.) Table No. 750	Mary G. Zeigler School, Department of Public Welfare, District of Columbia Government, Laurel, Maryland.	GS-5	8,859	11,271	268	10-1-73

Grade	Statutory range (Effective the first day of the first pay period beginning on or after October 1, 1973)										Extended range for special rates									Within grade increases	Grade
GS-1	$5,017	$5,184	$5,351	$5,518	$5,685	$5,852	$6,019	$6,186	$6,353	$6,520	$6,687	$6,854	$7,021	$7,188	$7,355	$7,522	$7,689	$7,856	$8,023	$167	GS-1
GS-2	5,682	5,871	6,060	6,249	6,438	6,627	6,816	7,005	7,194	7,383	7,572	7,761	7,950	8,139	8,328	8,517	8,706	8,895	9,084	189	GS-2
GS-3	6,408	6,622	6,836	7,050	7,264	7,478	7,692	7,906	8,120	8,334	8,548	8,762	8,976	9,190	9,404	9,618	9,823	10,046	10,260	214	GS-3
GS-4	7,198	7,438	7,678	7,918	8,158	8,398	8,638	8,878	9,118	9,358	9,598	9,838	10,078	10,318	10,558	10,798	11,038	11,278	11,518	240	GS-4
GS-5	8,055	8,323	8,591	8,859	9,127	9,395	9,663	9,931	10,199	10,467	10,735	11,033	11,271	11,539	11,807	12,075	12,343	12,611	12,879	268	GS-5
GS-6	8,977	9,276	9,575	9,874	10,173	10,472	10,771	11,070	11,369	11,668	11,967	12,266	12,565	12,864	13,163	13,462	13,761	14,060	14,359	299	GS-6
GS-7	9,969	10,301	10,633	10,965	11,297	11,629	11,961	12,293	12,625	12,957	13,289	13,621	13,953	14,285	14,617	14,949	15,281	15,613	15,945	332	GS-7
GS-8	11,029	11,397	11,765	12,133	12,501	12,869	13,237	13,605	13,973	14,341	14,709	15,077	15,445	15,813	16,181	16,549	16,917	17,285	17,653	368	GS-8
GS-9	12,167	12,573	12,979	13,385	13,791	14,197	14,603	15,009	15,415	15,821	16,227	16,633	17,039	17,445	17,851	18,257	18,663	19,069	19,475	406	GS-9
GS-10	13,379	13,823	14,271	14,717	15,163	15,609	16,055	16,501	16,947	17,393	17,839	18,285	18,731	19,177	19,623	20,069	20,515	20,961	21,407	446	GS-10
GS-11	14,671	15,160	15,649	16,138	16,627	17,116	17,605	18,094	18,583	19,072	19,561	20,050	20,539	21,028	21,517	22,006	22,495	22,984	23,473	489	GS-11
GS-12	17,497	18,080	18,663	19,246	19,829	20,412	20,995	21,578	22,161	22,744	23,327	23,910	24,493	25,076	25,659	26,242	26,825	27,408	27,991	583	GS-12
GS-13	20,677	21,366	22,055	22,744	23,433	24,122	24,811	25,500	26,189	26,878	27,567	28,256	28,945	29,634	30,323	31,012	31,701	32,390	33,079	689	GS-13
GS-14	24,247	25,055	25,863	26,671	27,479	28,287	29,095	29,903	30,711	31,519	32,327	33,135	33,943	34,751	35,559	[1] 36,367	[1] 37,175	[1] 37,983	[1] 38,791	808	GS-14
GS-15	28,263	29,206	30,147	31,089	32,031	32,973	33,915	34,857	35,799	[1] 36,741	[1] 37,683	[1] 38,625	[1] 39,567	[1] 40,509	[1] 41,451	[1] 42,393	[1] 43,335	[2] 43,926	[2] 43,926	942	GS-15

[1] Rates may not exceed the rate for Executive Level V. As of October 1973, Executive Level V rate was $36,000.

[2] Rates may not exceed the regular rate for Grade GS-18 and are further subject to the above limitation.

[FR Doc.73-23708 Filed 11-7-73;8:45 am]

MINIMUM RATES AND RATE RANGES

Notice of Adjustment

Under the authority of 5 U.S.C. 5303 and Executive Order 11721, the Civil Service Commission has adjusted the minimum rates and rate ranges for certain occupations and grade levels for which special rates were approved under 5 U.S.C. 5303. The purpose of this adjustment action is to return most special rate schedules to the approximate dollar amounts in effect before the general pay increase. No employee will have his basic rate of pay reduced as the result of the downward adjustment of these schedules. It should be noted that there is no downward adjustment being made to the special schedules for Medical Officers and Veterinarians.

The following tables contain the basic special salary rate information for each occupation and grade level for which special rates are authorized. Only the special minimum and special maximum rate (i.e., 10th step) are shown; however, a full special rate range is authorized for each occupation and grade level specified. The full range of special rates can be prepared by successively adding the amount of the within grade increase, as shown for each grade, beginning with the special minimum to produce a rate for each step up to the special maximum rate.

The effective date of the revised rates is the pay period that begins on or after October 28, 1973.

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

GS—000 MISCELLANEOUS OCCUPATIONS

Occupational series coverage	Geographic coverage	Grade	1st step rate	10th step rate	Within grade increase	Effective date
GS-081 Firefighter (General) Firefighter (Structural) Firefighter (Airfield) Table No. 001	Naval Training Center, Great Lakes, Illinois, and Federal installations within a 22-mile radius of the Center.	GS-3	$6,622	$8,548	$214	10-28-73
GS-081 Fire Protection and Prevention Series Table No. 011	Clear Air Force Base, Alaska.	GS-3 GS-4 GS-5	7,692 8,158 8,591	9,618 10,318 11,003	214 240 268	10-28-73

GS—000 Miscellaneous Occupations—Continued

Occupational series coverage	Geographic coverage	Grade	1st step rate	10th step rate	Within grade increase	Effective date
GS-083 Police Series Table No. 008	Washington, D.C., SMSA, including District of Columbia Children's Center, Laurel, Md. and Quantico Marine Base.	GS-4	7,678	9,838	240	10-28-73
	GS—300 General Administrative, Clerical, and Office-Services Group					
GS-301 Police Cadet Table No. 150	District of Columbia Metropolitan Police Department.	GS-2	$5,871	$7,572	$189	10-28-73
GS-343 GAO Management Auditor Table No. 257	Worldwide.	GS-7	10,633	13,621	332	10-28-73
GS-359 Electric Accounting Machine Operating Series, Grade 4 Only Table No. 154	Juneau Election District, Alaska.	GS-4	7,438	9,598	240	10-28-73
	GS—500 Accounting and Budget Group					
GS-510 GAO Auditor Table No. 257	Worldwide.	GS-7	$10,633	$13,621	$332	10-28-73
GS-510 Accounting Series GS-512 Internal Revenue Agent Series. Table No. 258	Worldwide.	GS-5 GS-7	9,663 10,633	12,075 13,621	268 332	10-28-73
	GS-600 Medical, Hospital, Dental and Public Health Group					
GS-602 Medical Officer Series Table No. 290	Worldwide. *Note.—Maximum rate may not exceed $36,000 a year.	GS-11 GS-12 GS-13 GS-14 GS-15	19,072 22,744 26,189 28,287 30,147	23,473 27,991 32,360 35,559 *38,625	489 583 689 808 942	10-1-73
GS-610 Nurse Series Table No. 306	Galveston, Tex.	GS-4 GS-5	8,158 8,991	10,318 11,003	240 268	10-28-73
GS-610 Nurse Series Table No. 303	San Francisco, Calif., and 35-mile radius extended to include Travis Air Force Base.	GS-4 GS-5 GS-6	8,308 8,859 9,276	10,558 11,271 11,967	240 268 299	10-28-73
GS-610 Nurse Series Table No. 292	Baltimore, Md., Standard Metropolitan Statistical Area.	GS-4 GS-5 GS-6	8,308 8,859 9,276	10,558 11,271 11,967	240 268 299	10-28-73
GS-610 Nurse Series Table No. 305	Boston, Mass. Standard Metropolitan Statistical Area.	GS-4 GS-5	8,158 8,991	10,318 11,003	240 268	10-28-73
GS-610 Nurse Series Table No. 304	Washington, D.C., Standard Metropolitan Statistical Area including the D.C. Government's Children's Center, Laurel, Md., and the U.S. Marine Corps Base, Quantico, Va.	GS-4 GS-5	8,308 8,859	10,558 11,271	240 268	10-28-73
GS-610 Nurse Series GS-615 Public Health Nurse Series Table No. 206	New York City, N.Y.	GS-4 GS-5 GS-6 GS-7	8,308 9,205 9,874 10,301	10,558 11,807 12,595 13,260	240 268 299 332	10-28-73
GS-621 Licensed Practical Nurse Table No. 334	New York, N.Y., SMSA, Nassau-Suffolk, N.Y. SMSA.	GS-3 GS-4	7,264 7,678	9,190 9,838	214 240	10-28-73
GS-621 Licensed Practical Nurse Table No. 337	Cook County, Ill. (Including the city of Chicago).	GS-3	6,622	8,348	214	10-28-73
GS-621 Licensed Practical Nurse Table No. 342	West Haven, Conn.	GS-3	6,622	8,348	214 240	10-28-73
GS-621 Licensed Practical Nurse Table No. 343	Boston, Mass., SMSA.	GS-3 GS-4	7,050 7,678	8,976 9,838	214 240	10-28-73
GS-631 Occupational Therapist GS-633 Physical Therapist Table No. 308	Washington, D.C., SMSA.	GS-5	8,859	11,271	268 299	10-28-73
GS-631 Occupational Therapist GS-633 Physical Therapist Table No. 310	New York City and Suffolk County, N.Y.	GS-6 GS-7	10,173 10,633	12,864 13,621	299 332	10-28-73
GS-644 Medical Technologist Series Table No. 318	Washington, D.C., SMSA.	GS-5	8,323	10,735	268	10-28-73
GS-644 Medical Technologist Series Table No. 316	Ann Arbor, Mich., Standard Metropolitan Statistical Area.	GS-5	8,859	11,271	268	10-28-73
GS-644 Medical Technologist Series Table No. 314	Milwaukee (Wood), Wis.	GS-5	9,127	11,539	268	10-28-73
GS-644 Medical Technologist Series Table No. 313	State of California.	GS-5	8,859	11,271	268	10-28-73
GS-644 Medical Technologist Series Table No. 348	Indianapolis, Ind.	GS-5	8,859	11,271	268	10-28-73

Occupational series coverage	Geographic coverage	Grade	1st step rate	10th step rate	Within grade increase	Effective date
GS-644 Medical Technologist Series Table No. 331	New York City, N.Y. (includes Bronx, Kings, New York, Queens, and Richmond Counties).	GS-5	8,591	11,003	268	10-28-73
GS-647 Medical Radiology Technician Series Table No. 320	New York City, N.Y.	GS-4 GS-5 GS-6 GS-7	8,638 9,127 9,575 10,301	10,798 11,539 12,266 13,289	240 268 299 332	10-28-73
GS-647 Medical Radiology Technician Series Table No. 340	Los Angeles-Long Beach Calif., SMSA (includes all of Los Angeles County).	GS-4 GS-5	8,158 8,323	10,318 10,735	240 268	10-28-73
GS-647 Medical Radiology Technician Series Table No. 346	Suffolk County, N.Y.	GS-4 GS-5 GS-6 GS-7	8,638 9,127 9,575 10,301	10,798 11,539 12,266 13,289	240 268 299 332	10-28-73
GS-647 Medical Radiology Technician Series Table No. 341	Cook County, Ill. (including the city of Chicago).	GS-4	7,438	9,598	240	10-28-73
GS-649 Inhalation Therapy Technician Table No. 344	New York, N.Y., SMSA, Nassau-Suffolk, N.Y., SMSA.	GS-4 GS-5	7,918 8,591	10,078 11,003	240 268 299	10-28-73
GS-682 Dental Hygienist Series Table No. 327	Norfolk and Newport News-Hampton, Va., SMSA's.	GS-4 GS-5	7,918 8,859	10,078 11,271	240 268	10-28-73
GS-682 Dental Hygienist Table No. 328	States of California and Nevada.	GS-4 GS-5	7,438 8,323	9,598 10,735	240 268	10-28-73
GS-682 Dental Hygienist Series Table No. 338	Denver, Colo., SMSA.	GS-4 GS-5	7,918 8,323	10,078 10,735	240 268	10-28-73
GS-682 Dental Hygienist Table No. 347	Columbia, Mo.	GS-4 GS-5 GS-6	8,308 8,859 9,575	10,558 11,271 12,266	240 268 299	10-28-73
	GS-000 Miscellaneous Occupations					
GS-701 Veterinarian Series Table No. 409	Worldwide.	GS-9	$13,791	$17,445	$406	10- 1-73
GS-810 Civil Engineer Table No. 413	Dover AFB, Del.	GS-5 GS-7	10,199 11,297	12,611 14,285	268 332	10-28-73
GS-830 Mechanical Engineer* *(Special rates limited to mechanical engineers engaged in motor vehicle emission control mobile source compliance program and mobile source standards program.) Table No. 412	Ann Arbor, Mich., SMSA.	GS-5 GS-7	10,199 11,629	12,611 14,617	268 332	10-28-73
GS-1654 Printing Management Series (Note: Eligibility for these special rates is limited to employees who have at least a Baccalaureate Degree with a major in printing management.) Table No. 725	Nationwide.	GS-5	9,127	11,539	268	10-28-73
GS-1710 Teacher (Note: Eligibility for these special rates is limited to employees engaged in teaching students with "special needs" in the school identified.) Table No. 750	Mary G. Zeigler School, Department of Public Welfare, District of Columbia Government, Laurel, Md.	GS-5	8,591	11,003	268	10-28-73

Grade	Statutory range (Effective the first day of the first pay period beginning on or after October 1, 1973)									Extended range for special rates									Within grade increases	Grade
GS-1	$5,017	$5,184	$5,351	$5,518	$5,685	$5,852	$6,019	$6,186	$6,353	$6,520	$6,687	$6,854	$7,021	$7,188	$7,355	$7,522	$7,689	$7,856	$8,023	$167	GS-1
GS-2	5,682	5,871	6,060	6,249	6,438	6,627	6,816	7,005	7,194	7,383	7,572	7,761	7,950	8,139	8,328	8,517	8,706	8,895	9,084	189	GS-2
GS-3	6,408	6,622	6,836	7,050	7,264	7,478	7,692	7,906	8,120	8,334	8,548	8,762	8,976	9,190	9,404	9,618	9,832	10,046	10,260	214	GS-3
GS-4	7,198	7,438	7,678	7,918	8,158	8,398	8,638	8,878	9,118	9,358	9,598	9,838	10,078	10,318	10,558	10,798	11,038	11,278	11,518	240	GS-4
GS-5	8,055	8,323	8,591	8,859	9,127	9,395	9,663	9,931	10,199	10,467	10,735	11,003	11,271	11,539	11,807	12,075	12,343	12,611	12,879	268	GS-5
GS-6	8,977	9,276	9,575	9,874	10,173	10,472	10,771	11,070	11,369	11,668	11,967	12,266	12,565	12,864	13,163	13,462	13,761	14,060	14,359	299	GS-6
GS-7	9,969	10,301	10,633	10,965	11,297	11,629	11,961	12,293	12,625	12,957	13,289	13,621	13,953	14,285	14,617	14,949	15,281	15,613	15,945	332	GS-7
GS-8	11,029	11,397	11,765	12,133	12,501	12,869	13,237	13,605	13,973	14,341	14,709	15,077	15,445	15,813	16,181	16,549	16,917	17,285	17,653	368	GS-8
GS-9	12,167	12,573	12,979	13,385	13,791	14,197	14,603	15,009	15,415	15,821	16,227	16,633	17,039	17,445	17,851	18,257	18,663	19,069	19,475	406	GS-9
GS-10	13,379	13,825	14,271	14,717	15,163	15,609	16,055	16,501	16,947	17,393	17,839	18,285	18,731	19,177	19,623	20,069	20,515	20,961	21,407	446	GS-10
GS-11	14,671	15,160	15,649	16,138	16,627	17,116	17,605	18,094	18,583	19,072	19,561	20,050	20,539	21,028	21,517	22,006	22,495	22,984	23,473	489	GS-11
GS-12	17,497	18,080	18,663	19,246	19,829	20,412	20,995	21,578	22,161	22,744	23,327	23,910	24,493	25,076	25,659	26,242	26,825	27,408	27,991	583	GS-12
GS-13	20,677	21,366	22,055	22,744	23,433	24,122	24,811	25,500	26,189	26,878	27,567	28,256	28,945	29,634	30,323	31,012	31,701	32,390	33,079	689	GS-13
GS-14	24,247	25,055	25,863	26,671	27,479	28,287	29,095	29,903	30,711	31,519	32,327	33,135	33,943	34,751	35,559	[1] 36,367	[1] 37,175	[1] 37,983	[1] 38,791	808	GS-14
GS-15	28,263	29,205	30,147	31,089	32,031	32,973	33,915	34,857	35,799	[1] 36,741	[1] 37,683	[1] 38,625	[1] 39,567	[1] 40,509	[1] 41,451	[1] 42,393	[1] 43,335	[1] 43,926	[2] 43,926	942	GS-15

[1] Rates may not exceed the rate for Executive Level V. As of Oct. 1973. Executive Level V rate was $36,000.
[2] Rates may not exceed the regular rate for Grade GS-18 and are further subject to the above Limitation.

[FR Doc.73-23794 Filed 11-8-73;8:45 am]

COST OF LIVING COUNCIL

FOOD INDUSTRY WAGE AND SALARY COMMITTEE

Notice of Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463, 86 Stat. 770) notice is hereby given that the Food Industry Wage and Salary Committee, established under the authority of section 212(f)(iv) of Executive Order 11695, and Cost of Living Council Order No. 14, will meet at 10:00 A.M., Thursday, November 15, 1973, at 2025 M Street, N.W., Washington, D.C.

The agenda will consist of discussions leading to recommendations on specific Phase II and Phase III wage cases in the food area, and future wage policy.

Since the above stated meeting will consist of discussions of future food wage policy and Phase II and III cases for decision, pursuant to authority granted me by Cost of Living Council Order 25, I have determined that the meeting would fall within exemption (5) of 5 U.S.C. 552(b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with the operation of the Committee.

Issued in Washington, D.C., on November 7, 1973.

HENRY H. PERRITT, Jr.,
Executive Secretary,
Cost of Living Council.

[FR Doc.73-24060 Filed 11-8-73;9:16 am]

NONUNION CONSTRUCTION ADVISORY COMMITTEE

Certification

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), I certify that the creation of the Nonunion Construction Advisory Committee is in the public interest. The Nonunion Construction Advisory Committee is established under the authority of section 212(f) of the Economic Stabilization Act, as amended section 4(a)(iv) of Executive Order No. 11695, and Cost of Living Council Order No. 14. It will perform four basic functions:

1. Provide knowledgeable input into policy decisions affecting the nonunion sector of the construction industry;

2. Hear selected exception cases relating to off-site employees of both union and nonunion contractors;

3. Review requests for area-wide wage rates for on-site nonunion craftsmen; and

4. Make recommendations for settlement on the exception cases and the cases involving area-wide wage rate requests.

This committee is established after consultation with the Committee Management Secretariat of the Office of Management and Budget, which has authorized a shorter period of time than normal to pass between the publication of this notice and the chartering of the committee.

Issued in Washington, D.C. on November 8, 1973.

JAMES W. MCLANE,
Deputy Director,
Cost of Living Council.

[FR Doc.73-24100 Filed 11-8-73;11:21 am]

ENERGY POLICY OFFICE

Availability of Final Environmental Statement

ESTABLISHMENT OF PRIORITIES OF USE AND ALLOCATIONS OF SUPPLY FOR CERTAIN LOW SULFUR PETROLEUM PRODUCTS

Pursuant to section 102(2)(c) of the National Environmental Policy Act, the Energy Policy Office has prepared a final environmental statement for the Establishment of Priorities of Use and Allocations of Supply for Certain Low Sulfur Petroleum Products.

The environmental statement considers the effect from the action that temporarily prohibits utilities and other large fuel users from switching from coal or residual fuel oil to lower-sulfur petroleum fuels and prohibits increases in the quantity of distillates blended into residual oils, except where such actions are absolutely necessary to meet primary ambient air quality standards. The main environmental impact would be on air quality; however, the proposed action would not adversely affect existing air quality but would defer altogether for less than a year the improvement of air quality standards in the areas affected. Minor land use and water quality impacts would occur also.

Copies are available for inspection at the following location: Office of Communications, Room 7200, Department of the Interior, Washington, D.C. 20240. Telephone 202-343-4662. Copies may be obtained by writing the Office of Oil and Gas, Department of the Interior, 19th & E Streets NW., Washington, D.C. 20240.

JOHN A. LOVE,
Director, Energy Policy Office.

NOVEMBER 7, 1973.

[FR Doc.73-24109 Filed 11-8-73;12:26 pm]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19684]

ITT WORLD COMMUNICATIONS INC.

Order Extending Time

In the matter of ITT World Communications Inc. Petition under section 201(a) of the Communications Act of 1934 for connection with RCA Global Communications, Inc. to provide telex and message telegraph services to Guam.

1. By letter dated October 26, 1973, Western Union International, Inc. (WUI) requests an extension of time within which to file written briefs as required by the memorandum opinion and order released in this proceeding on July 31, 1973 (FCC-811) and the additional information requested by Bureau counsel's letter of September 17, 1973.

2. WUI represents that the requested extensions of time are needed to provide the parties to this proceeding additional time in which to determine whether a settlement of this matter can be reached, and that, in any event, WUI presently has a staffing problem. WUI also represents that attorneys for RCA Global Communications, Inc., and ITT World Communications Inc., are agreeable to this request.

3. In light of the foregoing and the order issued on October 31, 1973 by Arthur A. Gladstone, Chief Administrative Law Judge, postponing other procedural dates in this proceeding, we find that good cause exists for granting extensions of time.

Accordingly, it is ordered, Pursuant to § 0.303(c) of the Commission's Rules pertaining to delegations of authority, that the request of WUI is granted; and

(A) The time in which to file written briefs pursuant to the Commission's memorandum opinion and order released July 31, 1973 is extended until December 1, 1973;

(B) The time in which to file reply briefs is extended until five days thereafter; and

(C) The time in which to file additional information requested by Bureau counsel's letter of September 17, 1973 is extended until November 19, 1973.

Adopted: November 2, 1973.

Released: November 5, 1973.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
ROBERT D. GREENBURG,
Acting Chief, International and Satellite Communications Division.

[FR Doc.73-23937 Filed 11-8-73;8:45 am]

FEDERAL MARITIME COMMISSION

[Section 21 Order]

U.S.-FLAG CARRIERS TRANSPORTING DEFENSE DEPARTMENT CARGOES PURSUANT TO MILITARY SEALIFT PROCUREMENT SYSTEM

Vessel Utilization Data Report

Pursuant to § 549.5(b) of General Order No. 29 (46 CFR 549.5(b)), the Commission will establish and publish, at least 30 days prior to the bidding date for any future request for proposal (RFP) cycle, a uniform capacity utilization factor for each Military Sealift Command (MSC) trade route. Carriers responding to RFP's will determine cargo unit cost on the basis of such factor or of the actual number of cargo units carried, whichever is greater.

To establish uniform capacity utilization factors for the next RFP cycle, the Commission needs a report on the actual utilization experience of carriers during the period January 1, 1973, to December 31, 1973.

Therefore it is ordered, That pursuant to section 21 of the Shipping Act, 1916 (46 U.S.C. 820), each carrier listed in Appendix A to this Order, and/or its officers, furnish to the Secretary, Federal Maritime Commission, 1405 "I" Street NW., Washington, D.C. 20573, for the period January 1, 1973, to June 30, 1973, no later than 21 days from the date this order is served and for the period July 1, 1973, to December 31, 1973, on or before February 1, 1974, a completed report of Vessel Utilization Data in the format indicated as Appendix C. Instructions for preparation of the report are provided in Appendix B. A responsible corporate officer shall certify the accuracy of the reported data.

By the Commission.

[SEAL] FRANCIS C. HURNEY, *Secretary.*

APPENDIX A

CARRIERS WHICH CARRIED MSC CARGO DURING RFP–700, 1ST AND 2ND CYCLES

Container and Breakbulk
July 1, 1972–June 30, 1973

American Export Lines, Inc.,
17 Battery Place,
New York, N.Y. 10004.

American Mail Line, Ltd.,
1010 Washington Building,
Seattle, Wash. 98101.

American President Lines,
601 California Street,
San Francisco, Calif. 94108.

Lykes Bros. Steamship Co., Inc.,
300 Poydras,
New Orleans, La. 70153.

Pacific Far East Line, Inc.,
1 Embarcadero Center,
San Francisco, Calif. 94111.

Prudential-Grace Lines, Inc.,
1 New York Plaza,
New York, N.Y. 10004.

Sea-Land Service, Inc.,
P.O. Box 1050,
Elizabeth, N.J. 07207.

Seatrain Lines, Inc.,
Port Seatrain,
Weehawken, N.J. 07087.

States Marine-Isthmian Agency, Inc.,
High Ridge Park,
P.O. Box 1540,
Stamford, Conn. 06904.

States Steamship Co.,
320 California Street,
San Francisco, Calif. 94104.

United States Lines, Inc.,
1 Broadway,
New York, N.Y. 10004.

Waterman Steamship Corp.,
P.O. Box 1707,
61 St. Joseph Street,
Mobile, Ala. 36601.

APPENDIX B

INSTRUCTIONS FOR PREPARATION OF "REPORT OF VESSEL UTILIZATION"

1. This order requires two reports of vessel utilization for voyages terminated during calendar year 1973.

A. A report covering the six months ended June 30, 1973, due within 21 days from date of order; and

B. A report covering the six months ending December 31, 1973, due February 1, 1974.

Reports are to include each terminated voyage which was offered for the carriage of MSC cargo during the reporting period. Indicate vessel name and termination date of each voyage reported.

2. Prepare a separate report for each MSC route index and zone on which there were terminated voyages carrying cargo inbound or outbound (to or from continental U.S.) [1] during the reporting periods January 1, 1973, to June 30, 1973, and July 1, 1973, to December 31, 1973.

3. On each route index or zone report, indicate the name of each vessel for which a voyage was reported in response to question 1, the type of vessel (C–4 Containership, Ro-Ro, LASH, etc.), and the capacity of the vessel in 20-foot equivalent units [2] for containerships and in bale cubic capacity for breakbulk vessels.

4. For each voyage reported in response to question 1 above, list the number of military 20-foot equivalent units and the number of commercial 20-foot equivalent units for containerships and the stowed measurement tons for breakbulk vessels carried in the reporting periods.[3] List military and other outbound and inbound movements as separate categories of cargo for each MSC route index and/or zone reported in response to question 2 above.

Appendix C is a sample of the format of this data requirement.

5. Identify in a footnote to the report each voyage affected by strikes. For each such voyage, indicate:

A. Location and duration of strike;

B. Effect of strike on number of days to complete the voyage; and

C. Effect on amount and mix of cargo.

6. Identify in a footnote to the report each vessel and voyage which was not offered for the carriage of MSC cargo; state the reasons for not so offering.

7. Each report shall include a certification by the corporate officer responsible for the maintenance of statistical and accounting records. Said certification shall state the following:

I, the undersigned _____
(type or print name and title of certifying officer) of _____ (full name of carrier)

certify that the above statistics are true and accurate to the best of my knowledge.

Signature: _____
Date: _____

[1] These reports are not to include interport cargo movements (e.g. Route Index 16, Zone A, Hawaii to Hong Kong, Mid-Pacific Islands, Philippines, Ryukus, Taiwan, is not to be included in said reports).

[2] 20-foot equivalent units are containers measuring 8' x 8' x 20' or 1,280 cubic feet external measurement.

[3] This shall be reported in compliance with the requirements of Title 46 CFR 549.5(b)(3), "All utilization will be round voyage utilization and will be based upon reported utilization of vessel on clearance at last continental U.S. port (including Vancouver, B.C., Canada) outbound, and arrival at first continental U.S. port inbound. The maximum capacity both below and on deck should be 100 percent."

APPENDIX C

COMPANY NAME

COMPANY ADDRESS

REPORT OF VESSEL UTILIZATION INCLUDING U.S. DEPARTMENT OF DEFENSE CARGOES PURSUANT TO THE MILITARY SEALIFT PROCUREMENT SYSTEM DURING THE PERIOD _____ TO _____

Route Index: _____
Zone: _____

ACTUAL UTILIZATION

(Report TEUs for containerships and report measurement tons stowed for breakbulk vessels)

	Voyage		Outbound cargo			Inbound cargo		
	Number	Termination date	MSC	Other	Total	MSC	Other	Total
Vessel type Vessel name and capacity								
Totals by vessel type								
Total								

Certification:

[FR Doc.73-23868 Filed 11-8-73;8:45 am]

U.S./EUROPE DISCUSSION AGREEMENT

Extension of Agreement

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, November 19, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment

to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Howard A. Levy, Esq., Suite 631, 17 Battery Place, New York, New York 10004.

Agreement No. 10022-1 extends the original effective period of the original agreement for an additional six months from its current expiration date of November 30, 1973, in accordance with the terms thereof.

By order of the Federal Maritime Commission.

Dated: November 6, 1973.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-23946 Filed 11-8-73;8:46 am]

FEDERAL POWER COMMISSION

DEVON CORP.

[Docket No. CI74-223, et al.]

Notice of Applications

NOVEMBER 1, 1973.

Take notice that on October 11, 1973, Devon Corp. (Applicant), 3300 Liberty Tower, Oklahoma City, Oklahoma 73102, filed in Docket No. CI74-223, et al., applications pursuant to section 7(c) of the Natural Gas Act for certificates of public convenience and necessity authorizing Applicant to continue in part sales for resale and deliveries of natural gas in interstate commerce heretofore authorized to be made by Commonwealth Gas Corp. (Commonwealth), all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Applicant states that it has acquired in part the producing properties of Commonwealth and proposes to continue without change sales of natural gas in interstate commerce authorized to be made by Commonwealth.

Any person desiring to be heard or to make any protest with reference to said applications should on or before November 23, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, hearings will be held without further notice before the Commission on these applications if no petitions to intervene are filed within the time required herein, if the Commission on its own review of the matters finds that a grant of the certificates is required by the public convenience and necessity. If petitions for leave to intervene are timely filed, or if the Commission on its own motion believes that formal hearings are required, further notice of such hearings will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearings.

KENNETH F. PLUMB,
Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
CI74-223 (CI70-381)	Devon Corp. (successor to Commonwealth Gas Corp.).	Columbia Gas Transmission Corp., Cooper's Creek Field, Kanawha County, W. Va.	28.0	15.325
CI74-224 (CI64-613)	do	Cities Service Oil Co., Elk District, Kanawha County, W. Va.	16.0	15.325
CI74-225 (CI63-1243)	do	PIP Petroleum Co., Butler District, Wayne County, W. Va.	17.0	15.325
CI74-226 (G-6125)	do	Columbia Gas Transmission Corp., Poca District, Kanawha County, W. Va.	[1] 20.0	15.325
CI74-227 (G-6125)	do	do	[2] 20.0	15.325
CI74-228 (G-6125)	do	Columbia Gas Transmission Corp., Wacotock Division, Logan County, W. Va.	21.50	15.325
CI74-229 (CI69-270)	do	Columbia Gas Transmission Corp., Rocky Fork Field, Kanawha County, W. Va.	28.0	15.325
CI74-230 (CI68-152)	do	Columbia Gas Transmission Corp., Washington District, Kanawha County, W. Va.	28.0	15.325
CI74-231 (CI69-1233)	do	Consolidated Gas Supply Corp., Ripley District, Jackson County, W. Va.	27.0	15.325
CI74-232 (CI71-715)	do	Columbia Gas Transmission Corp., North Ripley Field, Jackson County, W. Va.	32.0	15.325
CI74-233 (G-6125)	do	Columbia Gas Transmission Corp., Ravenswood District, Jackson County, W. Va.	[3] 29.0	15.325
CI74-234 (CI71-522)	do	Columbia Gas Transmission Corp., North Ripley Field, Jackson County, W. Va.	32.0	15.325
CI74-235 (CI71-501)	do	do	32.0	15.325
CI74-236 (G-6125)	do	Columbia Gas Transmission Corp., Ripley District, Jackson County, W. Va.	[4] 20.0	15.325
CI74-237 (CI71-120)	do	Columbia Gas Transmission Corp., North Ripley Field, Jackson County, W. Va.	32.0	15.325
CI74-238 (CI72-225)	do	Columbia Gas Transmission Corp., South Ravenswood Field, Jackson County, W. Va.	32.0	15.325
CI74-239 (CI70-248)	do	Columbia Gas Transmission Corp., Ravenswood Field, Jackson County, W. Va.	28.0	15.325
CI74-240 (CI72-5)	do	Columbia Gas Transmission Corp., South Ravenswood Field, Jackson County, W. Va.	32.0	15.325
CI74-241 (G-6125)	do	Columbia Gas Transmission Corp., Ripley District, Jackson County, W. Va.	20.0	15.325
CI74-242 (CI70-863)	do	Columbia Gas Transmission Corp., North Ripley Field, Jackson County, W. Va.	32.0	15.325

[1] Filed rate under predecessor's rate schedule is 18 cents per Mcf at 15.325 p.s.i.a. (Supplement No. 4 to Commonwealth Gas Corp. FPC Gas Rate Schedule No. 5).
[2] Filed rate under predecessor's rate schedule is 18 cents per Mcf at 15.325 p.s.i.a. (Supplement No. 4 to Commonwealth Gas Corp. FPC Gas Rate Schedule No. 3).
[3] Filed rate under predecessor's rate schedule is 13.5 cents per Mcf at 15.325 p.s.i.a. (Supplement No. 2 to Commonwealth Gas Corp. FPC Gas Rate Schedule No. 10).
[4] Filed rate under predecessor's rate schedule is 18 cents per Mcf at 15.325 p.s.i.a. (Supplement No. 1 to Commonwealth Gas Corp. FPC Gas Rate Schedule No. 9).

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

[FR Doc.73-23820 Filed 11-8-73;8:45 am]

[Docket No. CP74-5]

ALGONQUIN GAS TRANSMISSION CO.

Order Granting Interventions and Scheduling Formal Hearings

OCTOBER 30, 1973.

On July 5, 1973, Algonquin Gas Transmission Company (Applicant) filed in Docket No. CP74-5 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of synthetic gas in interstate commerce to Texas Eastern Transmission Corporation (Texas Eastern), Applicant's natural gas supplier, all as more fully set forth in the application.

In the Commission's Opinion No. 637, issued on December 7, 1972, in Docket Nos. CP72-35, et al., applicant was authorized to transport and sell in interstate commerce for resale during the winter period from October 16 through April 15 to its then existing customers synthetic gas purchased from and manufactured by Algonquin SNG, Incorporated, Applicant's subsidiary, in its synthetic gas plant in Freetown, Massachusetts. Applicant, however, estimates that the requirements of its customers

during that period will not equal the maximum daily capacity of the plant in the foreseeable future. It therefore requests authorization to sell for ten years the balance of the synthetic gas plant's output not required by its existing customers to Texas Eastern on a daily basis. This is expected to consist of almost all of the plant's summertime output, 110,000 to 120,000 Mcf of synthetic gas per day, and a portion of the wintertime output, estimated to be 28,539 Mcf of synthetic gas per day in 1973–74, 23,439 Mcf per day in 1974–75, and 18,819 Mcf per day in 1975–76. Deliveries would be made by means of a displacement arrangement whereby Applicant would "back off" on its takes from Texas Eastern at the existing delivery points. Texas Eastern would be charged under Applicant's existing SNG–1 Rate Schedule, FPC Gas Tariff, Original Volume No. 1, for the winter sales at an estimated average rate of $2.78 per Mcf of synthetic gas and under its proposed SNG–2 Rate Schedule, FPC Gas Tariff, Original Volume No. 1, for summer sales at an average rate of $1.3802 per Mcf of synthetic gas.[1] If Applicant's contract with its feedstock supplies permits, Texas Eastern has the right to substitute its own feedstock at prices not in excess of that available to Applicant under the contract.

Timely petitions to intervene were filed by the following: Texas Eastern Transmission Corporation, Philadelphia Electric Company, Long Island Lighting, Rhode Island Consumers' Council, and jointly by The Brooklyn Union Gas Company, Consolidated Edison Company of New York, Public Service Electric and Gas Company, Boston Gas Company, Bristol and Warren Gas Company, Brockton Taunton Gas Company, Cape Cod Gas Company, Commonwealth Gas Company, The Connecticut Gas Company, Connecticut Natural Gas Company, Fall River Gas Company, The Hartford Electric Light Company, New Bedford Gas and Edison Light Company, The Newport Gas Light Company, North Attleboro Gas Company, Pequot Gas Company, Providence Gas Company, South County Gas Company, The Southern Connecticut Gas Company, and Tiverton Gas Company, hereinafter referred to as Algonquin customer group.

Timely notices of intervention were filed by: Town of Middleborough, Municipal Gas and Electric Department, and the City of Norwich, Department of Public Utilities, jointly with the Algonquin customer group, The City of New York, and The Public Service Commission of New York.

Formal hearings were requested by: The New York Public Service Commission, the 19 members of the Algonquin customer group, and a customer of Texas Eastern, Philadelphia Gas Works (PGW).

The stated purpose of the proposed sale is to help alleviate the burden of expected curtailments of deliveries, estimated to be in the neighborhood of 17 percent in the coming year, by Texas Eastern upon its customers. Also, based on the presently filed Rate Schedule SNG–1, and the pro forma SNG–2 Rate Schedule in the subject application, Algonquin avers it will not recover the full cost of synthetic gas service by reason of plant costs which are higher than originally estimated. For the first three full years of operation, including the service to Texas Eastern proposed herein, Applicant indicated a net loss ranging from $4,734,172 in the first year to $3,458,378 in the third year. On an incremental basis, it shows the synthetic gas sale to Texas Eastern will result in incremental net income ranging from $4,885,889 to $3,875,835 for the first three years of operation.

The 19 members of the Algonquin customer group point out that were this application granted and the Commission were to approve the proposed sale this coming winter of 28,539 Mcf to Texas Eastern[2] under Rate Schedule SNG–1, and if in fact the synthetic gas facilities are unable to produce sufficient quantities of synthetic gas to meet all of Algonquin's delivery obligations under this rate schedule on any given day, a service question arises as to which customers are entitled to receive a priority for the delivery of synthetic gas. That group also places in issue Algonquin's failure to include in proposed Rate Schedule SNG–2 a provision that would obligate Algonquin to make reductions in its demand charge whenever it is unable to deliver to its customers the volumes of synthetic gas it is obligated to. To the extent that these two issues have not heretofore been disposed of by the Commission, they ought to be examined more fully in this record.

PGW points out that in Docket No. RP74–2, Texas Eastern has filed a related petition for a declaratory order permitting inclusion of the proposed Algonquin synthetic gas purchases in the Purchase Gas Cost Adjustment (PGA) provision of Texas Eastern's FPC Gas Tariff. PGW questions whether this is proper and whether such "rolled in" rate treatment of the Algonquin synthetic gas resales may increase improperly Texas Eastern's system-wide gas costs. These issues, while related to the application in this docket, will be properly disposed of in Docket No. RP74–2.

For sale during the period March 16 through November 15, Algonquin proposes a new Rate Schedule SNG–2, with a demand charge of $5 per Mcf per month, and a commodity charge which will fluctuate from month to month. The commodity charge in SNG–2 is $1.24 per Mcf based on an estimated feedstock cost of 12 cents per gallon of naphtha. This is equivalent to an average rate of $1.38 per Mcf, compared to the rate of $1.80 ordered by the Commission in Order No. 637 (and $2.78 as filed for in Docket No. RP73–98). More detailed information on this rate to Texas Eastern and the effect thereof are necessary to evaluate the sale in the light of the public convenience and necessity.

As stated in our order issued June 6, 1973, in Tecon Gasification Company, et al., "our jurisdiction attaches to synthetic gas once it becomes mixed with natural gas flowing in interstate commerce * * * and all matters related to the transportation and sale for resale of such gas in interstate commerce are subject to our regulatory control." We stated that in order to show that a proposal is in the public interest there must be a "showing, inter alia, of the reliability of the synthetic gas supply, which in this case is a function of feedstock supply and plant reliability, the economic feasibility of the total synthetic gas project, the availability of a market for the gas it proposes to transport and sell, the reasonableness of the rate treatment it proposes, overall financiability, and other matters as specified in our regulations under Section 7 of the Natural Gas Act." Similarly here, Algonquin must establish that its proposal in Docket No. CP74–5 shows all the above, especially indicating how such an estimated deficit incurred in the first years of operation will not cause failure.

In Opinion No. 637, issued December 7, 1972 in Docket Nos. CP72–35, et al., mimeo at 7, the Commission held in regard to this synthetic gas facility, "The facilities to be employed in the manufacture and transport of synthetic gas are not within our jurisdiction, and the operating company, Algonquin SNG, is not a jurisdictional entity". This status remains the same and no new facilities have been proposed.

[1] Applicant originally filed on April 13, 1973, concurrent with the filing of its initial Rate Schedule SNG–1, a change in its SNG–1 rate to recoup the cost of feedstock related to the synthetic gas. That filing, which was assigned Docket No. RP73–98, was rejected by Commission order issued June 5, 1973, on the basis that the initial Rate Schedule SNG–1 was being rejected. On June 8, 1973, Applicant refiled its initial Rate Schedule SNG–1 and concurrently filed in Docket No. RP73–98 the same change in Rate Schedule SNG–1. On August 10, 1973, the initial Rate Schedule SNG–1 was accepted by the Commission (conditioned upon modification of the minimum bill provision which has since been done) but by subsequent order issued August 29, 1973, the Commission again rejected the SNG–1 rate change in Docket No. RP73–98. Applicant filed on September 11, 1973, a revised SNG rate change which would change the rate for SNG–1 service to an average of $2.7846 per Mcf, based on a demand charge of $22.389 per Mcf and a commodity charge of $1.7468, the latter being predicated on a cost of SNG plant feedstock of 16 cents per gallon.

[2] Applicant states in its application that its existing customers can periodically revise their gas requirements from the volumes of synthetic gas. However, the power to revise is only for the following winter period. In addition, according to precedent agreements with each customer, Applicant has to agree to any modification.

The Commission finds:

(1) It is desirable and called for by the public convenience and necessity to allow the aforementioned petitioners to intervene in the above docket in order that they may establish the facts and the law from which the nature and validity of their alleged rights and interests may be determined.

(2) It is necessary and in the public convenience that the proceeding involving the above-named applicant be set for hearing.

The Commission orders:

(A) The above-named petitioners, who have petitioned to intervene in the proceedings herein, are permitted to intervene in this proceeding subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in said petitions for leave to intervene; *And provided further,* That the admission of such intervenors shall not be construed as recognition by the Commission that they or any of them might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) The direct case of the Applicant and all intervenors in support thereof shall be filed and served on all parties on or before November 20, 1973. The Presiding Administrative Law Judge shall fix dates for the filing of answering testimony after completion of cross-examination on direct testimony.

(C) A formal hearing shall be convened in this proceeding in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C., on December 11, 1973, at 10 a.m. (e.s.t.). Such hearing shall consider testimony on the issues listed above and any other issues which may be relevant to this proceeding. The Chief Administrative Law Judge will designate an appropriate officer of the Commission to preside at the formal hearing of these matters, pursuant to the Commission's rules of practice and procedure.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-23898 Filed 11-8-73;8:45 am]

[Docket No. CP74-104]

COLUMBIA GULF TRANSMISSION CO.

Notice of Application

NOVEMBER 2, 1973.

Take notice that on October 18, 1973, Columbia Gulf Transmission Company (Applicant), P.O. Box 683, Houston, Texas 77001, filed in Docket No. CP74-104 an application pursuant to section 7 of the Natural Gas Act and § 157.7(g) of the regulations thereunder (18 CFR 157.7 (g)) for a certificate of public convenience and necessity authorizing the construction and for permission and approval for the abandonment, for the calendar year 1974, and operation of field gas compression and related metering and appurtenant facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in the construction and abandonment of facilities which will not result in changing Applicant's system salable capacity or service from that authorized prior to filing of the instant application.

Applicant states that the total cost of the proposed construction and abandonment will not exceed $2,000,000, nor will the cost of any single project exceed $500,000.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 26, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10), and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-23899 Filed 11-8-73;8:45 am]

[Docket No. RI74-45]

EDWIN L. COX

Petition for Special Relief

NOVEMBER 2, 1973.

Take notice that on August 27, 1973, Edwin L. Cox (Petitioner), 3800 First National Bank Building, Dallas, Texas 75202, filed a petition for special relief in Docket No. RI74-45, pursuant to § 2.76 of the Commission's General Policy and Interpretations. Petitioner requests permission to file a rate increase from 18.7796 to 40.615 cents per Mcf, including tax reimbursement, for sales of natural gas to Michigan Wisconsin Pipe Line Company from a proposed new well in Lenora Field, Dewey County, Oklahoma under its FPC Gas Rate Schedule No. 66.

Petitioner states that a new well can be completed in a formerly producing reservoir on acreage covered by the subject rate schedule and that an additional 1,000,000 Mcf of recoverable reserves can be obtained. The present well no longer produces into the interstate market. Recompletion of the present well is impossible due to downhole complications. The estimated costs of a new well is $160,000. The operating costs for the estimated six-year life of the new reservoir would be $36,000, with taxes on production requiring an additional outlay of some $22,400. The estimated total out-of-pocket outlay over the life of the reservoir would be some $218,400. Petitioner further states that, if successful, the value to his 86.3 percent net working interest in total production at 40¢ per Mcf would be $345,000, and that this is less than a 10 percent return on an annual basis.

Any person desiring to be heard or to make any protest with reference to said petition should on or before November 20, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-23901 Filed 11-8-73;8:45 am]

[Docket No. CP73-47, etc.]

EASCOGAS LNG, INC., ET AL.

Order Granting Petition for a Shortened Time Period for Comment on Providence Draft Environmental Impact Statement

OCTOBER 30, 1973.

In the matter of Eascogas LNG, Inc., Docket No. CP73-47, CP73-88; Algonquin LNG, Inc., Docket No. CP73-139; Algonquin Gas Transmission Co., Docket No. CP73-197; New England LNG Company, Inc., Docket No. CP73-199.

Pursuant to the Commission's order of August 7, 1973, formal hearing in the above-entitled proceedings commenced on September 18, 1973.

On September 24, 1973, Eascogas LNG, Incorporated, Algonquin LNG, Incor-

porated, Algonquin Gas Transmission Company, and New England LNG Company, Incorporated, hereinafter referred to collectively as "Applicants," filed a joint Petition for an Order Setting the Time Period for Public Comment on the Providence Draft Environmental Impact Statement at 21 Days.

On September 4, 1973, the Commission Staff issued and circulated for comment its Draft Environmental Impact Statement addressed to the Staten Island portion of the above-docketed proceedings. That draft statement considered the environmental aspects of only that portion of the Eascogas project which involves the importation of liquefied natural gas (LNG) to terminalling facilities located on Staten Island and owned by Distrigas of New York Corporation (DONY). Approximately 65 percent of the quantities contemplated by the Eascogas project will be imported to DONY's facilities. As prescribed by § 2.82(b) of the Commission's rules of practice and procedure, the public and interested agencies were given 45 days, or until October 19, 1973, within which to file comments on the Staff's draft statement.

The remaining 35 percent of the Eascogas LNG quantities would be delivered to facilities owned by Algonquin LNG, Incorporated, located in Providence, Rhode Island. The Staff's draft environmental impact statement relating to the construction and operation of the Providence facilities is still under preparation.

In their above-described petition, the Applicants, alleging pressing time considerations, request the Commission to order a shortened, 21-day time period for the submission of comments on the Providence draft environmental impact statement. As authority for this, the Applicants cite § 2.80(c)(ii) of the Commission's rules of practice and procedure, which provides that the Commission may dispense with any time period prescribed in §§ 2.80–2.82,[1] upon a showing of necessity. The Applicants' petition urges that such necessity is present in the Eascogas proceedings. The gas supply contract with Sonatrach, the Algerian national company, is subject to cancellation on January 1, 1974, if the required authorizations are not forthcoming by that date. The Applicants maintain that even if an extension can be negotiated, a substantial increase in the contract price can be expected. In addition, the petition states that the shipping contract with Burma Oil Tankers, Limited, is subject to the same cancellation date as the Sonatrach contract.

Under the circumstances of this case, we believe that good cause has been shown to justify a shortened time period for comment on the draft statement pertaining to the Providence portion of the project. Regulatory procedures must not be so inflexible as to ignore the need for expedition in certain instances. While recognizing that alleged contract deadlines seldom prove to be entirely inflexible, we believe that the current energy situation compels us to take steps, within reasonable limits, to assure that proposals of the magnitude of the Eascogas project be processed as expeditiously as practicable. Accordingly, we shall order that, upon issuance of the Providence draft statement, the period for public comment thereon shall be 21 days.

It should be clearly understood that the action that we take here is extraordinary. The standard period of 45 days for comment on draft environmental impact statements, as set forth in § 2.82 (b) of our regulations, was established as a reasonable period for meaningful environmental analysis by any interested parties. We reaffirm our strong belief that thorough consideration of environmental issues is imperative in all proposals before this Commission. In the normal course of events, the time allowed for such analysis should not be cut short. Our action herein is undertaken only because of the circumstances of the Eascogas case, after a careful balancing of the various countervailing considerations.

The Commission finds:

The petition by the Applicants filed September 24, 1973, demonstrates the necessity for prescribing a shortened time period for public comment on the Providence draft environmental impact statement.

The Commission orders:

The time period for comment on the Commission Staff's draft environmental impact statement addressed to the Providence portion of the EasCogas project shall be 21 days from the date of issuance of such statement.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-23900 Filed 11-8-73;8:45 am]

[1] Sections 2.80–2.82 of the Commission's rules of practice and procedure set forth the procedure for the preparation and circulation of the Staff's environmental impact statements.

[Docket No. E-7740]

INDIANA AND MICHIGAN ELECTRIC CO.

Order Accepting for Filing and Approving Rate Increase

NOVEMBER 2, 1973.

Background. On June 13, 1972, Indiana and Michigan Electric Company (I&M) tendered for filing revised tariff sheets which reflect a proposed increase in its wholesale electric rates to, among others, the City of Auburn, Indiana (Auburn), Richmond Power and Light of the City of Richmond, Indiana (Richmond), and Anderson Power and Light of the City of Anderson, Indiana (Anderson). By order issued August 11, 1972, the Commission accepted the tariff sheets for filing, suspended the effective date for five months, until January 13, 1973, and ordered a hearing. Richmond and Anderson applied for rehearing of that order which the Commission denied by order issued October 5, 1972. As a result of a Petition for Review filed by Richmond and Anderson, the United States Court of Appeals for the District of Columbia Circuit reversed on May 25, 1973, the Commission's order accepting I&M's filing as to Richmond and Anderson and remanded the case to the Commission with directions to reject I&M's filing as to Richmond and Anderson and secure refunds. Richmond Power and Light of the City of Richmond, Indiana, et al., v. F.P.C., —— F. 2d —— (CADC 1973). By order issued August 8, 1973, the Commission complied with the Court's directions.

On August 30, 1973, I&M tendered for filing supplements to the rate schedules then on file with the Commission with respect to Richmond and Anderson which would increase revenues from the cities by $190,000 and $380,000 respectively. The supplements incorporated the provisions of Tariff IP on file with the Public Service Commission of Indiana (PSCI), as specified in I&M's contract with the two cities. In our order of September 28, 1973, in this docket, we found that the proposed rates were just and reasonable, accepted the schedules for filing and approved them effective September 30, 1973, without further proceedings.

On September 25, 1973, I&M amended the proposed rate schedules to indicate the impact of a 100 percent ratchet provision contained in Tariff IP. The proposed ratchet provision would increase sales to Richmond $295,700 annually rather than the $190,000 originally reported.

Richmond's motion for rehearing. On October 12, 1973, Richmond filed a motion requesting rejection of the amendment filed by I&M and rehearing of our order accepting the rate increases as originally proposed. Richmond alleges, that inasmuch as the ratchet provision applies only to it and no other wholesale customer, it is unlawfully discriminatory. Richmond also claims that the ratchet provision may increase revenues to I&M far in excess of $295,700. Richmond asserts that no such provision should be accepted without a showing of cost-support, which it alleges I&M has failed to do. The request that acceptance of the rate increase be conditioned upon I&M's compliance with our August 8, 1973, order requiring refunds by I&M is renewed. We denied this request previously in our September 28, 1973, order. On October 24, 1973, Richmond filed a supplement to its motion for rehearing, explaining its arguments in more detail.

Our review of I&M's September 25, 1973, amendment reveals that the contested ratchet provision is a part of the special terms and conditions of Tariff IP and thus is properly filed and not violative of Mobile-Sierra.[1] Further, our review indicates that the rates proposed in the August 30, 1973 filing applicable to Richmond as amended by I&M are not excessive. Moreover, no party has filed

[1] United Gas Pipeline Co. v. Mobile Gas Service Corp., 350 U.S. 332 (1956); F.P.C. v. Sierra-Pacific Power Co., 350 U.S. 348 (1956).

evidence in Docket No. E-7740 which would indicate that I&M is entitled to less than the rates contained in its amended filing. However, we recognize that future application of the proposed ratchet provision might result in rates that may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful. Accordingly, we shall accept the proposed rate increase as amended to become effective on September 30, 1973 without further proceedings; we shall, however, grant rehearing of our order of September 28, 1973, and suspend the effectiveness of the proposed ratchet provision for one day or until October 1, 1973, subject to refund. We shall order a hearing under Section 205 of the Federal Power Act into the justness and reasonableness of the proposed ratchet provision and consolidate it with proceedings previously ordered in this docket. Pending a final resolution of this issue, I&M will be required to account for all revenues resulting from the application of the proposed ratchet provision.

With respect to Richmond's renewed request that acceptance be conditioned upon refunds from the WS rate, as we stated in our September 28, 1973 order, we have already ordered refunds in our August 8, 1973 order, and I&M remains subject to those requirements.

I&M's motion for rehearing. On October 29, 1973, I&M also filed a motion for rehearing of our September 28, 1973 order. In support of their motion I&M asserts that the Commission does have the authority to set an earlier effective date for the company's August 30, 1973 filing, citing Section 35.11 of the Commission's Rules and Regulations. Further, I&M claims that the only legal rate available to Richmond and Anderson according to the Court of Appeals decision is Tariff IP and that rate became effective upon its approval by PSCI on March 29, 1972. The company relies on the Commission's opinion in St. Michael's Utilities Commission v. Eastern Shore Public Service Company of Maryland, 31 FPC 1161 (1964) (St. Michael's) in support of this position. I&M also claims that the Court of Appeals decision requires us to accept all of the terms and conditions of Tariff IP and accordingly, it was improper for us to make our acceptance of the tariff dependent upon I&M's filing a revised fuel clause. Finally, I&M claims that we erred in rejecting Rate Schedule WS as to the City of Auburn. Our review of I&M's motion indicates that the case relied upon is not pertinent to the issues in this proceeding. St. Michael's dealt with a contract provision which automatically passed rate reductions on to the customer without requiring affirmative action by the company to implement those changes to the particular customer. No similar contract provision exists in this case. Secondly, the St. Michael's decision dealt with the obligations of the company vis a vis its customer. The particular problem raised in the motion for rehearing is I&M's rights to take action to protect itself. The issue in St. Michael's was the ability of a company to restrict the applicability of a rate filing once that filing had been made; in this case we are dealing with I&M's decision whether to make a rate filing at all.

I&M fails to distinguish between a legal rate which may be charged and the rate which is lawfully in effect. In the Richmond decision, the Court of Appeals stated that Tariff IP was the legal rate I&M could charge Richmond and Anderson if it desired to do so. It still remained for I&M to lawfully put the rate into effect. The proper method for implementing a rate under both the Federal Power Act and our regulations thereunder is a filing with the Commission. I&M did not do this until August 30, 1973.

Our ability to set an effective date prior to the filing date under the waiver provisions of § 35.11, as suggested by I&M, depends on I&M's demonstrating good cause for such an earlier date. The mere existence of a rate which might legally be filed many months prior to the actual filing date is in and of itself insufficient to constitute good cause for waiver of our Regulations.

As to I&M's argument on the fuel clause contained in Tariff IP, we agree. In accordance with the Richmond decision we must accept Tariff IP as approved by PSCI. The Richmond decision is only definitive as to the right to file Tariff IP, however. As indicated before, our review of the proposed fuel clause indicates that it is not in compliance with Opinion No. 633, New England Power Company, Docket No. E-7541, and may result in rates which are unjust, unreasonable, unduly discriminatory, preferential or otherwise unlawful. Accordingly, we shall accept Tariff IP as filed on August 30, 1973, applicable to Richmond and Anderson, to become effective as stated above, but suspend the proposed fuel clause for one day to become effective on October 1, 1973, subject to refund. We shall order a hearing under Section 205 of the Federal Power Act into the justness and reasonableness of the proposed fuel clause and consolidate with the proceeding presently pending in this docket. Pending a final resolution of the issue I&M will be required to account for all revenues resulting from the application of the proposed fuel clause.

With regard to I&M's position that we erred in rejecting Rate Schedule WS as to Auburn, as we stated in our September 28, 1973 order, I&M's contract with Auburn is essentially identical in all material respects with the contracts that were the subject of the Richmond decision. As a result, that decision is controlling and Rate Schedule WS as to Auburn was correctly rejected.

Proposed rate increase to the city of Auburn. On June 18, 1973, Auburn moved to dismiss I&M's June 13, 1972, filing as to it and order all monies collected by I&M under that filing refunded to it. In our order of September 28, 1973, we found that Auburn's contract with I&M was essentially identical in all material respects with the contract between Richmond and I&M. The decision of the Court of Appeals was therefore controlling and accordingly, we granted the motion to dismiss and ordered refunds.

On October 5, 1973, I&M tendered for filing in this docket another proposed increase in rates to Auburn. In support of this filing I&M claims that this proposal incorporates the provisions of Tariff IP, as dictated by the contract between I&M and Auburn. I&M requests an effective date of March 29, 1972, the same date that Tariff IP was approved by PSCI. To grant a later effective date, I&M contends, would result in an unjustified windfall to Auburn.

I&M states that the proposed increase would result in an increase in revenues of $87,149 or 11.19 percent from Auburn. To date, the company alleges, no bona fide dispute exists as to the reasonableness of such an increase.

To facilitate approval of its filing, I&M requests waiver of §§ 35.0, 35.3, 35.11, and 35.13 of the rules and regulations. I&M claims good cause for the waivers exist because its filing fee was included with the original June, 1972 filing which this filing supplants; notice requirements should be waived to prevent windfall accruments to Auburn; the filing fully comports with decision of the Court of Appeals; and the cost-of-service filed with the original application in June, 1972, is incorporated by reference in support of this proposal.

Our review of I&M's application indicates that the proposed rates tendered on October 5, 1973, by I&M are identical to the rates contained in the Tariff IP schedules on file and approved by PSCI. Auburn's rate schedules on file and approved by this Commission require the city to pay for its service from I&M at the rates contained in Tariff IP. No party has filed evidence in Docket No. E-7740 which would indicate that I&M is entitled to less than the rates proposed herein. Our review of I&M's October 5, 1973, proposal, the evidence filed in Docket No. E-7740, and the pleadings indicate that I&M's proposed changes in FPC Rate Schedule No. 29 should be accepted for filing and approved without further proceedings.

As stated above, our review indicates that the proposed fuel clause does not conform with New England Power Company Docket No. E-7541, Opinion No. 633, and may result in rates that are unjust, unreasonable, unduly discriminatory, prejudicial, or otherwise unlawful. Accordingly, we shall accept the rate increase for filing as stated above, but suspend the proposed fuel clause for one day to become effective on November 5, 1973, subject to refund. We shall order a hearing as described above and consolidate it with proceedings presently pending in this docket. Pending a final resolution of this issue I&M will be required to account for all revenues resulting from application of the proposed fuel clause.

As to I&M's request for a March 29, 1972, effective date, under Section 205 of the Act, any public utility, including I&M, may unilaterally file for a change of rates consistent with its contractual obligation. I&M first exercised this right on October 5, 1973, as to Auburn. While I&M had the right to file for a rate increase to be effective March 29, 1972, it

made no such filing. Moreover, this Commission lacks the authority under Section 205 of the Act as interpreted by the courts to award reparations. Accordingly, we shall permit the rate increase to Auburn to become effective on November 4, 1973, without suspension.

I&M also requests that the Commission waive the requirements of §§ 35.0, 35.3, 35.11, and 35.13 of the Commission's regulations to the extent that they are inconsistent with this tendered filing. While we will deny the requested waiver of §§ 35.3 and 35.11, consistent with our decision above, we will grant waiver of § 35.13 which requires cost of service data be filed, since I&M refers to and relies upon the data submitted in support of its June 13, 1972, submittal to support this new filing.

I&M has not submitted a filing fee as required by § 35.0 and maintains that the portion of fee it paid when tendering its June 13, 1972, filing applicable to Auburn covers the proposed October 5, 1973, rate increases to Auburn. We agree with I&M and accordingly, we will waive Section 35.0 of our Regulations.

Motion to reject. On September 12, 1973, we ordered I&M to notify us on or before September 17, 1973, as to its intentions regarding the termination of service to Anderson and Richmond. In its response I&M stated that it proposed termination of service on October 18, 1973, or whenever allowed to effect such termination by the Court of Appeals, whichever is a greater period. I&M bases such termination upon nonpayment by Richmond and Anderson of rates during the month of July, pursuant to rate schedules on file with the Commission.

On October 15, 1973, Richmond filed a motion to reject this filing by I&M. Richmond argues that I&M's basis for termination is the Cities' refusal to pay the full amount of Rate Schedule WS. Richmond claims, however, that the Court of Appeals ruled that that same rate was not consistent with I&M's contracts with Richmond and Anderson. Richmond argues those rates, declared null and void ab initio by the court, cannot be relied on by I&M to cancel the contracts. Richmond asserts that it did pay rates equivalent to the pre-WS level rates. Anderson adopted Richmond's motion as its own by a filing of October 16, 1973.

Upon our review of the billing dispute we conclude that the position of I&M is without merit. I&M's right to terminate arises from its contract with the cities which allows cancellation for nonpayment of charges. Obviously such charges must be consistent with the contract before nonpayment could be the basis of that termination. The Court of Appeals has determined that Rate Schedule WS is not compatible with the subject contract;[3] therefore, nonpayment of those rates can in no way affect the legal rights of the parties to those contracts. I&M's notice of cancellation, filed on September 17, 1973, will be rejected as inconsistent with the contract on which it is based.

The Commission finds:

(1) Good cause exists to accept I&M's proposed rate increase filed on August 30, 1973, applicable to Richmond, as amended on September 25, 1973, for filing effective September 30, 1973; however, the proposed ratchet provision contained therein has not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential or otherwise unlawful. Accordingly, the effectiveness of the ratchet provision should be suspended for one day or until October 1, 1973, subject to refund.

(2) A hearing under Section 205 of the Federal Power Act into the justness and reasonableness of the proposed ratchet should be entered into as ordered below. Pending the final resolution of the issue, I&M should make an accounting of any additional revenues resulting from the application of said ratchet proyision.

(3) Richmond's motion for rehearing should be granted in part.

(4) I&M's motion for rehearing should be granted in part and Tariff IP as filed on August 30, 1973, should be accepted effective September 30, 1973. However, the proposed fuel clause has not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful. Accordingly, the effectiveness of the proposed fuel clause should be suspended one day until October 1, 1973, subject to refund.

(5) It is necessary and proper and in the public interest and to aid in the enforcement of the Federal Power Act that the Commission accept I&M's proposed increases as to Auburn tendered October 5, 1973, and to approve and make effective such increases November 4, 1973, without further proceedings as hereinafter ordered except that the proposed fuel clause has not been shown to be just and reasonable and may be unjust, unreasonable, discriminatory, preferential, or otherwise unlawful. Accordingly, the effectiveness of the proposed fuel clause should be suspended one day until November 5, 1973, subject to refund.

(6) Good cause has not been shown to waive §§ 35.3 and 35.11 of the Commission's regulations.

(7) Good cause has been shown to waive § 35.13 of our regulations since I&M incorporates by reference its cost of service data filed on June 13, 1972, in Docket No. E-7740.

(8) Good cause has been shown to waive § 35.0 of our regulations since the filing fee has been previously remitted.

(9) Richmond and Anderson's motion to reject should be granted and I&M's notice of termination should be rejected as inconsistent with the terms of the contracts between I&M and Richmond and Anderson.

The Commission orders:

(A) I&M's proposed supplement to Rate Schedule No. 27 applicable to Richmond, as amended by I&M on September 25, 1973, is accepted to become effective on September 30, 1973, as stated in our order of September 28, 1973. Richmond's motion to reject the amendment is denied.

(B) Richmond's motion for rehearing is granted in part in that the proposed ratchet provision contained in I&M's supplement to Rate Schedule No. 27 is suspended for one day to become effective on October 1, 1973, subject to refund. Pending a hearing and final decision thereon, I&M is directed to account for all revenues resulting from application of the proposed ratchet provision. In all other respects, the motion for rehearing is denied.

(C) I&M's motion for rehearing is granted in part in that the proposed fuel clause is accepted for filing, suspended one day to become effective on October 1, 1973, subject to refund. Pending a hearing and final decision thereon, I&M is directed to account for all revenues resulting from the application of the proposed fuel clause. In all other respects, the motion for rehearing is denied.

(D) I&M's proposed revised Rate Schedule No. 29, as to Auburn, tendered for filing on October 5, 1973, is hereby accepted for filing, approved and made effective November 4, 1973, without further proceedings; except that the proposed fuel clause is suspended for one day to become effective on November 5, 1973, subject to refund. Pending a hearing and final decision thereon, I&M is directed to account for all revenues resulting from the application of the proposed fuel clause.

(E) It is necessary and proper and in the public interest to aid in the enforcement of the Federal Power Act to order a hearing under section 205 into the justness and reasonableness of the proposed ratchet provision and the proposed fuel clauses. Such hearing shall be consolidated with the proceedings previously ordered in this docket.

(F) On or before December 5, 1973, I&M shall submit testimony in support of the proposed ratchet provision and fuel clauses. The Commission staff shall serve its prepared testimony and exhibits on these issues on or before December 19, 1973. The prepared testimony and exhibits on these provisions of any or all intervenors shall be served on or before January 3, 1974. Any rebuttal evidence on these provisions by I&M shall be served on or before January 17, 1974. Cross-examination of the evidence pertaining to all outstanding issues in this docket shall commence on January 29, 1974.

(G) I&M's request for waiver of §§ 35.3 and 35.11 of our regulations is hereby denied.

(H) I&M's request for waiver of §§ 35.0 and 35.13 of our regulations is hereby granted.

(I) Richmond and Anderson's motions to reject the notice of cancellation are granted and I&M's notice of termination is rejected.

[3] By order issued August 8, 1973, the Commission, acting pursuant to the Court of Appeals order of May 25, 1973, rejected I&M's June 13, 1972, filing as it related to the Cities of Richmond and Anderson and ordered that refunds to made.

(J) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-23902 Filed 11-8-73;8:45 am]

[Docket No. CP74-87]

LOWELL GAS CO. AND NEW ENGLAND LNG CO., INC.

Amendment to Application

NOVEMBER 2, 1973.

Take notice that on October 23, 1973, Lowell Gas Company (Lowell), 95 East Merrimack Street, Lowell, Massachusetts 01853, and New England LNG Co., Inc. (NELNG), Willie and Dutton Streets, Lowell, Massachusetts 01853, filed in Docket No. CP74-87 an amendment to their application filed in the said docket pursuant to section 7(c) of the Natural Gas Act by revising their arrangement to effectuate a proposed sale of gas by Lowell to NELNG in order to help NELNG repay gas to Philadelphia Gas Works (PGW), which was loaned to NELNG, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

In its original application Lowell proposed to sell to NELNG 180,000 Mcf of natural gas for further transfer to PGW. The application indicated that Lowell has contracted with Consolidated Edison Company of New York, Inc. (Con-Ed), for an exchange of gas in which 1,000,000 Mcf of natural gas will be released by Con-Ed through two of its suppliers—Transcontinental Gas Pipeline Company (Transco) and Tennessee Gas Pipeline Corporation, a Division of Tenneco Inc. (Tennessee), for the account of Lowell and in return Lowell will provide certain peaking service to Con-Ed. Under this arrangement, Transco was supposed to deliver 500,000 Mcf of gas to PGW for the account of Lowell, 180,000 Mcf of which is the subject of the instant sale.[1]

Applicants state that because of the inability of PGW to receive the 500,000 Mcf of gas to be released by Con-Ed, the parties have found it necessary to revise their arrangements so that Tennessee would, if necessary, bank the entire one million Mcf of gas to be released by Con-Ed. Applicants further state that since PGW will be in a critical need of this gas this winter, the delivery of the gas by Tennessee and/or Transco will require last minute pipeline arrangements that cannot be precisely anticipated at this time. Applicants, therefore, request authorization to allow the parties to effectuate the physical transfer of gas without detailing the precise transportation services that will be utilized to implement the proposed arrangement.

[1] Applicants do not state what will become of the other 320,000 Mcf of gas.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before November 27, 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. Persons who have heretofore filed petitions to intervene and protests need not do so again.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-23907 Filed 11-8-73;8:45 am]

[Docket No. E-7734]

MID-CONTINENT AREA POWER POOL AGREEMENT

Extension of Time

OCTOBER 26, 1973.

By Order dated July 6, 1973 the Commission granted a ninety day extension of time, establishing September 20, 1973, as the date by which Alexandria Board of Public Works, Minnesota (Alexandria) was to submit its direct, prepared testimony. The purpose of the extension was to permit Alexandria time to inspect, copy and thereafter analyze documentary materials sought by Alexandria's motion to Judge Fribourg for Order Directing Production of Documentary Evidence, dated July 3, 1973, and prepare additional testimony, as appropriate, based upon such documentation obtained from eight designated electric utility companies and signatories to the MAPP pooling agreement.

On August 2, 1973, Judge Fribourg issued an Order for Production of Documents, calling for the documents to be "made available as soon as practicable", not later than two weeks from the date of his Order. Alexandria states that, while some documents were made available to permit timely commencement of inspection, the volume of paper involved, conflicting commitments of counsel, and the availability of company personnel required to carry out the procedures established for inspecting and copying designated materials at the locations involved extended conclusion of inspection by counsel for Alexandria until September 14, 1973.

By letter dated September 20, 1973, counsel for Alexandria indicated that Alexandria had not received any copies of documents requested at one location and is awaiting the delivery of some portion of such documents from three other locations. In the aggregate Alexandria estimated that this remaining balance of copies comprises approximately 5000 pages.

In light of the foregoing facts, Alexandria requests that its counsel be permitted a reasonable time, following receipt of copies of all requested documents, to conclude the preparation of its initial direct testimony. In anticipation that all materials will be received by counsel on or before September 24, 1973, Alexandria requests that October 22, 1973, be established as the date by which further direct testimony on behalf of Alexandria be served on the parties to the proceeding.

The Commission finds:

It is appropriate and in the public interest to grant Alexandria an extension of time for filing its initial direct testimony. The date set for service of this testimony will be October 22, 1973.

The Commission orders:

(A) Alexandria is hereby granted an extension of time until October 22, 1973, for the filing of its prepared testimony.

(B) All additional dates previously set by the Commission for filing of the Companies' and Staff testimony and the Commencement of Hearing will be extended accordingly.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-23903 Filed 11-8-73;8:45 am]

[Docket No. RP72-149]

MISSISSIPPI RIVER TRANSMISSION CORP.

Proposed Change in Rates and Charges

NOVEMBER 1, 1973.

Take notice that on October 19, 1973, Mississippi River Transmission Corporation (Mississippi), tendered for filing Substitute Fourteenth Revised Sheet No. 3A to its FPC Gas Tariff, First Revised Volume No. 1. Mississippi requests that such sheet be substituted for Fourteenth Revised Sheet No. 3A which was tendered for filing with the Commission on October 12, 1973.

Mississippi states that its filing was made pursuant to the purchased gas cost adjustment provisions of its tariff in order to reflect a rate change applicable to Mississippi by Natural Gas Pipeline Company of America (Natural). According to Mississippi, Natural made a general rate increase filing on May 31, 1973, which was suspended by the Commission until December 1, 1973. Mississippi's filing of October 12, 1973, was for the purpose of reflecting such general rate filing of Natural. On October 15, 1973, Natural tendered for filing a substitute tariff sheet to be effective December 1, 1973, to reflect purchased gas cost unit adjustments computed pursuant to the provisions of its tariff. The instant filing by Mississippi is purportedly to reflect such filing by Natural. Mississippi requests that Substitute Fourteenth Revised Sheet No. 3A become effective December 1, 1973, the same date on which the increased rates of Natural are proposed to become effective.

Mississippi states that on September 28, 1973, the Commission approved, subject to condition, a Stipulation and Agreement relating to its general rate increase application at Docket No. RP72-149. The Stipulation and Agreement is said to provide, among other things, that within ten (10) days after the date upon which the Commission's order approving such agreement shall become final and non-appealable, Mississippi shall file revised tariff sheets reflecting the reduced settlement rates. Mississippi has included with the instant filing, Alternate Substitute Fourteenth Revised Sheet No. 3A, which reflects the base rates resulting from the Commission approved Settlement Agreement and the rate change proposed to be effective December 1, 1973, resulting from the rate change filing of Natural. In addition, the alternate sheet contains the cumulative rate changes since January 1, 1973, resulting from the various purchased gas cost adjustments made by Mississippi pursuant to the provisions of its tariff, Mississippi requests, that in the event the order approving its settlement agreement shall have become final and non-appealable prior to December 1, 1973, that Alternate Substitute Fourteenth Revised Sheet No. 3A be made effective on December 1, 1973, instead of Substitute Fourteenth Revised Sheet No. 3A.

Mississippi states that copies of its filing were served on Mississippi's jurisdictional customers and the State Commissions of Arkansas, Illinois and Missouri.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 16, 1973. Protests will be considered by the Commission to determine appropriate action to be taken but will not serve to make protestants parties to the proceeding. Those wishing to become parties must file a petition to intervene. Such petition, however, is not necessary for parties already permitted intervention in the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-23905 Filed 11-8-73;8:45 am]

[Docket No. RP73-6]

MISSISSIPPI RIVER TRANSMISSION CORP.

Order Granting Applications for Rehearing

NOVEMBER 2, 1973.

On October 11, 1973, Mississippi River Transmission Corporation (MRT) filed an application for rehearing and reconsideration of the Commission's order issued October 1, 1973, in the above-docketed proceeding, which inter alia, accepted for filing and suspended for five months the tariff sheets tendered by MRT. Additional applications for rehearing of the October 1 order were filed by Illinois Power Company (IPC), Laclede Gas Company (Laclede) and Industrial Gas Users Conference (IGUC).[1]

Applications for rehearing assert that the Commission is prevented from suspending MRT's plan for five months by the provisions of the settlement agreement, approved December 20, 1972, the further arguments in support of rehearing warrant consideration. Additionally, they assert that the five-month suspension would have a serious economic impact on the St. Louis area this winter, which condition would be alleviated by permitting MRT's plan to become effective after a one-day suspension.

The curtailment plan filed by MRT is essentially identical to the plan that has operated for approximately 10 months; MRT's customers assert that we should permit it to go into effect following a one-day suspension, rather then force MRT to operate during the coming winter heating season under curtailment priorities that have been shown to be unworkable. In light of the allegations of a probable harsh impact resulting from a five-month suspension of the tariff sheets tendered by MRT, we will shorten the suspension period previously ordered.

Modification of the suspension period for MRT's tariff sheets has no effect on the procedural dates specified in the October 1 order. IPC in its application for rehearing requests new dates for the submission of evidence and testimony. Inasmuch as the dates previously set accord all parties adequate time in which to submit responses, we will not grant the request for modification. In addition, we have not altered our finding that the tariff sheets filed by MRT may be unjust, unreasonable, unduly discriminatory or preferrential, or otherwise unlawful under the Natural Gas Act. It is, therefore, incumbent upon MRT, because of our Policy Statement in Docket No. R-469 setting forth priorities of delivery applicable to interstate pipeline companies during periods of curtailment, to present evidence in this proceeding demonstrating why a plan deviating from the priorities set forth in Order 467-B is justified. This evidence should contain a showing of the impact of such a set of priorities on MRT's system and will serve as a basis to test the feasibility of implementing such a plan for MRT. Accordingly, we will require MRT to file such evidence.

The Commission finds:

(1) Good cause exists to grant rehearing and to modify our prior order as hereinafter ordered.

(2) Good cause exists for denying the request by Illinois Power Company for extension of the procedural dates.

(3) Good cause exists for rejecting GAF's answer to the applications for reconsideration filed herein.

The Commission orders:

(A) The applications for rehearing filed in this proceeding are hereby granted.

(B) Ordering paragraph (D) of the order issued October 1, 1973, in Docket No. RP73-6 is hereby modified to provide for a one-day suspension of the tariff sheets until November 2, 1973, and until such further time as they are made effective pursuant to the Natural Gas Act.

(C) On or before November 26, 1973, MRT shall file as a supplement to its case-in-chief, evidence on the Order No. 467-B issues set forth above. Additionally, on that date, any party seeking modification of the Order No. 467-B priorities shall file and serve in all other parties its evidence in support of that position.

(D) To the extent not modified herein, the order issued October 1, 1973, in Docket No. RP73-6 remains in full force and effect.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-23906 Filed 11-8-73;8:45 am]

[Docket No. CP74-106]

SOUTHERN NATURAL GAS CO.

Notice of Application

NOVEMBER 2, 1973.

Take notice that on October 19, 1973, Southern Natural Gas Company (Applicant), filed in Docket No. CP74-106 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon certain metering and regulating facilities comprising a receiving station located in the Monroe Field, Union Parish, Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to abandon said receiving station and appurtenant facilities as a result of the cancellation, effective September 12, 1973, of Applicant's contract with Gregg Oil Company, Inc. (Gregg), dated July 6, 1962, providing for the sale by Gregg and the purchase by Applicant of natural gas. Applicant states further that by Commission order issued March 22, 1972, in Docket No. CI71-613 (unreported), Gregg was authorized to abandon said sale and that no service is being rendered by means of the facilities described herein. Applicant states that no service now being rendered will be affected by the abandonment.

Applicant proposes to remove only such equipment from said facilities as it determines to be salvable and usable.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 26, 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

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[1] GAF filed an answer to the applications for rehearing. Section 1.34(d) of the Commission's rules of practice and procedure prohibits answers to petition for rehearing.

CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-23908 Filed 11-8-73;8:45 am]

[Docket No. RP74-24]

TENNESSEE GAS PIPELINE CO.

Order Rejecting Substitute Tariff Sheet, Suspending Proposed Tariff Sheets, Setting Conference Date and Denying Motion

OCTOBER 30, 1973.

On September 28, 1973, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee) filed eleven tariff sheets[1] as proposed changes in its FPC Gas Tariff Ninth Revised Volume No. 1. The revised tariff sheets set forth a proposed curtailment plan and are being filed pursuant to Commission Order No. 431 in Docket No. R-418. Tennessee states that the curtailment plan proposed is in conformity with the Commission's Order No. 467-B in Docket No. 469 as modified by Commission Opinion No. 647-A in that firm industrial sales of up to 200 Mcf per day are included within Priority 2 service. An effective date of October 31, 1973, is requested.

On October 4, 1973, Tennessee submitted an optional Substitute Original Sheet No. 213F which deletes the Priority 2 modification that had been proposed as in accord with Opinion No. 647-A. Should the Commission decide that such modification not be consistent with Order No. 467-B and result in a possible suspension of the effectiveness of the proposed changes, Tennessee requests that the substitute sheet be accepted and that the Commission's Regulations be waived to permit the curtailment plan to become effective on October 31, 1973.

The curtailment plan, as originally proposed by Tennessee, appears to be consistent with Order No. 467-B. However, it includes other provisions not contemplated by said order such as: (1) A demand charge credit account, (2) overrun penalty redistribution and (3) emergency entitlement adjustment provisions, including environmental emergencies. In view of the above, we will reject Tennessee's proposed Substitute Original Sheet No. 213F filed on October 4, 1973, suspend until November 1, 1973, the proposed tariff sheets, and convene a conference to be presided over by the Commission Staff to determine the possibility of reaching an agreement regarding the implementation of Tennessee's curtailment plan to include inter alia, agreement on the utilization of a base period for possible curtailment, pending resolution of the limitation issue in Docket No. CP73-115 et al., for the 1973-74 winter season. The burden of proof for modifications in the Order No. 467-B priorities shall be upon any party who proposes such alterations.

Athens Utilities Board, et al. (Athens), filed on October 15, 1973, a motion to reject Tennessee's filing, or in lieu thereof, to consolidate Docket Nos. CP74-24 and CP73-115, et al. and suspend said filing for the full statutory period.[2] We find no merit in Athens' motion that we reject Tennessee's filing and direct Tennessee to file a certificate application under section 7(c) for additional facilities to increase deliveries of gas to its G and GS customers for the 1973-74 winter season. The Natural Gas Act does not grant us the authority to direct Tennessee to file a section 7(c) certificate application. Additionally, we believe it would be a physical impossibility for Tennessee to construct facilities to provide this additional service for the 1973-74 winter season. Also, Athens presents no arguments in support of its alternative motions to suspend Tennessee's filing for the full statutory period and consolidate this proceeding with the "show cause" proceeding in Docket No. CP73-115, et al., and we find no interrelationship between the two that would make it desirable to do so. In CP73-115, et al., we issued an order to Tennessee to show cause why volumetric limitations should not be established for its customers in light of the national gas shortage and the increasing deliveries of gas to its customers for their increasing annual sales of gas. The initial determination of volumetric limitations, if any, will not be on the basis of end use whereas the proposed curtailment plan in Docket No. CP74-24 is on that basis. End use is only a consideration in Docket No. CP73-115 wherein facilities were certificated and we reserved for determination the issue of whether to certificate the delivery of those additional sales volumes to Tennessee's customers.

The Commission finds:

(1) Tennessee's proposed Substitute Original Sheet No. 213F filed on October 4, 1973, should be rejected.

(2) It is necessary and appropriate for the purposes of the Natural Gas Act, particularly sections 4, 5, and 16 thereof, that the operation of the revised tariff sheets tendered by Tennessee on September 28, 1973, and designated in footnote 1 above, be suspended and the use thereof deferred as hereinafter provided.

(3) A conference should be convened so that agreement may be reached regarding the implementation of Tennessee's curtailment plan to include, inter alia, agreement on the utilization of a base period for possible curtailment for the 1973-74 winter season.

(4) The motion of Athens Utilities Board, et al. should be denied.

The Commission orders:

(A) The proposed Substitute Original Sheet No. 213F filed on October 4, 1973, by Tennessee Gas Pipeline Company is hereby rejected.

(B) Original Sheet Nos. 213E, 213F, 213G, 213H, 213I, 213J and 213K, First Revised Sheet Nos. 12A, 12B, 209 and 213D to Tennessee Gas Pipeline Company's FPC Gas Tariff Ninth Revised Volume No. 1 are hereby suspended and the use thereof deferred until November 1, 1973, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) A conference shall be held commencing November 26, 1973, at 10 a.m. (e.s.t.) in a room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, at which the Commission Staff shall preside.

(D) The motion filed by Athens Utilities Board, et al., on October 15, 1973, is hereby denied.

(E) The request by Tennessee Gas Pipeline Company for waiver of the Commission's filing requirements is denied.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-23911 Filed 11-8-73;8:45 am]

[Docket No. CP74-102]

TEXAS EASTERN TRANSMISSION CORP.

Notice of Application

NOVEMBER 2, 1973.

Take notice that on October 17, 1973, Texas Eastern Transmission Corporation (Applicant), Post Office Box 2521, Houston, Texas 77001, filed in Docket No. CP74-102 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction over a two-year period and operation of 126 miles of 24-inch pipeline and related facilities, for the transportation of natural gas in interstate commerce, extending from the Block 349 Field, Eugene Island Area, South Addition, to the Block

[1] Original Sheet Nos. 213E, 213F, 213G, 213H, 213I, 213J, and 213K, First Revised Sheet Nos. 12A, 12B, 209, and 213D.

[2] Tennessee filed an answer to the motions to reject or suspend for five months its Order No. 467-B curtailment filing.

272 Field, East Cameron Area, offshore Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct in the first year 79 miles of 24-inch pipeline from the Block 349 Field to the terminus of its certificated offshore pipeline in Block 286, East Cameron Area, and in the second year 47 miles of 24-inch pipeline extending from Block 286 to Block 272, West Cameron Area, all offshore Louisiana. Applicant states that said pipeline facilities are necessary to enable Applicant to purchase and transport anticipated volumes of natural gas of up to 224,000 Mcf per day from wells drilled in Block 349. Applicant states further that pursuant to advance payment agreements between Applicant and Louisiana Land Offshore Exploration Company dated April 30, 1973, and Marathon Oil Company dated September 7, 1973, and a soon to be finalized advance payment agreement with Applicant's subsidiary, Texas Eastern Exploration Co., Applicant has the right, among other things, to purchase all gas discovered in Block 349 by these procedures.

Applicant states that based on present projections it anticipates average day firm curtailments during the first eight months of 1974 of approximately 500,000 Mcf of natural gas. The application states that gas purchased from Block 349 will enable Applicant to help meet its existing commitments to its customers.

Applicant states the total estimated cost of the proposed facilities is $64,259,000[1] which will be initially financed by use of Applicant's revolving credit arrangement and later permanently financed through the issuance of bonds, stocks, or from its general funds, depending on market conditions at that time.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 26, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-23912 Filed 11-8-73;8:45 am]

[1] Estimated cost of the 1974 proposed construction of 79.0 miles of 24-inch pipeline and related facilities is $39,892,000, while the estimated cost of the 1975 proposed construction of 47.0 miles of 24-inch pipeline and related facilities is $24,367,000.

[Docket No. CP74-59]

UNITED GAS PIPE LINE CO. AND TENNESSEE GAS PIPELINE CO.

Notice of Application

NOVEMBER 2, 1973.

Take notice that on August 31, 1973, United Gas Pipe Line Company (United), 1525 Fairfield Avenue, Shreveport, Louisiana 71101, and Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP74-59 a joint application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing by means of existing facilities the exchange of natural gas between Applicants, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants state that on May 10, 1973, pursuant to § 157.22 of the regulations under the Natural Gas Act (18 CFR 157.22), United, Tennessee, and Gulf Energy and Development Corporation (Gulf), certificate applicant in Docket No. CP73-343, commenced emergency transportation and exchange of natural gas to allow United to receive into its system gas being purchased from Pennzoil Producing Company (Pennzoil), certificate applicant in Docket No. CI73-813, on an emergency basis in Zapata County, Texas.

Gas purchased by United from Pennzoil in Zapata County will be delivered to Gulf for transportation to the Zim Field Area, Starr County, Texas, where Gulf will deliver up to 25,000 Mcf of gas per day to Tennessee at an existing interconnection on Tennessee's pipeline. Contemporaneously therewith, Tennessee will deliver equivalent volumes of gas to United at the outlet of Atlantic Richfield Company's Bayou Sale Plant in Saint Mary's Parish, Louisiana. The agreement between applicants dated July 9, 1973, providing for the subject exchange, will remain in effect for one year and will continue in force on a month-to-month basis thereafter, until terminated by either party upon at least thirty days written notice to the other party.

Applicants state the exchange of gas is mutually beneficial in that it will enable each to operate their respective pipeline systems with added flexibility and dependability and eliminate the need for additional facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 26, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-23910 Filed 11-8-73;8:45 am]

[Docket Nos. RP71-29, RP71-120]

UNITED GAS PIPE LINE CO.

Proposed Changes in FPC Gas Tariff

NOVEMBER 2, 1973.

Take notice that on October 26, 1973, United Gas Pipe Line Company (United) tendered for filing two sets of revised and original tariff sheets to its FPC Gas Tariff, First Revised Volume No. 1 establishing procedural guidelines for granting emergency exemptions from curtailment to its direct electric utility customers under both the three category and five priority curtailment plans. The tariff sheets are purportedly drafted to ensure compliance with emergency exemption from curtailment procedures established by Finding paragraph D of Commission Opinion No. 647.

The first set of four sheets, styled Appendix A, are designed to supersede Third Revised Sheet No. 71, currently in effect. United proposes that it be made effective as of November 1, 1973, the date on which the three category winter curtailment program is scheduled for implementation.

The second set of four sheets, styled Appendix B, are designed to be a substitute for Eighth Revised Sheet No. 72 and Fourth Revised Sheet No. 72–A filed by United on June 29 and August 3, 1973, purportedly pursuant to Commission Opinion No. 647–A and Order Upon Reconsideration of Opinion No. 647–A. United proposes that these sheets be made effective at such time that the sheets for the five priority curtailment program filed June 29 and August 3, 1973, are made effective.

Take further notice that, under both sets of sheets, emergency gas volumes delivered in a given month and not repaid by the end of that month will be billed at 80 cents per Mcf, with a Btu adjustment.

A shortened notice period in this matter will be in the public interest. Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 or 1.10 of the Commission's rules of practice and procedure (18 CFR 1.9 or 1.10). All such petitions or protests should be filed on or before November 16, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-23913 Filed 11-8-73;8:45 am]

FEDERAL RESERVE SYSTEM

ALPHA AGENCY, INC. AND PIERCE AGENCY, INC.

Order Approving Retention of Voting Shares of Bank

Alpha Agency, Inc. and Pierce Agency, Inc., both of Aztec, New Mexico (hereinafter sometimes jointly referred to as "Applicant"), are bank holding companies within the meaning of the Bank Holding Company Act and have applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) for Pierce Agency, Inc. to retain an additional 13.97 percent of the voting shares of The Citizens Bank, Farmington, New Mexico (Bank). Alpha Agency, Inc., which owns 64 percent of Pierce Agency, Inc.'s outstanding voting shares, would retain indirect control of the additional voting shares of Bank sought to be retained by Pierce Agency, Inc.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and none has been timely received. The Board has considered the application in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Alpha Agency, Inc. and Pierce Agency, Inc. both became one-bank holding companies as a result of the 1970 Amendments to the Act due to Pierce Agency, Inc.'s ownership of 12,960 (28.80 percent), of the voting shares of Bank. On March 1, 1971, Pierce Agency, Inc. purchased without prior Board approval an additional 6,550 (14.56 percent), of the voting shares of Bank from the estate of a Bank shareholder who had been adjudicated an incompetent by a court having lawful jurisdiction.[1] Pierce Agency, Inc., paid a price of $35 per share for these additional shares, which purchase price had been suggested by an independent third party and had been approved by the court having jurisdiction over the estate of the incompetent Bank shareholder. As a result of this purchase of additional shares, Applicant increased its control of Bank from 12,960 (28.80 percent), to 19,510 (43.36 percent), of the outstanding voting shares of Bank. Applicant now owns approximately 43 percent of the outstanding voting shares of Bank and Applicant now seeks approval of the retention of the additional voting shares purchased on March 1, 1971.

Bank has its main office in Farmington and branch offices in Aztec and Bloomfield, New Mexico. Bank holds $26 million of deposits representing 37.58 percent of total commercial bank deposits in the San Juan County banking market and 1.2 percent of total commercial bank deposits in the State.[2] Applicant's retention of the additional shares acquired on March 1, 1971, would have no significant effect on competition or the concentration of banking resources in any relevant area and would serve only to reinforce Applicant's previously existing control of Bank. Retention of the subject shares of Bank will have little or no effect upon Bank's ability to meet the convenience and needs of the communities it serves. The financial and managerial resources of Applicant and Bank are satisfactory, and future prospects of all appear favorable. It is the Board's judgment that the proposed retention is in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above.

By order of the Board of Governors,[3] effective November 1, 1973.

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

[FR Doc.73-23882 Filed 11-8-73;8:45 am]

[1] Pierce Agency, Inc., which registered as a bank holding company in accordance with section 5(a) of the Act on June 30, 1971, purchased the additional voting shares of Bank sought to be retained herein on March 1, 1971, without Board approval as required under section 3(a)(3) of the Act. The Board has reviewed the circumstances of that acquisition and determined that such action was not in willful violation of the Bank Holding Company Act. As a result of subsequent sales of some of these voting shares acquired on March 1, 1971, the shares sought to be retained herein by Pierce Agency, Inc. now constitute 13.97 per cent of the outstanding voting shares of Bank.

[2] All banking data are as of December 31, 1972.

BARNETT BANKS OF FLORIDA, INC.

Order Approving Acquisition of Banks

Barnett Banks of Florida, Inc., Jacksonville, Florida, 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 80 percent or more of the voting shares of First Bank of Plantation, Plantation, Florida; University Bank, Broward County, Florida; and Riverland Bank, Fort Lauderdale, Florida (Subject Banks).

Notice of the applications, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the applications and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant controls 46 banks with total deposits of $1.5 billion, representing approximately 7.6 percent of the total deposits of commercial banks in the State, and is the second largest banking organization in Florida. (All banking data are as of June 30, 1973, and reflect holding company acquisitions approved as of October 15, 1973, unless otherwise indicated.) The acquisition of Subject Banks (with total deposits of $45.5 million) would increase Applicant's share of the total State deposits by only 0.2 percent, and it would remain the second largest banking organization in Florida.

Subject Banks include two established banks and a newly opened bank, all in the North Broward County banking market, which consists of the area from Fort Lauderdale to and including Deerfield Beach, Florida. Together Subject Banks control 3.2 percent of the total market deposits and rank seventh of 23 banking organizations in the market. (All market share data are as of December 31, 1972.) Since Subject Banks are closely affiliated through common directors, common senior management, and common stockholders, the proposed acquisition is not likely to eliminate any existing competition or foreclose potential competition between these three banks in the reasonably near future.

[3] Voting for this action: Chairman Burns and Governors Mitchell, Daane, Brimmer, Bucher and Holland. Absent and not voting: Governor Sheehan.

Applicant has one subsidiary, Barnett Bank of Fort Lauderdale (Barnett Bank), in the North Broward market. Barnett Bank has deposits of $27 million representing 2.0 percent of market deposits and ranks tenth of the 23 banking organizations in the market. As a result of this proposed acquisition, Applicant will control 5.2 percent of market deposits and rank seventh of 22 banking organizations in the market. Applicant will not gain a dominant position in the market which includes five of Florida's ten largest bank holding companies. Although this proposed acquisition will eliminate some existing competition between Barnett Bank and Subject Banks, the amount eliminated is deemed insignificant. No overlap exists between the service area of Barnett Bank, located in downtown Fort Lauderdale, and that of Subject Banks, all located in suburban areas west of Fort Lauderdale.

Approval of this proposed acquisition would remove the possibility of future competition developing between Barnett Bank and Subject Banks. The possible adverse effect on potential future competition does not appear significant in view of the small size of Barnett Bank and Subject Banks, the presence of a large number of competing banks, the predicted strong growth of Broward County, and the number of remaining independent banks and pending de novo applications. The Board concludes that consummation of the proposed acquisition would have only slightly adverse competitive effects.

Applicant has recently injected capital into certain of its subsidiary banks and has increased its equity capital by converting debentures to common stock. It has also completed a public stock offering. Applicant, therefore, has the capability and stands ready to inject additional capital into Subject Banks should it prove necessary. In light of these actions, the Board finds the financial condition and managerial resources of the Applicant, its subsidiaries, and Subject Banks to be satisfactory; and prospects for each are favorable.

There is no evidence that the banks in the market are failing to meet the banking needs of the community, but affiliation with Applicant should provide Subject Banks with the ability to become more aggressive lenders and compete for larger commercial and real estate loans. In the rapidly growing Broward County area, such greater lending ability will have positive public benefits. In addition, Applicant will assist Subject Banks in providing trust services. Accordingly, considerations relating to convenience and needs of the communities to be served lend weight for approval and outweigh the slightly adverse competitive effects of the acquisition. It is the Board's judgment that consummation of the proposed acquisition would be in the public interest and the applications should be approved.

On the basis of the record, the applications are approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[1] effective November 1, 1973.

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

[FR Doc.73-23883 Filed 11-8-73;8:45 am]

FARMER CITY AGENCY, INC.

Order Approving Acquisition of Bank

Farmer City Agency, Inc., Farmer City, Illinois, 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 an additional 6.27 percent of the voting shares of National Bank of Chenoa, Chenoa, Illinois (Bank).[2]

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and none has been timely received. The Board has considered the application in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant controls 41 percent of the shares of its only present subsidiary bank, Farmer City State Bank, Farmer City, Illinois, with deposits of $12.8 million, representing less than 1 percent of commerical bank deposits in Illinois. (All banking data are as of December 31, 1972.) The acquisition of shares of Bank would not affect the concentration of banking resources in the State. Applicant conducts an insurance agency business in Farmer City (population of less than 5,000) and deals almost exclusively in the sale of insurance that is directly related to the extension of credit by Applicant's subsidiary bank.

Bank ($9.8 million of deposits), established in June, 1950, has no branches and is the only bank in the town of Chenoa. Bank is the fifth largest of eleven banks competing in its market area (approximated by the northern quarter of McLean County and the southern quarter of Livingston County) and controls 8.2 percent of the deposits in commercial banks in the market. Applicant's present subsidiary is located about 40 miles from Bank, in a separate banking market, and there is no meaningful present competition between the two institutions. Furthermore, it appears unlikely that any significant competition would develop in the future due to Illinois' restrictive branching law and the distances separating the banking offices. The Board concludes that, even if this were a proposal to acquire a controlling interest in Bank, consummation of the proposal would not have any adverse competitive effects.

The financial and managerial resources and future prospects of Bank, and of Applicant and its subsidiary bank, are regarded as satisfactory and consistent with approval of the application. Since Applicant views its 11.2 percent ownership of Bank as an investment only, no changes in services or facilities are proposed. Considerations relating to the convenience and needs of the community to be served are consistent with approval. It is the Board's judgment that the proposed transaction would be consistent with the public interest, and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Chicago pursuant to delegated authority.

By order of the Board of Governors,[3] effective November 1, 1973.

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

[FR Doc.73-23884 Filed 11-8-73;8:45 am]

GENERAL FINANCIAL SYSTEMS

Request for Determination and Order Providing Opportunity for Hearing

Notice is hereby given that a request has been made to the Board of Governors of the Federal Reserve System, pursuant to the provisions of section 2(g)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(g)(3)), by General Financial Systems, Inc., Riviera Beach, Florida, a bank holding company, for a determination that, with respect to the September 30, 1972, transfer by General Financial Systems of its nonbanking interests, which included housing construction, real estate leasing, data processing and insurance businesses, to First American Corporation, Riviera Beach, Florida, General Financial Systems is not in fact capable of controlling First American Corporation, although certain transferees of shares of First American Corporation are indebted to General Financial Systems or its subsidiaries.

Section 2(g)(3) of the Act provides that shares transferred after January 1, 1966, by any bank holding company (or by any company which, but for such transfer, would be a bank holding com-

[1] Voting for this action: Chairman Burns and Governors Mitchell, Daane, Brimmer, Bucher, and Holland. Absent and not voting: Governor Sheehan.

[2] Applicant presently owns 4.9 percent of the voting shares of Bank. Officers of Applicant own 45.9 percent of Bank in their individual capacities and this application represents a transfer to corporate ownership of a portion of this individual ownership.

[3] Voting for this action: Chairman Burns and Governors Mitchell, Daane, Brimmer, Bucher, and Holland. Absent and not voting: Governor Sheehan.

pany) directly or indirectly to any transferee that is indebted to the transferor, or has one or more officers, directors, trustees, or beneficiaries in common with or subject to control by the transferor, shall be deemed to be indirectly owned or controlled by the transferor unless the Board, after opportunity for hearing, determines that the transferor is not in fact capable of controlling the transferee.

It is ordered, That, pursuant to section 2(g)(3) of the Act, an opportunity be and hereby is provided for filing a request for hearing. Any such request should be submitted in writing (in duplicate) to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received on or before November 25, 1973. The request for hearing should contain a statement of the nature of the requesting person's interest in the matter, his reasons for wishing to appear at an oral hearing, and a summary of the matters concerning which said person wishes to give testimony at such hearing. The Board will subsequently designate a time and place for any hearing ordered, and will give notice of such hearing to the transferor, the transferee, and all persons who have requested a hearing. In the absence of a request for a hearing, the Board will proceed with consideration of the requested determination on the basis of documentary evidence filed on or before November 25, 1973.

By order of the Board of Governors, November 1, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-23885 Filed 11-8-73;8:45 am]

LIBERTY NATIONAL CORP.

Order Approving Retention of Liberty Financial Corporation and Liberty Mortgage Company

Liberty National Corporation, Oklahoma City, Oklahoma, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 4(c)(8) of the Act and section 225.4(b)(2) of the Board's Regulation Y, to retain all of the voting shares of Liberty Financial Corporation (Liberty Financial), a wholly-owned subsidiary of Applicant, which in turn owns all the shares of Liberty Mortgage Company (Liberty Mortgage), both located in Oklahoma City, Oklahoma.[1]

Liberty Financial would engage directly in the activities of purchasing real estate loans from Applicant's banking subsidiary and originating and servicing real estate oriented loans, including interim financing of commercial, industrial, and residential projects for its own account. Through its ownership of Liberty Mortgage, Liberty Financial indirectly engages in the activities of originating, selling, and servicing real estate mortgages on residential and commercial property under agreement with various institutional lenders and offering to persons whose loans are being serviced by Liberty Mortgage, decreasing term life insurance and disability insurance for both of which the mortgagee is a beneficiary. Such activities have been determined by the Board to be closely related to banking (12 CFR 225.4(a)(1), (3), and (9)).

Notice of the applications, affording opportunity for interested persons to submit comments and views on the public interest factors has been duly published (27 FR 26348). The time for filing comments and views has expired and none has been timely received.

Applicant seeks permission through these applications to operate Liberty Mortgage under the broader authority contained in section 4(c)(8) of the Act which would permit Liberty Mortgage to make loans at places other than the premises of Applicant's subsidiary bank.

The Board regards the standards of section 4(c)(8) for the retention of shares in a nonbanking company, previously operated by a bank holding company pursuant to section 4(c)(5), to be the same as the standards for a proposed section 4(c)(8) acquisition. Accordingly, the Board must find that the acquisition of the nonbanking company was not one that would result in an undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices.

Applicant controls one banking subsidiary, Liberty National Bank and Trust Company, Oklahoma City (Liberty Bank), with deposits of approximately $581 million, representing 7.8 percent of the commercial bank deposits in Oklahoma, and is the largest banking organization and bank holding company in the State.[2] Liberty Bank is engaged in making mortgage loans for its own account. About 96 percent of Liberty Bank's mortgage loans during 1970 and 1971 are construction loans. During 1971, Liberty Bank originated 7.4 percent of all real estate mortgages in Oklahoma County, where its subsidiary, Liberty Mortgage, also operates.

Liberty Mortgage's loan originations were primarily loans on 1- to 4-family residences. It accounted for 1.3 percent of all mortgage loan originations during 1971 in Oklahoma County. In the four other Oklahoma counties in which Liberty Mortgage operated it was not a very significant competitor. As of June 30, 1971, Liberty Mortgage was the 169th largest mortgage company in the country, based on a servicing volume of $122 million. Its mortgage servicing portfolio has increased by $63 million since it ceased operating as an independent mortgage company.

The major area affected by the acquisition is Oklahoma City and its environs, the economic center of Oklahoma and the largest city in the State. At the time of the acquisition and thereafter, the economy of the area was expanding with an attendant rise in housing demand and growth. Applicant would appear to have been a possible de novo entrant into the mortgage banking business conducted by Liberty Mortgage absent Board permission to retain that company. However, considering the number of mortgage banking competitors already in the market, removal of Applicant as a de novo entrant would have only slightly adverse effects on competition. Furthermore, due to the nature of Liberty Bank's mortgage banking business and that of Liberty Mortgage, no significant existing competition was eliminated. Whatever slight anticompetitive effects might have resulted from approval, these are outweighed by the public benefits which appear to result from Applicant's retention of Liberty Mortgage. Affiliation would provide greater access to financial markets for Liberty Mortgage and thereby increase its amount of available funds to meet the growing credit demands for housing and other construction in the Oklahoma City area. The Board concludes that the potential public benefits outweighed the slight adverse effect resulting from the affiliation at the time of the acquisition.

The Board's review of the record of the affiliation indicates that the potential benefits have continued to outweigh such adverse effects. Through Applicant's support, Liberty Mortgage has increased its servicing volume to nearly $185 million by year-end 1972. The Board believes that the affiliation is sufficiently likely to continue to produce public benefits in the foreseeable future so that, on balance divestiture would be contrary to the public interest.

Liberty Mortgage also sells decreasing term life insurance and disability insurance directly related to the loans it originates. Due to the limited nature of its insurance activities, it does not appear that the acquisition of Liberty Mortgage's insurance activities had any significant effect on either existing or potential competition.

[1] On December 21, 1971, Liberty Financial acquired from Applicant's banking subsidiary all of the outstanding shares of Home Mortgage & Investment Company (now Liberty Mortgage). At the same time, Liberty Real Estate Company, a company engaged in land development activities and Liberty Property Management Company, a property management company, were also acquired by Liberty Financial. (Liberty Property Management has since been transferred back to Applicant's banking subsidiary.) The shares of Home Mortgage & Investment Company were originally acquired by Applicant's banking subsidiary on March 11, 1971, in accordance with section 4(c)(5) of the Act. Applicant undertook the December 21, 1971, transactions in the mistaken belief that neither the Act nor Regulation Y required prior approval of such internal reorganizations.

[2] All banking data are as of December 31, 1972, and reflect bank holding company formations and acquisitions approved by the Board through September 30, 1973.

As part of its plant to centralize in Liberty Financial the real estate operations of its subsidiaries, Applicant also seeks Board permission to allow Liberty Financial to, in effect, carry on the commercial mortgage lending activities of Liberty Bank. Since this transaction involves only an internal corporate reorganization, consummation of the proposal will have no adverse effects on existing or potential competition. It is expected that economies in management and operations will result from such a reorganization and enable Applicant and Liberty Financial to become more effective competitors. Further, the transfer of such activities, although a profit making center, would not have an adverse effect on the financial condition or operations of Bank.

There is no evidence in the record to indicate that the proposed retentions would lead to an undue concentration of resources, conflicts of interest, or unsound banking practices.

Liberty Financial through Liberty Real Estate Company, has been engaged over a period of years in developing real estate acquired in connection with loans previously contracted. The Board has determined that land development is not a permissible activity for bank holding companies (12 CFR 225.126) and a review of the development activities of Liberty Financial would indicate that Applicant may have exceeded the permissible bounds of activity necessary to minimize its losses with respect to such properties. Applicant has represented to the Board that it will no longer engage in further real estate development projects of any nature and is attempting to terminate its interests in the real estate projects in which it has invested; such efforts are expected to be terminated by the end of 1974. In acting on this application, the Board believes it appropriate to condition its approval on such understanding.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c)(8) is favorable. Accordingly, the applications are hereby approved on the condition that the real estate development activity of Liberty Financial be terminated as soon as possible and in no event later than December 31, 1974. This determination is also subject to the conditions set forth in section 225.4(c) of Regulation Y. Additionally, this determination is subject to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

By order of the Board of Governors,[3] effective November 1, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-23886 Filed 11-8-73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[812-3534]

DEAN WITTER & CO. INC.

Filing of Application for Order

NOVEMBER 1, 1973.

Notice is hereby given that Dean Witter & Co. Incorporated (Applicant), 45 Montgomery Street, San Francisco, California 94106, a registered broker-dealer and one of the prospective representatives (Representatives) of a group of underwriters (Underwriters) to be formed in connection with a proposed public offering of shares of Common Stock of Golden Gate Income Securities, Inc. (Corporation), a new closed-end diversified management investment company recently registered under the Investment Company Act of 1940 (Act), has filed on behalf of itself, the other Representatives and the Underwriters, an application pursuant to section 6(c) of the Act for an order exempting the Underwriters, including Applicant and the other Representatives, in connection with their transactions incident to the distribution of shares of the Corporation, and such transactions, from section 30(f) of the Act to the extent that it adopts sections 16 (a), (b), and (c) of the Securities Exchange of 1934 (Exchange Act). All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Shares of the Corporation (Registered Shares) are to be purchased by the Underwriters pursuant to an Underwriting Agreement to be entered into between the Corporation, certain of its affiliates and the Underwriters represented by Applicant and the other Representatives. It is intended that on the effective date of the Corporation's Registration Statement under the Securities Act of 1933, the Registered Shares will be offered for sale to the public. It is initially proposed to offer 2,400,000 shares of Common Stock of the Corporation under the Registration Statement (the "expected underwriting commitment"); the number actually to be offered may be greater or less than 2,400,000 depending on market conditions or other factors. Under the proposed Underwriting Agreement, the Underwriters, acting through the Representatives, propose to indicate that they expect to purchase, severally and not jointly, the total number of shares of their respective expected underwriting commitments and propose to agree, irrespective of their respective expected underwriting commitments to purchase from the Corporation on the Closing Date a designated percentage of such expected underwriting commitments (firm commitment). Each Underwriter proposes also to agree to purchase the number of additional shares of its expected underwriting commitment for which purchase orders have been received on the fifth business day preceding such Closing Date in excess of its firm commitment. The Underwriters shall also be entitled to purchase, severally and not jointly, the number of additional shares of their respective expected underwriting commitments for which purchase orders have been received on the fifth business day preceding the Second Closing Date. The Representatives, and the Underwriters designated by them, shall be entitled on the Closing Date and/or the Second Closing Date, to purchase any remaining shares of their respective expected underwriting commitments plus any additional shares not purchased by other Underwriters. The amount of the firm commitment, the initial public offering price and the underwriting discount will be specified in the prospectus incorporated in the Registration Statement of the Corporation at the time such Registration Statement becomes effective under the Securities Act of 1933, as amended (Prospectus). The Closing Date and the Second Closing Date will be determined by the Representatives and the Corporation shortly before the public offering, but in no event will the Second Closing Date be more than sixty (60) days after the commencement of the initial public offering.

It is possible that one or more of the Underwriters, including the Applicant and any of the other Representatives, may acquire, pursuant to the provisions of the Underwriting Agreement, more than 10 percent of the Registered Shares which will be outstanding at the time of the closings of the initial public offering of such shares. Since section 30(f) of the Act subjects every person who is directly or indirectly a beneficial owner of more than 10 percent of any class of outstanding securities of the Corporation to the same duties and liabilities as those imposed by Section 16 of the Exchange Act on certain owners in respect to their transactions in certain securities, such Underwriter or Underwriters may, accordingly, become subject to: (i) The filing requirements of section 16(a) of the Exchange Act, (ii) upon resale of the shares purchased by them to their cus-

[3] Voting for this action: Chairman Burns and Governors Mitchell, Daane, Brimmer, Bucher, and Holland. Absent and not voting: Governor Sheehan.

tomers, the obligations and liabilities imposed by section 16(b) of the Exchange Act, and (iii) the prohibition of section 16(c) of the Exchange Act against short sales of the shares. Applicant states that no purpose would be served by requiring the filing of reports under section 16(a) of the Exchange Act in view of the disclosures in the Prospectus, the availability of records retained by the Representatives or Underwriters and the exemption of their transactions sought from the application of sections 16(b) and (c).

Rules 16b–2 and 16c–2 under the Exchange Act exempt transactions in connection with a distribution of a substantial block of securities from the operation of sections 16(b) and 16(c) thereof. Applicant states that the purpose of the purchase by the Underwriters will be for resale in connection with initial distribution of the Registered Shares. In addition to purchases of shares from the Corporation and sales of shares to customers, there may be the usual transactions of purchase or sale incident to a distribution such as purchases in stabilizing transactions or to cover an overallotment or other position created in connection with such distribution and sales of shares so purchased. Such purchases and sales, therefore, will be transactions effected in connection with the distribution of a substantial block of securities within the purpose and spirit of Rules 16b–2 and 16c–2.

It is possible, however, that one or more of the Underwriters will not be exempted from sections 16(b) and 16(c) by the operation of Rules 16b–2 and 16c–2, as they may fail to meet the requirement stated in paragraph (a)(3) of Rule 16b–2 and in paragraph (b) of Rule 16c–2 that the aggregate participation of persons not within the purview of sections 16(b) and 16(c) of the Exchange Act be at least equal to the participation of persons receiving exemptions under Rules 16b–2 and 16c–2. It is possible that one or more of the Underwriters who, pursuant to the Underwriting Agreement, will purchase more than 10 percent of the Registered Shares may purchase more than 50 percent of such shares being offered pursuant to the Underwriting Agreement. Moreover, this requirement of Rules 16b–2(a)(3) and 16c–2(b) may not be met because it is possible that one or more of the Underwriters, even though obligated by the Underwriting Agreement to purchase less than 10 percent of the aggregate number of Registered Shares to be outstanding upon completion of the initial public offering of such shares, may, as a consequence of defaults by other Underwriters who do not purchase their respective firm commitments or as a result of the failure of other Underwriters to purchase the total amount of their respective expected underwriting commitments, become obligated to and/or elect to purchase at the closings of the public offering more than 10 percent of the aggregate number of Registered Shares to be outstanding after such closing.

Applicant states that the requested exemption should be granted because there can be no inside information concerning the Corporation since the Corporation will have no assets and will not have commenced the conduct of any business prior to the distribution and sale of its shares. Applicant further states that no partner, director, or officer of any of the Representatives, including the Applicant, is a director or officer of either the Corporation or Crocker Management Investment Corp., the Corporation's investment adviser (Adviser), or an affiliate of the Adviser and that it is not anticipated that any partner, director, or officer of any other Underwriter will be a director or officer of the Corporation or the Adviser or any such affiliate.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities, or transactions from any provision of the Act and Rules promulgated thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant contends that the transactions sought to be exempted cannot lend themselves to the practices section 16 of the Exchange Act and section 30(f) of the Act were enacted to prevent, and submits that the requested exemption is necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested persons may, not later than November 19, 1973, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule O–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.73-23887 Filed 11-8-73;8:45 am]

[812-3532]

GOLDEN GATE INCOME SECURITIES, INC.

Filing of Application for Order of Exemption

NOVEMBER 1, 1973.

Notice is hereby given that Golden Gate Income Securities, Inc. (Applicant), 44 Montgomery Street, San Francisco, California 94104, registered under the Investment Company Act of 1940 (Act) as a closed-end, diversified management investment company, has filed an application pursuant to section 6(c) of the Act for an order exempting Applicant from sections 15(a) and 16(a) of the Act to the extent necessary to permit Crocker Investment Management Corp. to serve as investment adviser of Applicant pursuant to a written investment advisory contract approved by Applicant's Board of Directors prior to approval of such contract by a vote of the stockholders of Applicant; and to permit directors of Applicant to serve as such prior to election to such positions by the stockholders of the Applicant; such exemptions to be effective until the meeting of stockholders to be held within 180 days after the effective date of the Applicant's Form S–4 Registration Statement filed under the Securities Act of 1933 (1933 Act). All interested persons are referred to the Application on file with the Commission for a statement of the representations made therein, which are summarized below.

Applicant, at present, has no stockholders but it proposes to issue up to 2,400,000 shares of its Common Stock when its 1933 Act Registration Statement becomes effective. Applicant also proposes to enter into an investment advisory agreement with Crocker Investment Management Corp. which will constitute that company as the investment adviser of the Applicant.

Section 15(a) of the Act provides, in part, that a person may not serve as an investment adviser of a registered investment company except pursuant to a written contract which has been approved by a vote of a majority of the outstanding voting securities of such registered investment company, and section 16(a) of the Act provides, with limited exceptions not here relevant, that no person shall serve as a director of a registered investment company unless elected to that office by the holders of the outstanding voting securities of such company. Inasmuch as Applicant has no stockholders to date, the present Board of Directors of Applicant has not been elected by the stockholders.

Applicant states that the proposed investment advisory contract will comply with the provisions of the Act in all respects except as to the requirement of

advance stockholder approval contained in section 15(a) of the Act, and that the persons serving as its directors will meet all of the requirements of the Act except the requirements of Section 16(a) that they be elected to that office by holders of the outstanding voting securities of Applicant and that at least two-thirds (⅔) of the directors in office have been elected by stockholders of Applicant. In connection with the foregoing Applicant has filed an application to the Commission to exempt one of its directors from the status of an "interested person" of Applicant under the Act.

Applicant also states that the entire Board of Directors will stand for election, and the investment advisory contract will be presented for approval, at the meeting of stockholders to be held within 180 days after the effective date of Applicant's 1933 Act Registration Statement, and that the prospectus to be used by Applicant in connection with the sale of its shares will contain full appropriate information concerning the directors and the investment advisory contract.

Applicant submits that the requested exemptions from the provisions of sections 15(a) and 16(a) of the Act are necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Section 6(c) of the Act authorizes the Commission to exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions from the provisions of the Act and rules promulgated thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than November 19, 1973, at 5:30 p.m., submit to the Commission in writing a request for a hearing on this matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20459. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the Application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.73-23889 Filed 11-8-73;8:45 am]

[812-3537]

GOLDEN GATE INCOME SECURITIES, INC.

Filing of Application for Exemption

NOVEMBER 1, 1973.

Notice is hereby given that Golden Gate Income Securities, Inc. (Fund), 44 Montgomery Street, San Francisco, California 94104, a closed-end, diversified management investment company registered under the Investment Company Act of 1940 (Act), and Gilbert W. Fitzhugh (Fitzhugh) (hereinafter collectively called "Applicants"), Post Office Box 1452, Rancho Santa Fe, California 92067, have filed an application for an order of the Commission pursuant to section 6(c) of the Act declaring that Fitzhugh shall not be deemed an "interested person" of the Fund within the meaning of section 2(a)(19) of the Act solely by reason of his status as a director of the Metropolitan Life Insurance Company (Metropolitan). All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below.

Fitzhugh, a member of the board of directors of the Fund, is also a director of Metropolitan, a mutual insurance company incorporated under the laws of New York, which is in the business of selling life insurance and variable annuities. Metropolitan sells individual variable annuities funded by separate accounts that are registered under the Act, and HR-10 plans funded by separate accounts, interests in which are registered under the Securities Act of 1933. Metropolitan is registered as a broker-dealer under the Securities Exchange Act of 1934.

Applicants represent that Metropolitan has never engaged in securities transactions on behalf of the Fund. Furthermore, the Fund has undertaken that Metropolitan will not be considered by the Fund or the Fund's investment adviser, Crocker Investment Management Corp., as a potential broker-dealer through which to execute securities transactions or sell the Fund's shares.

Fitzhugh in no way participates in the day to day operations of Metropolitan.

Section 2(a)(19) of the Act defines an "interested person" of an investment company to include any broker or dealer registered under the Securities Exchange Act of 1934 or any affiliated person of such broker or dealer. Section 2(a)(3) of the Act defines an affiliated person of another person to include any director of such other person.

Fitzhugh, as a director of Metropolitan, is an affiliate of a broker-dealer, and is thus an "interested person" of the Fund.

Section 6(c) of the Act authorizes the Commisison to exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions from any provision of the Act or of any rule or regulation thereunder if such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicants contend that Fitzhugh should not be deemed an "interested person" of the Fund because his affiliation with Metropolitan does not affect, and will not impair, his independence in acting on behalf of the Fund and its shareholders, and the requested exemption is therefore consistent with the provisions of section 6(c) of the Act.

Notice is further given that any interested person may, not later than November 19, 1973, at 5:30 p.m. submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the addresses stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued by the Commission as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.73-23888 Filed 11-8-73;8:45 am]

[812-3523]

MOSHER, INC.

Filing of Application for an Order Exempting Applicant From All Provisions of the Act

NOVEMBER 1, 1973.

Notice is hereby given that Mosher, Inc. (Applicant), Suite 415, 2727 Allen

Parkway, Houston, Texas 77019, a Texas corporation, has filed an Application pursuant to section 6(c) of the Investment Company Act of 1940 (the "Act") for an order temporarily exempting Applicant from all provisions of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

Applicant was incorporated under the laws of the State of Texas on January 27, 1894. From that time until January 8, 1973, Applicant was engaged in the manufacture, fabrication and sale of a variety of metal products. On December 26, 1972, the stockholders of Applicant approved the sale for cash of all of Applicant's assets to Trinity Industries, Inc. (Trinity) and adopted a Plan of Complete Liquidation under Section 337 of the Internal Revenue Code of 1954. On January 8, 1973, the sale of Applicant's assets to Trinity was effected.

On the date of the sale to Trinity, Applicant received $20,000,000 in cash and approximately $5,900,000 in notes payable to Trinity. Applicant has used its cash only to purchase government securities and interest-bearing certificates of deposit of national banks. Since January 8, 1973, Applicant states that it has been engaged in no activities except those incidental to its liquidation, i.e., liquidating its subsidiaries, settling matters with Trinity, clearing up contingent liabilities and collecting its notes and accounts receivable.

On September 11, 1973, the Board of Directors of Applicant approved a proposal whereby Applicant would merge into American General Convertible Securities Inc. (AGS), a closed-end diversified management investment company registered under the Act, subject to approval of Applicant's stockholders and receipt of a favorable tax opinion.

Section 3(a)(1) of the Act states that "investment company" includes any issuer which is or holds itself out as being engaged primarily, or proposes to engage primarily, in the business of investing, reinvesting, or trading in securities.

Section 3(a)(3) of the Act states that any issuer is an "investment company" if it is engaged or proposes to engage in the business of investing, reinvesting, owning, holding, or trading in securities, and owns or proposes to acquire investment securities having a value exceeding 40 percent of the value of such issuer's total assets (exclusive of Government securities and cash items) on an unconsolidated basis.

Section 7(a) of the Act prohibits any unregistered investment company from engaging in virtually any business activity but excepts transactions of an investment company merely incidental to its dissolution.

Applicant contends that it is entitled to an exemption from all provisions of the Act because it is not an investment company within the meaning of section 3(a) of the Act. In the alternative, Applicant asserts that requiring it to register under the Act would not be in the public interest since it is not engaged in any activities other than those incidental to the cessation of its existence either by merger or liquidation.

Applicant further states that its stockholders will receive the protection of the Securities Act of 1933 in connection with the merger and that as stockholders of AGS, a registered investment company, will receive all the protections of the Act.

Applicant states that its liquid assets will be held only in cash, government securities or certificates of deposit until the merger is consummated. In addition, Applicant consents to the condition, if the requested order is granted, that such order may terminate on the later of January 1, 1974, or 20 days following the date of issuance of such order, which would allow Applicant and AGS ample time to consummate the merger.

Section 6(c) of the Act authorizes the Commission, by order upon application, to exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision or provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than November 23, 1973, at 5:30 p.m., submit to the Commission in writing a request for a hearing on this matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address set forth above. Proof of such service (by affidavit or, in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.73-23890 Filed 11-8-73;8:45 am]

[812-3463]

MUTUAL SECURITIES FUND OF BOSTON, ET AL.

Filing of Application for Amendment of Order

NOVEMBER 1, 1973.

Notice is hereby given that Mutual Securities Fund of Boston (Fund), 53 State Street, Boston, Massachusetts 02109, a trust created under the laws of Massachusetts and an open-end, diversified investment company registered under the Investment Company Act of 1940 (Act), and all of its trustees, Joseph Leonard and William Priess, hereinafter referred to collectively as Applicants, have filed an application to amend in the manner described below an order of the Commission dated August 31, 1973 (Investment Company Act Release No. 7968) granting an application pursuant to section 6(c) of the Act for a limited exemption from certain sections of the Act, including section 16(a) thereof. All interested persons are referred to the application on file with the Commission for a statement of Applicant's representations, which are summarized below.

The exemption from section 16(a) granted by the order of the Commission dated August 31, 1973 extended to October 31, 1973 the period specified in section 16(a) of the Act within which a meeting of the holders of the outstanding voting securities of Fund (Beneficiaries) must be held to elect directors (trustees) pursuant to the requirements of section 16(a) because the present trustees of Fund were not elected by the Beneficiaries. The instant application requests that the Commission order of August 31, 1973, be amended to extend such period from October 31, 1973, to December 31, 1973.

In support of the request to amend the order of August 31, 1973, the application indicates that the Fund was unable to mail proxy material in time for a special meeting of its Beneficiaries to be held before October 31, 1973, because of the time required to process such material for the meeting, including financial statements. The application states that the processing of such material has now been completed.

Notice is further given that any interested person may, not later than November 26, 1973, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication shall be addressed to: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address set forth above. Proof of such service (by affidavit, or in the case of an attorney-at-law, by certificate) shall be

filed contemporaneously with the request. As provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.73-23891 Filed 11-8-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 381]

ASSIGNMENT OF HEARINGS

NOVEMBER 6, 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 November 9, 1973.

Ex Parte No. 299 Sub 1, Increase in Freight Rates and Charges of the Long Island Railroad Company to offset retirement Tax Increases 1973, now being assigned hearing November 26, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

W-1270, Mascony Transport and Perry Service, Inc., is continued to December 10, 1973 (1 week), and January 8, 1974 (1 week), at Greenport, L.I., N.Y., in a hearing room to be later designated.

MC 113855 Sub 269, International Transport, Inc., continued to December 18, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 116763 Sub 251, Carl Subler Trucking, Inc., now assigned January 15, 1974, at Boston, Mass., is cancelled and transferred to modified procedure.

MC-F-11613, Brown Transport Corp.—Control—Harper Motor Lines, Inc., FD-27338, Harper Motor Lines, Inc., Notes and FD-27501, Brown Transport, Securities, is continued to November 19, 1973, at the Atlanta Marriott Motor Hotel, Courtland and Cain Streets, Atlanta, Ga.

MC 117883 Sub 177, Subler Transfer, Inc., continued to January 14, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

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

[FR Doc.73-23966 Filed 11-8-73;8:46 am]

[Notice No. 382]

ASSIGNMENT OF HEARINGS

Correction

NOVEMBER 6, 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 November 9, 1973.

FF-397, Japan Line, Ltd., now assigned November 5, 1973, at Chicago, Ill., is postponed to November 26, 1973 (1 week), on the 7th floor, Union League Club, 651 West Jackson Boulevard, Chicago, Ill., instead of West Jackson Street.

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

[FR Doc.73-23967 Filed 11-8-73;8:46 am]

[Notice No. 385]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted), filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before November 29, 1973. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–73909. By order of November 2, 1973, the Motor Carrier Board approved the transfer to Small Brothers, Inc., Lowden, Wash., of the operating rights in Certificate No. MC–47016 issued November 27, 1962, to H. H. Taylor Feed Store and Truck Line, Inc., Internal Revenue, successor-in-interest, Touchet, Wash., authorizing the transportation of various commodities between Pasco, Wash. and points in Walla Walla and Benton Counties, Wash. and Umatilla County, Oreg., on the one hand, and, on the other, Portland, Oreg. Glenn W. Toomey, 803 Hoge Building, Seattle, Wash. 98104, Attorney for applicants.

No. MC–FC–74616. By order of November 5, 1973, the Motor Carrier Board approved the transfer to Glyco Construction Co., Inc., Box 339, Falfurrias, Tex. 78355, of the certificate of registration and the certificate in Nos. MC–125615 and MC–125615 (Sub-No. 1), issued October 1, 1965, and October 7, 1965, respectively, to L. E. Gresham and A. E. Ligon, a partnership, doing business as Glyco Lease Service, Box 339, Falfurrias, Tex. 78355, the former authorizing the transportation of pipe, oilfield equipment, trenching machines, and other commodities as set forth in Texas Certificate No. 5084, issued to N. J. McLandrich, doing business as N. J. McLandrich Trucking Contractor, March 27, 1946, and reissued to L. E. Gresham and A. E. Ligon August 5, 1963, following transfer authorized by the Railroad Commission of Texas; and the latter authorizing the transportation of oilfield equipment, materials, and supplies, between specified points in Texas.

No. MC–FC–74633. By order of November 5, 1973, the Motor Carrier Board approved the transfer to Reginald Tucker, doing business as B and G Lines, R.D. 3, Montrose, Pa. 18801, of the operating rights in Certificate No. MC–1795 issued June 10, 1949, to Harold E. Craik, doing business as B and G Lines, 12 Davidson Street, Greene, N.Y. 13778, authorizing the transportation of general commodities, with usual exceptions, between Binghamton, N.Y., and Greene, N.Y., serving the intermediate and off-route points of Nimmonsburg, Chenango Forks, Chenango Bridge, Kattleville, Coventry, McDonough, and Smithville Flats, N.Y.

No. MC–FC–74792. By order of November 5, 1973, the Motor Carrier Board approved the transfer to Willetts' Travel, Inc., Frostburg, Md., of the operating rights in Certificates No. MC–119919 (Sub-No. 1), MC–119919 (Sub-No. 3), MC–119919 (Sub-No. 4), MC–119919 (Sub-No. 5), MC–119919 (Sub-No. 6), and MC–119919 (Sub-No. 7), issued April 5, 1961, July 15, 1966, August 16, 1966, November 10, 1969, January 19, 1973, and August 3, 1973, respectively, to Blaine A. Willetts, doing business as Willetts' Charter Service, Frostburg, Md., authorizing the transportation of passengers and their baggage in round trip charter operations beginning and ending at points in Allegany, Garrett, and Washington Counties, Md. and extending to points in the United States with certain exceptions. S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005, Attorney for applicants.

No. MC–FC–74797. By order of November 5, 1973, the Motor Carrier Board approved the transfer to Rowey Trucking Company, Inc., Woonsocket, R.I., of the operating rights in Permit No. MC–135619, issued August 2, 1972, to Ralph M. Rowey, doing business as Rowey Trucking Company, Woonsocket, R.I., authorizing the transportation of gasoline, fuel and lubricating oils, and kerosene from Tiverton, R.I. to points in Barnstable, Bristol, and Plymouth Counties, Mass. and points in Rhode Island.

Russell B. Curnett, P.O. Box 366, 826 Orleans Rd., Harwich, Mass. 02645, representative for applicants.

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

[FR Doc.73-23965 Filed 11-8-73;8:46 am]

[Notice No. 151]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

NOVEMBER 5, 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 52460 (Sub-No. 128 TA), filed October 24, 1973. Applicant: HUGH BREEDING, INC., 1420 West 35th Street, P.O. Box 9515, Tulsa, Okla. 74107. Applicant's representative: Steve B. McCommas (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and related advertising material and empty malt beverage containers* returned to origin, from Memphis, Tenn., to Manhattan and Marysville, Kans., for 180 days. SUPPORTING SHIPPERS: Myron Rooks, Rooks Sales Company, Inc., 131 Colorado Street, Manhattan, Kans. 66502, and Henry G. Wassenberg, Pepsi Cola Bottling Co., 602-04 Center Street, Marysville, Kans. 66508. SEND PROTESTS TO: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 NW Third, Oklahoma City, Okla. 73102.

No. MC 98896 (Sub-No. 2 TA), filed October 25, 1973. Applicant: WOMICK TRANSFER, INC., P.O. Box 811, Carbondale, Ill. 62901. Applicant's representative: John Womick, P.O. Box 379, Jonesboro, Ill. 62952. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrought iron pipe or tubing*, from Seymour, Ind., to DuQuoin, Ill., for 180 days. SUPPORTING SHIPPER: Ron Cowley, Purchasing Agent, Turco Manufacturing Company, Inc., DuQuoin, Ill. 62832. 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 107496 (Sub-No. 916 TA), filed October 23, 1973. Applicant: RUAN TRANSPORT CORPORATION, Third and Keosauqua Way, P.O. Box 855 (Box zip 50304), Des Moines, Iowa 50309. Applicant's representative: E. Check (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid feed and liquid feed supplements*, in bulk, in tank vehicles, from Oskaloosa, Iowa, to points in Missouri, for 150 days. SUPPORTING SHIPPER: International Multifoods Corporation, 1200 Multifoods Building, Minneapolis, Minn. 55402. SEND PROTESTS TO: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 113908 (Sub-No. 291 TA), filed October 23, 1973. Applicant: ERICKSON TRANSPORT CORPORATION, 2105 East Dale Street, P.O. Box 3180 Glenstone Station, Springfield, Mo. 65804. Applicant's representative: B. B. Whitehead (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Neutral spirits*, in bulk, in tank and hopper type vehicles, from Bakersfield, Delano, Fresno, Lodi, and Madera, Calif., to Canandaigua, N.Y.; Patrick, S.C.; and Petersburg, Va., for 180 days. SUPPORTING SHIPPER: Canandaigua Wine Company, Inc., 116 Buffalo Street, Canandaigua, N.Y. 14424. 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 113908 (Sub-No. 292 TA), filed October 23, 1973. Applicant: ERICKSON TRANSPORT CORPORATION, 2105 East Dale Street, P.O. Box 3180 Glenstone Station, Springfield, Mo. 65804. Applicant's representative: B. B. Whitehead (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic liquors*, in bulk, in tank and hopper type vehicles, from Port of Entry on the International Boundary line between the United States and Canada at or near Sweetgrass, Mont., to Cincinnati, Ohio, for 180 days. SUPPORTING SHIPPER: National Distillers Products Company, 11750 Chesterdale Road, Atkinson Square, Cincinnati, Ohio 45246. 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 114533 (Sub-No. 285 TA), filed October 25, 1973. Applicant: BANKERS DISPATCH CORPORATION, 4970 South Archer Avenue, Chicago, Ill. 60632. Applicant's representative: Sanley Komosa (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Laboratory specimens and reports*, between Omaha, Nebr., on the one hand, and, on the other, Wichita and Shawnee Mission, Kans., for 180 days. SUPPORTING SHIPPER: Stat Labs, P.O. Box 2180, Wichita, Kans. 67201. SEND PROTESTS TO: R. G. Anderson, District Superivisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 118060 (Sub-No. 2 TA), filed October 24, 1973. Applicant: CAPITOL PACKING CO., 1050 Yuma Street, Suite 109, Denver, Colo. 80204. Applicant's representative: Billy James, 530 Denargo Market, Denver, Colo. 80216. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat and packinghouse products*, fresh and frozen, from Gering, Nebr., to Minneapolis-St. Paul Commercial Zone, Minn.; Madison and Milwaukee Commercial Zone, Wis.; Streater and Chicago Commercial Zone, Ill., for 180 days. SUPPORTING SHIPPER: Allied Packing Company, Inc., P.O. Box 127, Gering, Nebr. SEND PROTESTS TO: District Supervisor Herbert C. Ruoff, Bureau of Operations, Interstate Commerce Commission, 2022 Federal Bldg., Denver, Colo. 80202.

No. MC 118142 (Sub-No. 56 TA), filed October 25, 1973. Applicant: M. BRUENGER & CO., INC., 6250 North Broadway, Wichita, Kans. 67219. Applicant's representative: Lester C. Arvin, 814 Century Plaza Bldg., Wichita, Kans. 67202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the Report in *Descriptions in Motor Carriers Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Wichita, Kans., to Denver, Colo., for 180 days.

NOTE.—Applicant intends to tack with MC 118142 (Sub-No. 34). SUPPORTING SHIPPER: Dold Packing Co., Inc., 421 East 21st Street, Wichita, Kans. 67214. SEND PROTESTS TO: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 501 Petroleum Building, Wichita, Kans. 67202.

No. MC 119789 (Sub-No. 185 TA), filed October 25, 1973. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, 1612 East Irving Blvd., Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr. (same address as applicant). Authority sought to operate

as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Recreational equipment and sporting goods*, from Old Forge, Pa., to points in Arizona, Arkansas, California, Colorado, Kansas, Louisiana, New Mexico, Oklahoma, Texas, and Utah, for 180 days. SUPPORTING SHIPPER: J. Roberts Division, Gabriel Industries, Inc., 1 Maxson Drive, Old Forge, Pa. 18518. SEND PROTESTS TO: Gerald T. Holland, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, Room 13C12, Dallas, Tex. 75202.

No. MC 120737 (Sub-No. 25 TA), filed October 26, 1973. Applicant: STAR DELIVERY & TRANSFER, INC., P.O. Box 39, Canton, Ill. 61520. Applicant's representative: Donald Wallington Smith, Suite 2465, One Indiana Square, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Castings*, from the plantsite and warehouse facilities of International Harvester Company at Louisville, Ky., to Muscatine, Iowa, and (2) *Tractor parts*, from Muscatine, Iowa, to the plantsite and warehouse facilities of International Harvester Company at Louisville, Ky., for 180 days. SUPPORTING SHIPPER: James M. Gamble, General Traffic Manager, International Harvester Company, 401 North Michigan Avenue, Chicago, Ill. 60611. SEND PROTESTS TO: District Supervisor Richard K. Shullaw, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 S. Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 134599 (Sub-No. 91 TA), filed October 25, 1973. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, Mail: P.O. Box 748 (Mail zip 84110), Off.: 265 W. 2700 South (Off. zip 84115), Salt Lake City, Utah. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Toys, games, and parts and supplies used in the manufacture thereof*, from the plantsite of Standard Plastics, a Division of Mattel, Inc., at South Plainfield, N.J., to the plantsites and warehouse facilities of Mattel, Inc., in Los Angeles County, Calif., under continuing contract with Mattel, Inc., for 180 days. SUPPORTING SHIPPER: Mattel, Inc., 5150 Rosecrans Avenue, Hawthorne, Calif. 90250. 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 136166 (Sub-No. 6 TA), filed October 25, 1973. Applicant: CF TANK LINES, INC., 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: Robert M. Bowden, P.O. Box 3062, 1621 NW. 21st, Portland, Oreg. 97208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soy sauce*, in bulk, in tank vehicles, from Walworth, Wis., to Oakland and San Francisco, Calif., for 90 days. SUPPORTING SHIPPER: Kikkoman Foods, Inc., P.O. Box H, Walworth, Wis. 53184. SEND PROTESTS TO: District Supervisor Claud W. Reeves, Bureau of Operations, Interstate Commerce Commission, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 136632 (Sub-No. 3 TA) (CORRECTION), filed August 27, 1973, published in the FEDERAL REGISTER issue of September 13, 1973, and republished as corrected this issue. Applicant: COPELAND TRANSPORTATION CO., INC., 4159 North Broadway, Wichita, Kans. 67204. Applicant's representative: Clyde N. Christey, 641 Harrison, Topeka, Kans. 66603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* dealt in by truck equipment dealers, from Cedar Falls and Grundy Center, Iowa; Montgomery, Ala.; Fort Payne, Melrose Park, and Chicago, Ill., Commercial Zone; Meridian, Miss.; Lake Crystal, Minn.; Houston and Cleburne, Tex.; Oklahoma City, Okla.; West Bend, Wis.; and Denver, Colo., to Topeka, Kansas City, Wichita, Colby, Dodge City, Haven, Great Bend, Hays, Beloit, and Parsons, Kans., and Springfield, Colo., and also between Topeka, Kansas City, Wichita, Colby, Dodge City, Haven, Great Bend, Hays, Beloit, and Parsons, Kans., on the one hand, and Springfield, Colo., on the other hand, for 150 days. SUPPORTING SHIPPERS: O. J. Watson Co., Inc., 4159 N. Broadway, Wichita, Kans. 67204; Scherer Truck Equipment, Inc., 540 South 12th St., Kansas City, Kans.; Capitol Body and Equipment Company, Inc., 2325 North Clay, Topeka, Kans. 66618; O. J. Watson Solid Waste Division, Inc., 4163 N. Broadway, Wichita, Kans. 67204; and Solid Waste Equipment Corporation, 1725 Meriam Lane, Kansas City, Kans. SEND PROTESTS TO: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 502 Petroleum Bldg., Wichita, Kans. 67202.

NOTE.—The purpose of this republication is to add Topeka, Kansas City, Wichita, Colby, Dodge City, and Haven, Kans., as destination points.

No. MC 136647 (Sub-No. 13 TA), filed October 24, 1973. Applicant: GREEN MOUNTAIN CARRIERS, INC., Mlg.: P.O. Box 1319, Albany, N.Y. 12201, and Off.: Car Road, Dormansville, N.Y. 12055. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper printing, envelopes, and blanks or forms printed or not printed*, from Groveton and North Stratford, N.H., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Nebraska, Ohio, Oklahoma, Tennessee, Texas, and Wisconsin, for 180 days. SUPPORTING SHIPPER: Groveton Papers Company, Groveton, N.H. 03582. SEND PROTESTS TO: Joseph M. Barnini, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 518 New Federal Building, Albany, N.Y. 12207.

No. MC 138104 (Sub-No. 6 TA), filed October 25, 1973. Applicant: MOORE TRANSPORTATION CO., INC., 3509 N. Grove, Fort Worth, Tex. 76106. Applicant's representative: Bernard H. English, 6270 Firth Road, Fort Worth, Tex. 76116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Radioactive spent nuclear fuel, reactor control elements, related reactor core components, and radioactive waste materials to* include, but not restricted to *contaminated machinery, iron and steel articles, heavy and cumbersome items, animals, dirt and rubble*, destined to be buried, from Carswell Air Force Base, Tex., to points in Barnwell, S.C., for 180 days. SUPPORTING SHIPPER: Mr. Frederick P. Beierle, Assistant to the President, Chem-Nuclear Systems, Inc., P.O. Box 1866, Bellevue, Wash. 98009. SEND PROTESTS TO: H. C. Morrison, Sr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 9A27 Federal Building, 819 Taylor Street, Fort Worth, Tex. 76102.

No. MC 138989 (Sub-No. 1 TA), filed October 25, 1973. Applicant: ROAD & SEA TRANSPORT LIMITED, 225 Thorne Avenue, St. John, New Brunswick, Canada. Applicant's representative: Kenneth B. Williams, 111 State Street, Boston, Mass. 02109. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from a point on the International Boundary line between the United States and Canada at or near Calais, Maine, to Woodland, Maine, under contracts with Tidal Chemical Ltd. and J. D. Irving Limited, both of St. John, New Brunswick, Canada, for 180 days. SUPPORTING SHIPPERS: (1) Tidal Chemical Ltd., 284 Union Street, St. John, New Brunswick, Canada, and (2) J. D. Irving Limited, 284 Union Street, St. John, New Brunswick, Canada. SEND PROTESTS TO: Donald G. Weiler, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Rm. 307, 76 Pearl Street, Portland, Maine 40112.

By the Commission.

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

[FR Doc.73-23964 Filed 11-8-73;8:46 am]

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PART II

ENVIRONMENTAL PROTECTION AGENCY

■

Canned and Preserved Fruits and Vegetables Processing Industry Category

Proposed Effluent Limitation Guidelines for Existing Sources and Standards for New Sources

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 407]

CANNED AND PRESERVED FRUITS AND VEGETABLES PROCESSING INDUSTRY POINT SOURCE CATEGORY

Proposed Effluent Limitations Guidelines

Notice is hereby given that effluent limitations guidelines for existing sources and standards of performance and pretreatment standards for new sources set forth in tentative form below are proposed by the Environmental Protection Agency (EPA) for the apple juice subcategory (Subpart A), the apple products subcategory (Subpart B), the citrus products subcategory (Subpart C), the frozen potato products subcategory (Subpart D), and the dehydrated potato products subcategory (Subpart E), of the canned and preserved fruits and vegetabes processing industry category of point sources pursuant to sections 301, 304 (b) and (c), 306(b), and 307(c) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, 1311, 1314 (b) and (c), 1316 (b), and 1317(c); 86 Stat. 816 et seq.; P.L. 92-500) (the Act).

(a) *Legal authority.*—(1) *Existing point sources.* Section 301(b) of the Act requires the achievement by not later than July 1, 1977, of effluent limitations for point sources, other than publicly owned treatment works, which require the application of the best practicable control technology currently available as defined by the Administrator pursuant to section 304(b) of the Act. Section 301(b) also requires the achievement by not later than July 7, 1983, of effluent limitations for point sources, other than publicly owned treatment works, which require the application of best available technology economically achievable which will result in reasonable further progress toward the national goal of eliminating the discharge of all pollutants, as determined in accordance with regulations issued by the Administrator pursuant to section 304(b) of the Act.

Section 304(b) of the Act requires the Administrator to publish regulations providing guidelines for effluent limitations setting forth the degree of effluent reduction attainable through the application of the best practicable control technology currently available and the degree of effluent reduction attainable through the application of the best control measures and practices achievable including treatment techniques, process and procedure innovations, operating methods, and other alternatives. The regulations proposed herein set forth effluent limitations guidelines, pursuant to section 304 (b) of the Act, for the apple juice subcategory (Subpart A), the apple products subcategory (Subpart B), the citrus products subcategory (Subpart C), the frozen potato products subcategory (Subpart D), and the dehydrated potato products subcategory (Subpart E), of the canned and preserved fruits and vegetables processing industry category.

(2) *New sources.* Section 306 of the Act requires the achievement by new sources of a Federal standard of performance providing for the control of the discharge of pollutants which reflects the greatest degree of effluent reduction which the Administrator determines to be achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants.

Section 306(b)(1)(B) of the Act requires the Administrator to propose regulations establishing Federal standards of performance for categories of new sources included in a list published pursuant to section 306(b)(1)(A) of the Act. The Administrator published in the FEDERAL REGISTER of January 16, 1973 (38 FR 1624), a list of 27 source categories, including the canned and preserved fruits and vegetables processing industry category. The regulations proposed herein set forth the standards of performance applicable to new sources for the apple juice subcategory (Subpart A), the apple products subcategory (Subpart B), the citrus products subcategory (Subpart C), the frozen potato products subcategory (Subpart D), and the dehydrated potato products subcategory (Subpart E), of the canned and preserved fruits and vegetables processing industry category.

Section 307(c) of the Act requires the Administrator to promulgate pretreatment standards for new sources at the same time that standards of performance for new sources are promulgated pursuant to section 306. Sections 407.15, 407.25, 407.35, 407.45, and 407.55, proposed below, provide pretreatment standards for new sources within the apple juice subcategory (Subpart A), the apple products subcategory (Subpart B), the citrus products subcategory (Subpart C), the frozen potato products subcategory (Subpart D), and the dehydrated potato products subcategory (Subpart E), of the canned and preserved fruits and vegetables processing industry category.

Section 304(c) of the Act requires the Administrator to issue to the States and appropriate water pollution control agencies information on the processes, procedures or operating methods which result in the elimination or reduction of the discharge of pollutants to implement standards of performance under Section 306 of the Act. The Development Document referred to below provides, pursuant to section 304(c) of the Act, information on such processes, procedures or operating methods.

(b) Summary and basis of proposed effluent limitations guidelines for existing sources and standards of performance and pretreatment standards for new sources.

(1) *General methodology.* The effluent limitations guidelines and standards of performance proposed herein were developed in the following manner. The point source category was first studied for the purpose of determining whether separate limitations and standards are appropriate for different segments within the category. This analysis included a determination of whether differences in raw material used, product produced, manufacturing process employed, age, size, waste water constituents and other factors require development of separate limitations and standards for different segments of the point source category. The raw waste characteristics for each such segment were then identified. This included an analysis of: (1) The source, flow and volume of water used in the process employed and the sources of waste and waste waters in the operation, and (2) the constituents of all waste waters. The constituents of the waste waters which should be subject to effluent limitations guidelines and standards of performance were identified.

The control and treatment technologies existing within each segment were identified. This included an identification of each distinct control and treatment technology, including both in-plant and end-of-process technologies, which are existent or capable of being designed for each segment. It also included an identification of, in terms of the amount of constituents and the chemical, physical, and biological characteristics of pollutants, the effluent level resulting from the application of each of the technologies. The problems, limitations, and reliability of each treatment and control technology were also identified. In addition, the non-water quality environmental impact, such as the effects of the application of such technologies upon other pollution problems, including air, solid waste, noise, and radiation, were identified. The energy requirements of each control and treatment technology were determined as well as the cost of the application of such technologies.

The information, as outlined above, was then evaluated in order to determine what levels of technology constitute the "best practicable control technology currently available," the "best available technology economically achievable" and the "best available demonstrated control technology, processes, operating methods, or other alternatives." In identifying such technologies, various factors were considered. These included the total cost of application of technology in relation to the effluent reduction benefits to be achieved from such application, the age of equipment and facilities involved, the process employed, the engineering aspects of the application of various types of control techniques, process changes, non-water quality environmental impact (including energy requirements) and other factors.

The data upon which the above analysis was performed included EPA permit applications, EPA sampling and inspections, consultant reports, and industry submissions.

The pretreatment standards proposed herein are intended to be complementary to the pretreatment standards proposed for existing sources of 40 CFR Part 128. The bases for such standards are set forth in the FEDERAL REGISTER of July 19, 1973, 38 FR 19236. The provisions of Part 128 are equally applicable to sources which would constitute "new sources," under section 306 if they were to dis-

charge pollutants directly to navigable waters, except for § 128.133. That section provides a pretreatment standard for "incompatible pollutants" which requires application of the "best practicable control technology currently available," subject to an adjustment for amounts of pollutants removed by the publicly owned treatment works! Since the pretreatment standards proposed herein apply to new sources, §§ 407.15, 407.25, 407.35, 407.45, and 407.55 below amend § 128.133 to require application of the standard of performance for new sources rather than the "best practicable" standard applicable to existing sources under sections 301 and 304(b) of the Act.

(2) Summary of conclusions with respect to the apple juice subcategory (Subpart A), the apple products subcategory (Subpart B), the citrus products subcategory (Subpart C), the frozen potato products subcategory (Subpart D), and the dehydrated potato products subcategory (Subpart E), of the canned and preserved fruits and vegetables processing industry category.

(i) *Categorization.* The canned and preserved fruits and vegetables processing industry category was divided into five discrete subcategories for the purpose of developing effluent limitations. These subcategories coincide with a breakdown of the category according to raw material, organic and volumetric waste load and processing operation as outlined in the Development Document for the canned and preserved fruits and vegetables processing industry category. When a plant is subject to effluent limitations covering more than one subcategory, the plant discharge limitation shall be set by proration limitations for each subcategory based on the total raw material covered by each subcategory.

(1) *Subpart A—Apple Juice Subcategory.* The chemical composition and physical character of apples are different from either citrus fruits or white potatoes. The processing of apple juice involves a unique sequence of unit operations which result in an organic and volumetric waste load unlike that resulting from other apple production processes or from citrus or potato processes. The water usage and organic waste loads resulting from apple juice production are considerably less than waste water loads resulting from the production of other apple products or from citrus or potato processing operations. These waste water characteristics and factors, such as age and size of plant, plant location, and waste treatability, were found to support an exclusive apple juice subcategory.

(2) *Subpart B—Apple Products Subcategory.* The chemical composition and physical character of apples are different from either citrus fruits or white potatoes. The processing of apples into apple products (other than apple juice) involves common unit operations which result in similar waste loads. The water usage and organic waste loads resulting from the production of apple products are higher than waste loads resulting from the production of apple juice and lower than waste loads resulting from white potato processing operations. The biochemical oxygen demand (BOD5) from apple product waste water is higher than the BOD5 from citrus waste water but the total suspended solids and water usage are lower than that from citrus waste waters. These waste water differences and the similarities among apple products along with factors such as age and size of plant, plant location and waste treatability support a separate apple product subcategory. Caustic peeled and dehydrated apple products are specifically excluded.

(3) *Subpart C—Citrus Products Subcategory.* The chemical composition and physical character of citrus fruits are different from either apples or white potatoes. The processing of citrus fruits into products and co-products involve a number of unit operations which result in similar waste loads. The water usage and organic waste loads resulting from the production of citrus products and co-products are higher than waste water loads resulting from apple juice, or apple products (except biochemical oxygen demand for apple products) and considerably lower than waste water loads resulting from either dehydrated or frozen potato processing operations (except water usage for dehydrated potato products). These waste characteristics among citrus products and co-products along with factors such as age and size of plant, plant location, and waste treatability support a single, separate citrus products subcategory. Pectin and pharmaceutical products are specifically excluded.

(4) *Subpart D—Frozen Potato Products Subcategory.* The chemical composition and physical character of white potatoes are different from either apple or citrus fruits. The processing of frozen potato products involves a unique sequence of unit operations which results in an organic and volumetric waste load unlike that resulting from dehydrated potato production processes or from apple or citrus processes. The water usage and organic waste loads resulting from frozen potato processing are considerably higher than waste water loads resulting from the production of dehydrated potato products or from apple or citrus processing operations. These waste water characteristics and factors such as age and size of plant, plant location, and waste treatability were found to support a separate frozen potato products subcategory.

(5) *Subpart E—Dehydrated Potato Products Subcategory.* The chemical composition and physical character of white potatoes are different from either apples or citrus fruits. The processing of dehydrated potato products involves a unique sequence of unit operations which results in an organic and volumetric waste load unlike that resulting from frozen potato production processes or from apple or citrus processes. The water usage and organic waste loads resulting from dehydrated potato processing are considerably less than waste water loads resulting from the production of frozen potato products and significantly higher than waste water loads from apple or citrus processing operations (except waste usage from citrus products). These waste water characteristics along with factors such as age and size of plant, plant location, and waste treatability, were found to support a separate dehydrated potato products subcategory.

(ii) *Waste characteristics.* The significant pollutant parameters in waste waters resulting from the apple, citrus and potato processing subcategories of the canned and preserved fruits and vegetables industry category include biochemical oxygen demand (BOD5), total suspended non-filterable solids (TSS) and pH.

Several other waste water pollutants are formed in apple, citrus or potato processing waste waters but these pollutants are considered to be of lesser importance because available data has indicated these pollutants are normally removed when BOD5 or TSS are removed or they occur in insignificant quantities. Some cooling water is used throughout the fruits and vegetables industry and large amounts of cooling water are used in the processing of citrus products; however, heat is not a discharge problem when the cooling water is combined with the process waste water.

Waste water from process steps such as peeling, trimming, slicing, transporting, blanching, and cooking, and water from periodic clean-up procedures are the principle waste water streams in apple, citrus or potato processing. Raw waste load data have been collected on these waste waters for each subcategory of this industry, and information assembled on the treatment procedures required for the waste waters.

Three constituents of the waste water from plants within the apple, citrus or potato processing industry have been found which could interfere with, pass through, or otherwise be incompatible with a well designed and operated publicly owned activated sludge or trickling filter waste water treatment plant. Waste water constituents include caustic solutions from peeling operations such as lye dip potato peelers, D'limonene from citrus peel processing operations, and oil from frying operations. Control methods are available and should be used to keep harmful quantities of these materials from being discharged to municipal waste water treatment facilities.

(iii) *Origin of waste water pollutants in the canned and preserved fruits and vegetables processing industry category.* Many of the process steps used in the canning, dehydrating or freezing of fruits and vegetables are common to the industry as a whole. Typically, the fruits or vegetables are received, washed and sorted to prepare them for subsequent processing. Commodities such as apples, citrus and potatoes are then usually peeled when the end product style is to be a solid form (slices, cubes or powder). If the final product is to be a juice or liquid, the peel may not be removed. Subsequent process steps following the peel removal in which water may be used are trimming, slicing, blanching, cooling, cook-

ing, and can washing or cooling. Water transport may be used in one or more parts of the process, and clean-up is common to each fruit and vegetable processing operation. Cooling water is used in large quantities in the citrus products subcategory and it is generally segregated from process water. The character of the process waste clean-up waters are similar in that they contain biodegradable organic matter. Thus, the in-plant control measures and end-of-process treatment techniques are similarly effective in controlling and treating apple, citrus or potato processing wastes.

(iv) *Treatment and control technology.* In-plant procedures to control pollution include strict management control over housekeeping and water use practices, minimization of the intake of water by reuse and recirculation of waste waters and dry clean-up procedures before washdown.

"End-of-process" waste water treatment processes include preliminary screening, primary sedimentation, and biological treatment. Land treatment such as spray or flood irrigation is an attractive alternative waste water treatment process for many processors with suitable and sufficient land. Cooling towers are used by numerous citrus processors to recirculate cooling waters.

Solid waste control should be considered. Solid residue and sludge are potential problems because of the need for periodic disposal. Solid waste is being handled by processors in each subcategory as animal feed. In a few cases, however, solid waste cannot be handled as feed. In these cases, it must be handled properly to assure no landfill or associated problems develop.

Waste water treatment and control technologies have been studied for each subcategory of the industry to determine what is: (a) The best practicable control technology currently available; (b) the best available technology economically achievable; and (c) the best demonstrated control technology, processes, operating methods or other alternatives.

Where sufficient quantities of suitable land are available, land treatment such as spray irrigation is recommended as best practicable control technology currently available.

Best practicable control technology currently available for the apple juice and apple products subcategories, the citrus products subcategory, and the frozen and dehydrated potato products subcategories includes preliminary screening and biological treatment.

For the citrus products subcategory only, it also includes cooling towers for the recirculation of cooling water containing small amounts of BOD5. For the frozen and dehydrated potato products subcategories only, it also includes primary sedimentation of process waste water.

The specified level of technology is practicable because it is being practiced by plants in all subcategories using multiple aerated lagoons, activated sludge, anaerobic plus aerobic lagoons, trickling filters, trickling filters plus aerated lagoons or activated sludge plus aerated lagoons.

Four apple plants including one apple juice processing plant are presently achieving this level of effluent reduction for BOD5 and TSS with biological treatment. Activated sludge, anaerobic plus aerobic lagoons, multiple aerobic lagoons, and trickling filters plus aerated lagoons are the exemplary biological treatment systems.

Five citrus product plants are currently achieving this level of effluent reduction for BOD5 and TSS. Two additional citrus processors are meeting the BOD5 limitations only. Multiple aerated lagoons, anaerobic plus aerobic lagoons, aerated lagoons with trickling filters and activated sludge are the exemplary treatment systems. Of these seven plants, five would not require cooling towers or ponds for barometric cooling waters.

One American and two Canadian potato processing plants are able to achieve high levels of effluent reduction for BOD5 and TSS through the utilization of exemplary biological treatment systems. Another American potato processing plant is able to achieve high levels of effluent reduction for BOD5. The exemplary treatment systems are activated sludge, trickling filters, anaerobic plus aerobic lagoons, and multiple aerated lagoons.

Thus, biological treatment has been shown to be both practicable and the currently available technology for achieving the 1977 level of effluent reduction for the apple juice and apple products subcategories, citrus products subcategory, and frozen and dehydrated potato products subcategories. In addition, the guidelines can be achieved by land treatment through spray irrigation or flood irrigation or other ultimate disposal technologies as described in the Development Document. Over fifty percent of the plants processing apple juice and apple products and over fifty percent of the apple processing capacity utilize land treatment to dispose of their wastes; at least ten additional apple plants are presently achieving an effluent reduction greater than required by the application of the best practicable control technology currently available through land treatment. Over fifty percent of the citrus and frozen and dehydrated potato processing plants and over fifty percent of the citrus and potato processing capacity utilize land treatment to dispose of their wastes; at least twenty additional citrus plants and twelve additional potato plants are currently achieving an effluent reduction greater than required by the application of the best practicable control technology currently available.

Best available control technology economically achievable for the five apple, citrus, and potato subcategories include the best practicable control technology currently available along with additional biological treatment components and in a few cases, advanced treatment such as multi-media or sand filtration.

Biological treatment is practiced throughout the apple, citrus and potato industry and sand filtration is practiced in at least one potato plant (England). With present biological treatment systems without advanced treatment methods such as sand filtration, at least one plant in each of the five subcategories is presently achieving the high levels of effluent reduction required by the application of the best available control technology economically achievable.

There is an additional fifty percent of the apple, citrus, and potato industry that is presently using land treatment; over forty apple, citrus or potato plants are presently achieving an effluent reduction greater than required by the application of the best available control technology economically achievable and many have no discharge of pollutants to navigable waters. This technology is used with and without holding ponds in Idaho, the Northwest, California, Pennsylvania, Virginia, New York, and Florida. Most other States also have land treatment of the fruits and vegetables industry category. Application of technology for greatly reduced water use will facilitate land disposal. Experience has shown that good management practices assure that land disposal and irrigation systems can be maintained commensurate with crop need and soil tolerance.

Treatment required to achieve the best available demonstrated control technology, processes, operating methods or other alternatives for new sources is the same as from best available control technology economically achievable.

(v) *Economic impact analysis.* A significant portion of the industry has already instituted some of the waste management alternatives, particularly biological treatment systems and product recovery practices which aid in pollution control.

The investment costs of meeting the 1977 level of effluent reduction by the use of biological treatment systems such as aerated lagoons are estimated to be $0.06 million for the apple juice subcategory, $0.36 million for the apple products subcategory, $1.78 million for the citrus products subcategory, $1.57 million for the frozen potato products subcategory, and $1.70 million for the dehydrated potato products subcategory.

The investment costs of meeting the 1977 level of effluent reduction by the use of biological systems such as activated sludge are estimated to be $0.55 million for apple juice, $2.39 million for apple products, $5.58 million for citrus products, $2.96 million for frozen potato products, and $3.03 million for dehydrated potato products.

The investment costs of meeting the 1977 level of effluent reduction by the use of land treatment systems (including land) such as spray irrigation are estimated to be $0.32 million for apple juice, $1.47 million for apple products, $4.39 million for citrus products, $2.89 for frozen potato products, and $2.52 million for dehydrated potato products.

The incremental investment costs of meeting the 1983 level of effluent reduction by the use of biological treatment systems such as several aerated lagoons and polishing lagoons are estimated to be $0.13 million for the apple juice subcategory, $1.34 million for the apple

products subcategory, $5.81 million for the citrus products subcategory, $2.57 million for the frozen potato products subcategory, and $2.13 million for the dehydrated potato products subcategory.

The incremental investment cost of meeting the 1983 level of effluent reduction by the use of biological plus advanced treatment such as activated sludge, aerated lagoons, and multi-media or sand filtration is $0.37 million for apple juice, $1.63 million for apple products, $4.14 million for citrus products, $1.86 million for frozen potato products, and $1.87 million for dehydrated potato products.

The total estimated investment costs for the five subcategories to achieve the 1977 level of effluent reduction range from $17.1 million to $26.1 million, including $11.6 million for land and land treatment facilities. This investment cost range amounts to a cost of from $3.40 to $5.20 per annual ton of processing capacity and from 1.4 to 2.1 percent of the estimated apple, citrus and potato industry investment of $1.2 billion. The cost of achieving the proposed levels of pollutant discharge control for 1977 would be equivalent to 2.3 to 3.5 percent of the present retail price of the products considered in these subcategories.

The incremental investment costs for five apple, citrus and potato subcategories to achieve the 1983 level of effluent reduction are estimated to range from $9.9 million to $12.0 million. This range in investment cost amounts to a cost of from $1.90 to $2.30 per annual ton of processing capacity and from 0.8 to 1.0 percent of the estimated industry investment. The cost of achieving the proposed levels of pollutant discharge control for 1983 would be equivalent to 1.3 to 1.6 percent of the present retail price of the products considered in these subcategories.

The combined investment costs for the five apple, citrus and potato subcategories to achieve both the 1977 and the 1983 levels of effluent reduction are estimated to range from $29 million to $36 million. This combined cost amounts to a cost of between $5.70 and $7.20 per annual ton of processing capacity and between 2.4 and 3.0 percent of the estimated industry investment. The combined cost of achieving the proposed levels of pollutant discharge control for 1977 and 1983 would be equivalent to 3.8 to 4.9 percent of the present retail price of the products considered in these subcategories.

Non-water quality impacts of the pollution control systems were analyzed and found to be of little consequence. Energy requirements of the industry are relatively low: power required to operate the more refined mechanically aerated biological systems will increase consumption by considerably less than 10.0 percent. Solid wastes from treatment sludges and some odor from treatment systems are encountered, but no substantial impact can be identified. It has been demonstrated that most solid wastes from these subcategories can be converted to animal feed and this is the recommended method of dealing with the solid wastes derived from these subcategories.

It should be noted that a precise study of economic impact is difficult due to numerous other economic forces at work within an industry, and because of the great variability experienced from plant-to-plant in such factors as pollution control costs, profitability, and return on investment. In an economic study such as this, it is difficult to deal with these factors on an individual plant basis.

It is not expected that any significant economic impact would result from imposing the effluent limitation requirements of discharge of process waste water pollutants to navigable waters on all covered segments of this category by 1977 (best practicable control technology for most industry segments). Because of this conclusion, we judge that the proposed guidelines for 1977, 1983 and new sources are economically achievable. The small price increases projected will probably be fully passed on to the consuming public, since there are no substitutable products.

The report entitled "Development Document for Proposed Effluent Limitations Guidelines and New Source Performance Standards for the APPLE, CITRUS, and POTATO Segment of the Canned and Preserved Fruits and Vegetables Point Source Category" details the analysis undertaken in support of the regulations being proposed herein and is available for inspection in the EPA Information Center, Room 227, West Tower, Waterside Mall, Washington, D.C., at all EPA regional offices, and at State water pollution control offices. A supplementary analysis prepared for EPA of the possible economic effects of the proposed regulations is also available for inspection at these locations. Copies of both of these documents are being sent to persons or institutions affected by the proposed regulations, or who have placed themselves on a mailing list for this purpose (see EPA's Advance Notice of Public Review Procedures, 38 FR 21202, August 6, 1973). An additional limited number of copies of both reports are available. Persons wishing to obtain a copy may write the EPA Information Center, Environmental Protection Agency, Washington, D.C. 20460. Attention: Mr. Philip B. Wisman.

(c) *Summary of public participation.* Prior to this publication, the agencies and groups listed below were consulted and given an opportunity to participate in the development of effluent limitations guidelines and standards proposed for the canned and preserved fruits and vegetables processing industry category. All participating agencies have been informed of project developments. An initial draft of the Development Document was sent to all participants and comments were solicited on that report. The following are the principal agencies and groups consulted: (1) Effluent Standards and Water Quality Information Advisory Committee (established under Section 515 of the Act); (2) All State and U.S. Territory Pollution Control Agencies; (3) National Canners Association; (4) American Frozen Food Institute; (5) Potato Processors of Idaho; (6) Florida Citrus Commission; (7) Florida Canners Association; (8) California-Arizona Citrus League; (9) Council for Agricultural Science and Technology; (10) Frozen Potato Products Institute, (11) American Society of Mechanical Engineers; (12) Hudson River Sloop Restoration, Inc.; (13) Conservation Foundation; (14) Businessmen for the Public Interest; (15) Environmental Defense Fund, Inc.; (16) Natural Resources Defense Council; (17) American Society of Civil Engineers; (18) National Wildlife Federation; (19) Water Pollution Control Federation; (20) Ohio River Valley Sanitation Commission; (21) New England Interstate Water Pollution Control Commission; (22) Delaware River Basin Commission; (23) U.S. Dept. of Health, Education, and Welfare; (24) U.S. Dept. of Commerce; (25) U.S. Dept. of Agriculture; (26) Water Resources Council; and (27) U.S. Dept. of the Interior.

The following organizations responded with comments: National Canners Association and American Frozen Food Institute; Potato Processors of Idaho; Lake Michigan Federation; Council for Agricultural Science and Technology; Florida Canners Association; California-Arizona Citrus League; Florida Citrus Commission; Institute of Gas Technology; Ore-Ida Foods; Sunkist Growers; Stearns, Conrad and Schmidt Consulting Engineers; U.S. Dept. of Health, Education, and Welfare; U.S. Dept. of Interior; U.S. Dept of Agriculture; General Counsel of the Dept. of Commerce; State of Pennsylvania; State of North Carolina; State of Wisconsin; State of Colorado; State of Nebraska, State of Florida; Texas Water Quality Board; State of Michigan; State of Georgia; and American Society of Civil Engineers.

The comments were highly variable, ranging from full approval to rejection. It must be clearly understood that the treatment technologies used to develop the effluent limitations are alternative systems that have operated satisfactorily.

The primary issues raised in the development of the proposed effluent limitation guidelines and standards of performance and the treatment of these issues herein are as follows:

(1) Some comments were to the effect that the limitations were too stringent and not substantiated by data used in the study. Furthermore, the criticism was made that the sampling program was inadequate and unable to quantify the variability of waste loads. As explained in the Development Document, the degree of effluent reduction required by the applicable limitations currently is being attained by plants in all subcategories. Additionally, established alternative in-plant control and waste treatment procedures are readily available for application by the industry. As also explained in the Development Document, the sampling program was used to supplement and confirm data supplied by the processors (or other sources). The success of this effort is reflected in the utilization of data from sixty-two different plants to compute industry raw waste loads.

Thus, the variability of waste loads has been considered in this computation as well as in the ratio of maximum daily limitations to maximum thirty day limitations.

(2) A number of commentors took the position that the limitations were not stringent enough and were developed from only a fraction of the industry still discharging to waterways. Limitations required by the implementation of best available control technology economically achievable have not been required as limitations for best practicable control technology currently available because the total cost of application of the technologies under the time limitations is too large in relation to the effluent reduction benefits to be achieved from such application. Land treatment and no discharge to navigable waterways has not been required because both suitable and adequate land at reasonable cost must be available and each processor may not have land meeting these requirements.

(3) The criticism was made that the performances of the biological systems used to develop the limitations were based on optimum performance. Each system's performance is based on as much information as available. In most cases the performance represents average results from the entire processing season. In a few cases more than a single processing season was used and in some cases less than a full processing season was used to evaluate the system's performance. Some plants currently are meeting the effluent limitations based on seasonal averages but may not achieve sufficient effluent reduction to meet each maximum thirty-day limitation. Nevertheless, at least one plant in each subcategory achieves sufficient effluent reduction to meet both maximum daily limitations and maximum thirty day limitations throughout the processing season.

(4) A number of comments from various sources were received regarding the accuracy of industry cost estimates. An assessment of these comments and a detailed economic analysis of the treatment technologies used to achieve the limitations have significantly refined the cost information about the industry. For example, the cost to the industry of land and land treatment facilities has been included. Nevertheless, the economic impact analysis of the effect of the proposed limitations on the industry indicates no substantial adverse impact will result for any major segment of the industry.

(5) During the formulation of these proposed guidelines, commentors raised questions about the adequacy of the proposed sub-categorization in view of: (a) Variations in unit costs for small plants as compared with large plants; and (b) the possible effect of temperature on biological treatment efficiency. Information with appropriate supportive technical and economic background data on this question is specifically requested. Additionally, in developing the proposed guidelines, difficulty was experienced in obtaining sufficient information and data on which to base a full and quantitative evaluation of the economic impact. The information and data available show that there will be an economic impact. However, more information is desired to enable a fuller assessment of the overall impact with respect to plant closings, employment, and on local communities. Information and data is specifically, requested for the following: (i) Plant revenues, (ii) Production costs, (iii) Profits, (iv) Return on investment, (v) Pollution control costs, (vi) The level of capacity utilization for different size plants and the ability of plants to expand to a level where economies of scale can be realized; and (viii) Availability of access to municipal disposal systems or land irrigation disposal systems and the availability and costs of land for land-based disposal techniques. This is particularly important in the case of the potato processing segment for which only fragmentary data is available.

Interested persons may participate in this rulemaking by submitting written comments in triplicate to the EPA Information Center, Environmental Protection Agency, Washington, D.C. 20460. Attention: Mr. Philip B. Wisman. Comments on all aspects of the proposed regulations are solicited. In the event comments are in the nature of criticisms as to the adequacy of data which is available, or which may be relied upon by the Agency, comments should identify and, if possible, provide any additional data which may be available and should indicate why such data is essential to the development of the regulations. In the event comments address the approach taken by the Agency in establishing an effluent limitation guideline or standard of performance, EPA solicits suggestions as to what alternative approach should be taken and why and how this alternative better satisfies the detailed requirements of sections 301, 304(b), 306, and 307 of the Act.

A copy of all public comments will be available for inspection and copying at the EPA Information Center, Room 227, West Tower, Waterside Mall, 401 M Street SW., Washington, D.C. A copy of preliminary draft contractor reports, the Development Document and economic study referred to above, and certain supplementary materials supporting the study of the industry concerned will also be maintained at this location for public review and copying. The EPA information regulation, 40 CFR Part 2, provides that a reasonable fee may be charged for copying.

All comments received on or before December 10, 1973, will be considered. Steps previously taken by the Environmental Protection Agency to facilitate public response within this time period are outlined in the advance notice concerning public review procedures published on August 6, 1973 (38 FR 21202).

Dated: October 29, 1973.

JOHN QUARLES,
Acting Administrator.

PART 407—EFFLUENT LIMITATIONS GUIDELINES FOR EXISTING SOURCES AND STANDARDS OF PERFORMANCE AND PRETREATMENT STANDARDS FOR NEW SOURCES FOR THE CANNED AND PRESERVED FRUITS AND PROCESSING INDUSTRY POINT SOURCE CATEGORY

Subpart A—Apple Juice Subcategory

Sec.

407.10 Applicability; description of apple juice subcategory.
407.11 Specialized definitions.
407.12 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
407.13 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
407.14 Standards of performance for new sources.
407.15 Pretreatment standards for new sources.

Subpart B—Apple Products Subcategory

407.20 Applicability; description of apple products subcategory.
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407.22 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
407.23 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
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Subpart C—Citrus Products Subcategory

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407.32 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
407.33 Effluent limitations guidelines representing the degree of effluent reduction attainable by application of the best available technology economically achievable.
407.34 Standards of performance for new sources.
407.35 Pretreatment standards for new sources.

Subpart D—Frozen Potato Products Subcategory

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407.42 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
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407.44 Standards of performance for new sources.
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Subpart E—Dehydrated Potato Products Subcategory

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407.50 Applicability; description of dehydrated potato products subcategory.
407.51 Specialized definitions.
407.52 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
407.53 Effluent limitations guidelines representing the degree of effluent reduction attainable by application of the best available technology economically achievable.
407.54 Standards of performance for new sources.
407.55 Pretreatment standards for new sources.

AUTHORITY. Secs. 301, 304(b), 304(c), 306 (b), 307(c), as amended; 33 U.S.C. 1251, 1311, 1314(b), 1314(c), 1316(b) and 1317(c).

Subpart A—Apple Juice Subcategory

§ 407.10 Applicability; description of apple juice subcategory.

The provisions of this subpart are applicable to the discharges resulting from the processing of apples into apple juice or apple cider. When a plant is subject to effluent limitations covering more than one subcategory, the plant discharge limitation shall be set by proration limitations for each subcategory based on the total raw material covered by each subcategory.

§ 407.11 Specialized definitions.

For the purpose of this subpart:

(a) the following abbreviations shall have the following meanings: (i) "BOD5" shall mean five day biochemical oxygen demand; (ii) "TSS" shall mean total suspended nonfilterable solids; (iii) "kg" shall mean kilogram(s); (iv) "kkg" shall mean 1,000 kilograms; and (v) "lb" shall mean pound(s).

§ 407.12 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best practicable control technology currently available by a point source subject to the provisions of this subpart:

Effluent characteristic	*Effluent limitation*
BOD5	Maximum for any one day 0.8 kg/kkg raw material (1.6 lb/ton). Maximum average of daily values for any period of thirty consecutive days 0.2 kg/kkg raw material (0.4 lb/ton).
TSS	Maximum for any one day 1.0 kg/kkg raw material (2.0 lb/ton). Maximum average of daily values for any period of thirty consecutive days 0.25 kg/kkg raw material (0.5 lb/ton).
pH	Within the range of 6.0 to 9.0.

§ 407.13 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best available technology achievable by a point source subject to the provisions of this subpart:

Effluent characteristic	*Effluent limitation*
BOD5	Maximum for any one day 0.28 kg/kkg raw material (0.56 lb/ton). Maximum average of daily values for any period of thirty consecutive days 0.07 kg/kkg raw material (0.14 lb/ton).
TSS	Maximum for any one day 0.4 kg/kkg raw material 0.8 lb/ton). Maximum average of daily values for any period of thirty consecutive days 0.1 kg/kkg raw material (0.2 lb/ton).
pH	Within the range of 6.0 to 9.0.

§ 407.14 Standards of performance for new sources.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged reflecting the greatest degree of effluent reduction achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants by a new point source subject to the provisions of this subpart:

Effluent characteristic	*Effluent limitation*
BOD5	Maximum for any one day 0.28 kg/kkg raw material (0.56 lb/ton). Maximum average of daily values for any period of thirty consecutive days 0.07 kg/kkg raw material (0.14 lb/ton).
TSS	Maximum for any one day 0.4 kg/kkg raw material (0.8 lb/ton). Maximum average of daily values for any period of thirty consecutive days 0.1 kg/kkg raw material (0.2 lb/ton).
pH	Within the range of 6.0 to 9.0.

§ 407.15 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act, for a source within the apple juice subcategory, which is an industrial user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to navigable waters), shall be the standard set forth in 40 CFR 128.133, except that for the purposes of this section, 40 CFR 128.133 shall be amended to read as follows:

In addition to the prohibitions set forth in § 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works by a major contributing industry shall be the standard of performance for new sources specified in 40 CFR 407.14: *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall be correspondingly reduced for that pollutant.

Subpart B—Apple Products Subcategory

§ 407.20 Applicability; description of apple products subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing of apples into apple products. The processing of apples into caustic peeled or dehydrated products is specifically excluded. When a plant is subject to effluent limitations covering more than one subcategory, the plant discharge limitation shall be set by proration limitations for each subcategory based on the total raw material covered by each subcategory.

§ 407.21 Specialized definitions.

For the purposes of this subpart:

(a) The following abbreviations shall have the following meanings: (i) "BOD5" shall mean five day biochemical oxygen demand; (ii) "TSS" shall mean total suspended nonfilterable solids; (iii) "kg" shall mean kilogram(s); (iv) "kkg" shall mean 1,000 kilograms; and (v) "lb" shall mean pound(s).

§ 407.22 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of best practicable control technology currently available by a point source subject to the provisions of this subpart:

Effluent characteristic	*Effluent limitation*
BOD5	Maximum for any one day 1.4 kg/kkg raw material (2.8 lb/ton). Maximum average of daily values for any period of thirty consecutive days 0.35 kg/kkg raw material (0.70 lb/ton).
TSS	Maximum for any one day 1.8 kg/kkg raw material (3.6 lb/ton). Maximum average of daily values for any period of thirty consecutive days 0.45 kg/kkg raw material (0.90 lb/ton).
pH	Within the range of 6.0 to 9.0.

§ 407.23 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be

discharged after application of the best available technology economically achievable by a point source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitation
BOD5	Maximum for any one day 0.28 kg/kkg raw material (0.56 lb/ton). Maximum average of daily values for any period of thirty consecutive days 0.07 kg/kkg raw material (0.14 lb/ton).
TSS	Maximum for any one day 0.4 kg/kkg raw material (0.8 lb/ton). Maximum average of daily values for any period of thirty consecutive days 0.1 kg/kkg raw material (0.2 lb/ton).
pH	Within the range of 6.0 to 9.0.

§ 407.24 Standards of performance for new sources.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged reflecting the greatest degree of effluent reduction achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants by a new point source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitation
BOD5	Maximum for any one day 0.28 kg/kkg raw material (0.56 lb/ton). Maximum average of daily values for any period of thirty consecutive days 0.07 kg/kkg raw material (0.14 lb/ton).
TSS	Maximum for any one day 0.4 kg/kkg raw material (0.8 lb/ton). Maximum average of daily values for any period of thirty consecutive days 0.1 kg/kkg raw material (0.2 lb/ton).
pH	Within the range of 6.0 to 9.0

§ 407.25 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act, for a source within the apple products subcategory which is an industrial user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to navigable waters), shall be the standard set forth in 40 CFR Part 128, except that for the purposes of this section, 40 CFR 128.131 shall be amended to read as follows:

In addition to the prohibitions set forth in § 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works by a major contributing industry shall be the standard of performance for new sources specified in 40 CFR 407.24: Provided, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall be correspondingly reduced for that pollutant.

Subpart C—Citrus Products Subcategory

§ 407.30 Applicability; description of citrus products subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing of citrus into citrus products. When a plant is subject to effluent limitations covering more than one subcategory, the plant discharge limitation shall be set by proration limitations for each subcategory based on raw material covered by each subcategory.

§ 407.31 Specialized definitions.

For the purposes of this subpart:

(a) The following abbreviations shall have the following meanings: (i) "BOD5" shall mean five day biochemical oxygen demand; (ii) "TSS" shall mean total suspended nonfilterable solids; (iii) "kg" shall mean kilogram(s); (iv) "kkg" shall mean 1,000 kilograms; and (v) "lb" shall mean pound(s).

§ 407.32 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best practicable control technology currently available by a point source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitation
BOD5	Maximum for any one day 1.0 kg/kkg raw material (2.0 lb/ton). Maximum average of daily values for any period of thirty consecutive days 0.25 kg/kkg raw material (0.5 lb/ton).
TSS	Maximum for any one day 2.2 kg/kkg raw material (4.4 lb/ton). Maximum average of daily values for any period of thirty consecutive days 0.55 kg/kkg raw material (1.1 lb/ton).
pH	Within the range of 6.0 to 9.0.

§ 407.33 Effluent limitations guidelines representing the degree of effluent reduction attainable by application of the best available technology economically achievable.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best available technology economically achievable by a point source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitation
BOD5	Maximum for any one day 0.2 kg/kkg raw material (0.4 lb/ton). Maximum average of daily values for any period of thirty consecutive days 0.05 kg/kkg raw material (0.1 lb/ton).
TSS	Maximum for any one day 0.32 kg/kkg raw material (0.64 lb/ton). Maximum average of daily values for any period of thirty consecutive days 0.08 kg/kkg raw material (0.16 lb/ton).
pH	Within the range of 6.0 to 9.0.

§ 407.34 Standards of performance for new sources.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged reflecting the greatest degree of effluent reduction achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants by a new point source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitation
BOD5	Maximum for any one day. 0.2 kg/kkg raw material (0.4 lb/ton). Maximum average of daily values for any period of thirty consecutive days 0.05 kg/kkg raw material (0.1 lb/ton).
TSS	Maximum for any one day 0.32 kg/kkg raw material (0.64 lb/ton). Maximum average of daily values for any period of thirty consecutive days 0.08 kg/kkg raw material (0.16 lb/ton).
pH	Within the range of 6.0 to 9.0.

§ 407.35 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act, for a source within the citrus products subcategory which is an industrial user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to navigable waters), shall be the standard set forth in 40 CFR Part 128, except that for the purpose of this section, 40 CFR 128.133 shall be amended to read as follows:

In addition to the prohibitions set forth in § 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works by a major contributing industry shall be the standard of performance for new sources specified in 40 CFR 407.34: Provided, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of

any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall be correspondingly reduced for that pollutant.

Subpart D—Frozen Potato Products Subcategory

§ 407.40 Applicability; description of frozen potato products subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing of white potatoes into frozen potato products. When a plant is subject to effluent limitations covering more than one subcategory, the plant discharge limitation shall be set by proration limitations for each subcategory based on the total raw material covered by each subcategory.

§ 407.41 Specialized definitions.

For the purpose of this subpart

(a) The following abbreviations shall have the following meanings: (i) "BOD5" shall mean five day biochemical oxygen demand (ii) "TSS" shall mean total suspended nonfilterable solids; (iii) "kg" shall mean kilogram(s); (iv) "kkg" shall mean 1,000 kilograms; and (v) "lb" shall mean pound(s).

§ 407.42 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best practicable control technology currently available by a point source subject to the provisions of this subpart:

Effluent characteristic	*Effluent limitation*
BOD5	Maximum for any one day 4.75 kg/kkg raw material (9.5 lb/ton). Maximum average of daily values for any period of thirty consecutive days 0.95 kg/kkg raw material (1.9 lb/ton).
TSS	Maximum for any one day 8.75 kg/kkg raw material (17.5 lb/ton). Maximum average of daily values for any period of thirty consecutive days 1.75 kg/kkg raw material (3.5 lb/ton).
pH	Within the range of 6.0 to 9.0.

§ 407.43 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best available technology economically achievable by a point source subject to the provisions of this subpart:

Effluent characteristic	*Effluent limitation*
BOD5	Maximum for any one day 0.8 kg/kkg raw material (1.6 lb/ton). Maximum average of daily values for any period of thirty consecutive days 0.16 kg/kkg raw material (0.32 lb/ton).
TSS	Maximum for any one day 1.35 kg/kkg raw material (2.7 lb/ton). Maximum average of daily values for any period of thirty consecutive days 0.27 kg/kkg raw material (0.54 lb/ton).
pH	Within the range of 6.0 to 9.0.

§ 407.44 Standards of performance for new sources.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged reflecting the greatest degree of effluent reduction achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants by a new point source subject to the provisions of this subpart.

Effluent characteristic	*Effluent limitation*
BOD5	Maximum for any one day 0.8 kg/kkg raw material (1.6 lb/ton). Maximum average of daily values for any period of thirty consecutive days 0.16 kg/kkg raw material (0.32 lb/ton).
TSS	Maximum for any one day 1.35 kg/kkg raw material (2.7 lb/ton). Maximum average of daily values for any period of thirty consecutive days 0.27 kg/kkg raw material (0.54 lb/ton).
pH	Within the range of 6.0 to 9.0.

§ 407.45 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act, for a source within the frozen potato products subcategory, which is an industrial user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to navigable waters), shall be the standard set forth in 40 CFR 128, except that for the purpose of this section, 40 CFR 128.133 shall be amended to read as follows:

In addition to the prohibitions set forth in § 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works by a major contributing industry shall be the standard of performance for new sources specified in 40 CFR 407.44: *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall be correspondingly reduced for that pollutant.

Subpart E—Dehydrated Potato Products Subcategory

§ 407.50 Applicability; description of dehydrated potato products subcategory.

The provisions of this subpart are applicable to the discharges resulting from the processing of white potatoes into dehydrated potato products. When a plant is subject to effluent limitations covering more than one subcategory, the plant discharge limitation shall be set by proration limitations for each subcategory based on the total raw material covered by each subcategory.

§ 407.51 Specialized definitions.

For the purpose of this subpart:

(a) The following abbreviations shall have the following meanings: (i) "BOD5" shall mean five day biochemical oxygen demand; (iii) "TSS" shall mean total suspended nonfilterable solids; (iii) "kg" shall mean kilogram(s); (iv) "kkg" shall mean 1,000 kilograms; and (v) "lb" shall mean pound(s).

§ 407.52 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best practicable control technology currently available by a point source subject to the provisions of this subpart:

Effluent characteristic	*Effluent limitation*
BOD5	Maximum for any one day 4.0 kg/kkg raw material (8.0 lb/ton). Maximum average of daily values for any period of thirty consecutive days 0.8 kg/kkg raw material (1.6 lb/ton).
TSS	Maximum for any one day 8.0 kg/kkg raw material (16.0 lb/ton). Maximum average of daily values for any period of thirty consecutive days 1.6 kg/kkg raw material (3.2 lb/ton).
pH	Within the range of 6.0 to 9.0.

§ 407.53 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best available technology economically achievable by a point source subject to the provisions of this subpart:

Effluent characteristic	*Effluent limitation*
BOD5	Maximum for any one day 0.8 kg/kkg raw material (1.6 lb/ton). Maximum average of daily values for any period of thirty consecutive days 0.16 kg/kkg raw material (0.32 lb/ton).
TSS	Maximum for any one day 1.35 kg/kkg raw material (2.7 lb/ton). Maximum average of daily values for any period of thirty consecutive days 0.27 kg/kkg raw material (0.54 lb/ton).
pH	Within the range of 6.0 to 9.0.

§ 407.54 Standards of performance for new sources.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged reflecting the greatest degree of effluent reduction achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants by a new point source subject to the provisions of this subpart:

Effluent characteristic	*Effluent limitation*
BOD5	Maximum for any one day 0.8 kg/kkg raw material (1.6 lb/ton). Maximum average of daily values for any period of thirty consecutive days 0.16 kg/kkg raw material (0.32 lb/ton).
TSS	Maximum for any one day 1.35 kg/kkg raw material (2.7 lb/ton). Maximum average of daily values for any period of thirty consecutive days 027 kg/kkg raw material (0.54 lb/ton).
pH	Within the range of 6.0 to 9.0.

§ 407.55 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act, for a source within the dehydrated potato products subcategory which is an industrial user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to navigable waters), shall be the standard set forth in 40 CFR Part 128, except that for the purpose of this section, 40 CFR 128.133 shall be amended to read as follows:

In addition to the prohibitions set forth in § 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works by a major contributing industry shall be the standard of performance for new sources specified in § 407.54, 40 CFR, Part 40: *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall be correspondingly reduced for that pollutant.

[FR Doc.73-23333 Filed 11-8-73;8:45 am]

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PART III

DEPARTMENT OF LABOR

Employment Standards Administration

Office of the Secretary

■

Minimum Wages for Federal and Federally Assisted Construction

General Wage Determination Decisions, Modifications and Supersedeas Decisions; Proposed Variation of Certain Wage Rates

DEPARTMENT OF LABOR

Office of the Secretary

[29 CFR Parts 1 and 5]

DETERMINATION OF MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

Use of Certain Negotiated Housing Rates in Westmoreland County, Pennsylvania

A request has been received from Crossgates, Inc., and the Allegheny-Kiski Valley Building and Construction Trades Council that the Department of Labor provide for the payment of lower than prevailing commercial rates on low rise residential construction in Westmoreland County, Pennsylvania.

The Allegheny-Kiski Valley Building and Construction Trades Council has negotiated with Crossgates, Inc., of McMurray, Pennsylvania, an agreement for the payment on housing construction in Westmoreland County (other than high rise housing) of wage rates 10 percent below the negotiated rates for commercial construction in such county. The parties to the agreement have requested, and the Department of Housing and Urban Development has recommended, that provision be made pursuant to applicable regulations of the Department of Labor (29 CFR Parts 1 and 5) for the acceptance of the payment of wages at such specially negotiated rates on low rise residential construction in Westmoreland County as satisfying the requirements of Department of Labor wage determinations applicable to contracts for such work pursuant to the Davis-Bacon Act and related statutes.

For many classifications the Department of Labor, under the Davis-Bacon Act and related statutes, is currently recognizing as prevailing for housing construction in Westmoreland County the negotiated commercial rates bargained by the Allegheny-Kiski Valley Building and Construction Trades Council. As the lower negotiated rates have not as yet been paid, the request has been made that the Department of Labor take appropriate action to permit the payment of rates 10 percent below the negotiated commercial rates on Federal and federally assisted housing construction (other than high rise housing) in Westmoreland County.

It appears that such action may be necessary and proper in the public interest. Several pertinent factors may support such a finding. The rates involved were arrived at as a result of collective bargaining between the parties. Recognition of these negotiated rates appears consonant with the national policy of promoting collective bargaining and with the Administration's stabilization program designed to combat inflation. Such action would also stimulate the construction of needed low cost housing in the area and promote employment opportunities.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to the Acting Administrator for the Wage and Hour Division, U.S. Department of Labor, Washington, D.C. 20210, on or before November 26, 1973.

In view of the above facts, and in consideration of the public interest involved, it is proposed, pursuant to the authority set forth in Reorganization Plan No. 14 of 1950 (15 FR 3176, 64 Stat. 1267, 5 U.S.C. Appendix), in 29 CFR 5.13, and in Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756), to amend § 1.2(a) of Title 29 of the Code of Federal Regulations.

Section 1.2a is proposed to be added to Part 1 reading as follows:

§ 1.2a Variations from § 1.2(a).

A variation is hereby granted from the provisions of 29 CFR 1.2(a) to permit the payment in Westmoreland County, Pennsylvania, of minimum wage rates 10 percent less than negotiated commercial rates on housing projects (other than high rise housing projects) subject to the Davis-Bacon Act and related statutes. This variation shall not be applicable to contracts already entered into, or in the case of National Housing Act projects on which construction has already started. Wage determinations for low rise residential construction in Westmoreland County shall be issued for 12 months on the basis of this variance. Thereafter the rules concerning predetermination of rates in 29 CFR 1.2(a) shall apply.

Signed at Washington, D.C., this 6th day of November 1973.

WARREN D. LANDIS,
Acting Administrator,
Wage and Hour Division.

[FR Doc.73-23962 Filed 11-8-73;8:46 am]

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions, Modifications and Supersedeas Decisions

GENERAL WAGE DETERMINATION DECISIONS

General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and Federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the Federal Register without limitation as to time and are to be used in accordance with the provisions of 29 CFR, Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

MODIFICATIONS AND SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

Modifications and Supersedeas Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and Federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR, Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-expanatory 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.

NEW GENERAL WAGE DETERMINATION DECISIONS

New General Wage Determination Decision No. AQ–3035 for the State of Connecticut; AQ–4031 for the State of Florida; and AQ–4032 for the State of North Carolina respectively.

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):

Arkansas:	
AQ–7	July 20, 1973
California:	
AQ–1007; AQ–1008	Aug. 3, 1973
AQ–1015	Aug. 21, 1973
AQ–1016	Aug. 31, 1973
Colorado:	
AP–904	May 11, 1973
AQ–1012	Aug. 17, 1973
Iowa:	
AQ–11; AQ–14; AQ–15; AQ–16.	Aug. 3, 1973
Massachusetts:	
AQ–3003; AQ–3004; AQ–3005; AQ–3006.	Aug. 31, 1973
AQ–3008; AQ–3010	Sept. 7, 1973
AQ–3012; AQ–3013	Sept. 21, 1973
AQ–3026; AQ–3027	Oct. 19, 1973
Nebraska:	
AQ–25; AQ–26	Sept. 7, 1973
Ohio:	
AP–669; AP–670; AP–673; AP–677; AP–678; AP–679; AP–681; AP–686; AP–687.	May 25, 1973
AQ–3022	Oct. 5, 1973
Pennsylvania:	
AP–835	May 25, 1973
Texas:	
AP–346	Sept. 29, 1972
AQ–10	Aug. 3, 1973
AQ–34	Oct. 5, 1973
AQ–37	Oct. 19, 1973
AQ–38; AQ–40; AQ–41	Oct. 26, 1973
Florida:	
AQ–4030	Oct. 26, 1972

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):

Colorado:	
AP–911 (AQ–1055)	June 22, 1973
AQ–1014 (AQ–1056)	Aug. 17, 1973
Idaho:	
AP–1049 (AQ–1054)	Oct. 19, 1973
New Hampshire:	
AQ–3001 (AQ–3033)	Aug. 31, 1973
AQ–3011 (AQ–3034)	Oct. 12, 1973
New York:	
AM–1724 (AQ–2028)	Aug. 11, 1971
Ohio:	
AP–676 (AQ–3036); AP–680 (AQ–3037).	May 25, 1973
Oregon:	
AQ–1023 (AQ–1053)	Aug. 7, 1973
South Carolina:	
AP–114 (AQ–4029)	Aug. 4, 1972
South Dakota:	
AQ–1051 (AQ–1057)	Oct. 26, 1973
Texas:	
AP–727 (AQ–43)	Apr. 27, 1973

Signed at Washington, D.C., this 2nd day of November 1973.

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

NEW DECISION

AQ-3035 P. 2

STATE: Connecticut
DECISION NO.: AQ-3035
COUNTY: Fairfield
DATE: Date of Publication
DESCRIPTION OF WORK: Residential Construction (consisting of single family homes and garden type apartments up to and including 4 stories)

1-R-CONN-1-A 1 of 3

RESIDENTIAL CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asbestos workers	$8.965	.42	.28			
Bricklayers, cement masons-finishers, marble setters, plasterers, terrazzo workers, tile setters (Building Only):						
Darien-Stamford	8.70	4%	.25			
Norwalk-New Canaan-Westport Weston-Wilton & Ridgefield	8.65	.50	.50			
Bridgeport-Easton-Fairfield-Monroe-Stratford-Trumbull-Southport	8.90	.35+.15	.50			
Greenwich	8.70	.40	.45			
Remainder of County	8.35	.35+.15	.25			
Marble setters' helpers:						
Greenwich-Stamford-Darien-Norwalk-Westport	6.93	.63	.66+.75			
Remainder of County	7.65	.35	.15+.25			
Terrazzo workers helpers:						
Greenwich-Stamford-Darien-Norwalk Westport	7.43	.475+.45	.475			
Remainder of County	7.65	.35	.15+.25			
Tile setters' helpers:						
Greenwich-Stamford-Darien-Norwalk-Westport	6.06	.40	.27+1.00			
Remainder of County	7.65	.35	.15+.25			
Carpenters, soft floor layers (Building Only):						
Darien-Stamford-New Canaan-Wilton-Ridgefield Norwalk	8.90	.50	.30		.05	
Bridgeport, Easton, Fairfield, Monroe, Stratford, Trumbull, Westport, Weston	8.85	.50	.30	b	.02	
Greenwich	8.38	.45	.35	.50	.02	
Shelton	8.25	.30	.30			
Remainder of County	8.55	.30	.30	c		
Electricians:						
Darien-Greenwich-New Canaan-Stamford	9.33	.35	1%+.82	.93	½ of 1%	
Norwalk -Westport-Wilton-Weston	8.20	.33	1%+.20	6%	3/4of1%	
Remainder of County	9.20	.43	1%+.20		½ of 1%	
Glaziers	5.30	.125	.125			
Ironworkers:						
Structural, ornamental, reinforcing	9.30	.35	.44		.04	
Lathers:						
Bethel-Brookfield-Danbury-New Fairfield-Newton -Sherman	8.75	.25	.15		.01	
Norwalk	4.50					
Greenwich-Stamford-New Canaan	8.21	.25	.20	.75	.01	
Remainder of County	8.95	.25	.40		.01	

1-R-CONN-1-A 2 of 3

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Painters:						
Greenwich:						
Brush	$7.15	3%	9%	4%		
Structural Steel	7.15	3%	9%	4%		
Bethel-Brookfield-Danbury-Ridgefield-Redding-Sandy Hook-New Fairfield-Newton-Sherman:						
Brush	6.20	.25				
Structural steel	7.20	.25				
Norwalk-Westport-Weston-Wilton:						
Brush	4.30	.10				
Roller	4.80	.10				
Steel	4.75	.10				
New Canaan:						
Brush	4.35	.15				
Roller	4.85	.15				
Shelton-Monroe:						
Brush	4.75	.12		a		
Structural steel	5.75	.12		a		
Spray	5.75	.12		a		
Byram:						
Brush	6.85	.29	.76-6/7			
Structural steel	7.82-6/7	.29	.76-6/7			
Darien-Stamford:						
Brush	6.00	.25	.20			
Structural steel	6.00	.25	.20			
Spray	6.00	.25	.20			
Remainder of County						
Brush	7.00	.35	.55	a		
Structural steel	8.00	.35	.55	a		
Millwrights:						
Norwalk	8.65	.50	.30			
Piledrivermen (Building Only):						
Greenwich	7.55	.35	.20	.50		
Darien-Stamford-New Canaan	8.25	.40	.20		.05	
Bridgeport-Easton-Fairfield-Monroe Stratford-Trumbull	8.45	.50	.30	b		
Norwalk	8.40	.50	.30			
Shelton	8.25	.50	.30	c		
Westport-Weston	8.15	.20	.20	b		
Wilton-Ridgefield	8.25	.40	.20		.05	
Remainder of County	8.15	.20	.20			
Plumbers, Steamfitters:						
Greenwich	9.25	.30	.50		.01	
Bethel-Brookfield -Danbury-New Fairfield-Newton-Redding-Ridgefield-Sherman	8.10	.30	.30			
New Canaan	8.20	.40	.30			
Stamford-Darien	9.20	.55	.50	.37		

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Plumbers and Steamfitters (cont'd)						
Bridgeport-Easton-Fairfield-Monroe-Shelton-Stratford-Trumbull	$9.01	.45	.50	.36	.01	
Remainder of County	8.50	.55	.30	.30		
Roofers:						
Composition, kettlemen	8.75	.60	.30			
Slate	9.00	.60	.30			
Helper[a] (slater)	8.00	.60	.30			
Sheet metal workers	8.87	.40	.26		.02	
Sprinkler fitters	9.08	.40	.60		.05	
Waterproofers	8.75	.60	.30			
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS: (Where Applicable)
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E- Thanksgiving Day; F- Christmas Day.

FOOTNOTES:

a. Two (2) paid holidays: C and D provided the employee works the day before and the day after the holiday.

b. Holidays: B, C, D, plus Good Friday provided the employee has been employed 14 consecutive days immediately prior to the holiday.

c. Paid Holidays: C through E.

LABORERS: BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Laborers: (Building):						
Laborers, carpenters tenders, wrecking laborers	$6.70	.45	.40		.05	
Jackhammer op., masons tenders, mortar mixer, pipe layers, plasterer tenders & power buggy	6.95	.45	.40		.05	
Air track operators, wagon drill ops. and sandblasters	7.20	.45	.40		.05	
Open Air Caisson, Cylindrical Work and Boring Crew:						
Bottom man	7.20	.45	.40		.05	
Top man	6.70	.45	.40		.05	

SW-CONS-1-R

POWER EQUIPMENT OPERATORS RESIDENTIAL CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Hoisting Structural Steel, Setting Stone, Derrick, Pile Driver, Hoisting Engineer 2 drums and over	$8.97	.30	.50+a	b		
Tower Crane, Dragline, Gradall, Koehring Scooper Loader and/or Hoe, Hoisting Engineer (all types of equipment where a drum and cable are used to hoist, pull, or drag material regardless of motive power or operation), Front End Loader - 7 cy. or over, Master Mechanic, Shovel, Fork Lift - over 4 ft. lift	8.86	.30	.50+a	b		
Maintenance Engineer	8.76	.30	.50+a	b		
Vibratory Hammer, Front End Loader - 3 cy. up to 7 cy., Coleman Loader and Screening Plant or similar equipment, Welder, Boy Drill - limited to Joy Heavy Weight Champion or equivilent, Mucking Machine, Pumpcrete Machine, Rock Boring Machine, Post Hole Digger, Well Digger, Conveyors - regardless of motive power, High Pressure Portable Boiler, Central Mix Op., Combination Hoe and Loader over 1/4 yd.	8.60	.30	.50+a	b		
Compressor Battery Operator	8.49	.30	.50+a	b		
Asphalt Spreader	8.44	.30	.50+a	b		
Bulldozer, Grader Operator, Scraper Pan Operator, Carry-All Operators	8.39	.30	.50+a	b		
Combination Hoe and Loader Machine, Concrete Mixer Op. - 5 bags or over, Front End Loader under 3 cy., Powerstone Spreader Op.	8.33	.30	.50+a	b		
Air and Steam Valve Operator	8.31	.30	.50+a	b		
Generator Op., Compressor Op., Pump and Well Point Op.	8.21	.30	.50+a	b		
Steam Jenny Op., Fork Lift Op. not over 4 ft.	8.23	.30	.50+a	b		
Mechanical Heater Operator	8.12	.30	.50+a	b		
Roller Operator	8.18	.30	.50+a	b		

SW-CONS-1-R

POWER EQUIPMENT OPERATORS RESIDENTIAL CONSTRUCTION (Cont'd):	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Dinky Machine Operator, Power Pavement Breaker Operator	$8.02	.30	.50+a	b		
Fireman (High Pressure)	7.91	.30	.50+a	b		
Oiler	7.54	.30	.50+a	b		
Crane with boom, excluding Jib, over 150 feet - .25 extra						
Crane with boom, excluding Jib, over 200 feet - .50 extra						

PAID HOLIDAYS (Where applicable):
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:
a. Employer contributes $.15 per hour to Supplemental Unemployment Fund.

b. Seven (7) paid holidays: A through F and Good Friday.

1-TD-SW-CONN-1-

RESIDENTIAL CONSTRUCTION	s/c Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Truck Drivers:						
Two axle trucks	$6.21	a	b	c		
Three axle trucks	6.31	a	b	c		
Four axle trucks	6.41	a	b	c		
Two axle ready-mix	6.31	a	b	c		
Three axle ready-mix	6.36	a	b	c		
Four axle ready-mix	6.46	a	b	c		
Heavy duty trailer-up to 40 tons	6.36	a	b	c		
Heavy duty trailer - 40 tons and over	6.51	a	b	c		
Helpers	6.21	a	b	c		
Specialized earth moving equipment other than conventional type on-the-road trucks and Semi-trailers, including Euclids	6.46	a	b	c		
Paid Holidays (Where applicable);						
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.						
Footnotes;						
a. $14.00 per week for employees employed over 16 hours and $.35 per hour for employees employed less than 16 hours during the week.						
b. $20.00 per week for employees employed over 24 hours and $.50 per hour for employees employed less than 24 hours during the week.						
c. Seven (7) holidays: A through F, and Good Friday provided the employee has 31 calendar days service and is available for work the day preceding and following the holiday.						

NEW DECISION

STATE: Florida
DECISION NUMBER: AQ-4031
DESCRIPTION OF WORK: Highway Construction.

COUNTY: See below*
DATE: Date of Publication

3-FLA-2/3-A

*Counties: Alachua, Bradford, Columbia, Dixie, Gilchrist, Hamilton, Lafayette, Madison, Suwannee, Taylor, and Union	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Carpenters	$3.22				
Cement finishers	3.00				
Form Setters	2.50				
Laborers:					
Laborers, unskilled	2.04				
Asphalt rakers	2.80				
Mortar mixers	2.25				
Truck drivers	2.04				
Welders - Rate for craft					
Power Equipment Operators:					
Asphalt distributor / spreader	2.70				
Asphalt paving machine	3.19				
Asphalt plant	2.95				
Bulldozer	2.56				
Cranes, derricks, draglines	3.00				
Earth mover operator	2.14				
Front end loaders	2.37				
Mechanics	2.76				
Motor grader	2.75				
Motor patrol	2.75				
Oilers - Greasers	2.39				
Rollers, base	2.35				
Rollers, finish	3.01				
Scrapers	2.80				
Tractors	2.24				

NEW DECISION

STATE: North Carolina COUNTY: Wake
DECISION NUMBER: AQ-4032 DATE: Date of Publication
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Air conditioning mechanic	$3.95					
Bricklayers	5.25					
Carpenters	3.76					
Cement Masons	4.06					
Electricians	4.15					
Elevator Constructors	5.91	.345	.23	2%+a&b	.015	
Elevator Constructors' Helpers	4.14	.345	.23	2%+a&b	.015	
Elevator Constructors' Helpers (prob.)	2.955					
Glaziers	3.65					
Ironworkers:						
Structural & ornamental	6.45	25	20		.04	
Reinforcing	6.45	.25	20		.04	
Laborers:						
Laborers	2.40					
Air tool op. (jackhammer, vibrator)	2.71					
Mason tenders	2.50					
Mortar mixers	2.50					
Lathers	5.48					
Marble setters	4.50					
Painters, brush	3.25					
Painters, spray	3.75					
Piledrivermen	3.00					
Plasterers	5.10					
Plumbers, pipefitters, & steamfitters	4.74					
Roofers	2.93					
Sheet Metal workers	3.54					
Soft floor layers	3.29					
Sprinkler fitters	6.00					
Tile setters	4.82					
Truck drivers	2.40					
Welders-rate for craft.						
POWER EQUIPMENT OPERATORS:						
Backhoe	4.00					
Cranes, derricks, draglines	4.69					
Forklift operator	3.00					
Front end loader	3.00					
Motor grader	3.50					
Roller operator	2.44					
Scraper driver operator	3.13					
Shovels	3.00					

Paid Holidays:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

Footnotes:
a. Employer contributes 4% basic rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.
b. Holidays: A through F.

MODIFICATIONS P. 1

DECISION #AQ-7 - Mod. #2
(38 FR 19631 - July 20, 1973)
Pulaski County, Arkansas

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Change:						
Ironworkers:						
Structural, Ornamental, Reinforcing	$7.11	.30	.25		.04	
Carpenters:						
Carpenters	6.30	.30	.20		.02	
Millwrights & Piledrivermen	6.55	.30	.20		.02	
Cement masons	6.35	.15			.03	
Laborers:						
Construction laborer, carpenter helper, concrete laborer	4.29	.15	.20			
Pipelayers, concrete and clay, and mechanical tool, cement mixers, wet or dry, finishers, plasterers and mason tenders, and mason tenders, mortar mixers, asphalt rakers and shovelers, creosote wood handlers and chuck tenders	4.64	.15	.20			
Powdermen and blasterers	5.19	.15	.20			
Line Construction:						
Linemen	8.075		1%		1/4%	
Cable splicers	8.20		1%		1/4%	
Operator	8.075		1%		1/4%	
Groundman (advanced)	65%JR		1%		1/4%	
Groundman (1st 6 months)	49%JR		1%		1/4%	
Winch equipment	73%		1%		1/4%	
Plasterers	7.00				.02	

MODIFICATIONS P. 2

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AQ-1007 - Mod. #4						
(38 FR 21038 - August 3, 1973)						
Imperial, Inyo, Kern, Los Angeles, Mono, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Counties, California						
Change:						
Electricians:						
Los Angeles County						
Electricians	$9.64	.50	1%+1.05		.06	
Cable splicers	9.94	.50	1%+1.05		.06	
Orange County:						
Electricians	9.40	.45	1%+.75		.02	
Cable splicers	9.81	.45	1%+.75		.02	
Line Construction:						
Los Angeles County						
Groundmen	7.30		1%			
Linemen	9.73		1%			
Cable splicers	10.73		1%			
Roofers:						
Riverside and San Bernardino Cos.	7.55	.55	.40		.03	
Sheet Metal Workers:						
Inyo, Kern, Los Angeles (North of line between Gorman and Big Pines) and Mono Counties	8.72	.96	1.05			

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AQ-1008 - Mod. #4						
(38 FR 21047 - August 3, 1973)						
Imperial, Kern, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Counties, California						
Change:						
Electricians:						
Los Angeles County						
Electricians	9.64	.50	1%+1.05		.06	
Cable splicers	9.94	.50	1%+1.05		.06	
Orange County						
Electricians	9.40	.45	1%+.75		.02	
Cable splicers	9.81	.45	1%+.75		.02	
Roofers:						
Riverside and San Bernardino Cos.	7.55	.55	.40		.03	
Sheet Metal Workers:						
Kern, Los Angeles, (North of line between Gorman and Big Pines)	8.72	.69	1.05			

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AQ-1015 - Mod. #3 (38 FR 23661 - August 21, 1973) Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Kings, Lake, Lassen, Madera, Marin, Mariposa, Mendocino, Merced, Modoc, Monterey, Napa, Nevada, Plumas, Placer, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Yolo and Yuba Counties, California						
Change:						
Bricklayers; Stonemasons: Butte, Colusa, Eldorado, Glenn, Lassen, Modoc, Nevada, Placer, Plumas, Sacramento, Shasta, Sierra, Sutter, Tehama, Yolo and Yuba Cos.	$9.15	.65	.60			
Line Construction:						
Del Norte, Modoc, Siskiyou Counties:						
Hole digger	5.55	.25	1%	.10	1/2%	
Tree trimmer helper; Groundman	5.80	.25	1%	.10	1/2%	
Head groundman; Head groundman (chipper); Powdermen; Jackhammer men	6.15	.25	1%	.10	1/2%	
Line equipment men	7.03	.25	1%	.10	1/2%	
Linemen; Pole sprayer; Heavy line equipment men; Certified linemen welder	8.16	.25	1%	.10	1/2%	
Tree trimmer	7.37	.25	1%	.10	1/2%	
Cable splicer; Leadman pole sprayer	9.03	.25	1%	.10	1/2%	
Painters:						
Del Norte and Humboldt Counties:						
Brush	6.90	.35	.20			
Paperhangers; Spray; Tapers	7.15	.35	.20			
Plasterers:						
Mariposa, Merced, Stanislaus and Tuolumne Counties	6.50	.65	.80	1.00		
Plumbers; Steafitters:						
Del Norte and Humboldt Counties	8.02	.51	1.12	1.06	.05	

DECISION #AQ-1015 (cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Roofers:						
Amador, Sacramento and Yolo Counties:						
Roofers	$7.12	.58	.50	.85	.01	
Enameler and pitch	7.87	.58	.50	.85	.01	
Roofers:						
Alameda and Contra Costa Counties:						
Roofers	8.27	.63	.75	.35	.01	
Mastic workers; Kettlemen (2 kettles w/o pumps)	8.52	.63	.75	.35	.01	
Bitumastic; Enamelers; Pipewrapper; Coal tar built up	9.27	.63	.75	.35	.01	
Roofers:						
Lake, Mendocino and Sonoma Counties:						
Roofers	8.01	.50	.70	.78	.01	
Kettlemen (2 kettles w/o pumps)	8.26	.50	.70	.78	.01	
Bitumastic; Enamelers; Pipewrappers; Coal tar pitch built up	9.01	.50	.70	.78	.01	
Roofers:						
Marin County						
Roofers	7.64	.45	.75	1.15	.01	
Mastic workers; Kettlemen (2 kettles w/o pumps)	7.89	.45	.75	1.15	.01	
Bitumastic; Enamelers; Pipewrappers; Coal tar	8.64	.45	.75	1.15	.01	
Roofers:						
San Benito and Santa Clara Counties:						
Roofers; Kettleman (1 kettle)	8.51	.51	.73			
Roofers:						
San Francisco and San Mateo Counties:						
Roofers	7.92	.50	.70	.85	.01	
Mastic workers; Kettlemen (2 kettles) w/o pumps	8.17	.50	.70	.85	.01	
Bitumastic; Enamelers; Pipewrappers; Coal tar	8.92	.50	.70	.85	.01	
Terrazzo Workers:						
Butte, Colusa, Eldorado, Glenn, Lassen, Modoc, Nevada, Placer, Plumas, Sacramento, Shasta, Sierra, Sutter, Tehama, Yolo and Yuba Cos.	9.15	.65	.60			

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AO-1016 - Mod. #3 (38 FR 23675 - August 31, 1973) Alameda, Amador, Calaveras, Contra Costa, Del Norte, Eldorado, Fresno, Humboldt, Marin, Mariposa, Merced, Monterey, Napa, Nevada, Placer, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Shasta, Solano, Sonoma, Sutter, Tehama, Tuolumne, Yolo and Yuba Counties, California						
Change:						
Bricklayers; Stonemasons: Eldorado, Nevada, Placer, Sacramento, Shasta, Sutter, Tehama, Yolo and Yuba Counties	$9.15	.65	.60			
Painters:						
Del Norte and Humboldt Counties						
Brush	6.90	.35	.20			
Paperhangers; Spray; Tapers	7.15	.35	.20			
Plasterers:						
Mariposa, Merced, and Tuolumne Cos.	6.50	.65	.80	1.00		
Plumbers; Steamfitters:						
Del Norte, and Humboldt Counties	8.02	.51	1.12	1.06	.05	
Roofers:						
Amador, Sacramento and Yolo Counties						
Roofers	7.12	.58	.50	.85	.01	
Enameler and pitch	7.87	.58	.50	.85	.01	
Roofers:						
Alameda and Contra Costa Counties						
Roofers	8.27	.63	.75	.35	.01	
Mastic workers; Kettlemen (2 kettles w/o pumps)	8.52	.63	.75	.35	.01	
Bitumastic; Enamelers; Pipewrappers; Coal tar built up	9.27	.63	.75	.35	.01	
Roofers:						
Sonoma County						
Roofers	8.01	.50	.70	.78	.01	
Kettlemen (2 kettles w/o pumps)	8.26	.50	.70	.78	.01	
Bitumastic; Enamelers; Pipewrappers; Coal tar pitch built up	9.01	.50	.70	.78	.01	
Roofers:						
Marin County						
Roofers	7.64	.45	.75	1.15	.01	
Mastic workers; Kettlemen (2 kettles w/o pumps)	7.89	.45	.75	1.15	.01	
Bitumastic; Enamelers; Pipewrappers; Coal tar	8.64	.45	.75	1.15	.01	

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AO-1016 (cont'd)						
Roofers:						
San Benito and Santa Clara Counties						
Roofers; Kettleman (1 kettle)	$8.51	.51	.73			
Roofers:						
San Francisco and San Mateo Counties						
Roofers	7.92	.50	.70	.85	.01	
Mastic workers; Kettlemen (2 Kettles) w/o pumps	8.17	.50	.70	.85	.01	
Bitumastic; Enamelers; Pipewrappers; Coal tar	8.92	.50	.70	.85	.01	
Terrazzo Workers:						
Eldorado, Nevada, Placer, Sacramento, Shasta, Sutter, Tehama, Yolo and Yuba Counties	9.15	.65	.60			
DECISION #AP-904 - Mod. #3 (38 FR 13159 - May 11, 1973) Garfield, Gunnison, Mesa, Montrose and Pitkin Counties, Colorado						
Change:						
Building Construction:						
Asbestos Workers	$8.47	.33	.72			
Carpenters:						
Zone I (0-30 miles from nearest basing point)	6.87	.45	.45	.30	.04	
Zone II (30-60 miles from nearest basing point)	7.12	.45	.45	.30	.04	
Zone III (60 miles and over from nearest basing point)	7.37	.45	.45	.30	.04	
Plumbers	7.55	.50	.45	1.00	.10	
Sheet Metal Workers	8.47	.30	.65		.02	
Sprinkler Fitters	8.85	.40	.60		.05	

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AO-1012 - Mod. #1 (38 FR 22322 - August 17, 1973) El Paso County, Colorado						
Change:						
Building Construction:						
Asbestos Workers	$8.47	.33	.72			
Carpenters:						
Zone I (0-30 miles from nearest basing point)	6.87	.45	.45	.30	.04	
Zone II (30-60 miles from nearest basing point)	7.12	.45	.45	.30	.04	
Zone III (60 miles and over from nearest basing point)	7.37	.45	.45	.30	.04	
Marble Mason and Tile Layers	7.14	.30	.50			
Plumbers; Pipefitters	7.33	.30	.50	1.17	.05	
Terrazzo Workers	7.60	.53	.40	.25		
Sheet Metal Workers	8.47	.30	.65		.02	
Sprinkler Fitters	8.85	.40	.60		.05	

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AO-11 - Mod. #5 (38 FR 21055 - August 3, 1973) Woodbury County (City of Sioux City & abutting municipalities), Iowa						
Change:						
Building Construction:						
Plumbers-Steamfitters	$7.87	.30	.45		.10	
DECISION #AO-14 - Mod. #5 (38 FR 21066 - August 3, 1973) Story County (City of Ames & abutting municipalities), Iowa						
Change:						
Building Construction:						
Painters:						
Brush; Roller; Drywall finisher	7.55				.03	
Paperhangers	7.80				.03	
Spray; Structural steel; Sandblasting	8.05				.03	
DECISION #AO-15 - Mod. #5 (38 FR 21070 - August 3, 1973) Polk County (City of Des Moines & abutting municipalities), Iowa						
Change:						
Building Construction:						
Painters:						
Brush, roller drywall finisher	7.55				.03	
Paperhangers	7.80				.03	
Spray; structural steel; sandblasting	8.05				.03	
Stack; tower work over 100 ft.	8.65				.03	
DECISION #AO-16 - Mod. #4 (38 FR 21074 - August 3, 1973) Des Moines County (City of Burlington & abutting municipalities & Burlington Ordnance Plant), Iowa						
Change:						
Building Construction:						
Electricians	$8.35	.28	12		12	

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AQ-4030 - Mod. #1 (38 FR 29727 - October 26, 1973) Bay, Calhoun, Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson, Leon, Liberty, Wakulla, Walton, and Washington Counties, Florida					
Omit: Power Equipment Operators: Bulldozers	$2.61				

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AQ-3,010 - Mod. #4 (38 FR 24482 - September 7, 1973) Bristol County, Massachusetts						
Change: 38 FR 28471 dated October 12, 1973 DECISION #AQ-3,010 - Mod. #1 to DECISION #AQ-3,010 - Mod. #2						
DECISION #AQ-3,003 - Mod. #4 (38 FR 23691 - August 31, 1973) Essex County, Massachusetts						
Change: Plumbers; Steamfitters: Lynn, Lynnfield, Nahant, Saugus and Swampscott Plumbers	$9.85	.50	.60		.03	
DECISION #AQ-3,004 - Mod. #4 (38 FR 23696 - August 31, 1973) Middlesex County, Massachusetts						
Change: Plumbers: Arlington, Cambridge, Everett, Malden, Medford, Melrose, Newton, N. Reading, Reading, Somerville, Stoneham, Wakefield, Watertown, Winchester, & Woburn	9.85	.50	.60		.03	
DECISION #AQ-3,005 - Mod. #4 (38 FR 23702 - August 31, 1973) Middlesex County, Massachusetts						
Change: Plumbers: Arlington, Cambridge, Everett, Malden, Medford, Melrose, Newton, Reading, Somerville, Stoneham, Wakefield, Watertown, Winchester, & Woburn	9.85	.50	.60		.03	

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AQ-3,012 - Mod. #3 (38 FR 26536 - September 21, 1973) Norfolk County, Massachusetts						
Change: Plumbers; Gasfitters: Bellingham, Braintree, Brookline, Canton, Cohasset, Dedham, Foxboro, Franklin, Millis, Milton, Needham, Norfolk, N. Weymouth, Norwood, Plainville, Quincy, Sharon, S. Weymouth, Walpole, Westwood, Weymouth, & Wrentham	$9.85	.50	.60		.03	
DECISION #AQ-3,013 - Mod. #3 (38 FR 26540 - September 21, 1973) Norfolk County, Massachusetts						
Change: Plumbers; Gasfitters: Bellingham, Braintree, Brookline, Canton, Cohasset, Dedham, Foxboro, Franklin, Millis, Milton, Needham, Norfolk, N. Weymouth, Norwood, Plainville, Quincy, Sharon, S. Weymouth, Walpole, Westwood, Weymouth, & Wrentham	9.85	.50	.60		.03	
DECISION #AQ-3,026 - Mod. #1 (38 FR 29125 - October 19, 1973) Plymouth County, Massachusetts						
Change: Bricklayers; Cement masons; Plasterers; & Stonemasons: Lakeville	8.60	.75	.60		.04	
Plumbers; Gasfitters: Hingham, Hull, & Scituate	9.85	.50	.60		.03	

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AQ-3,027 - Mod. #1 (38 FR 29129 - October 19, 1973) Plymouth County, Massachusetts						
Change: Bricklayers; Cement masons; Plasterers: Lakeville	$8.60	.75	.60		.04	
Plumbers; Gasfitters: Hingham, Hull, & Scituate	9.85	.50	.60		.03	
DECISION #AQ-3,006 - Mod. #4 (38 FR 23705 - August 31, 1973) Suffolk County, Massachusetts						
Change: Plumbers	9.85	.50	.60		.03	
DECISION #AQ-3,008 - Mod. #3 (38 FR 24480 - September 7, 1973) Suffolk County, Massachusetts						
Change: Plumbers	9.85	.50	.60		.03	
DECISION #AQ-25 - Mod. #1 (38 FR 24540 - September 7, 1973) Douglas and Sarpy Counties, Nebraska						
Change: Bricklayers, Stonemasons	$7.82	.25	.25	.355		
Cement masons	7.54	.25	.25			
DECISION #AQ-26 - Mod. #5 (38 FR 24541 - September 7, 1973) Douglas and Sarpy Counties, Nebraska						
Change: BUILDING CONSTRUCTION						
Bricklayers, Stonemasons	$7.82	.25	.25	.355		
Cement masons	7.54	.25	.25			
Tile setters, terrazzo workers	7.30	b	.25			

MODIFICATIONS P. 13

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-669 - Mod. #6 (38 FR 13991 - May 25, 1973) Butler County, Ohio						
Change:						
Bricklayers	$9.635	.45				
Soft floor layers	8.00	.40	.55		.05	
N. E. Corner of County						
DECISION #AP-670 - Mod. #6 (38 FR 13996 - May 25, 1973) Clark County, Ohio						
Change:						
Electricians	8.00	.35	1%		.1%	
DECISION #AP-673 - Mod. #5 (38 FR 14008 - May 25, 1973) Greene & Montgomery Counties, Ohio						
Change:						
Marble Setters	8.26	.40				
Roofers, Composition, damp & waterproof	8.95	.45	.25			
Roofers, slate, tile and asbestos	9.17	.45	.25			
Terrazzo workers	8.26	.40				
Tile setters	8.26	.40				
DECISION #AP-677 - Mod. #5 (38 FR 14026 - May 25, 1973) Mahoning County, Ohio						
Change:						
Bricklayers & Stonemasons (Township of Smith)	8.80	.50	.35		.01	
Electricians, Smith Township	9.22	.30	1%+.10		.2%	

MODIFICATIONS P. 14

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-678 - Mod. #5 (38 FR 14029 - May 25, 1973) Muskingum County, Ohio						
Change:						
Line Construction						
Linemen	8.30	.28	1%			
Truck Driver	5.90	.28	1%			
Groundman	5.65	.28	1%			
Equipment operator	8.30	.28	1%			
Plumbers and Steamfitters	8.66	.35	.35		.02	
DECISION #AP-679 - Mod. #6 (38 FR 14033 - May 25, 1973) Portage County, Ohio						
Change:						
Sheet metal workers	8.80	.45	.45		.02	
Soft floor layers	8.90	.30	.49			
DECISION #AP-681 - Mod. #6 (38 FR 14042 - May 25, 1973) Summit County, Ohio						
Change:						
Sheet metal workers	8.80	.45	.45		.02	
DECISION #AP-686 - Mod. #4 (38 FR 14050 - May 25, 1973) Cuyahoga County, Ohio						
Change:						
Asbestos workers	10.68					
DECISION #AP-687 - Mod. #3 (38 FR 13903 - May 25, 1973) Mahoning County, Ohio						
Change:						
Bricklayers & Stonemasons, Smith Township	8.80	.50	.35		.01	
Electricians, Smith Township	9.22	.30	1%+.10		.2%	

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	Apr. Tr.	Others
DECISION #AO-3022 - Mod. #2 (38 FR 27726 - October 5, 1973) Hamilton County, Ohio						
Change:						
Resilient floor layers	$8.00	.40	.55		.05	
Decision No. AP-835 - Mod. #5 (38 FR - 14066 - May 25, 1973) Lehigh County, Pennsylvania						
CHANGE:						
Asbestos workers	$8.28	.30	.30		.01	
Electricians	9.325	.25	1%		.01	
DECISION #AO-346 - Mod. #5 (37 FR 20197 - September 29, 1972) Dallam, Sherman, Hansford, Ochiltree, Lipscomb, Hartley, Moore, Hutchinson, Roberts, Hemphill, Oldham, Potter, Carson, Gray, Wheeler, Deaf Smith, Randall, Armstrong, Donley, Collingsworth, Castro, Swisher & Childress Counties, Texas						
Change:						
Building Construction:						
Electricians	$7.38	.25	1%		1/2%	
Painters	5.80		.15			
Sheet metal workers	5.06		.10		.04	
DECISION #AO-10 - Mod. #6 (38 FR 21082 - August 3, 1973) Travis County, Texas						
Change:						
Line Construction:						
Lineman	7.47	.28	1%		1/2%	
Groundman	5.36	.28	1%		1/2%	
Groundman (1st 6 mos.)	4.29	.28	1%		1/2%	
DECISION #AO-34 - Mod. #2 (38 FR 27741 - October 5, 1973) Bexar County, Texas						
Change:						
Building Construction:						
Plasterers	7.40				.01	

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AO-37 - Mod. #1 (38 FR 29197 - October 19, 1973) Collin, Dallas, Denton, Ellis, Grayson, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Parker, Rockwall, Tarrant & Wise Counties, Texas						
Change:						
Building Construction:						
Glaziers:						
Collin, Dallas, Denton, Ellis, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Parker, Rockwall, Tarrant & Wise Counties	$7.02	.25	.70		.025	
DECISION #AO-38 - Mod. #1 (38 FR 29789 - October 26, 1973) Armstrong, Carson, Castro, Childress, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher & Wheeler Counties, Texas						
Change:						
Building Construction:						
Electricians:						
Electricians	7.38	.25	1%		1/2%	
Cable splicers	8.11	.25	1%		1/2%	
Painters:						
Brush & roller; paperhangers; perfa-tapers	5.80		.15			
Structural steel painters; swinging stage or chair below 50 ft.	5.925		.15			
Spray painters & sandblasters	6.45		.15			
Perfa-tape, machine operator	6.05		.15			

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
DECISION #AO-40 - Mod. #1 (38 FR 29784 - October 26, 1973) Jefferson & Orange Counties, Texas						
Change: Pipefitters	$7.63	.35	.62		.06	
DECISION #AO-41 - Mod. #1 (38 FR 29785 - October 26, 1973) Jefferson & Orange Counties, Texas						
Change: Pipefitters	7.63	.35	.62		.06	

STATE: Colorado

COUNTIES: Adams, Arapahoe, Boulder, Clear Creek, Denver, Douglas, Elbert, Gilpin, Jefferson, Larimer, Logan, Morgan, Summit and Weld

DECISION NUMBER: AQ-1055

DATE: Date of Publication

Supersedes Decision No. AP-911 dated June 22, 1973, in 38 FR 13151

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
ASBESTOS WORKERS	$8.47	.33	.72			
BOILERMAKERS	8.25	.30	1.00		.02	
BRICKLAYERS; Stonemasons						
Boulder County	7.70	.45	.50		.05	
Elbert County	8.12	.30	.50		.04	
Larimer County	8.10	.50	.45	.25	.05	
Remaining Counties	8.25	.45	.60	.25	.05	
CARPENTERS:						
Adams, Arapahoe, Boulder, Clear Creek, Denver, Douglas, Elbert, Gilpin and Jefferson Counties:						
Area (A) Denver Metropolitan Area including Louisville, Golden, Boulder and Longmont basing points						
Zone I (0 to 20 miles)	7.465	.45	.45	.30	.04	
Zone II (20 to 50 miles)	8.29	.45	.45	.30	.04	
Zone III (50 miles and over)	9.11	.45	.45	.30	.04	
Logan, Morgan and Weld Counties:						
Area (B) Denver Northeastern Area of Colorado including Greeley, Loveland, Fort Morgan and Sterling basing points						
Zone I (0 to 20 miles)	7.42	.45	.45	.30	.04	
Zone II (20 to 50 miles)	8.22	.45	.45	.30	.04	
Zone III (50 miles and over)	9.03	.45	.45	.30	.04	
Larimer County (S.E. portion within Loveland basing point, Zone I)	7.465	.45	.45	.30	.04	
Larimer (Remainder of County) and Summit Counties	6.87	.45	.45	.30	.04	
CEMENT MASONS: (Remaining Counties):						
Cement masons	7.15	.30	.50	.60	.06	
Working with composition materials and color; Working on scaffold, swing stage or temporary platform over 25'; Power troweling and floor grinding machine	7.40	.30	.50	.60	.06	
Summit County:						
Cement masons	6.80	.30	.50	.60	.06	
Working with composition materials and color; Working on scaffold, swing stage or temporary platform over 25'; Power troweling and floor grinding machine	7.05	.30	.50	.60	.06	
CEMENT MASONS: (cont'd)						
SE Corner of Elbert County:						
Cement masons	$6.90	.30	.50	.60	.06	
Working with composition materials and color; Working on scaffold, swing stage or temporary platform over 25'; Power troweling and floor grinding machine	7.15	.30	.50	.60	.06	
ELECTRICIANS:						
Electricians (Elbert County)	8.10	.32	1%		.01	
Electricians (Remaining Counties)	8.38	.65	1%+.16		2/10%	
Cable splicers (Remaining Counties)	8.63	.65	1%+.16		2/10%	
ELEVATOR CONSTRUCTORS	7.76	.345	.23	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.345	.23	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
GLAZIERS	6.43					
IRONWORKERS	7.75	.55	.60		.06	
MARBLE MASONS & Tile Layers:						
Elbert County	7.14	.30	.50			
Remaining Counties	7.60	.53	.40	.25		
MILLWRIGHTS	7.24	.45	.40	.40	.04	
PAINTERS:						
Brush and roller	7.41	.40	.15		.01	
Drywall finisher; Paperhanger	7.61	.40	.15		.01	
Spray; Swing stage	7.89	.40	.15		.01	
PLASTERERS	8.19			.50	.01	
PLUMBERS; Pipefitters:						
Remaining Counties, including Northern Area of Douglas and Elbert Counties	8.05	.50	.45	.50	.05	
Southern Half of Douglas and Elbert Cos.	7.33	.50	.50	1.17	.05	
Boulder County	8.05	.50	.45	.50	.05	
Larimer County	8.05	.50	.45	.50	.05	
ROOFERS	7.65	.37			.02	
SHEET METAL WORKERS	8.47	.30	.65		.02	
SOFT FLOOR LAYERS	7.10	.35	.45	.30	.05	
SPRINKLER FITTERS	8.85	.30	.50		.05	
TERRAZZO WORKERS	7.60	.53	.40	.25		

FOOTNOTE:

a. Employer contributes 4% basic hourly rate for over 5 years' service and 2% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

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HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
Carpenters	$6.57	.45	.45	.30	.03	
Underground Carpenters	6.72	.45	.45	.30	.03	
Working on creosoted material; High work 40' above ground or floor on exposed scaffold or boatswains chair; Piledriving; Sawmen continously assigned to 1½ HP saws at jobsite	6.82	.45	.45	.30	.03	
Cement Masons: Construction (outside Denver Metropolitan Area)	5.98	.37	.80	.30	.06	
Cement Masons: Construction (Denver Metropolitan Area)	6.13	.37	.80	.30	.06	
Line Construction - Colorado						
Cable splicers	8.44	.25	1%		3/4%	
Lineman	7.87	.25	1%		3/4%	
Equipment operator	6.71	.25	1%		3/4%	
Line equipment maintenance man	6.71	.25	1%		3/4%	
Groundman	5.55	.25	1%		3/4%	

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BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
Area A						
LABORERS: Adams, Arapahoe, Boulder, Denver, Larimer and Summit Countier. Douglas and Jefferson Counties lying North of the South line of Township 7 South; Elbert County lying West of the East line of Range 65 West and North of the South line of Township 7 South; Weld County lying south and west of the following described line: Beginning at the northwest corner of Township 4 North, Range 68 West of the 6th p.m.; thence east along the north line of said Township six (6) miles, more or less, to the east line of said Township thence south along the east line of said Township three (3) miles, more or less to the southeast corner of Section 13, Township 4 North, Range 68 West; thence east along the eastwest center line of Township 4 North, Range 67 West, six (6) miles, more or less to the east line of said Township; thence south along the east line of Range 67 West, being the east lines of Township 4 North, 3 North, 2 North and 1 North, Range 67 west, sixteen (16) miles to the southeast corner of Section 1, Township 1 North, Range 67 West; thence east and parallel to the Base line, twelve (12) miles more or less to the southeast corner of Section 1 Township 1 North, Range 65 West; thence south along the east line of Range 65 West, five (5) miles more or less to the Base Line, being the south line of Weld County						
ZONE 1 - 0 to 30 miles from nearest basing point located in the Cities of Boulder, Denver, Dillon, Englewood, Fort Collins, Jefferson and Greeley						

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
AREA A - Zone 1 (Cont'd)						
General laborers; Underpinning and shoring: 0 to 8' below working surface	$4.75	.37	.40		.05	
Underpinning and shoring 8' below working surface to any depth below working surface; Power tool operators of all mechanical, air, gas and electrical tools including self-propelled buggies and cement finisher tenders; Gunnite nozzlemen and sandblasters	5.03	.37	.40		.05	
Laborers - preparing and placing of stone or any other aggregate in a sand bed to be used as exposed face of tiltup panels	5.05	.37	.40		.05	
Pipelayers	5.25	.37	.40		.05	
Jackhammer operator; Underpinning and shoring over 12' below working surface;	5.30	.37	.40		.05	
Beller and stemmers on caisson work	5.35	.37	.40		.05	
Mason tenders, brick and plaster						
ZONE 2 - 30 to 70 miles from nearest basing point located in the Cities of Boulder, Denver, Dillon, Englewood, Fort Collins, Jefferson and Greeley						
General laborers; Underpinning and shoring 0' to 8' below working surface	5.20	.37	.40		.05	
Underpinning and shoring 8' below working surface to any depth below working surface; Power tool operators of all mechanical, air, gas and electrical tools including self-propelled buggies and cement finisher tenders; Gunnite nozzlemen and sandblasters	5.48	.37	.40		.05	
Laborers - preparing and placing of stone or any other aggregate in a sand bed to be used as exposed face of tiltup panels	5.50	.37	.40		.05	
Pipelayers	5.90	.37	.40		.05	
Jackhammer operator; Underpinning and shoring over 12' below working surface;	5.75	.37	.40		.05	
Bellers and stemmers on caisson work	5.80	.37	.40		.05	
Mason tenders, brick and plaster						

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
ZONE 2 - 70 miles and over from nearest basing point located in the Cities of Boulder, Denver, Dillon, Englewood, Fort Collins, Jefferson and Greeley						
General laborers; Underpinning and shoring 0' to 8' below working surface	$5.65	.37	.40		.05	
Underpinning and shoring 8' below working surface to any depth below working surface; Power tool operators of all mechanical, air, gas and electrical tools including self-propelled buggies and cement finisher tenders; Gunnite nozzlemen and sandblasters	5.93	.37	.40		.05	
Laborers - preparing and placing of stone or any other aggregate in a sand bed to be used as exposed face of tiltup panels	6.95	.37	.40		.05	
Pipelayers	6.15	.37	.40		.05	
Jackhammer operator; Underpinning and shoring over 12' below working surface;	6.20	.37	.40		.05	
Bellers and stemmers on caisson work	6.25	.37	.40		.05	
Mason tenders, brick and plaster						
Area B						
LABORERS:						
Douglas, Elbert, Jefferson and Weld Counties lying outside of the area as described in Area A and Clear Creek, Gilpin, Logan, and Morgan Counties						
ZONE 1 - 0 to 30 miles from nearest basing point located in the Cities of Golden and Greeley						
General laborers; Underpinning and shoring 0' to 8' below working surface	4.35	.37	.40		.05	
Power tool operators of all mechanical, air, gas and electrical tools incl. self-propelled buggies and cement finisher tenders; Gunnite nozzlemen and sandblasters	4.70	.37	.40		.05	
Laborers - preparing and placing of stone or any other aggregate in a sand bed to be used as exposed face of tiltup panels	4.75	.37	.40		.05	
Underpinning and shoring 8' below working surface to any depth below working surface	4.83	.37	.40		.05	
Jackhammer operator; Underpinning and shoring over 12' below working surface;						
Bellers and stemmers on caisson worker	4.87	.37	.40		.05	
Pipelayers	5.03	.37	.40		.05	
Mason tenders, brick and plaster	5.35	.37	.40		.05	

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
ZONE 2 - 30 to 70 miles from nearest basing point located in the Cities of Golden and Greeley						
General laborers; Underpinning and shoring 0' to 8' below working surface	$5.00	.37	.40		.05	
Power tool operators of all mechanical, air, gas and electrical tools including self-propelled buggies and cement finisher tenders; Gunnite nozzlemen and sandblasters	5.15	.37	.40		.05	
Laborers - preparing and placing of stone or any other aggregate in a sand bed to be used as exposed face of tiltup panels	5.20	.37	.40		.05	
Underpinning and shoring 8' below working surface to any depth below working surface	5.28	.37	.40		.05	
Jackhammer operators; Underpinning and shoring over 12' below working surface; Bellers and stemmers on caisson work	5.32	.37	.40		.05	
Pipelayers	5.48	.37	.40		.05	
Mason tenders, brick and plaster	5.60	.37	.40		.05	
ZONE 3 - 70 miles and over from nearest basing point located in the Cities of Golden and Greeley						
General laborers; Underpinning and shoring 0' to 8' below working surface	5.45	.37	.40		.05	
Power tool operators of all mechanical, air, gas, and electrical tools including self-propelled buggies and cement finisher tenders; Gunnite nozzlemen and sandblasters	5.60	.37	.40		.05	
Laborers - preparing and placing of stone or any other aggregate in a sand bed to be used as exposed face of tiltup panels	5.65	.37	.40		.05	
Underpinning and shoring 8' below working surface to any depth below working surface	5.73	.37	.40		.05	
Jackhammer operators; Underpinning and shoring over 12' below working surface; Bellers and stemmers on caisson work	5.77	.37	.40		.05	
Pipelayers	5.93	.37	.40		.05	
Mason tenders, brick and plaster	6.05	.37	.40		.05	

HEAVY AND HIGHWAY CONSTRUCTION CO-2-LAB-2-3-b

LABORERS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP I						
Minimum laborer, including caissons to 8', carrying reinforcing rods; Work on cross culverts, connections and side drains in connection with highway work, whether corrugated metal or concrete pipe; Fence erectors; Metal Mesh; Dowel bars; Tie bars and chairs in concrete paving; Nursery man incl. seeding, mulching and planting of trees, shrubs and flowers; Stake chaser; Gabion baskets and Reno mattresses	$4.55	.37	.40		.05	
GROUP II						
Chuck tenders; Nippers, core and diamond drill helpers; Powderman helpers	4.60	.37	.40		.05	
GROUP III						
Hot asphalt laborer; Rakers; Box-tenders; Asphalt curb machines; Potmen (not mechanical)	4.68	.37	.40		.05	
GROUP IV						
Multi-plate culvert pipe; Air, gas and electric tools operators; Barco hammers; Spaders; Electric hammers; Air tampers; Cutting torches on demolition work; Caissons 8' to 12'; Cofferdams; Power operated concrete buggies; Operators of concrete saws on pavement (other than gang saws); Timber and chain saws; Stresser or stretcherman on post tension or prestressed concrete on or off jobsite; Tool room man and checkers; Cement finisher helper; Sandblaster helper; Concrete processing material monitor; Spotters; Signalmen; Dumpmen; Transverse concrete conveyor operator, mechanical grouters; Boring machines (air hydraulic); Automatic concrete power curbing machine; Jackhammers; Vibrators; Paving breakers; Frostproofing	4.70	.37	.40		.05	

LABORERS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
GROUP V Any laborers performing bridge work over 40' above the ground or above a floor and working from a bos'n chair, swinging stage, life belt or block and tackle	$4.72	.37	.40		.05	
GROUP VI Gunniting and shotcrete helpers; Caissons over 12'; Cofferdams; Timbermen; Underpinning and shoring; Formsetters and/or stringman on roads, highways, streets and airport runways; Distributor; Placing and hooking of landing mats; Bull float (hand operated) and center expansion machines; Sandblasters; Grade checkers if required by employer	4.83	.37	.40		.05	
GROUP VII Powdermen and blasters; Gunnite nozzlemen; Shotcrete operator	4.93	.37	.40		.05	
GROUP VIII Pipelayer on truck pipe lines in connection with highway work	5.00	.37	.40		.05	
GROUP IX Wagon drills and air tracks; Jackhammer operators in caissons over 12'; Bellers and stemmen; Licensed powdermen; Diamond and core drills powered by air	5.13	.37	.40		.05	
GROUP X Any work, other than on bridges, performed by laborers working from a bos'n chair, swinging stage, life belt or block and tackle as a safety requirement	5.18	.37	.40		.05	

LABORERS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
(Pipelines) All mainline sewers; Water mains; Gas, oil or any product pipelines; Penstocks; Siphons or drainage lines; Pipe plants and yards not in connection with highway construction.						
GROUP I Pipe plants and yards; Stringing of pipe or skids; Handling and signaling on line work	$4.55	.37	.40		.05	
GROUP II Potman (not mechanical); Pipewrapper, Dopers, Jeep Holiday Detector Men, Bandage makers, Powdermen helpers	4.60	.37	.40		.05	
GROUP III Laborers working in trenches on all pipelines; Sewer, water, gas, oil, telephone conduit, pen stock, siphons, drainage lines, caulkers, yarners, fine graders, air, gas, electric and hydraulic tools, boring machines, hydraulic jacks, drills, tampers, etc.	4.77	.37	.40		.05	
GROUP IV Sandblasters, powdermen and blasters, wiping of joint concrete pipe, inside and out; Labor, applicable to pipe coating or wrapping, plants and yards; Enamelers of pipe, inside and out	4.79	.37	.40		.05	
GROUP V (Relining Pipe) Relining pipe	4.88	.37	.40		.05	
Mixer man	4.93	.37	.40		.05	
GROUP VI Pipelayer	5.00	.37	.40		.05	

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CO-3-LAB-2-3-1b (1-2)

LABORERS (TUNNELS):	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Outside laborers	$4.55	.37	.40		.05	
GROUP I Minimum tunnel labor, dry house man	5.15	.37	.40		.05	
GROUP II Cable or hose tenders, chuck tenders, concrete laborers, dumpman, whirley pumps operators	5.25	.37	.40		.05	
GROUP III Helpers on shotcrete, gunniting and sandblasting; Helpers, core and diamond drills; Pot tender	5.33	.37	.40		.05	
GROUP IV Cement finisher helper, applying of concrete processing materials	5.40	.37	.40		.05	
GROUP V Collapsible form movers and setters, miners, machinemen and bit grinders, nippers, powdermen and blasters, reinforcing steel setters, timbermen (steel or wood tunnel support, incl. the placement of sheeting when required) and all cutting and welding that is incidental to the miner's work; Tunnel liner plate setters; Vibrator men, internal and external; Unloading, stopping and starting of Horan Agitator Cars; Diamond and core drills; Cement finisher (underground); Shotcrete operator; Gunnite nozzlemen; Sandblaster; Pump concrete placement men	5.55	.37	.40		.05	
(SHAFTS, RAISES, MISSILE SILOS AND ALL UNDERGROUND WORK OTHER THAN TUNNELS)						
GROUP I Laborers, Topmen, Bottommen, and Cagers	5.25	.37	.40		.05	
GROUP II Chucktenders, Concrete laborers, Whirley pumps operators	5.40	.37	.40		.05	

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CO-3-LAB-2-3-1b (2-2)

LABORERS (TUNNEL) (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP III Helpers on shotcrete, gunniting and sandblasting; Helpers on core and diamond drills; Pot tenders; Cement finisher helpers; Applying of concrete processing material	$5.50	.37	.40		.05	
GROUP IV Collapsible form movers and setters, miners, machinemen and bit grinders, nippers, powdermen and blasters, reinforcing steel setters, timbermen (steel or wood tunnel support, incl. the placement of sheeting when required); All cutting and welding that is incidental to the miner's work; Liner plate setters; Vibrator men, internal and external	5.68	.37	.40		.05	
GROUP V Diamond and core drill; Cement finisher (underground); Gunnite nozzlemen; Shotcrete operators; Sandblasters and pump concrete placement men	5.78	.37	.40		.05	
GROUP VI Any employee performing work under ground from a bos'n chair, swinging stage, life belt ot block and tackle	5.83	.37	.40		.05	

POWER EQUIPMENT OPERATORS (Other than for work in Tunnels, Shafts and Raises)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP I						
Asphalt screed; Brakeman; Drill operator, smaller than William MF and similar; Helper to heavy duty mechanic and/or Welder; Tractor operator (under 70 HP), with or without attachments; Oiler	$5.60	.37	.45	.20	.03	
GROUP II						
Air compressor; Ditch witch trenching machine and similar; Equipment lubricating and service engineer; Fork lift; Haulage motorman; Operators of five or more light plants, welding machines, compressors 360 C.F.M. or less, pumps, generators; Pugmill operator; Pugmill; Pumps; Portable screening plant with or without a spray bar; Screening plants-with classifier; Self-propelled rollers - 5 tons & under; Vacuum well point system	5.95	.37	.45	.20	.03	
GROUP III						
Asphalt plant; Backfiller; Bituminous spreader or laydown machine; Cableway signalman; Caissons drill; (William MF, similar and larger; C.M.I. and similar; Concrete finish machine; Concrete gang saws on concrete paving; Concrete mixer (less than 1 yd.); Concrete placement pumps (under 8 in.); Conveyor (handling building materials); Distributors, bituminous surfaces; Drill, (diamond or core); Drills rigs (rotary, churn or cable tool); Elevating graders; Engineer fireman; Fireman or tank heater, Road; Grout machine; Gunnite machine; Hoists (1 drum); Loader (Barber Greene, etc.); Loader (up to and including 6 cu. yds.); Machine doctor mechanic; Motor grader (blade); Road stabilization machine; Roller-self-propelled-all types over 5 tons; Sand-blasting machine; Single unit portable crusher-with or without washer; Tile tamper, Wheel mounted; Tractor (70 h.p. & over)(with or without attachments); Trenching machine; Welder; Winch op. on truck; Concrete batching plants	6.30	.37	.45	.20	.03	

POWER EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP IV						
Concrete mixer (over 1 cu. yd.); Concrete paver 34 E or similar; Concrete placement pumps (8 in. and over); Crane (50 tons and under); Hoists (2 drums); Loader - over 6 cu. yds.; Mechanic-Welder (heavy duty); Mixer-mobile; Multiple unit portable crusher-with or without washer; Pile driver; Fireman; Cable-operated crane, truck mounted, 25 tons and over; Cable - operated power shovels, dragline; Clamshell, and backhoes (3 cu. yds. and under); Hydraulic backhoes, 1½ cu. yds. and over); Special utility operator; Self-propelled hydrocrane; Tractor with side boom; Truck mounted hydro-crane; Scraper-single bowl under 40 cu. yds.	$6.45	.37	.45	.20	.03	
GROUP V						
Crane operator - over 50 tons; Derrick; Electric rail type tower crane; Hoist (3 drum or more); Cable-operated power shovels, draglines, clamshells and backhoes (over 3 cu. yds.); Quad nine and similar push unit; Scraper-all tandem bowls; Scraper-single bowl including pups 40 cu. yd. and over	6.60	.37	.45	.20	.03	
GROUP VI						
Cableway; Crawler or truck mounted tower crane; Wheel excavator; Climbing tower crane	6.75	.37	.45	.20	.03	

AQ-1055 P. 15

Colo. 2-PRO-1-2-3-d (1-1)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS: (For work in Tunnels, Shafts, and Raises)						
BRAKEMAN	$5.75	.37	.45	.20	.03	
MOTORMAN	6.10	.37	.45	.20	.03	
COMPRESSOR (900 CFM & OVER), Serving tunnels, shafts and raises	6.20	.37	.45	.20	.03	
AIR TRACTORS; Grout machine; Gunnite machine; Jumbo form; Mechanic; Welder	6.45	.37	.45	.20	.03	
CONCRETE PLACEMENT PUMPS 8" & OVER DISCHARGE; Mechanic-Welder (heavy duty); Mucking machine and frontend loaders underground; Slusher	6.60	.37	.45	.20	.03	
MOLE	7.00	.37	.45	.20	.03	
LINE CONSTRUCTION:						
Cable splicers	8.44	.25	1%		3/4%	
Lineman	7.87	.25	1%		3/4%	
Equipment operator; Line equipment maintenance man	6.71	.25	1%		3/4%	
Groundman	5.55	.25	1%		3/4%	

AQ-1055 P. 16

CO-1-TD-1-2-3-f (1-2)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
TRUCK DRIVERS						
PICKUPS; Helpers; Scalemen; Checkers; Spotters; Dumpmen	$5.10	.30	.20	.10		
DUMP TRUCKS, TO AND INCL. 6 CU. YDS.; Sweeper; Flatrack, single axle; Liquid and bulk tankers, single axle; Warehousemen; Washers; Greasemen; Servicemen; Ambulance drivers, if used	5.20	.30	.20	.10		
DUMP TRUCKS, OVER 6 CU. YDS. TO AND INCL. 12 CU. YDS.; Flatrack tandem axle; Battery men; Mechanic helpers; Material checkers; Cardex men; Expeditors; Man haul shuttle truck or bus	5.30	.30	.20	.10		
STRADDLE TRUCK; Lumber carrier; Liquid and bulk tankers, tandem axle	5.35	.30	.20	.10		
FORK LIFT; Fuel truck; Grease truck; Combination fuel and grease; Tiremen	5.40	.30	.20	.10		
DUMP TRUCKS, OVER 12 CU. YDS., TO AND INCL. 19 CU. YDS.; Distributor; Cement mixer; Agitator truck to and incl. 10 cu. yds.; Liquid and bulk tankers, semi or combination	5.45	.30	.20	.10		
MULTI-PURPOSE TRUCK - Specialty and Hoisting	5.50	.30	.20	.10		
HIGH BOY; Lowboy; Floats; Semi; Cab operated distributor-semi; Liquid and bulk tankers, euclid, electric or similar; Dumptor, Toungbuggy, Jumbo and similar type equipment	5.55	.30	.20	.10		
MECHANICS	5.60	.30	.20	.10		
DUMP TRUCKS, OVER 19 CU. YDS. TO AND INCL. 29 CU. YDS. ; Truck driver snow plow	5.65	.30	.20	.10		

CO-1-TD-1-7-3-6 (2-2)

TRUCK DRIVERS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	Apprentice	Others
CEMENT MIXER, Agitator over 10 cu. yds. to and incl. 15 cu. yds.	$5.70	.30	.20	.10		
DUMP TRUCKS, OVER 29 CU. YDS. TO AND INCL. 34 CU. YDS.; Heavy duty diesel mechanics; Body men; Welders or combination men	5.80	.30	.20	.10		
CEMENT MIXER, Agitator over 15 cu. yds.	5.95	.30	.20	.10		
DUMP TRUCKS, OVER 39 CU. YDS. TO AND INCL. 54 CU. YDS.	6.00	.30	.20	.10		

SUPERSEDEAS DECISION

AQ-1056 P. 2

STATE: Colorado COUNTY: Pueblo
DECISION NUMBER: AQ-1056 DATE: Date of Publication
Supersedes Decision No. AQ-1014 dated August 17, 1973, in 38 FR 22334
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
ASBESTOS WORKERS	8.47	.33	.72			
BOILERMAKERS	8.25	.30	1.00		.02	
BRICKLAYERS	7.72	.30	.50		.04	
CARPENTERS	6.87	.45	.45	.30	.04	
CEMENT MASONS	6.80	.30	.50	.60	.06	
ELECTRICIANS:						
Zone I (0-12 miles from Post Office)						
Electricians	8.50	.32	15%+.25		1/10%	
Cable splicers	9.35	.32	15%+.25		1/10%	
Zone II (12-20 miles from Post Office)						
Electricians	8.90	.32	15%+.25		1/10%	
Cable splicers	9.75	.32	15%+.25		1/10%	
Zone III (20-40 miles from Post Office)						
Electricians	9.25	.32	15%+.25		1/10%	
Cable splicers	10.10	.32	15%+.25		1/10%	
Zone IV (Over 40 miles from Post Office)						
Electricians	10.00	.32	15%+.25		1/10%	
Cable splicers	10.85	.32	15%+.25		1/10%	
Electrical contracts less than $5,000 in Zones III and IV	6.16	.32	15%+.25		1/10%	
ELEVATOR CONSTRUCTORS	7.76	.345	.23	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.345	.23	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
GLAZIERS	6.43					
IRONWORKERS:						
Structural; Ornamental and Reinforcing	7.75	.55	.60		.06	
MARBLE & TILE SETTERS, Terrazzo Workers	7.60	.53	.40	.25		
PAINTERS:						
Brush	5.38	.20			.02	
Structural steel; Spray	5.88	.20			.02	
Spray steel	6.38	.20			.02	
PILEDRIVERMEN	5.97	.35	.35	.25	.015	
PLASTERERS	8.19			.50	.01	
PLUMBERS:						
Zone I (0-15 miles from Post Office)	8.50	.50	.50		.05	
Zone II (15-20 miles from Post Office)	9.07	.50	.50		.05	
Zone III (20-40 miles from Post Office)	9.25	.50	.50		.05	
Zone IV (Over 40 miles from Post Office)	9.875	.50	.50		.05	
ROOFERS	$7.58					
SHEET METAL WORKERS	8.47	.30	.65		.02	
SOFT FLOOR LAYERS	7.10	.35	.45	.30	.05	
SPRINKLER FITTERS	8.85	.40	.60		.05	

FOOTNOTE:
a. Employer contributes 4% of basic hourly rate for over 5 years' service and 2% of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. 6 Paid Holidays:

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

HEAVY AND HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Carpenters	$6.57	.45	.45	.30	.03	
Underground Carpenters	6.72	.45	.45	.30	.03	
Working on creosoted material; High work 40' above ground or floor on exposed scaffold or boatswains chair; Piledriving; Sawmen continously assigned to 1½ HP saws at jobsite	6.82	.45	.45	.30	.03	
Cement Masons: Construction (outside Denver Metropolitan Area)	5.98	.37	.80	.30	.06	
Cement Masons: Construction (Denver Metropolitan Area)	6.13	.37	.80	.30	.06	

Line Construction - Colorado

Cable splicers	8.44	.25	1%		3/4%
Lineman	7.87	.25	1%		3/4%
Equipment operator	6.71	.25	1%		3/4%
Line equipment maintenance man	6.71	.25	1%		3/4%
Groundman	5.55	.25	1%		3/4%

2-00-LAB-1 (1-13)

BUILDING CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS:					
General laborers	$4.75	.37	.40		.05
Underpinning and shoring 0' to 8' below working surface	4.75	.37	.40		.05
Underpinning and shoring 8' below working surface to any depth below working surface; Power tool operators of all mechanical, air, gas and electrical tools, including self-propelled buggies and cement finisher tenders; Pipelayers; Gunnite nozzlemen and sandblasters	5.03	.37	.40		.05
Laborers, preparing and placing of stone or any other aggregate in a sand bed to be used as exposed face of tiltup panels	5.05	.37	.40		.05
Jackhammer operator; Underpinning and shoring over 12' below working surface; Bellers and stemmers on caisson work	5.30	.37	.40		.05
Mason tenders, brick and plaster	5.35	.37	.40		.05

CO-2-LAB-2-3-b

HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LABORERS:						
GROUP I Minimum laborer, including caissons to 6', carrying reinforcing rods; Work on cross culverts, connections and side drains in connection with highway work, whether corrugated metal or concrete pipe; Fence erectors; Metal Mesh; Dowel bars; Tie bars and chairs in concrete paving; Nursery man incl. seeding, mulching and planting of trees, shrubs and flowers; Stake chaser; Gabion baskets and Reno mattresses	$4.55	.37	.40		.05	
GROUP II Chuck tenders; Nippers, core and diamond drill helpers; Powderman helpers	4.60	.37	.40		.05	
GROUP III Hot asphalt laborer; Rakers; Box-tenders; Asphalt curb machines; Potmen (not mechanical)	4.68	.37	.40		.05	
GROUP IV Multi-plate culvert pipe; Air, gas and electric tools operators; Barco hammers; Spaders; Electric hammers; Air tampers; Cutting torches on demolition work; Caissons 8' to 12'; Cofferdams; Power operated concrete buggies; Operators of concrete saws on pavement (other than gang saws); Timber and chain saws; Stresser or stretcherman on post tension or prestressed concrete on or off jobsite; Tool room man and checkers; Cement finisher helper; Sandblaster helper; Concrete processing material monitor; Spotters; Signalmen; Dumpmen; Transverse concrete conveyor operator, mechanical grouters; Boring machines (air hydraulic); Automatic concrete power curbing machine; Jackhammers; Vibrators; Paving breakers; Frostproofing	4.70	.37	.40		.05	

LABORERS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP V						
Any laborers performing bridge work over 40' above the ground or above a floor and working from a bos'n chair, swinging stage, life belt or block and tackle	$4.72	.37	.40		.05	
GROUP VI						
Gunniting and shotcrete helpers; Caissons over 12'; Cofferdams; Timbermen; Underpinning and shoring; Formsetters and/or stringman on roads, highways, streets and airport runways; Distributor; Placing and hooking of landing mats; Bull float (hand operated) and center expansion machines; Sandblasters; Grade checkers if required by employer	4.83	.37	.40		.05	
GROUP VII						
Powdermen and blasters; Gunnite nozzlemen; Shotcrete operator	4.93	.37	.40		.05	
GROUP VIII						
Pipelayer on truck pipe lines in connection with highway work	5.00	.37	.40		.05	
GROUP IX						
Wagon drills and air tracks; Jackhammer operators in caissons over 12'; Bellers and stemmen; Licensed powdermen; Diamond and core drills powered by air	5.13	.37	.40		.05	
GROUP X						
Any work, other than on bridges, performed by laborers working from a bos'n chair, swinging stage, life belt or block and tackle as a safety requirement	5.18	.37	.40		.05	

LABORERS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
(Pipelines)						
All mainline sewers; Water mains; Gas, oil or any product pipelines; Penstocks; Siphons or drainage lines; Pipe plants and yards not in connection with highway construction.						
GROUP I						
Pipe plants and yards; Stringing of pipe or skids; Handling and signaling on line work	$4.55	.37	.40		.05	
GROUP II						
Potman (not mechanical); Pipewrapper, Dopers, Jeep Holiday Detector Men, Bandage makers, Powdermen helpers	4.60	.37	.40		.05	
GROUP III						
Laborers working in trenches on all pipelines; Sewer, water, gas, oil, telephone conduit, pen stock, siphons, drainage lines, caulkers, yarners, fine graders, air, gas, electric and hydraulic tools, boring machines, hydraulic jacks, drills, tampers, etc.	4.77	.37	.40		.05	
GROUP IV						
Sandblasters, powdermen and blasters, wiping of joint concrete pipe, inside and out; Labor, applicable to pipe coating or wrapping, plants andyards; Enamelers of pipe, inside and out	4.79	.37	.40		.05	
GROUP V (Relining Pipe)						
Relining pipe	4.88	.37	.40		.05	
Mixer man	4.93	.37	.40		.05	
GROUP VI						
Pipelayer	5.00	.37	.40		.05	

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CO-3-LAB-2-3-1b (1-2)

LABORERS (TUNNELS):	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Outside laborers	$4.55	.37	.40		.05	
GROUP I Minimum tunnel labor, dry house man	5.15	.37	.40		.05	
GROUP II Cable or hose tenders, chuck tenders, concrete laborers, dumpman, whirley pumps operators	5.25	.37	.40		.05	
GROUP III Helpers on shotcrete, gunniting and sandblasting; Helpers, core and diamond drills; Pot tender	5.33	.37	.40		.05	
GROUP IV Cement finisher helper, applying of concrete processing materials	5.40	.37	.40		.05	
GROUP V Collapsible form movers and setters, miners, machinemen and bit grinders, nippers, powdermen and blasters, reinforcing steel setters, timbermen (steel or wood tunnel support, incl. the placement of sheeting when required) and all cutting and welding that is incidental to the miner's work; Tunnel liner plate setters; Vibrator men, internal and external; Unloading, stopping and starting of Moran-Agitator Cars; Diamond and core drills; Cement finisher (underground); Shotcrete operator; Gunnite nozzlemen; Sandblaster; Pump concrete placement men	5.55	.37	.40		.05	
(SHAFTS, RAISES, MISSILE SILOS AND ALL UNDERGROUND WORK OTHER THAN TUNNELS)						
GROUP I Laborers, Topmen, Bottommen, and Cagers	5.25	.37	.40		.05	
GROUP II Chucktenders, Concrete laborers, Whirley pumps operators	5.40	.37	.40		.05	

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CO-3-LAB-2-3-1b (2-2)

LABORERS (TUNNEL) (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP III Helpers on shotcrete, gunniting and sandblasting; Helpers on core and diamond drills; Pot tenders; Cement finisher helpers; Applying of concrete processing material	$5.50	.37	.40		.05	
GROUP IV Collapsible form movers and setters, miners, machinemen and bit grinders, nippers, powdermen and blasters, reinforcing steel setters, timbermen (steel or wood tunnel support, incl. the placement of sheeting when required); All cutting and welding that is incidental to the miner's work; Liner plate setters; Vibrator men, internal and external	5.68	.37	.40		.05	
GROUP V Diamond and core drill; Cement finisher (underground); Gunnite nozzlemen; Shotcrete operators; Sandblasters and pump concrete placement men	5.78	.37	.40		.05	
GROUP VI Any employee performing work under ground from a bos'n chair, swinging stage, life belt ot block and tackle	5.83	.37	.40		.05	

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Colo 1 - PED-1-2-3-d (1-2)

POWER EQUIPMENT OPERATORS (Other than for work in Tunnels, Shafts and Raises)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP I						
Asphalt screed; Brakeman; Drill operator, smaller than William MF and similar; Helper to heavy duty mechanic and/or Welder; Tractor operator (under 70 HP), with or without attachments; Oiler	$5.60	.37	.45	.20	.03	
GROUP II						
Air compressor; Ditch witch trenching machine and similar; Equipment lubricating and service engineer; Fork lift; Haulage motorman; Operators of five or more light plants, welding machines, compressors 360 C.F.M. or less, pumps, generators; Pugmill operator; Pugmill; Pumps; Portable screening plant with or without a spray bar; Screening plants-with classifier; Self-propelled rollers - 5 tons & under; Vacuum well point system	5.95	.37	.45	.20	.03	
GROUP III						
Asphalt plant; Backfiller; Bituminous spreader or laydown machine; Cableway signalman; Caissons drill; (William MF, similar and larger; C.M.I. and similar; Concrete finish machine; Concrete gang saws on concrete paving; Concrete mixer (less than 1 yd.); Concrete placement pumps (under 8 in.); Conveyor (handling building materials); Distributors, bituminous surfaces; Drill, (diamond or core); Drills rigs (rotary, churn or cable tool); Elevating graders; Engineer fireman; Fireman or tank heater, Road; Grout machine; Gunnite machine; Hoists (1 drum); Loader (Barber Greene, etc.); Loader (up to and including 6 cu. yds.); Machine doctor mechanic; Motor grader (blade); Road stabilization machine; Roller-self-propelled-all types over 5 tons; Sand-blasting machine; Single unit portable crusher-with or without washer; Tile tamper, Wheel mounted; Tractor (70 h.p. & over)(with or without attachments); Trenching machine; Welder; Winch op. on truck; Concrete batching plants	6.30	.37	.45	.20	.03	

44-1056 P. 10

Colo 1 PED -1-2-3-d (2-2)

POWER EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP IV						
Concrete mixer (over 1 cu. yd.); Concrete paver 34 E or similar; Concrete placement pumps (8 in. and over); Crane (50 tons and under); Hoists (2 drums); Loader - over 6 cu. yds.; Mechanic-Welder (heavy duty); Mixer-mobile; Multiple unit portable crusher-with or without washer; Pile driver; Fireman; Cable-operated crane, truck mounted, 25 tons and over; Cable - operated power shovels, dragline; Clamshell, and backhoes (5 cu. yds. and under); Hydraulic backhoes, 1½ cu. yds. and over); Special utility operator; Self-propelled hydrocrane; Tractor with side boom; Truck mounted hydro-crane; Scraper-single bowl under 40 cu. yds.	$6.45	.37	.45	.20	.03	
GROUP V						
Crane operator - over 50 tons; Derrick; Electric rail type tower crane; Hoist (3 drum or more); Cable-operated power shovels, draglines, clamshells and backhoes (over 5 cu. yds.); Quad nine and similar push unit; Scraper-all tandem bowls; Scraper-single bowl including pups 40 cu. yd. and over	6.60	.37	.45	.20	.03	
GROUP VI						
Cableway; Crawler or truck mounted tower crane; Wheel excavator; Climbing tower crane	6.75	.37	.45	.20	.03	

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS: (For work in Tunnels, Shafts, and Raises)						
BRAKEMAN	$5.75	.37	.45	.20	.03	
MOTORMAN	6.10	.37	.45	.20	.03	
COMPRESSOR (900 CFM & OVER), Serving tunnels, shafts and raises	6.20	.37	.45	.20	.03	
AIR TRACTORS; Grout machine; Gunnite machine; Jumbo form; Mechanic; Welder	6.45	.37	.45	.20	.03	
CONCRETE PLACEMENT PUMPS 8" & OVER DISCHARGE; Mechanic-Welder (heavy duty); Mucking machine and frontend loaders underground; Slusher	6.60	.37	.45	.20	.03	
MOLE	7.00	.37	.45	.20	.03	
LINE CONSTRUCTION:						
Cable splicers	8.44	.25	1%		3/4%	
Lineman	7.87	.25	1%		3/4%	
Equipment operator; Line equipment maintenance man	6.71	.25	1%		3/4%	
Groundman	5.55	.25	1%		3/4%	

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
PICKUPS; Helpers; Scalemen; Checkers; Spotters; Dumpmen	$5.10	.30	.20	.10		
DUMP TRUCKS, TO AND INCL. 6 CU. YDS.; Sweeper; Flatrack, single axle; Liquid and bulk tankers, single axle; Warehousemen; Washers; Greasemen; Servicemen; Ambulance drivers, if used	5.20	.30	.20	.10		
DUMP TRUCKS, OVER 6 CU. YDS. TO AND INCL. 12 CU. YDS.; Flatrack tandem axle; Battery men; Mechanic helpers; Material checkers; Cardex men; Expeditors; Man haul shuttle truck or bus	5.30	.30	.20	.10		
STRADDLE TRUCK; Lumber carrier; Liquid and bulk tankers, tandem axle	5.35	.30	.20	.10		
FORK LIFT; Fuel truck; Grease truck; Combination fuel and grease; Tiremen	5.40	.30	.20	.10		
DUMP TRUCKS, OVER 12 CU. YDS., TO AND INCL. 19 CU. YDS.; Distributor; Cement mixer; Agitator truck to and incl. 10 cu. yds.; Liquid and bulk tankers, semi or combination	5.45	.30	.20	.10		
MULTI-PURPOSE TRUCK - Specialty and Hoisting	5.50	.30	.20	.10		
HIGH BOY; Lowboy; Floats; Semi; Cab operated distributor-semi; Liquid and bulk tankers, euclid, electric or similar; Dumptor, Toungtaggy, Jumbo and similar type equipment	5.55	.30	.20	.10		
MECHANICS	5.60	.30	.20	.10		
DUMP TRUCKS, OVER 19 CU. YDS. TO AND INCL. 29 CU. YDS. ; Truck driver snow plow	5.65	.30	.20	.10		

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CO- -TO-1-2-3-d (2-2)

TRUCK DRIVERS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
CEMENT MIXER, Agitator over 10 cu. yds. to and incl. 15 cu. yds.	$5.70	.30	.20	.10		
DUMP TRUCKS, OVER 29 CU. YDS. TO AND INCL. 39 CU. YDS.; Heavy duty diesel mechanics; Body men; Welders or combination men	5.80	.30	.20	.10		
CEMENT MIXER, Agitator over 15 cu. yds.	5.95	.30	.20	.10		
DUMP TRUCKS, OVER 39 CU. YDS. TO AND INCL. 54 CU. YDS.	6.00	.30	.20	.10		

STATE: Idaho
DECISION NUMBER: AQ-1054
COUNTIES: Statewide
DATE: Date of Publication
Supersedes Decision No. AQ-1049 dated October 19, 1973, in 38 FR 29162
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories), Heavy and Highway Construction.

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
ASBESTOS WORKERS:						
Benewah, Bonner, Boundary, Clearwater, Idaho (North of 46th parallel), Kootenai, Latah, Lewis, Nez Perce, Shoshone Counties	$8.15	.25	.37			
Remainder of Counties and Idaho County (South of the 46th parallel)	7.46	.50	.72			
BOILERMAKERS	7.45	.60	1.00	.50	.02	
BRICKLAYERS; Stonemasons:						
Blaine, Camas, Cassia, Gooding, Jerome, Lincoln, Minnidoka, Twin Fall Counties	6.40	.25				
Bingham (Northern Half), Butte, Bonneville, Clark, Custer, Fremont, Jefferson, Lemhi, Madison, Teton Cos.	5.50					
Bingham (Southern Half), Bannock, Bear Lake, Caribou, Franklin, Oneida, Powers Counties	6.50	.25	.15			
Ada, Adams, Boise, Canyon, Elmore, Gem, Owyhee, Payette, Valley, Washington Counties	6.45	.25	.30			
Idaho, Clearwater, Latah, Lewis, Nez Perce Counties	7.65	.30				
Benewah, Bonner, Boundary, Kootenai, Shoshone Counties	6.46	.15				
CARPENTERS:						
Benewah, Bonner, Boundary, Clearwater, Idaho (North of 46th parallel), Kootenai, Latah, Lewis, Nez Perce, Shoshone Counties						
Carpenters	7.39	.50	.50		.035	
Piledriverman; Sawfilers; Stationary Power Woodworking Tool Operator; Floor Layer; Floor Finisher; Floor Sander	7.54	.50	.50		.035	
Shingler (wood and composition)	7.59	.50	.50		.035	
Carpenters (burned, charred, creosoted or similarly treated material); Millwrights; Boommen and Machine Erector	7.64	.50	.50		.035	
Piledriverman (creosoted material)	7.79	.50	.50		.035	
Remainder of Counties and Idaho County (South of 46th parallel)						
Carpenters; Floor Layer; Shingler; Drywall Applicator and Installer	$6.65	.32	.30	.30	.10	
Saw Filer; Piledriverman; Bridgemen and Wharf Builders	6.83	.32	.30	.30	.10	
Millwrights; Machine Erector; Piledriverman's Boom Man	6.95	.32	.30	.30	.10	
CEMENT MASONS:						
Benewah, Bonner, Boundary, Clearwater, Idaho (North of 46th parallel), Kootenai, Latah, Lewis, Nez Perce, Shoshone Counties						
Cement Masons	6.90	.40	.40		.02	
Gunnite; Power Machine; Power Tools; Power Troweling Machine; Troweling Magnesite or other material with oxichloride base	7.05	.40	.40		.02	
Remainder of Counties and Idaho County (South of 46th parallel)						
Cement Masons	6.20	.22	.20	.10	.10	
Power Trowel; Power Grinder; Gunnite and Composition Floor Layer	6.38	.22	.20	.10	.10	
ELECTRICIANS:						
Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, Shoshone Counties						
Electricians; Technicians; Cable Splicers	8.05	.35	1%+.40		.02	
Ada, Adams, Boise, Canyon, Elmore, Gem, Owyhee, Payette, Valley, Washington Counties						
Electricians	7.95	.30	1%		1%	
Cable Splicers	8.745	.30	1%		1%	
Remaining Counties						
Electricians	8.00	.30	1%		1%	
Cable Splicers	8.80	.30	1%		1%	
ELEVATOR CONSTRUCTORS:						
Benewah, Bonner, Boundary, Clearwater, Idaho (North of 46th parallel) Kootenai, Latah, Lewis, Nez Perce, Shoshone Counties						
Elevator Constructors	7.66	.345	.23	2%+a		
Elevator Constructors' Helpers	70%JR	.345	.23	2%+a		
Elevator Constructors' Helpers (Prob.)	50%JR					

ELEVATOR CONSTRUCTORS: (cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Remainder of Counties and Idaho County (South of 46th parallel)						
Elevator Constructors	$7.23	.345	.23	2%+a		
Elevator Constructors' Helpers	70%JR	.345	.23	2%+a		
Elevator Constructors' Helpers (prob.)	50%JR					
GLAZIERS:						
Bonner, Boundary, Kootenai, Shoshone Counties	6.345	.25		b		
Benewah, Clearwater, Idaho (North of 46th parallel), Latah, Lewis, Nez Perce Counties	6.29	.25		b		
Ada, Adams, Boise, Canyon, Elmore (except Mt. Home AFB), Gem, Gooding, (Western part of County from a line running north and south through the eastern limits of Bliss), Idaho (Southern part of County from a line running east and west through the North limits of Elk City), Owyhee, Payette, Valley, Washington Counties	5.50	.25	.20	.23		
IRONWORKERS (Ornamental-Structural-Reinforcing)						
Adams (Northern of the Weiser-Gibbonsville line), Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lemhi (North of the Weiser-Gibbonsville line), Lewis, Nez Perce, Shoshone, Valley (North of the Weiser-Gibbonsville line), Washington (north of the Weiser-Gibbonsville line) Cos.	7.56	.48	.65		.05	
Remaining Counties and Adams, Lemhi, Valley, Washington Counties South of the Weiser-Gibbonsville line	6.94	.40	.65		.01	
LATHERS						
Benewah, Bonner, Boundary, Clearwater, Idaho. (North of 46th parallel), Kootenai, Latah, Lewis, Nez Perce, Shoshone Counties	7.50	.40				
MARBLE SETTERS:						
Clearwater, Idaho, Latah, Lewis, Nez Perce Counties	7.65	.30				

PAINTERS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Bannock, Bear Lake, Bingham, Blaine, Bonneville, Butte, Caribou, Cassia, Clark, Custer, Franklin, Fremont, Gooding (except Bliss and Western 1/3 of County), Jefferson, Jerome, Lemhi, Lincoln, Madison, Minnidoka, Oneida, Power, Teton, Twin Falls Counties						
Brush; Perfatapers	$5.81	.25	.10			
Structural Steel; Swing Stage; Spray	6.26	.25	.10			
Ada, Adams, Boise, Canas, Elmore (except Mt. Home AFB), Gem, Gooding (Western 1/3 of County including Bliss), Owyhee, (including Bruneau, Grand View, Riddle, Tindall), Idaho (South of 46th parallel), Valley, Washington Counties						
Brush	6.11	.25	.10			
Steel	6.21	.25	.10			
Sign	6.23	.25	.10			
Spray	6.58	.25	.10			
Elmore (Mt. Home AFB only)						
Brush; Paperhangers	7.11	.25	.10			
Structural Steel	7.21	.25	.10			
Spray; Sandblasting; Pressure Roller	7.58	.25	.10			
Benewah, Bonner, Boundary, Clearwater, Idaho (North of 46th parallel), Kootenai, Latah, Lewis, Nez Perce, Shoshone Counties						
Brush	6.67	.25	.45		.01	
Spray; Steel; Steam Cleaning; Rollers (9 or 10 inch handle); Finish						
Drywall Taper	6.92	.25	.45		.01	
Swing Stage and over 30 feet high	7.02	.25	.45		.01	
Bitumastic; Sand Blast; Bridges; Towers; Stacks; Steeples; Tanks on legs	7.07	.25	.45		.01	
Electric, TV and Radio Transmission Towers	7.42	.25	.45		.01	
PLASTERERS:						
Clearwater, Idaho, Latah, Lewis, Nez Perce Counties	6.49	.20				
Benewah, Bonner, Boundary, Kootenai, Shoshone Counties	7.93	.40				
Remaining Counties	5.98	.22	.20	.10		
PLUMBERS:						
Benewah, Bonner, Boundary, Clearwater, Idaho (North of the 46th parallel), Kootenai, Latah, Lewis, Nez Perce, Shoshone Counties	7.96	.33	.85	.49	.08	
Remaining Counties and Idaho County (South of 46th parallel)	7.39	.37	.40		.05	

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
ROOFERS:						
Bannock, Bear Lake, Bingham, Blaine, Bonneville, Butte, Caribou, Clark, Franklin, Fremont, Jefferson, Madison, Oneida, Power, Teton Counties	$6.90		.20			
Ada, Adams, Boise, Canyon, Custer, Elmore, Gem, Idaho (South of 46th parallel), Lemhi, Owyhee, Payette, Valley, Washington Counties						
Roofers; Kettlemen	6.40	.25	.15			
Roofers working with coal tar and pitch products	7.90	.25	.15			
Blaine, Camas, Cassia, Gooding, Jerome, Lincoln, Minnidoka, Twin Falls Cos.	5.98		.15			
Benewah, Bonner, Boundary, Kootenai, Shoshone Counties						
Roofers	6.20	.30	.15	.50		
Roofers working with pitch products	7.20	.30	.15	.50		
Clearwater, Idaho (North of 46th parallel), Latah, Lewis, Nez Perce Cos.						
Roofers; Kettlemen; Waterproofers	6.65					
SHEET METAL WORKERS:						
Benewah, Bonner, Boundary, Clearwater, Kootenai, Latah, Lewis, Nez Perce, Shoshone Counties	7.65	.32	.50	.50		
Bannock, Bear Lake, Bingham, Blaine, Bonneville, Butte, Caribou, Clark, Franklin, Fremont, Jefferson, Madison, Oneida, Power, Teton Counties	7.47	.22			.01	
Remaining Counties	7.06	.27	.20		.02	
SOFT FLOOR LAYERS:						
Bannock, Bear Lake, Bingham, (South from a line running east and west thru northern limits of Blackfoot including AEC Test Site), Blaine, Butte (South from a line running east and west thru northern limits of the AEC Test Site), Bonneville (South from a line running east and west thru northern limits of Blackfoot), Camas, Caribou, Cassia, Clark, Franklin, Fremont, Gooding, Jefferson, (That portion containing AEC Test Site), Jerome, Lemhi, Lincoln, Madison, Minnidoka, Oneida, Power, Teton, Twin Falls Counties	6.20					

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
SPRINKLER FITTERS	$8.70	.30	.50		.05	
TERRAZZO WORKERS:						
Clearwater, Idaho, Latah, Lewis, Nez Perce Counties	6.41	.20				
Benewah, Bonner, Boundary, Kootenai, Shoshone Counties	6.33	.15				
Bingham (Northern Half), Bonneville, Clark, Fremont, Jefferson, Madison, Teton Counties	5.50					
Bannock, Bear Lake, Bingham (Southern Half), Caribou, Franklin, Oneida, Power Counties	5.40	.25	.15			
TERRAZZO WORKERS HELPERS:						
Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, Shoshone Counties						
Tile Setters Helper	6.10					
Finisher Helper	6.55					
TILE SETTERS:						
Ada, Adams, Boise, Canyon, Elmore, Gem, Owyhee, Payette, Valley, Washington Cos	5.65	.25	.30			
Bingham (Northern Half), Bonneville, Clark, Fremont, Jefferson, Madison, Teton Counties	5.50					
Bingham (Southern Half), Caribou, Franklin, Oneida, Power Counties	5.70	.25	.15			
Clearwater, Idaho, Latah, Lewis, Nez Perce Counties	6.41	.20				
Benewah, Bonner, Boundary, Kootenai, Shoshone Counties	6.33	.15				
TILE SETTERS HELPERS:						
Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, Shoshone Counties						
Tile Setters Helper	6.10					
Finisher Helper	6.55					

WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Employer credits 4% basic hourly rate of employee with over 5 years' service, 2% basic hourly rate from 6 months to 5 years' service to Vacation Plan. Six Paid Holidays: A through F.
b. All employees who have been employed for a period of one year after the effective date of this agreement shall have two weeks vacation with pay. All employees with 10 years continuous service shall receive three weeks' vacation with pay.

Benewah, Bonner, Boundary, Clearwater, Idaho (North of the 46th Parallel), Kootenai, Latah, Lewis, Nez Perce and Shoshone	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS:					
Group I Carpenters tender; Concrete crewman; Concrete signalman; Crusher feeder; Demolition; Driller helper, Dumpman; Fence erector; General laborer; Grout machine header tender; Nipper; Riprap man; Scaleman; Stake jumper; Structural mover; Tailhoseman (water nozzle); Track laborer (RR); Truck loader; Timber bucker and faller; Window cleaner; Brush Hog Feeder	$5.80	.35	.55		.02
Group II Cement finisher tender; Cement handler; Demolition torch; Dope pot fireman, nonmechanical; Form cleaning machine; feeder, stacker; Form setter, paving; Grade checker using level, optional; Nozzleman, water & air or steam; Pipe layer, corrugated metal culvert; Pipe wrapper; Pot tender; Powderman helper; Power tool op.; gas, electric, pneumatic Railroad equipment, power driven; Rodder & spreader; Sandblast tailhoseman; Scaffold erector, wood or steel; Vibrator up to 4"; Well-point man; Wheelbarrow, power driven	5.95	.35	.55		.02
Group III Asphalt raker; Asphalt roller, walking; Chain saw op., w/attachments; Concrete saw, walking; Creosote material; High scaler; Jackhammer op.; Multi-section pipelayer; Nozzleman; Pavement breaker; Tamper; Trencher; shawnee; Vibrator, 4" & over; Wagon drills; Water pipe liner	6.05	.35	.55		.02
Group IV Chain Saw (faller); Pipelayer (Caulker, collarman, jointer, mortarman, rigger, jacker, shorer & lagger and laser beam but not incl. laying corrugated metal culvert pipe)	6.10	.35	.55		.02

LABORERS (Cont'd):	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Group V Concrete stack, Hod carriers; Mortar mixer; Vibrator, 4 inches and over	$6.15	.35	.55		.02
Group VI Caisson worker, free air; High Scaler	6.20	.35	.55		.02
Group VII Brush machine; Drills, Gunnite; Monitor op., Air Track or similar mounting; Nozzleman	6.25	.35	.55		.02
Group VIII Air track drills with dual masts and drills; Powderman	6.45	.35	.55		.02
TUNNEL & SHAFT, FREE AIR					
Group IX Class A: Bull gang, pump crete crewman incl. distributing pipe, assembling & dismantle and nipper	5.85	.35	.55		.02
Class B: Brakeman, dumpman	5.90	.35	.55		.02
Class C: Miner & nozzleman for concrete and laser beam op. on tunnels	6.30	.35	.55		.02
Class D: Raise & shaft miner and laser beam op. on raises and shafts	6.35	.35	.55		.02
Group X Sand Hogs (Under compressed air conditions):					
1 lb thru 14 lbs - 6 hrs. work	58.80	.35	.55		.02
Over 14 lbs thru 18 lbs - 6 hrs. work	61.50	.35	.55		.02
Over 18 lbs thru 22 lbs - 4 hrs. work	61.50	.35	.55		.02
Over 16 lbs thru 22 lbs - 6 hrs. work	81.75	.35	.55		.02
Over 22 lbs thru 26 lbs - 4 hrs. work	65.70	.35	.55		.02
Over 26 lbs thru 32 lbs - 4 hrs. work	68.10	.35	.55		.02
Over 32 lbs thru 38 lbs - 3 hrs. work	70.80	.35	.55		.02
Over 38 lbs thru 44 lbs - 2 hrs. work	72.10	.35	.55		.02
Outside lock & pumpe tender (per shift)	49.20	.35	.55		.02

Remaining Counties and that portion of Idaho County South of the 46th Parallel

1-IDA-SIDA-LA3-1-2-3-k

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I GENERAL LABORERS, Sloper, Clearing and Grading, Form Stripper, Concrete Crew, Concrete Curing Crew, Carpenter Tender, Asphalt Laborer, Hopper Tender, Heater Tender, Stake Jumper, Choker Setter, Spreader and Weighman, Power Wheelbarrow, Scouring Concrete, Rip Rap Man (hand placed), Fence Erector and Installer - manual or mechanical (includes the installation and erection of fences, guard rails, median rails, reference posts, guide posts and right-of-way markers), Crusher Helper, Cribbing and Shoring (in open ditches), Machinery and Parts Cleaner, Leverman - Manual or Mechanical, Demolition - Salvage, Landscaper, Tool Room Man	$5.20	.35	.35	.10	.10
GROUP II CHUCK TENDER, Driller Helper, Air Tampers, Gunite Nozzleman Tender, Pipe Wrapper, Tar Pot Tender, Concrete Sawyer, Signalman, Handling Cement, Dumpman, Steam Nozzleman, Air and Water Nozzleman (Green Cutter, concrete) Grade Checker, Vibrator (less than 4"), Pumpcrete and Grout Pump Crew, Hydraulic Monitor	5.30	.35	.35	.10	.10
GROUP III PIPELAYER including sewer, drainage, sprinkler systems and water lines, Free Air Caisson, Jackhammer, Paving Breaker, Powderman Helper, Asphalt Raker, Gasoline Powered Tamper, Electric Ballast Tamper, Sand Blasting, Form Setter - Airport Paving, Gunman (Gunite), Manhole Setter, Hand Guided Machines, such as Rotor Tillers, Trenchers, Post Hole Diggers, Walking Garden Tractors, etc., Form Setter (Highway-Curb and Gutter), Vibrator (4" and over), Timber Faller and Bucker, Metal Pan Installer	5.40	.35	.35	.10	.10

1-IDA-SIDA-LA3-1-2-3-k

LABORERS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP IV HOD CARRIER, Mason Tender Plaster Tender, Mason Tender (Concrete), Terrazzo-Tile Tender	$5.50	.35	.35	.10	.10
GROUP V HIGHSCALER, Wagon Drill, Gunite Nozzleman, Daimond Drill	5.55	.35	.35	.10	.10
GROUP VI DRILLERS on Drills with manufacturers rating 3" or over, Powderman	5.80	.35	.35	.10	.10
GROUP VII REBOUNDMAN, Chucktender, Nipper, Dumpman, Vibrator(less than 4"), Brakeman, Muckers, Bullgang	5.35	.35	.35	.10	.10
GROUP VIII FORM SETTER and Mover; Vibrator (4" and over)	5.50	.35	.35	.10	.10
GROUP IX MINERS, Machinemen, Timbermen, Steelmen, Drill Doctors, Spaders and Tuggers, Spiling and/or Caisson Workers	5.80	.35	.35	.10	.10

Benewah, Bonner, Boundary, Clearwater, Idaho, (North of the 46th Parallel), Kootenai, Latah, Lewis, Nez Perce and Shoshone	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS					
GROUP I					
Bit Grinders; Bolt Threading Machine; Brakeman; Compressors, under 1000 cu. ft. per minute gas, diesel or electric power; Crusher Feeder (mechanical); Deck Hand; Drillers' Helper; Fireman & Heater Tender; Grade Checker; Helper (Mechanic or Welder, H.D.); Oiler; Pumpman; Rollers, all types on subgrade (farm type, Case, John Deere and similar - or compacting or vibrator) except when pulled by dozer with operable blade; Welding Machines.	$6.85	.55	.65		.03
GROUP II					
A-Frame Truck (single-drum); Assistant Refrigeration Plant (under 1000 tons); Assistant Plant Operator, Fireman or Pugmixer (asphalt); Bagley or Stationary Scraper; Batch Plant & Wet Mix Operator, single unit (concrete); Belt Finishing Machine; Bending Machine (pipeline); Blower Operator (cement); Cement Hog; Compressor (1000 cu. ft. or over, 2 or more - gas, diesel or electric power); Concrete Saw (multiple cut); Distributor Leverman; Dope Pots (power agitated); Equipment Serviceman, Greaser and Oiler; Fork Lift or Lumber Stacker, Hydra Lift & similar; Gin Trucks (pipeline); Hoist, single drum; Loaders (bucket elevators and conveyors); Longitudinal Float; Mixer (portable - concrete); Pavement Breaker, Hydra-Hammer & similar); Postbold Auger or Punch; Power Broom; Railroad Ballast Regulation Operator, (self-propelled); Railroad Power Tamper Operator, (self-propelled);					

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
GROUP II (cont'd)						
Railroad Power Tamper Jack Operator, (self-propelled); Spray Curing Machine (concrete); Spreader Box (self-propelled); Straddle Buggy (Ross & similar on construction job site); Tractor (farm type R/T with attachments except backhoe); Tugger Operator.	$7.15	.55	.65		.03	
GROUP III						
A-Frame Truck (2 or more drums); Assistant Refrigeration Plant & Chiller Operator (over 1000 tons); Backfillers (Cleveland & similar); Belt-Crete Conveyors with Power Pack or similar; Belt Loader (Kocal or similar); Blade Operator (Motor Patrol and attachments); Boat Operators; Boom Cats (side); Boring Machine (earth); Boring Machine (rock under 8" bit) (Quarry Master, Joy or similar); Bump Cutter (Wayne, Saginaw or similar); Canal Lining Machine (concrete); Cleaning & Doping Machine (pipeline); Concrete Pumps (squeeze-crete, flow-crete, pump-crete, Whitman & similar); Drills (churn, core, calyx or diamond); Elevating Belt-type Loader (Euclid, Barber Green or similar); Elevating Grader-type Loader (Dumor, Adams, or similar); Generator Plant Engineers (diesel electric); Gunite Combination Mixer & Compressor; Hoist, (2 or more drums or Tower Hoist); Loaders, (overhead & frontend, under 4 yds., R/T); Locomotive Engineer; Mixermobile; Oiler & Cable Tender, Mucking Machine, Paver (asphalt and concrete); Pump (Grout or Jet); Refrigeration Plant Engineer (1000 tons); Rollerman (finishing pavement); Rubber-tired Scrapers (one motor with one scraper, under 40 yds.); Screed Operator; Soil Stabilizer (P & H or similar);					

P-IDA-VIDA-PSO-1-2-3-a-1 (3-4)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
GROUP III (cont'd)						
Spreader Machine; Tractor (crawler, incl. Dozer, Scraper, Drills, Booms, Rollers, etc.); Traverse Finishing Machine; Trenching Machines (under 7 ft. depth capacity); Turnhead Operator	$7.40	.55	.65		.03	
GROUP IV						
H. D. Mechanic; H. D. Welder; Refrigeration Plant Engineer (1000 tons & over) Semi-automatic Welding Machine.	7.50	.55	.65		.03	
GROUP V						
Asphalt Plant Operator; Crusher & Screening Plant Operator; Rubber-tired Scrapers Multi-Engine Power with one Scraper (Euclid, TS-24 & similar); Rubber-tired Scraper, One Motor with One Scraper (40 yds. & over); Single Engine with two Scrapers (Letourneau, Tandem 8 & similar); Surface Heater & Planer Machine.	7.55	.55	.65		.03	
GROUP VI						
Automatic Subgrader (ditches & trimmers) (R.A. Hansen & similar); Backhoes (under 3 yds.); Batch & Wet Mix Operator-Multiple Units (2 and incl. 4); Clamshell Operator (under 3 yds.); Concrete Slip Form Paver; Cranes (under 65 tons); Derricks & Stifflegs (under 65 tons); Draglines (under 3 yds.); Drilling Equipment (8" bit and over) (Robbins & similar); Hydra-Cranes (Austin, Western Hydra-Mac and similar with attachments); Loader Operator (Front End & Overhead 4 yds. to 8 yds.); Mucking Machines; Piledriving Engineers; Paver (Dual drum);						

2-IDA-VIDA-PSO-1-2-3-a-1 (4-5)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP VI (cont'd)					
Quad-track or similar Equipment; Railroad Track Liner Operator (self-propelled); Rubber-tired Scrapers, Multiple Engines with two Scrapers; Shovels (under 3 yds.); Signalmen (Whirleys, Highline Hammerheads or similar); Trenching Machines (7 ft. depth and over).	$7.70	.55	.65		.03
GROUP VII					
Backhoes (3 yds. and over); Batch Plant (over 4 units); Cableway Controller-Dispatcher; Cableway Operators; Clamshell Operator (3 yds. and over); Cranes (65 tons and over); Derricks & Stifflegs (65 tons and over); Draglines (3 yds. and over); Loader - (360 degrees revolving Koehring Scooper or similar); Loaders (overhead and front end over 8 yds.); Rubber-tired Scrapers (multiple engine with three or more scrapers); Shovels (3 yds. and over); Tower Crane; Whirleys and Hammerheads (all).	7.95	.59	.65		.03

Underground Work - Add 10% to the Classification.

Classification - (Not to include open pits, cuts, ditches, trenches and such work as paving, etc.)

All Crane Booms: 130' to 200' - $.15/hr. Additional to Classification
Over 200' - - $.30/hr. Additional to Classification

Yo-Yo Dozer: 10% Additional

AQ-1-56 P. 15

Remaining Counties and that portion of Idaho County, South of the 46th Parallel

1-IDA-SIDA-PEO-1-2-3- p____ (1-3)

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	C--
Group 1 Brakeman, Crusher, Plant Feeder (Mechanical), Deckhand, Drill Helpers, Grade Checkers, Heater Tender, Land Plane, Oilers, Pumpman	5.78	.40	.35		.10	
Group 2 Air Compressor, Assistant Refrigeration Plant Operator, Bell Boy, Bit Grinder Operator, Blower Operator (Cement), Bolt Threader Machine Operator-Broom, Cement Hog, Concrete Mixer, Concrete Saw - Multiple Cut, Discing - Harrowing or mulching (Regardless of Motive Power), Distributor Leverman, Drill Steel Threader Machine Operator, Fireman - All, Heavy Duty Mechanic Helper or Welder Helper, Hoist - Single Drum, Hydraulic Monitor Operator - Skid Mounted, Oiler on Cranes and Shovels, Pugmixer - Box or Screed Operator, Spray Curing Machine, Tractor - Rubber Tired Form Type Using Attachments	5.94	.40	.35		.10	
Group 3 A-Frame Truck (Hydra lift, Swedish Cranes, Ross Carrier, Hyster on Construction jobs), Battery Tunnell Locomotive, Belt Finishing Machine, Cable Tenders (Underground), Chip Spreader Machine (Self-propelled), Front End and Overhead Loaders and Similar Machines under 2 Yds. - Rubber-tired, Hoist - 2 or more Drums or Tower Hoist, Hydralift - Fork Lift and Similar (When Hoisting), Oilers (Underground), Power Loader (Bucket Elevator, Conveyors), Road Roller (Regardless of Motive Power), Service Oiler.	6.12	.40	.35		.10	
Group 4 Boring Machines (Earth or Rock) Quarrymaster - Joy - Tractor Mounted, Drills; Churn - Core - Calyx or Diamond, Front End and Overhead Loaders and Similar Machines - 2 Yds. and including 4 Yds. - Rubber-tired, Grout Pump, Hydra-hammer, Locomotive Engineer, Longitudinal Float Machine, Minarmobile, Spreader Machine, Tractor - Rubber-tired - using						

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1-IDA-SIDA-PEO-1-2-3- p____ (2-3)

POWER EQUIPMENT OPERATORS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Group 4 (Cont'd) Backhoe, Transverse Finishing Machine, Trenching Machines, Waggoner Compactor and Similar, Asphalt Spreaders.	6.45	.40	.35		.10
Group 5 Concrete Plant Operator, Concrete Road Paver Dual), Elevating Grader Operator, Euclid Elevating Loader, Generator Plant Operator-Mechanic (Diesel Electric), Post Hole Auger or Punch Operator, Power Shovels and Draglines-under 1 Yd., Pumpcrete, Refrigeration Plant Operator, Road Roller (Finishing High Type Pavement), Skidder - Rubber tired, Sub Grader.	6.63	.40	.35		.10
Group 6 Asphalt Pavers - Self-prop., Asphalt Plant Operator, Blade Operator (Motor Patrol), Concrete Slip Form Paver, Cranes - up to and including 50 ton, Crusher Plant Operator, Derrick Operator, Front End and Overhead Loaders and Similar Machines - over 4 yds. to and including 6 Yds., Koehring Scooper Heavy Duty Mechanic or Welder, Mucking Machine (Underground), Multi-batch Concrete Plant Operator, Piledriver Engineer, Power Shovels and Draglines - 1 Yd. to and including 3-1/2 Yds., Tower Crane Operator, Tractor - Crawler Type - including all attachments, Refrigeration Plant Operator (Over 1,000 Tons), Trimmer Machine Operator, Tournapulls - Euclid and Similar - to and including 40 Yds.	6.81	.40	.35		.10
Group 7 Cableway Operator, Cranes - Over 50 Ton, Dredges, Fine Grader - CMI or Equivalent, Front End and Overhead Loaders and Similar Machines - Over 6 Yds., Power Shovels and Draglines over 3-1/2 Yds., Quad Type Tractors with all Attachments, Tournapulls - Euclid and Similar - Over 40 Yds. to and including 50 Yds., Multiple Scraper Units.	7.14	.40	.35		.10

1-IDA-SIDA-TSD-1-2-3-P (3-3)

POWER EQUIPMENT OPERATORS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Group 8					
Tournapulls - Euclid and Similar - Over 50 Yds. to and including 75 Yds.	7.38	.40	.35		.10
Group 9					
Tournapulls - Euclid and Similar - Over 75 Yds. to and including 100 Yds.	7.63	.40	.35		.10
Group 10					
Tournapulls - Euclid and Similar - Over 100 Yds.	7.87	.40	.35		.10

2-IDA-NIDA-TD-1-2-3-d (1-2)

Benewah, Bonner, Boundary, Clearwater, Idaho, (North of the 46th Parallel), Kootenai, Latah, Lewis, Nez Perce and Shoshone

TRUCK DRIVERS

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Group I FLAT BED TRUCK, single rear axle; Escort Driver; Fish Truck; Fork Lift, 3,000 lbs. & under; Fuel Truck Driver (steam cleaner & washer); Helper & Swamper; 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	6.50	.57	.50			
Group II BUS DRIVER OR MANHAUL DRIVER; Flat Bed Truck, dual rear axle; Tireman No. 1; Warehouseman	6.55	.57	.50			
GROUP III BUGGY MOBILE & SIM.; Bulk Cement Tanker; Oil Tank Driver; Power Operated Sweeper; Semi-Trailer, low bed, truck & Trailer; Straddle Carrier (Ross, Hyster & sim.); Transit Mixers & Trucks Hauling Concrete (3 yds. & under); Trucks, side end and bottom dump (under 6 yds.); Water Tank Truck (1,801 - 4,000 gallons)	6.60	.57	.50			
Group IV AUTO CRANE - 2000 lbs. capacity; Bulk Cement Spreader; Dumptor (6 yds. & under); Flaherty Spreader, box driver; Flat Bed Truck (using power take off); Fork Lift (over 3,000 lbs.) Oil Distributor Driver (road, bootman; leverman, Helper); Rubber tired Tunnel Jumbo; Scissors Truck; Slurry Truck Driver; Transit Mixers & Trucks Hauling Concrete (over 3 yds. to 6 yds.) Trucks, side, end and bottom dump (over 6 yds. to 12 yds.); Water Tank Truck (4,001 - 6,000 gals.); Wrecker & Tow Trucks	6.70	.57	.50			
Group V LOW BOY (under 50 tons); Service Greaser; Tireman No. 2	6.75	.57	.50			

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2-IDA-NIDA-TD-1-2-3-J (2-2)

TRUCK DRIVERS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Group VI A-FRAME (Swedish Crane, Iowa 3,000, hydrolift); Water Tank Truck (over 6,001 - 8,000 gals.)	6.80	.57	.50			
Group VII DUMPTOR (over 6 yds.); Transit Mixers & Trucks Hauling Concrete (6 yds. to 10 yds.) Trucks, side, end & bottom dump (over 12 yds. incl. 20 yds.)	6.85	.57	.50			
Group VIII LOW BOY (over 50 tons); Water Tank Truck (8,001 - 10,000 gals.); 10c for each add. 2,000 gals.	6.90	.57	.50			
Group IX TRANSIT MIXERS & TRUCKS Hauling Concrete, (10 yds. to 15 yds.); Trucks, side, end & bottom dump (over 20 yds. incl. 30 yds.)	7.00	.57	.50			
Group X TOURNADOCKER, DW'S & sim. w/2 or 4 wheel power tractor w/trailer or yardage scale whichever is greater	7.05	.57	.50			
Group XI TRANSIT MIXERS & TRUCKS Hauling Concrete (15 yds. to 20 yds.); Trucks, side, end & bottom dump (over 30 yds. to 40 yds.)	7.15	.57	.50			
Group XII TRANSIT MIXERS & TRUCKS Hauling Concrete (over 20 yds.); Trucks, side, end & bottom dump (over 40 yds. to 50 yds.)	7.30	.57	.50			
Group XIII TRUCKS, side, end and bottom dumps, (over 50 yds. to 100 yds.)	7.45	.57	.50			
Group XIV TRUCKS, side, end and bottom dump (over 100 yds.)	7.60	.57	.50			

AQ-1054 P. 20

1-IDA-SIDA-TD-1-2-3-R (1-2)

remaining Counties and that portion of Idaho County South of the 46th Parallel

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Group 1 LEVERMAN Loading at Bunkers	$5.75	.45	.35	.05	.10
Group 2 FLAT BED - 2 Axle and Pickup hauling material, Water Tank Truck (1800 gals. and under), Fork Lift (3,000 and under)	5.81	.45	.35	.05	.10
Group 3 FLAT BED - 3 Axle, Fuel Truck (1,000 Gals. and under), Greaser, Fireman, Serviceman, Buggymobile, Man Haul (Shuttle Truck or Bus).	5.87	.45	.35	.05	.10
Group 4 TRANSIT MIX TRUCK - 3 Yds. and under, Warehouseman, Truck Helpers, Slurry or Concrete Pumping Truck	5.93	.45	.35	.05	.10
Group 5 FLAT BED using Power Takeoff, Water Tank Truck (over 1,800-4,000 gals.) Semi-Trailer - Low Boy - up to 96,000 lbs. GVW, Bulk Cement Tanker - up to 96,000 lbs GVW, Fork Lift - over 3,000 lbs. (Bull Lift, Hydro Lift), Ross, Hyster and similar Straddle Equipment, "A" Frame Truck (Swedish Crane, Iowa 3,000, Hydro-lift).	6.00	.45	.35	.05	.10
Group 6 TRANSIT MIX TRUCK, over 3 yds. - 6 yds	6.05	.45	.35	.05	.10
Group 7 WATER TANK TRUCK - over 4,000 gals., Fuel Truck - over 1,000 gals., Distributor or Spreader Truck, Field Fireman - Serviceman	6.11	.45	.35	.05	.10
Group 8 TRANSIT MIX TRUCK - over 6-8 yds., Dumptors	6.17	.45	.35	.05	.10
Group 9 TRANSIT MIX TRUCK - over 8 - 10 yds.	6.29	.45	.35	.05	.10

1-IDA-6IDA-TD-I-2-3-R (2-2)

TRUCK DRIVERS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
Group 10					
LOW BOY - 96,000 lbs. GVW and over, Bulk Cement Tanker - 96,000 lbs. GVW and over	$6.35	.45	.35	.05	.10
Group 11					
TRANSIT MIX TRUCK - over 10 yds.	6.41	.45	.35	.05	.10
Group 12					
TURNAROCKER and similar equipment	6.47	.45	.35	.05	.10
Group 13					
TRUCK - side, end and bottom dump (6 yds. and under)	5.93	.45	.36	.05	.10
TRUCK - side, end and bottom dump (over 6 yds. - including 12 yds.)	6.05	.45	.35	.05	.10
TRUCK - side, end and bottom dump (over 12 yds. - including 20 yds.)	6.29	.45	.35	.05	.10
TRUCK - side, end and bottom dump (over 20 yds. including 30 yds.)	6.47	.45	.35	.05	.10
TRUCK - side, end and bottom dump (over 30 yds. including 40 yds.)	6.60	.45	.35	.05	.10
TRUCK - side, end and bottom dump (over 40 yds. including 50 yds.)	6.72	.45	.35	.05	.10
TRUCK - side, end and bottom dump (over 50 yds. including 75 yds.)	6.96	.45	.35	.05	.10
TRUCK - side, end and bottom dump (over 75 yds. including 100 yds.)	7.20	.45	.35	.05	.10
TRUCK - side, end and bottom dump (over 100 yds.)	7.45	.45	.35	.05	.10
Group 14					
TRUCK MECHANIC	6.83	.45	.35	.05	.10

NORTHERN IDAHO LINE CONSTRUCTION -

Benewah, Bonner, Boundary, Clearwater, Idaho, (North of the 46th Parallel), Kootenai, Latah, Lewis, Nez Perce and Shoshone

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
LINE CONSTRUCTION (Remainder of Counties and that portion of Idaho County north of the 46th parallel):						
Cable Splicers; Leadman Pole Sprayer	$9.03	.25	1%	.10	1/2%	
Lineman; Pole Sprayer; Heavy Line Equipment Man; Certified Lineman Welder	8.16	.25	1%	.10	1/2%	
Tree Trimmer	7.37	.25	1%	.10	1/2%	
Line Equipment Man	7.03	.25	1%	.10	1/2%	
Head Groundman (Chipper); Head Groundman; Powderman; Jackhammer Man	6.15	.25	1%	.10	1/2%	
Groundman; Tree Trimmer Helper	5.80	.25	1%	.10	1/2%	
Hole Digger	5.55	.25	1%	.10	1/2%	

Remaining Counties and that portion of Idaho County South of the 46th Parallel

LINE CONSTRUCTION:					
All work over 34.5 KV and all work on steel towers and/or multiple wood structures and all substations of 1000 KVA or greater capacity and all communications, underground work except street and highway lighting and motor traffic controls:					
Groundman	$5.28	.25	1%		3/4%
Equipment Operators	6.38	.25	1%		3/4%
Lineman	6.99	.25	1%		3/4%
Cable Splicer	7.68	.25	1%		3/4%
All work 34.5 KV and under when performed for an operating utility for highway lighting and motor traffic controlling:					
Groundman	5.21	.25	1%		3/4%
Equipment Operator	6.09	.25	1%		3/4%
Lineman	6.76	.25	1%		3/4%

SUPERSEDEAS DECISION

STATE: New Hampshire COUNTY: Hillsboro
DECISION NO.: AQ-3033 DATE: Date of Publication
Supersedes Decision No. AQ-3001, dated August 31, 1973 in 38 FR 23733
DESCRIPTION OF WORK: Residential Construction (consisting of single family homes and garden type apartments up to and including 4-stories).
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RESIDENTIAL CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asbestos workers	$8.955	.55	.50		.01	
Bricklayers, cement masons, marble setters, plasterers, stone masons, terrazzo workers and tile setters:						
Remainder of County	6.95	.40	.35		.01	
Hillsboro Antrim, Hancock, N. Branch, Hillsboro Upper and Lower Villages	7.25	.25				
Carpenters:						
Pelham:						
Carpenters and soft floor layers	8.35	.50	.50		.02	
Remainder of County:						
Carpenters and soft floor layers	6.56	.35	.30		.01	
Piledrivermen	7.41	.35	.30		.01	
Electricians:						
Pelham:						
Electricians	8.45	.25	1%		.02	
Remainder of County:						
Electricians	4.85	.25	1%		.01	
Glaziers	6.57	.25	.36		.02	
Ironworkers:						
Structural, ornamental and reinforcing	7.80	.50	.90		.02	
Laborers, Bldg.:						
Common laborers, wreckers, tenders, and hod carriers, asphalt rakers	5.56	.40	.40		.05	
Plasterers tenders	5.71	.40	.40		.05	
Drillers, pavement breakers, jackhammer operators, and chipping gun operator	5.96	.40	.40		.05	
All other pneumatic tool operator on boiler and stack work	6.46	.40	.40		.05	
Boiler and stack work	6.06	.40	.40		.05	
Marble setters' helpers	5.05	.15	.10			
Painters:						
Brush	4.70	.175				
Steel, open structural and spray	5.95	.175				
Steel, enclosed over 25'	5.80	.175				
Steeplejack	6.80	.175				
Plumbers and Steamfitters:						
Hudson and Pelham	8.10	.40	.40		.02	
Remainder of County	8.35	.43	.35		.02	
Roofers:						
Composition	5.90					
Helpers	5.40					
Sheet Metal workers	8.14	.31	.32			
Terrazzo workers' helpers	7.40	.20	.10			
Tile setters' helpers	5.05	.15	.10			
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

RESIDENTIAL CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS:						
Shovels, cranes, draglines, derricks, elevators with Chicago boom, backhoes, gradalls, elevating graders, pile driving rigs, concrete road, pavers, all three drum hoisting and trenching machines	$8.00	.25	.40	a	.05	
Rotary drill (with mounted compressor) compressor house (3 to 6 compressors) rock and earth boring machines (excluding McCarthy and similar drills), graders, 4 yards and over front end loader, two drum hoists, high fork lifts with capacity of 15 feet and over	7.75	.25	.40	a	.05	
Bulldozers, push cats, scrapers, (self-propelled or tractor drawn), asphalt paver, front end loader (3/4 yard up to 4 yards), well drillers, mechanics, pumpcrete machines, concrete pumps, and similar type pumps, engineer or fireman on high pressure boiler (on job), self-loading batch plant, well point operators, (including installing), engineer-in-charge of powered grease truck, all automatic elevators (permanent or temporary) operated manually or by remote controls	7.55	.25	.40	a	.05	
Single drum hoist, self-powered roller, self-propelled compactors, power pavement breakers, concrete pavement finishing machines, two bag mixers with skip, front end loaders (under 3/4 yard), McCarthy and similar drills, batch plant (not self-loading), bulk cement plants, self-propelled material spreaders, A-frame trucks, and fork lifts (up to fifteen feet)	7.125	.25	.40	a	.05	
Compressor 315 cubic feet and over, one or two), pumps (4 inches and over-total discharge) when total discharge is over 12 inches, classification 3 will be paid, tractor (without blade or bucket) drawing roller, compactors or other machines used for pulverizing, grading or seeding	7.10	.25	.40	a	.05	

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RESIDENTIAL CONSTRUCTION (Continued)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
Compressors (up to 315 cubic feet) small mixers, pumps (up to 4 inches), power heaters, welding machines (when 3 or more heaters or welding machines are used on one job, classification 4 rate will be paid), conveyor, oiler, including helpers on grease trucks and grease trucks with hand greasing equipment	$6.55	.25	.40	a	.05
Cranes with boom lengths of 200 feet or more	9.00	.25	.40	a	.05
Crane with boom length of 150 feet or more	8.50	.25	.40	a	.05

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Holidays: A through F and Veterans Day, Washington's Birthday and Columbus Day.

TRUCK DRIVERS, RESIDENTIAL	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Two Axle Equipment	$4.16	.25	.25	a		
Three Axle Equipment including low beds	4.38	.25	.25	a		
Special earth hauling equipment other than conventional type on the road trucks and semitrailers trailer dumps	4.60	.25	.25	a		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Holidays: A through F, plus Washington's Birthday, Veterans' Day and Columbus Day; (provided employee works two days in the calendar week in which the holidays falls; reports for work the last day assigned prior to the holiday and the first day assigned following the holiday).

SUPERSEDEAS DECISION

STATE: New Hampshire
DECISION NO.: AQ-3034
COUNTY: Rockingham
DATE: Date of Publication
Supersedes Decision No. AQ-3011 dated, October 12, 1973 in 38 FR 28451
DESCRIPTION OF WORK: Residential construction (consisting of single family homes and garden type apartments up to and including 4-stories).

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RESIDENTIAL CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asbestos workers	$8.955	.55	.50		.01	
Bricklayers, cement masons, marble masons, plasterers, stonemasons, tile setters and terrazzo workers	6.95	.40	.35		.01	
Carpenters:						
Salem						
Carpenters and soft floor layers	7.93	.50	.50		.02	
Remainder of County:						
Carpenters and soft floor layers	6.66	.35	.30		.02	
Atkinson, Auburn, Candia, Chester, Danville, Deerfield, Derry, Fremont, Hampstead, Londonderry, Newton, Plaistow, Raymond and Windham:						
Carpenters	6.56	.35	.30		.01	
Electricians:						
Twps. of Exeter, Greenland, Hampton, Hampton Falls, Portsmouth, Newington, Newmarket, Northwood, Nottingham, Rye, Seabrook, S. New Market and Strathan	7.81	.35	1%+.10		.01	
Kingston, Kensington, Sandown, Danville E. Kingston, Hampstead, Plaistow, Westville, Atkinson, N. Salem and Salem:						
Electricians	7.95	.25	1%		.02	
Remainder of County:						
Electricians	8.80	.25	1%		.03	
Glaziers	6.57	.25	.36		.02	
Ironworkers, structural, ornamental and reinforcing	7.80	.50	.90		.02	
Laborers: Building						
Auburn, Candia, Chester, Danville, Deerfield Center, Derry, E. Derry, Fremont, Hampstead, Londonderry, Raymond, Sandown, W. Epping and Windham,						
Deerfield:						
Common laborers, wreckers, tenders and hod carriers, asphalt rakers	5.56	.40	.40		.05	

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RESIDENTIAL CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Laborers: (cont'd)						
Plasterers tenders	$5.71	.40	.40		.05	
Drillers, pavement breakers, jackhammers ops. and chipping gun ops.	5.96	.40	.40		.05	
All other pneumatic tool operators on boiler and stack work	6.46	.40	.40		.05	
Boiler and stack work	6.06	.40	.40		.05	
Salem, Rockingham Park, Building and Demolition	6.05	.20	.25		.05	
Remainder of County:						
Building:						
Laborers and pipelayers	5.41	.40	.35		.05	
Pneumatic tool operator, blasters and powdermen	5.81	.40	.35		.05	
Plasterers' tenders	5.56	.40	.35		.05	
Lathers	7.50	.45	.55		.01	
Painters:						
Atkinson, Brentwood, Danville, E. Kingston, Epping, Exeter, Fremont, Greenland, Hampstead, Hampton Falls, Kensington, Hampton, Kingston, New Castle, Newfields, Newington, New Market, Newton, N. Hampton, Nottingham, Plaistow, Portsmouth, Rye, Sandown, Seabrook, S. Hampton, Stratham and Northwood:						
Brush, rollers 9 inch	5.30		.25			
Spray and tender	6.30		.25			
Structural steel	5.90		.25			
Structural steel 45' or more	6.90		.25			
Salem:						
Brush	4.10	.15				
Structural	4.60	.15				
Spray	5.10	.15				
Townships of Northwood, Deerfield, Candia, Raymond, Auburn, Chester, Londonderry, Derry, and Windham:						
Brush	4.70	.175				
Open structural steel, work to 25' and spray	5.95	.175				
Enclosed steel, over 25'	5.80	.175				
Plumbers and Steamfitters:						
Plaistow, Atkinson, Danville, Hampstead and Kingston	6.50	.30	.30		.02	
Salem and Windham	8.49	.30	.25		.05	
Remainder of County	8.23	.35	.25		.02	

RESIDENTIAL CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Roofers	$5.90					
Roofers' helpers	5.40					
Sheet metal workers	6.02	.31	.32		.02	
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

RESIDENTIAL CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS:						
Shovels, cranes, truck cranes, cherry pickers, draglines, trench hoes, backhoe, 3-drum machines, derricks, pile-drivers, elevator towers, hoists, gradalls, shovel dozers (except when pushing), front end loaders (except when pushing), fork lifts, augers, boring machines, rotary drills, post hole hammers, post hole diggers, pumpcrete machines	$8.65	.40	.50	a		
Boom lengths including jib:						
Over 150 feet - additional $.35 per hour						
Over 185 feet - additional $.70 per hour						
Over 210 feet - additional $1.00 per hour						
Over 250 feet - additional $1.50 per hour						
Over 295 feet - additional $2.00 per hour						
Sonic or vibratory hammers, graders, scrapers-more than 21 yards struck, tandem scrapers, concrete pumps, bulldozers, scrapers-21 yards struck or less	8.53	.40	.50	a		
Portable steam boilers, portable steam generators, rollers, spreaders, tampers, self-propelled or tractor drawn, asphalt pavers	8.53	.40	.50	a		
Mechanics, maintenance	8.53	.40	.50	a		
Pump(s) (1-3 grouped), compressors, Welding machine(s) (1-3 grouped), generators, concrete vibrators, lighting plants, heaters (power driven 1-5), wellpoint systems (operating and installing), syphons-pulsometers, concrete mixers, valves controlling permanent plant air or steam, conveyors, Jackson type tampers, single diaphragm pump	7.215	.40	.50	a		
Assistant engineers (firemen)	7.90	.40	.50	a		
Oilers and apprentices (other than truck cranes and gradalls)	6.34	.40	.50	a		
Oilers and apprentices on truck cranes and gradalls	6.72	.40	.50	a		

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Holidays: A through F; Washington's Birthday, Fast Day, Columbus Day, Veterans' Day.

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RESIDENTIAL CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Two Axle Equipment	$4.16	.25	.25	a		
Three Axle Equipment including low beds	4.38	.25	.25	a		
Special earth hauling equipment other than conventional type on the road trucks and semitrailers trailer dumps	4.60	.25	.25	a		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Holidays: A through F, plus Washington's Birthday, Veterans' Day and Columbus Day (provided employee works two days in the calendar week in which the holiday falls; reports for work the last day assigned prior to the holiday and the first day assigned following the holiday).

SUPERSEDEAS DECISION

STATE: NEW YORK COUNTY: DUTCHESS

DECISION NO: AQ-2,026 DATE: Date of Publication

Supersedes Decision No. AM-1,724 dated August 11, 1971 in 36 FR 14921

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

BUILDING, HEAVY AND HIGHWAY CONSTRUCTION 14-New York-1-2-3-U 1 of 3

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asbestos workers	$9.075	5%	4%			
Boilermakers	8.88	5%	15%	7%	.01	
Bricklayers, cement masons, marble setters, platerers, stone masons and tile setters	8.25	.66	.495+10.3%			
Carpenters, Building:						
Wappingers Falls, New Hackensack, Pawling and Beacon, Carpenters, piledrivermen and soft floor layers	7.53	7%	5%+.45	.45	.09	
Remainder of County:						
Carpenters and soft floor layers	8.14	6%	6%		.05	
Carpenters, Heavy and Highway:						
Wappingers Falls, New Hackensack, Pawling, and Beacon:						
Carpenters, Piledrivermen and Wharf and Dock builders	7.53	7%	5%+.45	.45	.09	
Remainder of County:						
Piledrivermen, dock & wharf builders	7.60	.60	1.15	.46	.02	
Cement masons, Bricklayers, Stone masons (Heavy & Highway)	8.20	8%	18%			
Electricians:						
Beacon and Fishkill	8.25	.33	1%+.56		1%	
Remainder of County:	8.00	.35	1%+.85	.40+a+b	½ of 1%	
Elevator constructors	8.68	.075	.125+b	c+d	.015	
Elevator constructors' helpers	6.51	.075	.125+b	c+d	.015	
Elevator constructors' helpers (prob)	4.34					
Elevator constructors modernization	7.91	.075	.125+b	c+d	.015	
Elevator constructors modernization helpers	5.93	.075	.125+b	c+d	.015	
Elevator constructors repair	7.06	.075	.125+b	c+d	.015	
Elevator constructors repair helpers	5.29	.075	.125+b	c+d	.015	
Glaziers	7.05	6%	6%+1.00	5%		
Ironworkers, structural, orna. & reinforcing	8.50	.60	1.43	1.16	.04	
Lathers	7.70	9%	.55		.01	
Lead Burners	8.75	.30		e	.01	
Line Construction:						
Lineman	9.33	.50	1%+.40	f	3/8%	
Cable Splicer	10.08	.50	1%+.40	f	3/8%	
Groundman digging machine operator	8.80	.50	1%+.40	f	3/8%	
Groundman mobile equipment operator	8.30	.50	1%+.40	f	3/8%	
Groundman truck driver and mechanic	7.90	.50	1%+.40	f	3/8%	
Groundman dynamite man	8.30	.50	1%+.40	f	3/8%	

BUILDING, HEAVY AND HIGHWAY CONSTRUCTION 14-New York-1-2-3-U 2 of 3

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Painters:						
Brush	$6.90	.42	k	1		
Bridges, towers, fire escapes, smoke stacks, flag poles, swing stage, window jacks, boatswain chair, saftey belts, and spray structural steel	7.90	.42	k	1		
Plumbers and steamfitters	8.82	4%	5%	13%	1%	
Roofers, composition & shingle	9.40	7%	4%+.75			
Roofers, slate, tile asbestos	9.65	7%	4%+.75			
Roofers, pitch	12.40	7%	4%+.75			
Sheet metal workers	8.45	5%	8%	8%	1%	
Sprinkler fitters	8.90	.40	.60		.07	
Welders - receive prescribed for craft performing operartion to which welding is incidental.						

PAID HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F; (provided employee is on the payroll two weeks prior to the holiday).

b. Employer contributes $8.00 per day to Annuity Fund.

c. Holidays: A through F; Lincoln's Birthday, Washington Birthday, Columbus Day, Election Day, and Armistice Day.

d. Employer contributes 6.4% basic hourly rate for 5 years or more of service or 4.2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

e. Holidays: A through F; Washington's Birthday and Good Friday; providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

f. Holidays: A through F; Washington's Birthday, Election Day for President of the United States and Election of Governor of New York (provided employee works the day before and the day after the holiday).

BUILDING, HEAVY AND HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others

g. Holidays; A through F; Lincoln's Birthday, Washington's Birthday, Good Friday and Columbus Day; (provided employee works 3 days in the work week in which the holiday falls).

h. Two hours off with pay on Election Day.

i. Holiday C; (providing employee works for the employer within the period June 20 to July 4).

J. Employer contributes 12% to a combined Health and Welfare fund.

k. Employer contributes $.30 per hour to an annuity.

N.Y. 14-IAB-1 -H

BUILDING CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Laborers:						
General Laborers	$7.05	.61	1.27	a+.40		
Hod carriers (plasterers' helpers), scaffold builders (padlock & self-supporting scaffold 14 ft. or under all runways), mortar mixers (machine & hand), concrete mixers (by machine under 21-E), vibrators, form setters, pipe layers, asphalt rakers, handling reinforcement rods, working labor foremen, drillers & jackhammer op., signalmen, gunniting, motor buggs, water pumps 2" or under, Barco machines, wreckers, paving breakers, power saw operator, other machine operators	7.30	.61	1.27	a+.40		
Blasters, laser beam op.	7.45	.61	1.27	a+.40		

FOOTNOTE:

a. Two hours off with pay on Election Day.

HEAVY & HIGHWAY CONSTRUCTION

15-LAB-2-j-C

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Laborers:						
General laborers	$6.61	9%	7%+.80	a		
Concrete men, joint setter, signal man, mason tender, pipe layer, riprap and dry stone layers, asphalt workers, screed bar operator, steel tod carrier, jackhammerman, wagon driller, air-trac operator, nippers, powderman, high scalers, power buggy operator, vibratory operator, other compactor, wrecking laborers, gunite and sandblasting, coal passer	6.86	9%	7%+.80	a		
Concrete finisher on Highways, blaster, form setter	7.21	9%	7%+.80	a		

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

a. Lincoln's Birthday, Washington's Birthday, Good Friday, Columbus Day, Veteran's Day and November Election Day provided the employee works (7) calendar days before or after the holiday.

N.Y. 3-PED-1- H

BUILDING CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Power Equipment Operators: Remainder of County						
Oilers	$7.91	.70	.40	a	.10	
Firemen and heavy duty greasers, all boilers and steam generators	7.96	.70	.40	a	.10	
Pumps, vibraters, concrete mixers, spreaders, concrete finishing machines, mortar mixers, air compressors, dust collectors, welding machines well points, two or more Herman Nelson and like heaters, batch and plant op., seed and mulching machines, generators, temporary light plants, concrete pump, beltcrete power pac (beltcrete system), electric submersible pump 4" and over	8.05	.70	.40	a	.10	
Dinkey locomotives, Barber Greene loaders, Loaders and conveyors, tractors, scoopmobiles, bulldozers, road rollers, form fine graders, power brooms and sweepers	8.22	.70	.40	a	.10	
Black top spreaders, black top rollers, high lifts, fork lifts, one drum hoist or hod hoists, post hole diggers, trenchers, core and well drillers (one drum), ecomobile and similar type machines, elevators, A-L frame winches, power hoisting(single drum)	8.49	.70	.40	a	.10	
LeTourneau graders or scrapers, trenching machines, push cart	8.605	.70	.40	a	.10	
Tractor road pavers, cranes, power road graders, shovels, backhoes, draglines, pile drivers, hoists two or more drums, three drum engines, hysters, two drum and swinging engines, three drum swinging engine, locomotive cranes, gradalls, hydrocrane, model CMI Vibrotamp or similar machines, Murphy type diesel generator-beltcrete system, side booms, hydro hammer, tractor mounted drill (quarry master) euclid loaders, concrete pumps, all CMI equipment, concrete central mix plant, automated asphalt concrete plant, derrick, whirlies, tower cranes, cableways, hydraulic cranes, power hoisting (2 drum and over), mucking machine	8.76	.70	.40	a	.10	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F- Christmas Day.

FOOTNOTES:
a. Holidays: A through F.

POWER EQUIPMENT OPERATORS, BUILDING: Poughkeepsie and South Thereof	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Concrete-portable hoist, crane, hoist engineer-steel (concrete, material, super structure, sub-structure), derrick (stone-steel), elevator & cage, engineer-pile driver, overhead crane, power house plant, telephies, whirly, hoist (single, double or triple drum), hoist (portable mobile unit), hoist engineer concrete (crane, derrick, mine hoist), hoist engineer material	$11.6575	6%+.75	8½%	a	1%	
Backhoe Oliver 88, Fordson, dynahoe, dual purpose & similar machine, Barber Green loader-Euclid loader or similar type, cherry picker (cableway), compressor (Steel erection), conway or similar mucking machines, dragline, gradall, shovel, backhoe, etc., (crawler or truck), front end loaders, hydraulic boom, Jersey spreader, Letourneau or Tournapull (scrapers over 20 yds. struck), mucking machines, pavement breaker (air ram), paver (concrete), pulsometer, push button (buzz box) elevator, road boring machine, road mix machines, Ross carrier & similar machines, post hole digger, shovel (tunnels), side boom, spreader (asphalt), scoopmobile-tractor-shovel over 1-½ yds., trenching machines, tractor type demolition equipment, winch truck "A" Frame	11.43	6%+.75	8½%	a	1%	
Compactor self-propelled, grader, bulldozer D7 & similar tractors with a draw bar horsepower of 100 & over maintenance engineer, mechanic (outside) all types, welder, scrapers-20 yds. struck & under, machine pulling sheep's foot roller, etc., roller 4 ton and over, vib. roller	10.515	6%+.75	8½%	a	1%	
Asphalt plant, boiler (high pressure), bulldozer D6 & similar tractors with a draw bar horsepower less than 100, compressor, compressor plant, concrete mixing plants, concrete pump, conveyor belt machine-irrespective of motor size, fireman, forklift, forklift (electric), joy drill or similar tractor drilling machine, loader-1-½ yds., & under, lighting unit (portable & generator), locomotive (all						

POWER EQUIPMENT OPERATORS, BUILDING: (CONT'D)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
sizes), mixer concrete-21E & over, portable asphalt plant, portable batch plant, portable crusher, quarry master, stone curtber, welding machine (steel erection excavation), well drilling machine, well point system	10.3725	6%+.75	8½%	a	1%	
Air tractor drill, batch plant, bending machine, concrete breaker, concrete spreader, compressor to 125 cu. ft., curb cutter machine, dust collector, farm tractor (all types), finishing machine concrete, material hooper-sand-stone-cement, mixer-concrete-under 21E, mulching grass spreader, heater-all types, pump, pump station (water & sewer), pump-gypsum, etc., concrete, pump-plaster roller under 4 ton, spreading & fine grading machine, steam Jenny, steel Jenny, steel cutting machine, sweeper, syphon pump air steam, tar joint machine, Turbo jet burner or similar equipment vibrator (1 to 5) fine grading machine	10.23	6%+.75	8½%	a	1%	
Concrete saw, mechanic's helper, oilers, paint compressor, welder's helper	9.0875	6%+.75	8½%	a	1%	
Helicopter winch operator	11.9425	6%+.75	8½%	a	1%	
Oiler-asphalt paver, utility man	8.1425	6%+.75	8½%	a	1%	
Welder-Certified	10.9425	6%+.75	8½%	a	1%	
Cranes-crawler or truck, 100 ft. but less than 150 ft.	13.6575	6%+.75	8½%	a	1%	
Cranes-crawler or truck, 150 ft. and over	14.6575	6%+.75	8½%	a	1%	
Loaders - over 5 cu. yd. capacity	11.93	6%+.75	8½%	a	1%	
Shovels - over 4 cu. yd. capacity	12.43	6%+.75	8½%	a	1%	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Holidays: A through F, Washington's Birthday, Lincoln's Birthday, Good Friday, Columbus Day, November Election and Veteran's Day.

POWER EQUIPMENT OPERATORS HEAVY & HIGHWAY: Poughkeepsie and South Thereof	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Auger, auto grader, backhoe Oliver 88, Fordson, dynahoe, dual purpose and similar machines, barber green loader-euclid loader or similar type, central mix plant operator, cherry picker (cableway), compactor with blade, compressor (steel erection), concrete portable hoist, C.M.I. or similar Conway or similar mucking machines, Crane (crawler or truck) dragline, gradall, shovel backhoe, etc., derrick (stone-steel), elevator & cage, front end loaders, hoist single, double, triple drum, hoist portable mobile unit, hoist engineer-concrete (crane-derrick-mine hoist), hoist engineer-material, hydraulic boom, LeTourneau or Tournapull (scrapers over 20 yards struck), mucking machines, overhead crane, paver (concrete), power house plant, pulsometer, push button (buzz box) elevator, road mix machines, Ross carrier and similar machines, shovel (tunnels), side boom, spreader (Asphalt), scoopmobile-tractor-shovel over 1½ yards, trenching machines, telephies, tractor type demolition equipment, whirly, winch truck "A" frame	$ 10.00	6%	8%+b	a	1½%	
Compactor self-propelled, grader, bulldozer D7 and similar tractors with a draw bar horsepower of 100 and over, maintenance engineer, mechanic (outside) all types, welder, scrapers- 20 yards struck and under, shop foreman, vibratory roller, etc., roller 4 ton and over	9.20	6%	8%+b	a	1½%	
Asphalt plant, boiler (high pressure), bulldozer D6 and similar tractors with a draw bar horsepower less than 100, compressor, compressor plant, concrete pump, conveyor belt machine-irrespective of motor size, firemen, forklift, forklift (electric), joy drill or similar tractor drilling machine, loader-1½ yds. and under, lighting unit (portable & generator), locomotive (all sizes), machine pulling sheeps foot roller, mixer concrete-21E and over, portable asphalt plant, portable batch plant, portable crusher, quarry master, stone crusher, welding machine (steel erection-excavation), well drilling machine, well point system	$ 9.075	6%	8%+b	a	1½%	
Air tractor drill, batch plant, bending machine, concrete breaker, concrete spreader, compressor to 125 cu. ft., curb cutter machine, dust collector, farm tractor (all types), finisbing machine-concrete, material hopper-sand-stone-cement, mixer-concrete-under 21E, mulching grass spreader, heater-all types, pump 4 inches and over, pump station (water & sewer), pump-gypsum, etc., pump-plaster, roller under 4 ton, shop mechanic (not employed on job site), spreading & fine grading machine, steam jenny, steel cutting machine, sweeper, syphon pump-air-steam, tar joint machine, Turbo jet burner or similar equipment, vibrator (1 to 5), fine grading machine	8.95	6%	8%+b	a	1½%	
Concrete saw, mechanic's helper, oiler, oiler (fuel truck), oiler (grease truck), stockroom or stockroom attendant, paint compressor, pump under 4" or any combination not equal to 4", roller motorized (walk behind), welder's helper	7.95	6%	8%+b	a	1½%	
Hoist engineer-steel, sub-struct., engineer-pile driver	10.20	6%	8%+b	a	1½%	
Jersey spreader, pavement breaker (air ram), post hole digger	9.0375	6%	8%+b	a	1½%	
Oiler asphalt paver, utility man	7.125	6%	8%+b	a	1½%	
Welder-certified	9.575	6%	8%+b	a	1½%	
Crawlers or truck: 100 ft. but less than 149 ft. $2.00 per hour additional						
Crawlers or truck: 149 ft. and over $3.00 per hour additional						
Loader operators: Over 5 cu. yd. capacity $.50 per hour additional						
Shovel operators: Over 4 cu. yd. capacity $1.00 per hour additional						

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F; Lincoln's Birthday; Washington's Birthday; Good Friday; Columbus Day; November Election Day and Veteran's Day.

b. $.66 per hour.

HEAVY AND HIGHWAY CONSTRUCTION
Remainder of County

NY-23-PEO-2-3-H 1 of 2

POWER EQUIPMENT OPERATORS:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
Automatic fine grader, backhoe (except tractor mounted, rubber-tired), blacktop, plant (automated), cableway, caisson auger, central mix concrete plant (automated), Cherry picker-over 5 tons capacity, crane, cranes & derricks (steel erection), dragline, dual drum paver, excavator-all purpose-hydraulically operated, front end loader (4 C.Y. & over), hoist, two or three drums pile-driver, power grader with elevating loader attachment, Quarry master (or equivalent), shovel, slip form paver (if a second man is needed, he shall be an oiler), tractor drawn belt-type loader, truck crane, tunnel shovel	$8.15	.70	.40	a	.10	
Backhoe (tractor mounted, rubber-tired) bituminous spreader & mixer, blacktop plant (non-automated), boring machine cage hoist, central mix plant (non-automated) & all concrete batching plants, cherry picker-5 tons & under, compressors (4 or less) exceeding 2,000 C.F.M. combined capacity, concrete paver (over 16-S), concrete pump, crusher, drill rigs, tractor mounted, front end loader (under 4 c.y.), hi-pressure boiler (15 lbs., & over), hoist, one drum, Kolman plant loader & similar type loaders (if employer requires another man to clean screen or to maintain the equipment he shall be an oiler), maintenance engineer, mixer for stabilized base, self, propelled, monorail machine plant engineer, power grader, pump crete, ready-mix concrete plant, maintenance grease man, road widener, roller (all above subgrade), side boom, tractor scraper, tractor with dozer &/or pusher, winch	7.85	.70	.40	a	.10	
Compressors (4 not to exceed 2,000 C.F.M. combined capacity; or 3 or less with more than 1,200 C.F.M., but not to exceed 2,000 C.F.M. compressors (any size but subject to other provision for compressors), dust collectors, generators, pumps, welding machines						

HEAVY AND HIGHWAY CONSTRUCTION

	BASIC HOUR RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS: (cont'd) (4 of any type or combination), concrete pavement spreaders & finishers conveyor, drill core & well, electric pump used in conjunction with well point system, farm tractor with accessories, fine grade machine, fork lift gunnite machine, hammers, hydraulic self-propelled, locomotive, post hole digger & post driver, roller (grader & fill), tractor with towed accessories, vibratory compactor, vibro, tamp, well point	2.35	.70	.40	a	.10	
Aggregate plant, boiler (used in conjunction with production), cement bin operator, compressors; 3 or less not to exceed 1,200 c.f.m. combined capacity, compressors (any size, but subject to other provisions, for compressors), dust collectors, generators, pumps, welding machines (3 or less of any type or combination), concrete mixer (16-S and under), concrete saw-self-propelled, firemen, form tamper, mulching machine, oiler, power broom power heaterman, revinius widener, steam cleaner, tractor	6.70	.70	.40	a	.10	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Holidays: A through F; providing employee works the working day before and the working day after the holiday.

BUILDING, HEAVY & HIGHWAY CONSTRUCTION

	Basic Hourly Rate	FRINGE BENEFIT PAYMENTS H & W	Pensions	Vacation	Joint Tr.	Other
TRUCK DRIVERS:						
Drivers on LeTourneau tractors, double barrel Euclids, Athey wagon and similar equipment (except when hooked to scrapers), low beds, I-Beam, pole trailers, road oil distributors, tire trucks, tractors and trailers with 5 axle and over	$5.30	.40	.40	a		
Equipment 25 yards and over up to and including 30 yards bodies, cable dump trailers, powder and dynamite trucks	5.20	.40	.40	a		
Equipment up to and including 24 yard bodies, mixer trucks, dump crete trucks and similar types of equipment, fuel trucks, batch trucks and all other tractor trailers	5.00	.40	.40	a		
Ten wheelers, grease trucks and tillermen	4.90	.40	.40	a		
Straight trucks	4.80	.40	.40	a		
Pick-up trucks used for hauling materials, parts, Escort Man over the road	4.80	.40	.40	a		
Helpers	4.70	.40	.40	a		

Paid Holidays:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

Footnote:

a. Holidays: A through F; Washington's Birthday; Election Day; Veteran's Day.

SUPERSEDEAS DECISION

AQ-3036 P.2 48 - Ohio 2 of 2

STATE: OHIO COUNTY: LUCAS
DECISION NUMBER: AQ-3036 DATE: Date of Publication
Supersedes Decision No. AP-676 dated May 25, 1973 in 38 FR 14021
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), Heavy and Highway Construction.

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asbestos workers	$10.08	.35	.15		.02	
Boilermakers	10.05	.30	.50		.01	
Bricklayers & Stonemasons	9.515	.50	.40		.01	
Carpenters	9.55	.50	.35		.025	
Millwrights	9.55	.50	.35		.025	
Piledrivermen	9.55	.50	.35		.025	
Cement masons, Building	9.99	.40			.02	
Cement masons, Heavy & Highway	8.04	.44			.02	
Electricians	9.84	.30	1%+.55		.1%	
Elevator Constructors	9.31	.195	.20	2%+b&c	.005	
Elevator Constructors' helpers	70%JR	.195	.20	2%+b&c	.005	
Elevator Constructors' helpers (Prob.)	50%JR					
Ironworkers	9.57	.50	7%		1-2/3¢	
Lathers	8.55	.25	.10		.01	
Lead burners	8.25	.30		c	.01	
Linemen	10.25	.25	1%	a	.25%	
Cable splicer	10.50	.25	1%	a	.25%	
Marble setters	9.515	.50	.40		.01	
Marble setters' helpers	6.80	.35	.25	.50		
Painters:						
Brush, paperhanger, drywall taper	8.39	.50	.15			
Bridge railing, Power house, refinery tanks	8.64	.50	.15			
Spray, sandblasting, pressure cleaning	8.94	.50	.15			
Open structural steel	8.64	.50	.15			
Plasterer	9.50	.50			.01	
Plumber & steamfitter	9.735	.45	.70	f	.025	
Roofer	9.59	.50	.20		.01	
Sheet metal worker	9.775	.50	.40		.02	
Soft floor layer	7.08	.35	.35		.005	
Sprinkler fitter	9.45	.40	.60		.05	
Terrazzo worker	8.89	.50	.25			
Terrazzo workers helper	6.80	.35	.25	.50		
Tile setter	8.89	.50	.25			
Tile setters helper	6.80	.35	.25	.50		
Truck Drivers:						
Single axle, tandem axle or semi	7.51	d64.25	e14.00	g & h		
Heavy duty, 5 axle or over, winch trucks, carry all or low boys	7.74	d64.25	e14.00	g & h		
Glaziers	7.775	.15	.35		.01	
Welders - receive rate for craft performing operation to which welding is incidental.						

PAID HOLIDAYS: (Where applicable)
A-New Years Day; B-Memorial Day; C-Independance Day
D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:

a. Six paid holidays;A Through F providing employee worked the day preceeding and the regularly scheduled day next following such holiday (except excused absences).

b. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% or regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.

c. Nine paid holidays; A through F plus Washington's Birthday, Good Friday and Christmas Eve, providing employee has worked 45 whole days during the 120 calendar days prior to the holiday, and the regular scheduled work days preceeding and following the holiday.

d. Per month per employee.

e. Per week per employee.

f. One paid holiday; Labor Day

g. Five paid holidays; B,C,D,E,F, Providing the employee worked the last scheduled work days preceeding the holiday and the first scheduled work day after the holiday.

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BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LABORERS:						
Unskilled laborers	$8.36	.45	.10		.01	
Mason tenders	8.49	.45	.10		.01	
Gunnite pot men, mortar mixers	8.56	.45	.10		.01	
Concrete pump nozzle man, all power driven tools and power buggies, burners & torchmen	8.515	.45	.10		.01	
Pipe layers,, bellman & bottom man for fire brick work only	8.615	.45	.10		.01	
Nozzle operators for gunnite work	9.07	.45	.10		.01	
Caisson, cofferdam, tunnel, cylinder, shaft sewer, water, conduit, gas-oil and pipe lines except main lines:						
Pipe layers, bottom men (over 6') shoring and cribbing	8.615	.45	.10		.01	
Mason tenders, winch operators	8.49	.45	.10		.01	
Mortar mixers	8.56	.45	.10		.01	
Caisson (over 25')	8.82	.45	.10		.01	
Miners (without pressure)	9.07	.45	.10		.01	
Muckers (without pressure)	8.80	.45	.10		.01	
Car pushers	8.70	.45	.10		.01	
Unskilled laborers	8.36	.45	.10		.01	

Ohio -4 - PEO c 1 of 2

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS:						
CLASS I						
A-Frames, air compressor on steel erection, all rotary drills used on caisson for foundations and sub-structure work, boiler operator or compressor operator when compressor or boiler is mounted on crane (piggyback operation boom trucks (all types), cableways, cherry pickers, combination concrete mixer & tower, concrete pumps, cranes (all types), derricks (all types), draglines, elevating grader or euclid loader, floating equipment, gradalls, helicopter operator (hoisting builders materials), helicopter winch oper., (hoisting builders materials), hoes (all types), hoisting engines (two or more drums), lift slab or panel jack operators, locomotives (all types), maintenance engineer (mechanic or welder), mixer paving (multiple drum), mobile concrete pumps with boom, panelboard (all types on site), pile driver, power shovels, side booms, slip form pavers, straddle carriers (building construction site), tower derricks, trench machines (over 24" wide)	$9.23	.42	.80		.11	
CLASS II						
Asphalt paver, bulldozer, CMI type equipment, endloaders, kholman type loaders (dirt loading), mucking machines, power graders, power scoops, power scrapers	9.07	.42	.80		.11	
CLASS III						
Air compressor (pressurizing shafts or tunnels), all asphalt rollers, fork lifts, hoist (one drum), house elevators, man lift, power boiler (over 15 lbs., pressure), pump operator installing or operating well points or other type of dewatering system, pump (4" and over discharge), submersible pumps (4" & over discharge), trenchers (24" & under)	8.97	.42	.80		.11	

Ohio - 4 - PEO 2 of 2

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS: (CONT'D)						
CLASS IV						
Compressors on building construction, conveyors (building material), gunite machines, mixers (cap., more than one bag), mixers (one bag cap., side loader), post driver, post hole digger, pavement breaker (hydraulic or cable), road widening trencher, rollers, welder operator	8.21	.42	.80		.11	
CLASS V						
Backfillers and tamper, batch plant, bar & joint installing machine, bull floats burlap & curing machines, cleiplanters, concrete spreading machines, crushers, drum firemen (asphalt), farm type tractors (pulling attachment) finishing machines, form trenchers, high pressure pumps (over 4" discharge), hydro seeders, self propelled power spreader, self propelled sub-grader, tractor (pulling sheep foot roller or grader) tire repairman, vibratory compactors (with integral power)	7.88	.42	.80		.11	
CLASS VI						
Oiler, helper, signalmen, light plant oper., power driven heaters (oil fired), power boilers (less than 15 lbs, pressure), submersible pumps (under 4" discharge), pumps (under 4" discharge)	7.22	.42	.80		.11	

Heavy & Highway Construction

Ohio - 3 - LAB J

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
LABORERS:					
GROUP 1					
Laborers (construction), plant laborers or yardmen, righ-of-way laborer, landscape laborer, utility man or handyman, joint setter, flagman, carpenter helper, waterproofing laborer, slurry seal, seal coating, surface treatment or road mix laborer, riprap laborer and grouter, asphalt laborer, dump man (batch trucks), guardrail and fence installers, mesh handlers and placers, concrete curing applicator, scaffold erector	$6.35	.50	.30		.02
GROUP 2					
Asphalt raker, concrete puddler, kettle man (pipeline), all machine driven tools (gas, electric, air), mason tender, mortar mixer, sheeting and shoring man, surface grinder man, power buggy or power wheelbarrow	6.475	.50	.30		.02
GROUP 3					
Form setter, bottom man, welder helper (pipeline), concrete saw man, cutting with burning torch, pipe layer, hand spiker (railroad), car pusher (without air), underground man (working in sewer and waterline, cleaning, repairing and reconditioning), tunnel laborer (without air) and caisson, cofferdam (below 25 feet deep), air track and wagon drill	6.55	.50	.30		.02
GROUP 4					
Blaster and powder man, muckers, wrencher (mechanical joints and utility pipeline), yarner, top lander	6.70	.50	.30		.02
GROUP 5					
Curb setter and cutter, miner (without air), concrete crew in tunnels utility pipeline tapper, gunnite nozzle man, waterline caulker	7.00	.50	.30		.02

HEAVY & HIGHWAY CONSTRUCTION

OHIO 1- PEO M 1 of 2

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
CLASS I						
Air compressor on steel erection, boiler operator on compressor or generator when mounted on a rig, cableways, combination concrete mixer and tower, concrete plans (over 4 yd. capacity), concrete pumps, cranes (all types, including A frames, boom trucks, cherry pickers), derricks, draglines, dredge (dipper, clam or suction), elevating grader or euclid loader, floating equipment (all types), helicopter crew (operator-hoist or winch), hoes (all types), hoisting engines, hoisting engines on shaft or tunnel work, industrial-type tractor, jet engine dryer (D8 or D9) diesel tractor, locomotives (standard gauge), maintenance operator Class A, mixer, paving (single or double drum), mucking machines, multiple scraper, piledriving machines (all types), power shovels, Quad 9 (double pusher), refrigerating machine (freezer operation), rotary drill on caisson work, slip-form paver, , tower derricks, tree shredder, trench machines (over 24 " wide), truck mounted concrete pumps, tug boat, tunnel machine, wheel excavator	$8.04	.42	.80		.11	
CLASS II						
Asphalt paver, automatic subgrade machine, self-propelled (CMI type), bulldozers, endloader, helman loader (production type - dirt), lead grease man, maintenance operator Class B, power grader, power scoops and scrapers, push cat, trench machines (24" wide and under	7.97	.42	.80		.11	
CLASS III						
Air compressors on tunnel work (low pressure), asphalt plant engineer, locomotive (narrow gauge), mixers, concrete (more than one bag capacity), mixers, one bag capacity (side loader), power boilers over 15 lb. pressure, pump operator installing and operating well points, pumps (4" and over discharge), rollers - asphalt, utility operator (small equipment), welding machines and generators	7.18	.42	.80		.11	

OHIO- 1-PEO 2 of 2

POWER EQUIPMENT OPERATORS: (CONTD)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
CLASS IV						
Back fillers, bar, joint and mesh installing machines, batch plant, bull floats, burlap and curing machines, compressors (portable, sewer, heavy and highway), concrete plant (capacity 4 yd. and under), concrete saw (multiple), conveyors (highway), crushers, deckhand, drill highway (with integral power), farm-type tractors with attachments (highway), finishing machines, fireman, floating equipment (all types), fork lift (highway), form trenchers, hydro seeders, plant mixers, post mixers, post hole digger (power auger), power brush burner, power form handling equipment, road widening trencher, rollers (brick, grade, macandam), self-propelled power spreaders, self-propelled power subgraders, steam fireman, tractor(pulling sheepfoot roller or grader), vibratory compactors (with integral power)	6.85	.42	.80		.11	
CLASS V						
Drum fireman (asphalt plant), helper, inboard-outboard motor boat-launch, oil heaters (asphalt plant), oilers, power driven heaters, pumps (under 4" discharge), signalmen, tire repairmen	6.19	.42	.80		.11	

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OHIO 6-TD L

HEAVY & HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
TRUCK DRIVERS:						
CLASS I 4-wheel service trucks, 4-wheel dump trucks, Batch trucks, Oil distributors, asphalt distributors	$6.07	a$14.00	a$5.00			
CLASS II Tandem trucks	6.12	a 14.00	a 5.00			
CLASS III Tractor-trailer combinations, Semi-tractor trucks, pole trailers, readymix trucks, Fuel trucks	6.17	a 14.00	a 5.00			
CLASS IV All trucks five axle and over	6.27	a 14.00	a 5.00			
CLASS V Asphalt-oil spray bar man when operated from cab	6.37	a 14.00	a 5.00			
CLASS VI Euclid wagons, Euclid end-dumps, lowboys, heavy duty equipment over 12 cu. yds. capacity (irrespective of load carried) when used exclusively for transportation, Truck mechanics	6.54	a 14.00	a 5.00			

FOOTNOTES:
a. Per week per employee.

SUPERSEDEAS DECISION

STATE: OHIO COUNTY: STARK
DECISION NUMBER: AQ-3037 DATE: Date of Publication
Supersedes Decision No. AP-680 dated May 25, 1973 in 38 FR 14038
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), Heavy and Highway Construction.

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asbestos workers	$9.235	.35	.80		.04	
Boilermakers	8.96	.50	.85		.01	
Bricklayers & Stonemasons	8.80	.50	.35		.01	
Carpenters	7.98	.30	.30			
Millwrights	8.41	.30	.30		.02	
Piledrivermen	8.41	.30	.30		.02	
Cement Masons:						
Building	8.00	.30	.35		.015	
Heavy & Highway	8.04	.44			.02	
Electricians	9.22	.30	1%+.10		.2%	
Elevator constructors	8.135	.17	.185	1%+a&b	.005	
Elevator constructors' helpers	70%JR	.17	.185	1%+a&b	.005	
Elevator constructors' helpers (prob.)	50%JR					
Glaziers	6.12	.19				
Ironworkers, structursl & ornamential	8.97	.40	.40		.02	
Ironworkers, reinforcing	8.97	.40	.40		.02	
Lathers	8.10				.01	
Lead burners	8.25	.30		c	.01	
Line Construction:						
Linemen	8.90	.30	1%+.10		¼ of 1%	
Line equipment operators	8.90	.30	1%+.10		¼ of 1%	
Truck drivers	6.25	.30	1%+.10		¼ of 1%	
Groundmen over 1yr.	5.80	.30	1%+.10		¼ of 1%	
Groundmen under 1 year	5.35	.30	1%+.10		¼ of 1%	
Marble setters	7.58	.40	.25			
Painters:						
Brush	6.67	.55	.30		.02	
Paperhangers	6.77	.55	.30		.02	
Spray	6.97	.55	.30		.02	
Industrial:						
Brush & roller	6.97	.55	.30		.02	
Spray	7.27	.55	.30		.02	
Sandblasting & bridge	7.47	.55	.30		.02	
Structural steel	7.69	.55	.30		.02	
Plasterers	7.91	.30	.34		.01	
Plumbers & Steamfitters:						
Canton & vicinity	8.68	.35	.30	d	.04	
Massillion & vicinity	8.63	.40	.30		.02	
Roofers	8.34	.40	.30		.02	
Roofers' helpers:						
1st year	60%JR	.40	.30		.02	
2nd year	70%JR	.40	.30		.02	
3rd year	80%JR	.40	.30		.02	
Sheet metal workers	8.80	.45	.45		.02	
Soft floor layers	7.18	.30	.30			
Sprinkler fitters	9.45	.30	.60		.05	

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Terrazzo workers	$7.53	.40	.25			
Terrazzo workers' helpers	6.73	.40	.25			
Terrazzo workers' grinders	7.03	.40	.25			
Tile setters	7.43	.40	.25			
Tile setters helpers	6.63	.40	.25			
Truck drivers:						
Straight and Tandem Axle	6.30	e11.00	e4.00			
Semi and trailers	6.35	e11.00	e4.00			
Equipment movers	6.40	e11.00	e4.00			
Helpers	6.20	e11.00	e4.00			

Welders - receive rate prescribed for craft performing operation to which welding is incidental.

PAID HOLIDAYS: (WHERE APPLICABLE)
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Six paid holidays: A through F.

b. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in the business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in the business less than 5 years.

c. Nine paid holidays: A through F, Washington's Birthday, Good Friday and Christmas Eve providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

d. One paid holiday; Labor Day, providing the employee has worked 5 consecutive days before and after the holiday.

e. Per week, per employee.

LABORERS BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP A Building and construction laborers, signalmen, flagmen, tool cribmen, carpenters tenders, finisher tenders, concrete handler, utility construction laborer, guard rail erector	$6.43	.50	.30		.02	
GROUP B Bottom man, scaffold builder, tunnel laborers, pipelayers, air and power driven tools, burner on demolition, swinging scaffold, mucker, caisson worker, cofferdam worker, powder man and dynamite blaster, creosote worker, mortar mixers, form setter, mason tender, plaster tender, hod carrier, laser beam set-up men	6.63	.50	.30		.02	
GROUP C Gunnite operator	7.03	.50	.30		.02	

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
CLASS I A-Frames, air compressor on steel erection, all rotary drills used on caisson for foundations and sub-structure work, boiler operator or compressor operator when compressor or boiler is mounted on crane (piggyback operation boom trucks (all types), cableways, cherry pickers, combination concrete mixer & tower, concrete pumps, cranes (all types), derricks (all types), draglines, elevating grader or euclid loader, floating equipment, gradalls, helicopter operator (hoisting builders materials), helicopter winch oper., (hoisting builders materials), hoes (all types), hoisting engines (two or more drums), lift slab or panel jack operators, locomotives (all types), maintenance engineer (mechanic or welder), mixer paving (multiple drum), mobile concrete pumps with boom, panelboard (all types on site), pile driver, power shovels, side booms, slip form pavers, straddle carriers (building construction site), tower derricks, trench machines (over 24" wide)	$9.23	.42	.80		.11	
CLASS II Asphalt paver, bulldozer, CMI type equipment, endloaders, kholman type loaders (dirt loading), mucking machines, power graders, power scoops, power scrapers	9.07	.42	.80		.11	
CLASS III Air compressor (pressurizing shafts or tunnels), all asphalt rollers, fork lifts, hoist (one drum), house elevators, man lift, power boiler (over 15 lbs., pressure), pump operator installing or operating well points or other type of dewatering system, pump (4" and over discharge), submersible pumps (4" & over discharge), trenchers (24" & under)	8.92	.42	.80		.11	

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS: (CONT'D)						
CLASS IV						
Compressors on cutting construction, conveyors (building material), gunite machines, mixers (cap., more than one bag), mixers (one bag cap., side loader), post driver, post hole digger, pavement breaker (hydraulic or cable), road widening trencher, rollers, welder operator	8.21	.42	.80		.11	
CLASS V						
Backfillers and tamper, batch plant, bar & joint installing machine, bull floats burlap & curing machines, clefplanters, concrete spreading machines, crushers, drum firemen (asphalt), farm type tractors (pulling attachment) finishing machines, form trenchers, high pressure pumps (over ½" discharge), hydro seeders, self propelled power spreader, self propelled sub-grader, tractor (pulling sheep foot roller or grader) tire repairman, vibratory compactors (with integral power)	7.88	.42	.80		.11	
CLASS VI						
Oiler, helper, signalmen, light plant oper., power driven heaters (oil fired), power boilers (less than 15 lbs, pressure), submersible pumps (under 4" discharge), pumps (under 4" discharge)	7.22	.42	.80		.11	

Ohio - 3 - LAB J

HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
LABORERS:						
GROUP 1						
Laborers (construction), plant laborers or yardmen, righ-of-way laborer, landscape laborer, utility man or handyman, joint setter, flagman, carpenter helper, waterproofing laborer, slurry seal, seal coating, surface treatment or road mix laborer, riprap laborer and grouter, asphalt laborer, dump man (batch trucks), guardrail and fence installers, mesh handlers and placers, concrete curing applicator, scaffold erector	$6.35	.50	.30		.02	
GROUP 2						
Asphalt raker, concrete puddler, kettle man (pipeline), all machine driven tools (gas, electric, air), mason tender, mortar mixer, sheeting and shoring man, surface grinder man, power buggy or power wheelbarrow	6.475	.50	.30		.02	
GROUP 3						
Form setter, bottom man, welder helper (pipeline), concrete saw man, cutting with burning torch, pipe layer, hand spiker (railroad), car pusher (without air), underground man (working in sewer and waterline, cleaning, repairing and reconditioning), tunnel laborer (without air) and caisson, cofferdam (below 25 feet deep), air track and wagon drill	6.55	.50	.30		.02	
GROUP 4						
Blaster and powder man, muckers, wrencher (mechanical joints and utility pipeline), yarner, top lander	6.70	.50	.30		.02	
GROUP 5						
Curb setter and cutter, miner (without air), concrete crew in tunnels utility pipeline tapper, gunnite nozzle man, waterline caulker	7.00	.50	.30		.02	

HEAVY & HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS:						
CLASS I						
Air compressor on steel erection, boiler operator on compressor or generator when mounted on a rig, cableways, combination concrete mixer and tower, concrete plans (over 4 yd. capacity), concrete pumps, cranes (all types, including A frames, boom trucks, cherry pickers), derricks, draglines, dredge (dipper, clam or suction), elevating grader or euclid loader, floating equipment (all types), helicopter crew (operator-hoist or winch), hoes (all types), hoisting engines, hoisting engines on shaft or tunnel work, industrial-type tractor, jet engine dryer (D8 or D9) diesel tractor, locomotives (standard gauge), maintenance operator Class A, mixer, paving (single or double drum), mucking machines, multiple scraper, piledriving machines (all types), power shovels, Quad 9 (double pusher), refrigerating machine (freezer operation), rotary drill on caisson work, slip-form paver, , tower derricks, tree shredder, trench machines (over 24 " wide), truck mounted concrete pumps, tug boat, tunnel machine, wheel excavator	$8.04	.42	.80		.11	
CLASS II						
Asphalt paver, automatic subgrade machine, self-propelled (CMI type), bulldozers, endloader, kolman loader (production type - dirt), lead grease man, maintenance operator Class B, power grader, power scoops and scrapers, push cat, trench machines (24" wide and under	7.97	.42	.80		.11	
CLASS III						
Air compressors on tunnel work (low pressure), asphalt plant engineer, locomotive (narrow gauge), mixers, concrete (more than one bag capacity), mixers, one bag capacity (side loader), power boilers over 15 lb. pressure, pump operator installing and operating well points, pumps (4" and over discharge), rollers - asphalt, utility operator (small equipment), welding machines and generators	7.18	.42	.80		.11	

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS: (CONTD)						
CLASS IV						
Back fillers, bar, joint and mesh installing machines, batch plant, bull floats, burlap and curing machines, compressors (portable, sewer, heavy and highway), concrete plant (capacity 4 yd. and under), concrete saw (multiple), conveyors (highway), crushers, deckhand, drill highway (with integral power), farm-type tractors with attachments (highway), finishing machines, fireman, floating equipment (all types), fork lift (highway), form trenchers, hydro seeders, plant mixers, post mixers, post hole digger (power auger), power brush burner, power form handling equipment, road widening trencher, rollers (brick, grade, macamdam), self-propelled power spreaders, self-propelled power subgraders, steam fireman, tractor(pulling sheepfoot roller or grader), vibratory compactors (with integral power)	6.85	.42	.80		.11	
CLASS V						
Drum fireman (asphalt plant), helper, inboard-outboard motor boat-launch, oil heaters (asphalt plant), oilers, power driven heaters, pumps (under 4" discharge), signalmen, tire repairmen	6.19	.42	.80		.11	

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HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
TRUCK DRIVERS:						
CLASS I 4-wheel service trucks, 4-wheel dump trucks, Batch trucks, Oil distributors, asphalt distributors	$6.07	a$14.00	a$5.00			
CLASS II Tandem trucks	6.12	a 14.00	a 5.00			
CLASS III Tractor-trailer combinations, Semi-tractor trucks, pole trailers, readymix trucks, Fuel trucks	6.17	a 14.00	a 5.00			
CLASS IV All trucks five axle and over	6.27	a 14.00	a 5.00			
CLASS V Asphalt-oil spray bar man when operated from cab	6.37	a 14.00	a 5.00			
CLASS VI Euclid wagons, Euclid end-dumps, lowboys, heavy duty equipment over 12 cu. yds. capacity (irrespective of load carried) when used exclusively for transportation, Truck mechanics	6.54	a 14.00	a 5.00			

FOOTNOTES:
a. Per week per employee.

SUPERSEDEAS DECISION

STATE: Oregon
DECISION NUMBER: AQ-1053
COUNTIES: Linn and Multnomah
DATE: Date of Publication
Supersedes Decision No. AQ-1053 dated August 7, 1972, in 38 FR 24539
DESCRIPTION OF WORK: Residential Construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
BRICKLAYERS (Linn County)	$7.00	.45	.45		.02	
BRICKLAYERS (Multnomah County)	7.90	.35	.35		.02	
CARPENTERS	6.78	.55	.40	.35	.03	
ELECTRICIANS (Multnomah County)	8.05	.25	1%+.40		.02	
ELECTRICIANS (Linn County)	8.50	.25	1%		.04	
LABORERS:						
Laborers	5.60	.45	.50	.25	.02	
Mortar mixers	5.75	.45	.50	.25	.02	
TILE SETTERS (Multnomah County)	7.24	.35	.35			
PAINTERS:						
Brush	7.05	.30	.20		.03	
DRYWALL TAPERS	6.93	.40	.40	.35	.03	
PLUMBERS (Multnomah County)	7.68	.65	.75		.07	
PLUMBERS (Linn County)	6.95	.51	.63	1.00	.08	
ROOFERS (Multnomah County)	7.30	.45	.55			
ROOFERS (Linn County)	6.00	.22	.15			
SHEET METAL WORKERS	6.94	.33	.24	.28	.02	
SOFT FLOOR LAYERS	7.15	.40	.45	a	.05	
POWER EQUIPMENT OPERATORS:						
Asphalt roller	6.96	.45	.60	.25		
Blade, finish	7.34	.45	.60	.25		
Loader, 4 cu. yds. but less than 6 cu. yds.	7.66	.45	.60	.25		

FOOTNOTE:
a. 4% of all gross wages to be placed to the credit of employees with less than one (1) year of service. 6% to empooyees with more than one (1) year of service.

STATE: South Carolina
DECISION NUMBER: AQ-4029
COUNTY: See below*
DATE: Date of Publication
Supersedes Decision No. AP-114 dated August 4, 1972 in 37 FR 15794.
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

*Counties: Charleston & Berkeley	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Air Conditioning	$3.75					
Bricklayers	5.42					
Carpenters	3.80					
Carpet Layers	3.38					
Cement Masons	4.00					
Drywall finishers	4.50					
Drywall hangers	4.00					
Electricians	4.50					
Form Setters	4.00					
Insulation Installers	2.25					
Ironworkers	3.50					
Laborers:						
Laborers	2.10					
Mason tenders	2.30					
Mortar Mixers	2.50					
Painters	3.50					
Plumbers	5.30					
Roofers	3.15					
Sheet Metal Workers	4.90					
Soft Floor Layers	3.50					
Tile Setters	4.00					
Truck Drivers	2.10					
Power Equipment Operators:						
Asphalt Finishers	2.58					
Backhoe	3.25					
Bulldozers	3.28					
Crane Operator	5.50					
Forklift	3.25					
Grader	3.60					
Loaders	2.76					
Mechanic	3.60					
Pan Operator	3.50					
Roller	2.46					
Tractor, farm	2.75					

SUPERSEDEAS DECISION

STATE: South Dakota

COUNTIES: Beadle, Bennett, Bon Homme, Brookings, Brown, Brule, Buffalo, Butte, Charles Mix, Codington, Corson, Custer, Davidson, Dewey, Edmonds, Fall River, Grant, Gregory, Haakon, Harding, Hughes, Jackson, Jones, Kingsbury, Lake, Lawrence, Lincoln, Lyman, Mellette, Moody, Perkins, Potter, Roberts, Shannon, Spink, Stanley, Sully, Todd, Tripp, Union, Walworth, Washabaugh, Yankton and Ziebach

DECISION NUMBER: AQ-1057 DATE: Date of Publication

Supersedes Decision No. AQ-1051 dated October 26, 1973, in 38 FR 29779

DESCRIPTION OF WORK: Heavy and Highway Construction

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Concrete Finisher	$4.56					
Form Builder	4.56					
Form Setter	4.56					
Painter	3.76					
LABORERS:						
Air tool operator	3.36					
Common laborer	3.36					
Landscape workers	3.36					
Form builder helpers (bridge and culvert)	3.76					
Manhole builder	4.30					
Piledriver (leadsman)	4.20					
Pipelayer (other than culvert)	4.20					
Powderman (blaster)	5.00					
POWER EQUIPMENT OPERATORS:						
Asphalt distributor	4.50					
Asphalt distributor helper	3.76					
Asphalt paving machine	4.60					
Asphalt paving machine helper	3.36					
Asphalt plant helper	3.36					
Asphalt plant, stationary and traveling	4.60					
Auger operator (truck type)	3.76					
Automatic fine grader operator	4.70					
Beginner operator (1 year or less experience as Power Equipment Op.)	3.90					
Broom, self-propelled	3.76					
Bulldozer, 80 h.p. or less	4.10					
Bulldozer, over 80 h.p.	4.60					
Bullfloat machine	4.40					
Concrete batch plant	4.60					
Concrete mixer	3.90					
Concrete paver	5.00					
Concrete paving cure machine	4.00					
Concrete paving finishing machine	4.70					
Concrete paving form grader	4.70					
Concrete paving joint machine	4.50					
Concrete paving joint sealer	4.00					
Concrete paving saw	4.40					
Concrete paving spreader	4.70					
Concrete paving subgrader	4.60					

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS (cont'd):						
Conveyor	3.36					
Cranes, Derricks, Draglines, Piledrivers, Backhoes and Shovels, 1¼ cu. yds. or less	4.60					
Cranes, Derricks, Draglines, Piledrivers, Backhoes and Shovels, over 1¼ cu. yds.	5.00					
Crusher (incl. those with integral screening plant)	$4.60					
Curb machine	4.00					
Fireman (boiler and retort)	3.80					
Front End Loader, 1¼ cu. yds. or less	3.90					
Front End Loader, 1¼ cu. yds. to 3¼ cu. yds.	4.40					
Front End Loader, over 3¼ cu. yds.	4.60					
Mechanic, heavy duty	4.90					
Mechanic, helper	3.90					
Mechanic, maintenance	4.40					
Motor grader, (finish)	5.00					
Motor grader, (rough)	4.50					
Oiler and greaser	4.40					
Roller, self-propelled (hot mix)	4.10					
Roller, self-propelled (other)	3.76					
Roller, sheepsfoot or 50 ton pneumatic	4.10					
Scrapers	5.20					
Spreader (materials)	4.40					
Stationary plant	4.00					
Tractor (crawler or pneumatic)	4.00					
Tractor, farm type w/attachments (including loader)	3.36					
Tractor - push	4.80					
Traveling plant (stabilization)	4.60					
Traveling plant, helper	3.36					
Trenching machine	4.40					
Wagon drill (including airtrac-trac-drill, etc.)	4.40					
TRUCK DRIVERS:						
Euclid or dumptor	3.72					
Truck crane	3.62					
Truck driver, single axle	3.36					
Truck driver, tandem or semitrailer	3.52					
WELDER:						
Welder, certified	4.70					
Welder, general	4.40					

SUPERSEDEAS DECISION

STATE: Texas COUNTY: El Paso
DECISION NO.: AQ-43 DATE: Date of Publication
Supersedes Decision No. AP-727, dated April 27, 1973, in 38 FR 10603.
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

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BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
ASBESTOS WORKERS	$5.93	.50	.72(c)			
BOILERMAKERS	7.00	.30	.76		.02	
BRICKLAYERS	5.60	.26			.08	
CARPENTERS:						
Carpenters	5.86	.34			.02	
Millwrights	6.11	.34			.02	
Stationary radial arm power saw operator	5.895	.34			.02	
Floor layers	5.86	.34			.02	
CEMENT MASONS	4.555	.38			.05	
ELECTRICIANS:						
Electricians	7.05	.25	1%		1/2%	
Cable splicers	7.30	.25	1%		1/2%	
ELEVATOR CONSTRUCTORS	5.41	.175	.20	2%a+b		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.175	.20	2%a+b		
ELEVATOR CONSTRUCTORS' HELPERS (PROB)	50%JR	.175	.20	2%a+b		
GLAZIERS	5.07	.24				
IRONWORKERS:						
Ironworkers (El Paso County)	6.30	.40	.50		.05	
Ironworkers (all areas outside El Paso County)	7.30	.40	.50		.05	
LABORERS:						
Powderman or blasterer	4.08	.26	.10			
Outside wagon drill; wagon drill tenders; miner	3.83	.26	.10			
Cement gun or gunite; mason tender; mortar mixer; machine man; track man; chuck tender	3.58	.26	.10			
Pipelayers, main sewer and drainage	3.455	.26	.10			
Jackhammer operator, asphalt raker; kettleman; asphalt or pot man	3.33	.26	.10			
Common	3.18	.26	.10			
LATHERS	6.04	.25			.01	
MARBLE MASONS	5.60	.26			.08	
PAINTERS:						
Brush, paperhangers	5.06	.24				
Steel after erection, steam cleaning, buffing with power driven tools	5.475	.24				

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BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
PAINTERS (CONT'D):						
Spray, sandblasting, waterblasting, swing stage	$5.765	.24				
Tapers, roller 9" in width	5.06	.24				
Ames tools	5.28	.24				
Striping machine	5.76	.24				
PILEDRIVERMAN	4.60					
PLASTERERS	6.01	.28			.01	
PLUMBERS	6.40	.26	.25		.02	
ROOFERS:						
Roofers	4.50					
Waterproofers	4.50					
Pipewrappers	4.50					
SHEET METAL WORKERS	7.10	.29	.05		.005	
SOFT FLOOR LAYERS	4.56	.24				
SPRINKLER FITTERS	8.50	.40	.60		.07	
STONEMASONS	5.60	.26			.08	
STEAMFITTERS	6.40	.25	.25		.02	
TERRAZZO WORKERS	5.60	.26			.08	
TILE SETTERS	5.60	.26			.08	
TILE SETTERS' HELPERS	3.10					
TRUCK DRIVERS:						
Up to and including 2 tons	3.50	.26				
Flat bed dump trucks, mechanically	3.60	.26				
Tank trucks, up to 2500 gallons	3.50	.26				
Standard dump truck, up to and including 4 cu. yds.	3.60	.26				
Dump trucks, over 4 cu. yds.	3.75	.26				
Truck over 4 tons including transit mix, all semitruck, etc.	3.75	.26				
Lowboy	3.75	.26				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.						

FOOTNOTES:
a - 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate.
b - Paid Holidays - A through F.
c - Includes $0.07 contribution to Occupational Health Fund.

PAID HOLIDAYS:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

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BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Fireman, Oiler; Mechanic, Grease Truck and Welder's Helper; Screedman, Pneumatic roller towed by farm-type tractor or truck; Scale Operator and such as bin-a-batch; Rubber-tired farm type tractors and tractors under 35 h.p. without attachments	$4.46	.20	.10		.03	
Air Compressors, Power Plants, pumps and welding machines (an operating engineer will not be required for an air compressor under 315 c.f.m., a pump under three inches or a light plant generating fifteen kilowatts or less, or one welding machine, if and when there is another operating engineer employer on the job who services the units); Concrete mixers, under 1 yard, and Concrete batch plants, under 1 yard, gunnite and pumpcrete machines, mechanical bull floats, spreading and finishing machines. Screening Plants. Drilling machines, Diamond, rotary, core and cable drilling; well under 6 inches. Hoists, scoopmobiles, A frame Air tugger; building hoist, 1 drum hydrolift, Hydrocranes, winch truck. Loaders; Elevating, belt type loader, front end loader (under 2 yards) and over head loaders; fork-lift and lumber staker on construction job site. Grease truck operator, (Head Oiler). Motorman and Industrial Locomotive. Tractors under 35 h.p. with attachments; and farm type tractor with back, or shovel type attachments	5.04	.20	.10		.03	
Concrete mixers 1 yard and over and batch plants 1 yard and over, single drum paving machines. Crushing plants. Drilling Machines, 6 inches and over. Front End loaders, 2 yards and over; Paving: Asphalt plants, boiler or retort heater, distributor, lay down machine, pug mill, breakdown and tandem rollers. Steam Engineer. Trenching Machines. Patrol, rough, not required to blue top or finish	5.13	.20	.10		.03	

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12 - Texas - PEO - 1 h (2 - 2)

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Tractor Equipment: Athey and Barber Green Loader, Bulldozer, DW10, DW20, DW21, Dumor, Elevating grader; Euclid, Highlander, Scraper, Trenchavator, Turnapull, Turnarocker and Tractors 35 h.p. and up	$5.18	.20	.10		.03	
Concrete Paving machines, double drum. Caterpillars, Hysters, Cherry Picker, Attachment cranes, side and swing boom tractors, Building hoist, 2 drum and up. Mechanic. Welder. Patrol, finish	5.26	.20	.10		.03	
Shovel, Backhoe, clam and dragline 3/4 yards and under; Cranes 25 tons and under	5.50	.20	.10		.03	
Guy and stiff leg derrick, Pile-drivers; Crawler or skid rig. Shovel, Backhoe, clam and dragline over 3/4 yards; Cranes over 25 tons	5.66	.20	.10		.03	
SHAFT AND TUNNEL OPERATIONS: Refrigeration, slusher, Jumbo form operators	5.13	.20	.10		.03	
Mucking machines	5.36	.20	.10		.03	
Mine Hoists	5.66	.20	.10		.03	
LINE CONSTRUCTION:						
Lineman - Technician	$7.05	.25	1%		1/2%	
Cable splicers	7.30	.25	1%		1/2%	
Equipment operators	7.05	.25	1%		1/2%	
Groundman	5.29	.25	1%		1/2%	

INCIDENTAL PAVING	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Air Tool Man	$1.80					
Asphalt Raterman	2.50					
Asphalt Raker	2.00					
Asphalt Shoveler	2.00					
Batching Plant Scaleman	3.20					
Carpenter	3.25					
Carpenter Helper	2.50					
Concrete Finisher (Paving)	3.15					
Concrete Finisher Helper (Paving)	2.75					
Concrete Finisher (Structures)	2.75					
Concrete Finisher Helper (Structures)	2.25					
Concrete Rubber	1.75					
Electrician	5.00					
Electrician Helper	3.25					
Form Builder (Structures)	2.65					
Form Builder Helper (Structures)	2.10					
Form Setter (Paving and Curb)	2.50					
Form Setter Helper (Paving and Curb)	1.75					
Form Setter (Structures)	3.00					
Form Setter Helper (Structures)	2.40					
Laborer, Common	1.75					
Laborer, Utility Man	2.00					
Manhole Builder, Brick	2.50					
Mechanic	3.00					
Mechanic Helper	2.35					
Oiler	2.50					
Serviceman	2.75					
Painter (Structures)	4.75					
Painter Helper (Structures)	3.75					
Pipelayer	2.50					
Pipelayer Helper	2.00					
Powderman	3.35					
Powderman Helper	2.45					
Reinforcing Steel Setter (Paving)	2.00					
Reinforcing Steel Setter (Structures)	2.60					
Reinforcing Steel Setter Helper	1.75					
Sign Erector	3.10					
Sign Erector Helper	2.60					
Spreader Box Man	2.45					
Swamper	2.00					

INCIDENTAL PAVING	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Power Equipment Operators:						
Asphalt Distributor	$2.55					
Asphalt Paving Machine	2.50					
Broom or Sweeper Operator	2.15					
Bulldozer, 150 HP and Less	3.00					
Bulldozer, over 150 HP	3.25					
Concrete Paving Finishing Machine	4.00					
Concrete Paving Mixer	4.10					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	3.00					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY and Over)	3.50					
Crusher or Screening Plant Operator	3.00					
Foundation Drill Operator (Truck Mounted)	4.25					
Front End Loader (2½ CY and Less)	2.80					
Front End Loader (Over 2½ CY)	3.25					
Motor Grader Operator, Fine Grade	3.75					
Motor Grader Operator	3.25					
Roller, Steel Wheel (Plant-Mix Pavements)	2.50					
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	2.25					
Roller, Pneumatic (Self-Propelled)	2.25					
Scrapers (17 CY and Less)	3.00					
Scrapers (Over 17 CY)	3.25					
Tractor (Crawler Type) over 150 HP	2.75					
Tractor (Pneumatic) 80 HP and Less	1.85					
Tractor (Pneumatic) over 80 HP	2.50					
Wagon Drill, Boring Machine or Post Hole Driller Operator	2.50					
Truck Drivers:						
Single Axle, Light	2.25					
Single Axle, Heavy	2.25					
Tandem Axle or Semitrailer	2.25					
Lowboy-Float	2.70					
Transit-Mix	2.25					
Weighman (Truck Scales)	2.50					
Welder	3.00					
Welder Helper	2.50					

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