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PART I

November 30, 1973—Pages 33053–33266

HIGHLIGHTS OF THIS ISSUE

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

(Continued inside)

REMINDERS

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

Rules Going Into Effect Today

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

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Contents

(Continued on next page)

List of CFR Parts Affected

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

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

Rules and Regulations

Title 6—Economic Stabilization

CHAPTER I—COST OF LIVING COUNCIL

PART 150—COST OF LIVING COUNCIL PHASE IV PRICE REGULATIONS

Exemption for Producers of Honey and Honey Products

The purpose of this amendment is to fully exempt prices charged by honey producers for honey and honey products.

By virtue of the small business exemption of Subpart D of the Phase IV price regulations, all domestic honey producers except one are currently exempt. Exempt competitors are able to offer higher prices for raw honey than the non-exempt producer has been able to offer under price control limitations, and raw honey is being diverted to the exempt producers. This leads to an inequitable result under the regulations and a less efficient utilization of honey production facilities.

For these reasons, a new paragraph is added to 6 CFR 150.54 which exempts prices charged by honey producers for honey and honey products. In conformity with this change, the item "raw honeycomb honey" has been deleted from the list of exempt first sales in 6 CFR 150.52(b)(1).

Because the purpose of these amendments is to provide immediate guidance and information with respect to the decisions of the Council, the Council finds that publication in accordance with normal rulemaking procedure is impracticable and that good cause exists for making these amendments effective in less than 30 days.

(Economic Stabilization Act of 1970, as amended, Pub. L. 92-210, 85 Stat. 743; Pub. L. 93-28, 87 Stat. 27; E.O. 11730, 38 FR 19345; Cost of Living Council Order No 14, 38 FR 1489.)

In consideration of the foregoing, Part 150 of Title 6 the Code of Federal Regulations is amended as follows, effective 11:59 p.m., e.s.t., September 9, 1973.

Issued in Washington, D.C., on November 27, 1973.

JAMES W. MCLANE,
Deputy Director,
Cost of Living Council.

§ 150.52 [Amended]

1. Section 150.52(b)(1) is amended by deleting "raw honeycomb honey" from the list of examples.

2. A new paragraph (u) is added to § 150.54 as follows:

§ 150.54 Certain price adjustments.

* * * * *

(u) *Honey producers.* Prices charged by honey producers for honey and honey products are exempt.

[FR Doc.73-25489 Filed 11-28-73;11:07 am]

PART 150—COST OF LIVING COUNCIL PHASE IV PRICE REGULATIONS

Reclassification of Dehydrated Alfalfa Meal and Pellets

The purpose of this amendment is to reclassify dehydrated alfalfa meal and dehydrated alfalfa meal pellets as exempt raw agricultural products.

Prior to this amendment the exemption regulations since the advent of Phase II listed "Hay: Bulk, pelleted, cubed, or baled" as an example of an agricultural product which is exempt because it is non-processed and retains its original form, while "Dehydrated alfalfa meal or alfalfa meal pellets" was always listed opposite "hay" as the correlative agricultural product which is non-exempt because it is processed or does not retain its original physical form.

The division of these hay and alfalfa products into exempt and non-exempt categories does not now appear to the Council to be as realistic as previously assumed.

As a matter of definition, hay is the dried form of any of a number of grasses, including alfalfa. However, "dehydrated alfalfa" is an artificially dried product whereas hay is normally sundried. The difference between sun drying and artificial drying does not, by itself, appear to be a sufficient basis for treating dehydrated alfalfa as nonexempt and hay as exempt.

As mentioned above, the baling, cubing and pelleting of hay has never been deemed under the Economic Stabilization Program to be a change in form or a processing sufficient to render it non-exempt. Hay bundled or packaged in cubes, bales or pellets substantially retains its form and identity as hay. All that changes is the degree of compaction of the product.

On the other hand, "dehydrated alfalfa meal" and "dehydrated alfalfa meal pellets" have been considered under the Program as sufficiently changed in form or sufficiently processed to be considered non-exempt. Evidently this distinction was based on the conclusion that a product in "meal" form should be considered a processed product. "Alfalfa meal" means alfalfa which is crushed or ground into a loose meal and "alfalfa meal pellets" means alfalfa which is crushed and compressed into small nuggets. Dehydrated alfalfa is normally marketed only in "meal" form.

Just as there is little substantive difference between ground alfalfa which is compressed and that which is in loose form, there appears to be little real difference between "pelleted hay" and "alfalfa meal pellets," either in form or in degree of processing. Both are dried grass products which are ground or crushed and then compressed into pellets for feeding purposes. The listing of pelleted hay as exempt and pelleted dehydrated alfalfa meal as non-exempt therefore does not appear to be consistent or meaningful.

As a practical matter, the Council's distinction in this respect has had little impact since the great majority of alfalfa processors have been exempt under the small business exemption. However, it was recently brought to the Council's attention that the five non-exempt firms, which account for ⅓ of the domestic dehydrated alfalfa production, have currently withdawn from the market. This has caused a production shortfall and a market price disruption at a time when increased feed supplies and moderate feed prices are needed in order to help bring down prices in the food industry.

Full exemption of dehydrated alfalfa production is expected to result in immediate resumption of full production and distribution of inventories. Accordingly, the Council has determined that the reclassification of dehydrated alfalfa products as exempt is appropriate and would best serve attainment of the goals of the Economic Stabilization Program.

In order to exempt all dehydrated alfalfa products and at the same time achieve a more consistent treatment of hay and dehydrated alfalfa products in the listing of exempt and non-exempt products in the Phase IV regulations, the Council has in this amendment listed "Hay and dehydrated alfalfa: Bulk, meal, baled, cubed, pelleted" as exempt and "Mixed feeds" as non-exempt. Hay and alfalfa are listed in all the forms in which they are normally marketed as hay and alfalfa. "Mixed feed", which is animal feed in which one or more grasses or grains are combined, is non-exempt because the mixture represents a change in the original physical form of the ingredients.

Because the purpose of these amendments is to provide immediate guidance and information with respect to the decisions of the Council, the Council finds that publication in accordance with normal rulemaking procedure is impracticable and that good cause exists for making these amendments effective in less than 30 days.

(Economic Stabilization Act of 1970, as amended, Pub. L. 92-210, 85 Stat. 743; Pub. L. 93-28, 87 Stat. 27; E.O. 11730, 38 FR 19345; Cost of Living Council Order No. 14, 38 FR 1489.)

In consideration of the foregoing, Part 150 of Title 6 of the Code of Federal Regulations is amended as follows, effective November 27, 1973.

Issued in Washington, D.C., on November 27, 1973.

JAMES W. MCLANE,
Deputy Director,
Cost of Living Council.

§ 150.52 [Amended]

1. Section 150.52(a) is amended by deleting the item "Hay: Bulk, pelleted, cubed or baled" from the list of examples of exempt items and substituting therefor "Hay and dehydrated alfalfa: Bulk, meal, baled, cubed or pelleted.".

2. Section 150.52(a) is further amended by deleting the item "Dehydrated alfalfa meal or alfalfa meal pellets" from the list of examples of non-exempt items and substituting therefor "Mixed feed."

[FR Doc.73-25490 Filed 11-28-73;11:07 am]

Title 7—Agriculture

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

[Lemon Reg. 615]

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 Dec. 2-Dec. 8, 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.

§ 910.915 Lemon Regulation 615.

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

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

(i) The committee has submitted its recommendation with respect to the quantity of lemons it deems advisable to be handled during the ensuing week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the demand for lemons is relatively unchanged from last week but is expected to improve somewhat as this week progresses. Sales volume is expected to increase 12 to 15 percent as the trade returns to a full marketing week after the Thanksgiving Holiday.

Average f.o.b. price was $6.32 per carton the week ended November 24, 1973 compared to $6.41 per carton the previous week. Track and rolling supplies at 143 cars were up 3 cars from last week.

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

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation 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 section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on November 27, 1973.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period December 2, 1973, through December 8, 1973, is hereby fixed at 210,000 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 29, 1973.

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

[FR Doc.73-25553 Filed 11-29-73;8:45 am]

PART 913—GRAPEFRUIT GROWN IN THE INTERIOR DISTRICT IN FLORIDA

Expenses and Rate of Assessment

This document authorizes expenses of $31,025 of the Interior Grapefruit Marketing Committee, under Marketing Order No. 913, for the 1973–74 fiscal period and fixes a rate of assessment of $0.005 per standard packed box of grapefruit handled in such period to be paid to the committee by each first handler as his pro rata share of such expenses.

On November 15, 1973, notice of proposed rulemaking was published in the FEDERAL REGISTER (38 FR 31540) 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. 913, as amended (7 CFR Part 913), regulating the handling of grapefruit grown in the Interior District in Florida. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The notice provided that all written data, views, or arguments in connection with said proposals be submitted by November 23, 1973. None were received. After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Interior Grapefruit Marketing Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 913.209 Expenses and rate of assessment.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Interior Grapefruit Marketing Committee during the period August 1, 1973, through July 31, 1974, will amount to $31,025.

(b) *Rate of Assessment.* The rate of assessment for said period, payable by each handler in accordance with § 913.31, is fixed at $0.005 per standard packed box of grapefruit.

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

It is hereby further found that good cause exists for not postponing the effective date hereof until December 31, 1973 (5 U.S.C. 553) in that (1) shipments of grapefruit are now being made, (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment herein fixed shall be applicable to all assessable grapefruit handled during the aforesaid

period, and (3) such period began on August 1, 1973, and said rate of assessment will automatically apply to all such grapefruit beginning with such date.

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

Dated: November 27, 1973.

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

[FR Doc.73-25432 Filed 11-29-73;8:45 am]

PART 971—LETTUCE GROWN IN LOWER RIO GRANDE VALLEY IN SOUTH TEXAS

Expenses and Rate of Assessment

This document authorizes the South Texas Lettuce Committee to spend not more than $25,850 for its operations during the fiscal period ending July 31, 1974, and to collect one and one half cents ($0.015) per carton of lettuce handled by first handlers under the program.

The committee was established under Marketing Agreement No. 144 and Order No. 971 regulating the handling of lettuce grown in the Lower Rio Grande Valley in South Texas. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

Notice was published in the November 15 FEDERAL REGISTER (38 FR 31541) regarding the proposals. It afforded interested persons an opportunity to file written comments not later than November 26, 1973. None was filed.

After consideration of all relevant matters, including the proposals set forth in the notice, it is found that the following budget and rate of assessment should be approved.

It is further found that good cause exists for not postponing the effective date of this section until December 31, 1973 (5 U.S.C. 553), in that the relevant provisions of this part require that the rate of assessment for a particular fiscal period shall be applicable to all assessable lettuce from the beginning of such period.

§ 971.213 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred during the fiscal period ending July 31, 1974, by the South Texas Lettuce Committee for its maintenance and functioning and for such purposes as the Secretary determines to be appropriate will amount to $25,850.

(b) The rate of assessment to be paid by each handler in accordance with the marketing agreement and this part shall be one and one-half cents ($0.015) per carton of assessable lettuce handled by him as the first handler thereof during said fiscal period.

(c) Unexpended income in excess of expenses for the fiscal period ending July 31, 1974, may be carried over as a reserve to the extent authorized in § 971.43(a)(2).

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

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

Dated: November 27, 1973.

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

[FR Doc.73-25433 Filed 11-29-73;8:45 am]

Title 8—Aliens and Nationality

CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE, DEPARTMENT OF JUSTICE

Miscellaneous Amendments to Chapter

Pursuant to section 552 of Title 5 of the United States Code (80 Stat. 383) and the authority contained in section 103 of Title 8 of the United States Code (66 Stat. 173) and 8 CFR 2.1, miscellaneous amendments, as set forth herein, are prescribed in Parts 234, 238, 245, and 265 of Chapter I of Title 8 of the Code of Federal Regulations.

In Part 234, § 234.2 is revised to provide that the medical examination of applicants for adjustment of status to that of permanent residents under section 245 of the Immigration and Nationality Act shall be conducted exclusively by civil surgeons; the regulation presently provides for the conduct of such examinations by medical officers of the U.S. Public Health Service as well as by civil surgeons. Minor corollary amendments are made in §§ 234.2 and 245.6.

Pursuant to section 238(d) of the Immigration and Nationality Act, agreements have been entered into between the Acting Commissioner of Immigration and Naturalization and Air Manila, Inc., Balair AG, and South African Airways, transportation lines operating to ports of the United States, to guarantee the passage through the United States in immediate and continuous transit of aliens destined to foreign countries. In Part 238, § 238.3(b) is, therefore, amended by adding "Air Manila, Inc.", "Belair AG", and "South African Airways" to the listing of signatory lines.

An agreement for preinspection at Nassau, Bahamas, of flights of Bahamasair Holdings Limited destined to the United States, has been entered into between Bahamasair Holdings Limited and the Acting Commissioner of Immigration and Naturalization pursuant to sections 103 and 238(b) of the Immigration and Nationality Act. Therefore, § 238.4 is amended by adding "Bahamasair Holdings Limited" to the listing of transportation lines which have entered into agreements for the preinspection of their passengers and crews at places outside the United States.

In Part 245, the existing first sentence of § 245.2(a)(3) directs that the departure from the United States of an applicant for adjustment of status under section 245 of the Immigration and Nationality Act, as amended, prior to decision in his case, shall be deemed an abandonment of his application, except under conditions specified therein. The first sentence of § 245.2(a)(3) is revised and repositioned into two sentences to clarify the applicability of the exception to an applicant who is under deportation proceedings as distinguished from an applicant who is not under deportation proceedings.

In Part 265, the second sentence of § 265.1 is amended to provide that on and after January 1, 1974 notification by an alien of his current address made on Form I-53 shall be mailed to the address indicated on the Form.

In the light of the foregoing, the following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

PART 234—PHYSICAL AND MENTAL EXAMINATION OF ARRIVING ALIENS

In Part 234, paragraphs (a), (b), (c), and (d) of § 234.2 are revised. As amended, Part 234 reads as follows:

Sec.
234.1 General.
234.2 Examination in the United States of alien applicants for benefits.

AUTHORITY: Secs. 103, 234, 66 Stat. 173, 198; 8 U.S.C. 1103, 1224.

§ 234.1 General.

The manner in which the physical and mental examination of aliens shall be conducted is set for in 42 CFR Part 34.

§ 234.2 Examination in the United States of alien applicants for benefits under the immigration laws and other aliens.

(a) *General.* When a medical examination is required of an alien who files an application for status as a permanent resident under section 245 of the Act or Part 245 of this chapter, it shall be made by a selected civil surgeon. Such examination shall be performed in accordance with 42 CFR Part 34 and any additional instructions and guidelines as may be considered necessary by the U.S. Public Health Service. In any other case in which the Service requests a medical examination of an alien, the examination shall be made by a medical officer of the U.S. Public Health Service, or by a civil surgeon if a medical officer of the U.S. Public Health Service is not located within a reasonable distance or is otherwise not available.

(b) *Selection of civil surgeons.* When a civil surgeon is to perform the examination, he shall be selected by the district director having jurisdiction over the area of the alien's residence. The district director shall select as many civil suregons, including clinics employing qualified civil surgeons, as he determines to be necessary to serve the needs of the Service in a locality under his jurisdiction. Each civil surgeon selected shall be a licensed physician with no less than 4 years' professional experience. Officers of local health departments and medical societies may be consulted to

obtain the names of competent surgeons and clinics willing to make the examinations. An understanding shall be reached with respect to the fee which the surgeon or clinic will charge for the examination. The alien shall pay the fee agreed upon directly to the surgeon making the examination.

(c) *Civil surgeon reports.* (1) *Applicants for status of permanent resident.* When an applicant for status as a permanent resident is found upon examination to be free of any defect, disease or disability listed in section 212(a) of the Act, the civil surgeon shall endorse Form I–486A, Medical Examination and Immigration Interview, and forward it with X-ray and other pertinent laboratory reports to the immigration office by which the alien was referred. The immigration office may return such X-ray and laboratory reports to the alien. If the applicant is found to be afflicted with such defect, disease or disability, the civil surgeon shall complete Form FS–398, in duplicate, and forward it with Form I–486A, X-ray, and other pertinent laboratory reports to the immigration office by which the alien was referred. If the applicant is found to be afflicted with active tuberculosis and a waiver is granted pursuant to section 212(g) of the Act, the immigration office shall forward a copy of the completed Form I–601 (Application for Waiver of Grounds of Excludability) and a copy of the Form FS–398 to the Chief, Quarantine Branch, Bureau of Epidemiology, Center for Disease Control, Atlanta, Georgia 30333. If the alien is found to be mentally retarded or to have had one or more previous attacks of insanity, and he applies for a waiver of excludability pursuant to section 212(g) of the Act, the immigration office shall submit to the Chief, Quarantine Branch, Bureau of Epidemiology, the completed Form I–601, including a copy of the medical report specified in the instructions attached to that form, and a copy of Form FS–398; that official will review the medical report and advise the Service whether it is acceptable, in accordance with § 212.7(b)(2)(ii) of this chapter. In any other case where the applicant has been found to be afflicted with active or inactive tuberculosis or an infectious or noninfectious leprosy condition, the immigration office shall forward to the Chief, Quarantine Branch, Bureau of Epidemiology, a copy of Form FS–398 with the applicant's address endorsed on the reverse thereof.

(2) *Other aliens.* The results of the examination of an alien who is not an applicant for status as a permanent resident shall be entered on Form I–141, Medical Certificate, in duplicate. This form shall be returned to the Service office by which the alien was referred.

(d) *U.S. Public Health Service hospital and outpatient clinic reports.* When an applicant for a benefit under the immigration laws, other than an applicant for status as a permanent resident, is examined by a medical officer of the U.S. Public Health Service, the results of the examination shall be entered on Form I–141, Medical Certificate, in duplicate. The form shall be returned to the Service office by which the alien was referred.

PART 238—CONTRACTS WITH TRANSPORTATION LINES

§ 238.3 [Amended]

In § 238.3 *Aliens in immediate and continuous transit*, the listing of transportation lines in paragraph (b) *Signatory lines* is amended by adding thereto in alphabetical sequence the following transportation lines: "Air Manila, Inc.", "Balair AG", and "South African Airways".

§ 238.4 [Amended]

The listing of transportation lines under "At Nassau" of § 238.4 *Preinspection outside the United States* is amended by adding the following transportation line in alphabetical sequence: "Bahamasair Holdings Limited".

PART 245—ADJUSTMENT OF STATUS TO THAT OF PERSON ADMITTED FOR PERMANENT RESIDENCE

1. In § 245.2(a)(3), the existing first sentence is revised and repositioned into two sentences for clarification. As amended, § 245.2(a)(3) reads as follows:

§ 245.2 Application.

(a) *General.* * * *

(3) *Departure.* The departure from the United States of an applicant for permanent resident status under section 245 of the Act or this part who is under deportation proceedings shall be deemed an abandonment of his application constituting grounds for termination thereof if the deportation proceeding is terminated by reason of the departure. The departure of an applicant who is not under deportation proceedings shall be deemed an abandonment of his application constituting grounds for termination thereof unless he had previously been granted permission by the Service for such absence and he was thereafter inspected upon his return, or it is determined by the officer having jurisdiction over his application that his departure was unintended or innocent and casual, that his absence was brief, and that he was inspected upon his return. If the determination reached is favorable to the applicant, the application shall be adjudicated without regard to the departure and absence. In determining the date of "last arrival" within the meaning of section 1 of the Act of November 2, 1966, in the case of an applicant who was inspected and admitted or paroled into the United States subsequent to January 1, 1959, and who subsequently departed temporarily with no intention of abandoning his residence in the United States and was readmitted or paroled into the United States upon his return, the date of the applicant's arrival after such temporary absence or absences shall not be included.

2. In § 245.6, the first sentence is amended. As amended, § 245.6 reads as follows:

§ 245.6 Medical examination.

Upon acceptance of an application, the applicant shall be required to submit to an examination by a selected civil surgeon, whose report setting forth the findings of the mental and physical condition of the applicant shall be incorporated into the record. Any applicant certified under paragraph (1), (2), (3), (4), or (5) of section 212(a) of the Act may appeal to a Board of Medical Officers of the U.S. Public Health Service as provided in section 234 of the Act and Part 235 of this chapter.

PART 265—NOTICES OF ADDRESS

In Part 265, the second sentence of § 265.1 is amended. As amended, Part 265 reads as follows:

Sec.
265.1 Forms.

AUTHORITY: Secs. 103, 265, 66 Stat. 173, 225; 8 U.S.C. 1103, 1305.

§ 265.1 Forms.

The notice of address, change of address, and new address required by section 265 of the Act shall be furnished on the forms prescribed herein, which are available at post offices and at offices of the Service in the United States. The notification of current address shall be made on Form I–53 and then mailed to the address indicated thereon. The notification of change of address and new address shall be made on Form AR–11 and then mailed to the address indicated thereon. Form AR–11 shall also be used and mailed to the address indicated thereon by an alien residing in the United States pursuant to a lawful temporary admission when reporting his address at the expiration of each three-month period.

Compliance with the provisions of section 553 of Title 5 of the United States Code (80 Stat. 383) as to notice of proposed rulemaking and delayed effective date is unnecessary in this instance and would serve no useful purpose because the amendments to §§ 234.2, 245.6, and 265.1 relate to agency procedure; the amendments to §§ 238.3(b) and 238.4 add transportation lines to the listings; and the amendment to § 245.2(a)(3) is clarifying in nature.

Effective date.—This order shall become effective on November 30, 1973, except with respect to the amendment to § 265.1 which shall become effective on January 1, 1974.

Dated: November 27, 1973.

JAMES F. GREENE,
Acting Commissioner of Immigration and Naturalization.

[FR Doc.73-25419 Filed 11-29-73;8:45 am]

Title 14—Aeronautics and Space

CHAPTER III—NATIONAL TRANSPORTATION SAFETY BOARD

PART 421—RULES OF PRACTICE IN AIR SAFETY ENFORCEMENT PROCEEDINGS

Revision of Air Safety Enforcement Proceedings

On July 18, 1973, a document was published in the FEDERAL REGISTER (38 FR 19133) proposing to revise the Rules of Practice in Air Safety Enforcement Proceedings. The proposed revision reorganized the rules into three classifications: General rules, special rules, and rules governing emergency proceedings; provided for statutory changes; deleted provisions no longer pertinent; added provisions to fill gaps in the former rules; clarified and simplified the rules and made the wording of the sections uniform; provided for substantive changes, by deletion, addition, or otherwise, which liberalized time limits for filing briefs and for filing reply briefs in emergency proceedings; and restricted the complaint to the use of the Administrator's order of suspension or revocation. All comments with respect to the proposed revision were given due consideration.

As a result of comments received, the following changes in the revised rules are made in addition to language changes for clarification:

1. The definition "Airman certificate" which appears in § 421.1 is more precisely defined, in accordance with the suggestion of the Federal Aviation Administration (FAA).

2. References to the date of mailing in §§ 421.4(a) and 421.5(h) as the date of service are described more fully as the date shown on the postmark, as recommended by the FAA.

3. The phrase, "Except as provided in §§ 421.14(a) and 421.15," is added to § 421.11(f) for consistency, as the FAA advised.

4. Section 421.18, "Official notice," is reworded for clarification purposes and to comply with present practice.

5. Reference to the power of the law judges to rule upon motions, which was inadvertently omitted in the proposed revision, is added to § 421.26(b).

6. A sentence which reads "Due regard shall be given to the convenience of the parties with respect to the place for the hearing" is added to § 421.27, as requested by the Air Transport Association of America (ATA).

7. In § 421.33, the recommendation of ATA is adopted, by placing a 20-day time limit within which the Board on its own initiative may review an initial decision before it becomes final.

8. The issues which the Board will consider on appeal, listed in § 421.36, are restated for the purpose of clarification.

Certain other recommendations have been carefully considered but have not been accepted. The following suggestions were not adopted for the reasons signed:

1. Sections 421.3(a) and (b) are criticized because they allow a party to be represented by a person who is not an attorney-at-law. This is intended. A party should have freedom of choice of a representative as a matter of policy. Irrelevancies and prejudice are not apt to follow such practice. Moreover, the decision not to limit representation to attorneys or otherwise "qualified" representatives does not violate the provisions of the act governing administrative procedures (5 U.S.C. 555(b)).

2. The recommendation that the date of mailing as shown on the postmark, plus 3 days, shall be the date of service is rejected for § 421.5(h). Postal delays are adequately handled in § 421.8 which covers extension of time for good cause shown.

3. Except for minor language changes, § 421.13, which provides for appeals from the law judges' interlocutory rulings and motions, is left unchanged. It was suggested that law judges may withhold permission for appeals of their decisions to the Board. This contention is rejected; nor is it accepted that the distinction between interlocutory appeals before and during the hearing is sound. Moreover, an addition to § 421.11(f) to provide for an extension of time to file pleadings until the Board rules on the interlocutory appeal is unnecessary as a practical matter.

4. It has been recommended that § 421.16, which requires the permission of the law judge to take depositions, be altered "to provide for the simultaneous filing of an application and of a notice of deposition which would become effective unless the application is denied no later than 5 days prior to the date of deposition." This recommendation is rejected on the grounds that the present practice has been viable, and the suggestion would seem to complicate rather than simplify procedures.

5. Section 421.23 provides that the order of the Administrator shall serve as his complaint. Therefore, the suggestion that 5 days after service by the Board upon the Administrator of an appeal from his order is an insufficient time for filing the complaint is not deemed valid.

6. It has been recommended that § 421.23(b) be deleted. Paragraph (b) remains in the section because of instances where the order of revocation, which serves as the complaint, may fail to state lack of qualification of the respondent for whatever reason.

7. Sections 421.23(c) and 421.39(d) employ the word "may" in defining the result of failure to answer the allegation or allegations in a complaint as admitting the truth of such allegation or allegations. Use of the word "shall" instead of "may" is rejected, since the purpose is to give the law judge discretion to permit a late answer where there has been a failure to file an answer to any or all of the allegations of the complaint.

8. It has been suggested that § 421.35 (a) be revised to provide that the 30- and/or 40-day time limit for perfecting an appeal should begin to run only after a copy of the transcript of the hearing has been served upon the parties. Since the additional time allowed for the filing was intended to take into consideration any late receipt of transcripts of the hearing, this suggestion is not adopted.

9. It is recommended that § 421.38(a) include a provision that a respondent may waive his rights to the accelerated emergency procedures only upon his surrender of the certificate affected by the emergency order. Such addition is considered unnecessary in view of § 421.10 and established procedure.

Accordingly, 14 CFR Part 421 is revised as set forth below. This regulation shall become effective on November 30, 1973.

Adopted by the National Transportation Safety Board at its office in Washington, D.C., on the 21st day of November 1973.

[SEAL] JOHN H. REED,
Chairman.

GENERAL PROVISIONS

Sec.
421.1 Definitions.
421.2 Applicability and description of part.

GENERAL RULES APPLICABLE TO PETITIONS FOR REVIEW, APPEALS TO THE BOARD, AND APPEALS FROM INITIAL DECISIONS

421.3 Appearances and rights of witnesses.
421.4 Filing of documents with the Board.
421.5 Service of documents.
421.6 Intervention.
421.7 Computation of time.
421.8 Extension of time.
421.9 Amendment and withdrawal of pleadings.
421.10 Waivers.
421.11 Motions.
421.12 Motion to disqualify a Board Member.
421.13 Appeals from law judge's interlocutory rulings on motions.
421.14 Motions to dismiss.
421.15 Motion for more definite statement.
421.16 Depositions.
421.17 Subpenas, witness fees, and appearances of Board Members, officers or employees.
421.18 Official notice.

SPECIAL RULES APPLICABLE TO PROCEEDINGS UNDER SECTION 602(b) OF THE ACT

421.19 Initiation of proceedings.
421.20 Burden of proof.
421.21 Motion to dismiss petition for review for lack of standing.

SPECIAL RULES APPLICABLE TO PROCEEDINGS UNDER SECTION 609 OF THE ACT

421.22 Initiation of proceedings.
421.23 Complaint.
421.24 Burden of proof.
421.25 Motion to dismiss stale complaint.

LAW JUDGES

421.26 Assignment, duties, and powers.

HEARINGS

421.27 Notice of hearing.
421.28 Evidence.
421.29 Argument and submissions.
421.30 Record.
421.31 Certification to the Board.

INITIAL DECISION

421.32 Initial decision by law judge.
421.33 Effect of law judge's initial decision, and filing an appeal therefrom.

APPEALS FROM INITIAL DECISIONS

421.34 Notice of appeal.
421.35 Briefs and oral argument.
421.36 Issues on appeal.

GENERAL PROVISIONS

§ 421.1 Definitions.

As used in this part:

"Act" means the Federal Aviation Act of 1958 (49 U.S.C. 1301, et seq.);

"Administrator" means the Administrator of the Federal Aviation Administration (FAA);

"Airman certificate" means any certificate issued by the FAA to an airman and shall include medical certificates required for an airman;

"Appeal from an initial decision" means a request to the Board to review a law judge's decision;

"Appeal to the Board" means a request to the Board for the review of an order of the Administrator by a law judge;

"Board" means the National Transportation Safety Board;

"Certificate" means any certificate issued by the Administrator under Title VI of the Act;

"Chief Law Judge" means the administrative law judge in charge of the Office of Administrative Law Judges.

"Complaint" means an order of the Administrator from which an appeal to the Board has been taken pursuant to section 609 of the Act;

"Emergency order" means an order of the Administrator issued pursuant to section 609 of the Act, which recites that an emergency exists and that safety in air commerce or air transportation and the public interest require the immediate effectiveness of such order;

"Initial decision" means the law judge's decision on the issue remaining for disposition at the close of a hearing before him and/or an order granting a motion to dismiss in lieu of an answer, as provided in §§ 421.19 and 421.23, and terminating the proceeding, except that "initial decision" does not include cases where the record is certified to the Board, with or without a recommended decision, or orders partly granting a motion to dismiss and requiring an answer to any remaining allegation, or rulings by the law judge on interlocutory matters appealed to the Board under § 421.13;

"Law judge" means the administrative law judge assigned to hear and preside over the respective proceedings;

"Petition for review" means a petition filed pursuant to section 602(b) of the Act for review of the Administrator's denial of an application for issuance or renewal of an airman certificate;

"Petitioner" means a person who has filed a petition for review;

"Respondent" means the holder of a certificate who has appealed to the Board from an order of the Administrator amending, modifying, suspending, or revoking such certificate.

Terms defined in the Act are used as so defined.

§ 421.2 Applicability and description of part.

The provisions of this part shall govern all air safety enforcement proceedings before a law judge upon petition for review, or upon appeal from any order of the Administrator amending, modifying, suspending, or revoking any certificate, and upon appeal to the Board from any order or decision of a law judge.

GENERAL RULES APPLICABLE TO PETITIONS FOR REVIEW, APPEALS TO THE BOARD, AND APPEALS FROM INITIAL DECISIONS

§ 421.3 Appearances and rights of witnesses.

(a) Any party to a proceeding may appear and be heard in person or by attorney or other representative designated by him. No register of persons who may practice before the Board is maintained, and no application for admission to practice is required. Upon hearing, and for good cause shown, the Board may suspend or bar any person from practicing before it.

(b) Any person appearing in person in any proceeding governed by this part, may be accompanied, represented, and advised by counsel and may be examined by his own counsel or representative.

(c) Any person who submits data or evidence in a proceeding governed by this part, may by timely request procure a copy of any document submitted by him, or a copy of any transcript made of his testimony on payment of reasonable costs. Original documents or data or evidence may be retained by a party upon permission of the law judge or the Board, upon substitution of a copy therefor.

§ 421.4 Filing of documents with the Board.

(a) *Filing address, date of filing, and airmail.* Documents to be filed with the Board shall be filed with the Office of Administrative Law Judges, National Transportation Safety Board, Washington, D.C. 20591, by personal delivery or by mail and shall be deemed to be filed on the date of actual personal delivery or on the date as shown on the postmark, as the case may be. Documents mailed to the Board from a point in the United States more than 800 miles from Washington, D.C., shall be sent by airmail.

(b) *Number of copies.* Unless otherwise specified, an executed original and three true copies of each document shall be filed with the Office of Administrative Law Judges. Copies need not be signed, but the name of the person signing the original shall be reproduced.

(c) *Form.* Petitions for review or appeals to the Board may be in the form of a letter to the Board signed by the petitioner or the party appealing and shall be typewritten or in legible handwriting. Appeals from initial decisions shall be in typewritten or printed form.

(d) *Contents.* Each document shall contain a concise and complete statement of the facts relied upon and the relief sought.

(e) *Subscription.* Every document filed shall be signed by the person filing it or his duly authorized representative.

(f) *Designation of person to receive service.* The initial document filed shall state on the first page the name and post office address of the person or persons who may be served with documents in the proceeding.

(g) *Motions, request and documents.* All motions, requests, and documents in connection with petitions for review and appeals to the Board shall be filed with the chief law judge, until such time as he assigns a law judge to preside over the proceeding.

§ 421.5 Service of documents.

(a) *Service by the Board.* The Board will serve orders, initial decisions, rulings on motions, and similar documents which it issues upon all parties to the proceeding by registered or certified mail.

(b) *Service by others.* Copies of all documents filed with the Board must be served upon all parties to the proceeding by the person filing them.

(c) *How service may be made.* Service may be made by personal delivery, by regular mail, by registered mail, or by certified mail, except as provided in paragraph (a) of this section. When service is made by mail upon a party located more than 800 miles distant from the party effecting service (from Washington, D.C., in the case of service effected by the Board) airmail shall be used.

(d) *Who may be served.* Service upon a party or person may be made upon a person designated in accordance with § 421.4(f) to receive service. If no such person is designated, service may be made upon the party or person himself, if he is an individual, or upon an officer of a corporation or association, a member of a partnership, or an agent of an air carrier designated under section 1005(b) of the Act.

(e) *Where service may be made.* Service by regular or registered or certified mail shall be made at the address of the person designated in accordance with § 421.4(f) to receive service, or, if no such person is designated, at the usual residence or principal place of business of the party or person, or, if not known, at the address last furnished by him to the Federal Aviation Administration, except that an agent designated by an air carrier under § 1005(b) of the Act shall be served only at his office or usual place of residence. Service by mail on the Administrator shall be made at the office of his designee to receive service, or, if none, at the Federal Aviation Administration, Office of the General Counsel, AGC-32, Washington, D.C. 20591. Personal service may be made on any of the persons described in paragraph (d) of this section wherever they may be found, except that an agent designated by an air carrier under section 1005(b) of the Act may be served only at his office or usual place of residence.

(f) *Certificate of service.* A certificate of service shall accompany all documents when they are tendered for filing and shall consist of a certificate of mailing executed by the person mailing the document.

(g) *Presumption of service.* There shall be a presumption of lawful service in the following instances:

(1) Where acknowledgment of receipt is made by a person who customarily receives mail or receives it in the ordinary course of business at either the residence or principal place of business of a person designated in accordance with § 421.4 (f) to receive service; or

(2) Where there is no designee, acknowledgment of receipt at the residence or principal place of business of the party himself, by a person who customarily receives mail or receives it in the ordinary course of business; or

(3) Where a properly addressed envelope, indicating that it had been sent by regular, registered, or certified mail, has been returned marked "undelivered," "unclaimed," or "refused."

(h) *Date of service.* Whenever proof of the service by mail is made, the date of mailing or the date as shown on the postmark shall be the date of service, and where personal service is made, the date of personal delivery shall be the date of service.

§ 421.6 Intervention.

Any person may move for leave to intervene in a proceeding and may become a party thereto, if the law judge finds that such person may be bound by the order to be entered in the proceeding, or that such person has a property or financial interest which may not be adequately represented by existing parties: *Provided*, That such intervention would not unduly broaden the issues or delay the proceedings. Except for good cause shown, no motion for leave to intervene will be entertained if filed less than 10 days prior to hearing.

§ 421.7 Computation of time.

In computing any period of time prescribed or allowed by this part, by notice or order of the Board or a law judge, or by any applicable statute, the date of the act, event, or default after which the designated period of time begins to run is not to be included in the computation. The last day of the period so computed is to be included unless it is a Saturday, Sunday, or legal holiday for the Board, in which event the period runs until the end of the next day which is neither a Saturday, Sunday, nor a holiday. Saturdays, Sundays, and legal holidays for the Board shall be computed in the calculation of time in all emergency cases under § 421.38 of this part and shall be counted in the computation of time in all nonemergency cases where the period of time involves 7 days or more.

§ 421.8 Extension of time.

Upon written request filed with the Board and served upon all parties, and for good cause shown, the chief law judge, the law judge, or the Board, may grant an extension of time to file any document except a petition for reconsideration. Extensions of time to file petitions for reconsideration will be granted only in extraordinary circumstances.

§ 421.9 Amendment and withdrawal of pleadings.

(a) *Amendment.* At any time more than 15 days prior to the time of hearing, a party may amend his pleadings by filing the amended pleading with the Board and serving copies on the other parties. After that time, amendment shall be allowed only at the discretion of the law judge. Where amendment to an answerable pleading has been allowed, the law judge shall allow the adverse party a reasonable opportunity to answer.

(b) *Withdrawal.* A party may withdraw his pleadings only upon approval of the law judge or the Board.

§ 421.10 Waivers.

Waivers of any rights provided by statute or regulation shall either be in writing, or by stipulation made at a hearing and entered into the record, and shall set forth their precise terms and conditions.

§ 421.11 Motions.

(a) *General.* An application to the Board or to a law judge for an order or ruling not otherwise specifically provided for in this part shall be by motion. Prior to the assignment of a law judge, all motions shall be addressed to the chief law judge. Thereafter, and prior to the expiration of the period within which an appeal from the law judge's initial decision may be filed, or the certification of the record to the Board, all motions shall be addressed to the law judge. At all other times, motions shall be addressed to the Board. All motions not specifically provided for in any other section of this part shall be made at an appropriate time, depending upon the nature thereof and the relief requested.

(b) *Form and contents.* Unless made during a hearing, motions shall be made in writing, shall state with particularity the grounds for the relief sought and the relief sought, and shall be accompanied by affidavits or other evidence relied upon. Motions made during hearings, answers thereto, and rulings thereon, may be made orally on the record, unless the law judge directs otherwise.

(c) *Answers to motions.* Except when an answer is made during a hearing, any party may file an answer in support of or in opposition to a motion, accompanied by such affidavits or other evidence as he desires to rely upon, provided that the answer is filed within 7 days after the motion has been served upon him, or such other period as the Board or a law judge may fix. In the case of an answer to a motion made during a hearing, the answer and the ruling thereon may be made at the hearing, or orally or in writing within such time as the law judge may fix.

(d) *Oral argument; briefs.* No oral argument will be heard on motions unless the Board or the law judge otherwise directs. Written memoranda or briefs may be filed with motions or answers to motions, stating the points and authorities relied upon in support of the positions taken.

(e) *Disposition of motions.* Except as provided in paragraph (c) of this section for rulings on motions made at a hearing, the law judge shall pass upon all motions properly addressed to him, except that if he finds that a prompt decision by the Board is essential to the proper conduct of the proceeding, he may refer such motion to the Board for decision.

(f) *Effect of pendency of motions.* Except as provided in §§ 421.14(a) and 421.15, the filing or pendency of a motion shall not automatically alter or extend the time fixed in this part (or any extension granted thereunder) to take action.

§ 421.12 Motion to disqualify a Board Member.

A motion requesting a Board Member to disqualify himself shall be filed with the Board, supported by an affidavit setting forth grounds for disqualification. In nonemergency proceedings, where an appeal from an initial decision is filed, such motion shall be filed on or before the date on which the reply brief is due, pursuant to § 421.35. In emergency proceedings, where a notice of appeal has been filed, such motion shall be filed on or before the date the briefs are due, pursuant to § 421.41. Failure to file a timely motion shall be deemed a waiver of disqualification. Application for leave to file an untimely motion may be made accompanied by an affidavit setting forth in detail why the facts relied upon as grounds for disqualification were not known and could not have been discovered with reasonable diligence within the prescribed time.

§ 421.13 Appeals from law judge's interlocutory rulings and motions.

Rulings of law judges on motions may not be appealed to the Board prior to its consideration of the entire proceeding, except in extraordinary circumstances and with the consent of the law judge who made the ruling. An appeal shall be disallowed unless the law judge finds, either on the record or in writing, that the allowance of such appeal is necessary to prevent substantial detriment to the public interest or undue prejudice to any party. If an appeal is allowed, any party may file a brief with the Board within such time as the law judge directs. No oral argument will be heard unless the Board directs otherwise. The rulings of the law judge on motion may be reviewed by the Board in connection with its appelate action in the proceeding, irrespective of the filing of an appeal from the motion or any action taken thereon.

§ 421.14 Motions to dismiss.

(a) *General.* Motions to dismiss may be filed within the time limitation for

filing an answer, except as otherwise provided in paragraph (c) of this section. In case the motion is not granted in its entirety, the answer shall be filed within 10 days of service of the order on the motion.

(b) *Appeal of dismissal orders.* Where a law judge grants a motion to dismiss in lieu of an answer and terminates the proceeding without hearing, an appeal of such order to the Board may be filed pursuant to the provisions of §§ 421.19 and 421.22(a). Where a law judge grants a motion to dismiss in part, § 421.13 is applicable.

(c) *Motions to dismiss for lack of jurisdiction.* A motion to dismiss on the ground that the Board lacks jurisdiction may be made at any time.

§ 421.15 Motion for more definite statement.

The parties, in lieu of an answer, may file a motion requesting that the allegations in the complaint or the petition, as the case may be, be made more definite and certain. Such motion shall point out the defects complained of and the details desired. If the motion is granted and the law judge's order is not complied with within 15 days after notice, the law judge shall strike the allegation or allegations in any complaint or petition to which the motion is directed. If the motion is denied, the moving party shall file his answer within 10 days after the denial.

§ 421.16 Depositions.

After a petition for review or a complaint is filed, any party may file a motion with the chief law judge requesting permission to take the testimony of any person, including a party, by deposition, upon oral examination or written interrogatories. Service of a copy of the motion shall be made upon all other parties to the proceeding on 7 days' notice. If the motion is granted, the taking of the deposition shall be in compliance with the provisions of § 1004 of the Act.

§ 421.17 Subpenas, witness fees, and appearances of Board Members, officers, or employees.

(a) *Subpenas.* Subpenas requiring the attendance of witnesses or the production of documentary or tangible evidence for the purpose of taking depositions or at a hearing may be issued by the chief law judge prior to the assignment of a law judge, or by the law judge to whom the case is assigned, upon application by any party. The application shall show the general relevance and reasonable scope of the evidence sought. Any person upon whom a subpena is served may, within 7 days after service but in any event prior to the return date thereof, file with the chief law judge or the law judge, as the case may be, a motion to quash or modify the subpena, and such filing shall stay the subpena pending final action by the chief law judge or the law judge on the motion.

(b) *Witness fees.* Witnesses shall be entitled to the same fees and mileage as are paid to witnesses in the courts of the United States. The fees shall be paid by the party at whose instance the witness is subpenaed or appears.

(c) *Board Members, officers, or employees.* The provisions of paragraph (a) of this section are not applicable to Board Members, officers, or employees, or to the production of documents in their custody. Applications for the attendance of such persons or the production of such documents at a hearing or deposition shall be addressed to the chief law judge or the law judge, as the case may be, in writing, and shall set forth the need of the moving party for such evidence and its relevancy to the issues in the proceeding.

§ 421.18 Official notice.

Where the law judge or the Board intends to take official notice of a material fact not appearing in the evidence in the record, notice shall be given to all parties, who may within 10 days file a petition challenging such fact. Upon the filing of such petition, the party or parties shall be given reasonable opportunity to controvert the fact.

SPECIAL RULES APPLICABLE TO PROCEEDINGS UNDER SECTION 602(b) OF THE ACT

§ 421.19 Initiation of proceedings.

(a) *Petition for review.* Where the Administrator has denied an application for the issuance or renewal of an airman certificate, the applicant may file with the Board a petition for review of the Administrator's action. Such petition shall be filed within 60 days from the time of service on the petitioner of the Administrator's action. The petition shall contain a short, plain statement of the facts on which petitioner's case rests and a statement of the action requested. The petition may be filed in the form of a letter to the Board signed by the aggrieved party.

(b) *Filing petition with the Board.* In accordance with the provisions of § 421.4(a), a petition for review mailed to the Board shall be deemed timely if postmarked before the end of the time limitation therefor, provided that if mailed from a point in the United States more than 800 miles from Washington, D.C., it is sent by airmail.

(c) *Answer to petition.* The Administrator shall file an answer to the petition for review within 20 days of service upon him by the petitioner of the petition for review. Failure to deny the truth of any allegation or allegations of the petition may be deemed an admission of the truth of the allegation or allegations not answered.

§ 421.20 Burden of proof.

In proceedings under § 602(b) of the Act, the burden of proof shall be upon the petitioner.

§ 421.21 Motion to dismiss petition for review for lack of standing.

Upon motion by the Administrator within the time limitation for filing an answer, a petition for review shall be dismissed for lack of standing in either of the following instances:

(a) If the petitioner's certificate at the time of the denial or renewal thereof was under an order of suspension; or

(b) If the petitioner's certificate had been revoked within one year of the date of the denial or renewal thereof, unless the order revoking such certificate provided otherwise.

SPECIAL RULES APPLICABLE TO PROCEEDINGS UNDER SECTION 609 OF THE ACT

§ 421.22 Initiation of proceedings.

(a) *Appeal.* A certificate holder may file with the Board an appeal from an order of the Administrator amending, modifying, suspending, or revoking a certificate. Such appeal shall be filed with the Board within 20 days from the time of service of the order, along with proof of service upon the Administrator.

(b) *Contents.* Each appeal shall contain a concise but complete statement of the facts relied upon and the relief sought. It shall identify the Administrator's order and the certificate affected and shall recite the Administrator's action from which the appeal is sought. It shall likewise contain proof of service upon the Administrator.

(c) *Effect of timely appeal with the Board.* Timely filing with the Board of an appeal from an order of the Administrator shall postpone the effective date of the order until final disposition of the appeal by the law judge or the Board, except in emergency proceedings.

§ 421.23 Complaint.

(a) *Filing, time of filing, and service upon respondent.* The order of the Administrator from which an appeal has been taken shall serve as the complaint and shall be filed by the Administrator with the Board within 5 days after service by the Board upon the Administrator of an appeal from his order, along with proof of service upon respondent by the Administrator.

(b) *Contents of complaint.* If the Administrator claims that respondent lacks qualification as an airman, the order filed as the complaint, or an accompanying statement shall recite on which of the facts pleaded this contention is based.

(c) *Answer to complaint.* The respondent shall file an answer to the complaint within 20 days of service of the complaint upon him by the Administrator. Failure to deny the truth of any allegation or allegations of the complaint may be deemed an admission of the truth of the allegation or allegations not answered.

§ 421.24 Burden of proof.

In proceedings under section 609 of the Act, the burden of proof shall be upon the Administrator.

§ 421.25 Motion to dismiss stale complaint.

Where the complaint states allegations of offenses which occurred more than 6 months prior to the Administrator's advising respondent as to reasons for proposed action under § 609 of the Act,

respondent may move to dismiss such allegations pursuant to the following provisions:

(a) In those cases where a complaint does not allege lack of qualification of the certificate holder:

(1) The Administrator shall be required to show by answer filed within 7 days of service of the motion that good cause existed for the delay, or that the imposition of a sanction is warranted in the public interest, notwithstanding the delay or the reasons therefor.

(2) If the Administrator does not establish good cause for the delay or for imposition of a sanction notwithstanding the delay, the law judge shall dismiss the stale allegations and proceed to adjudicate only the remaining portion, if any, of the complaint.

(3) If the law judge wishes some clarification as to the Administrator's factual assertions of good cause, he shall obtain this from the Administrator in writing, with due service made upon the respondent, and proceed to an informal determination of the good cause issue without a hearing. A hearing to develop facts as to good cause shall be held only where the respondent raises an issue of fact in respect of the Administrator's good cause issue allegations.

(b) In those cases where the complaint alleges lack of qualification of the certificate holder:

(1) The law judge shall first determine whether an issue of lack of qualification would be presented if any or all of the allegations, stale and timely, are assumed to be true. If not, the law judge shall proceed as in paragraph (a) of this section.

(2) If the law judge deems that an issue of lack of qualification would be presented by any or all of the allegations, if true, he shall proceed to a hearing on the lack of qualification issue only, and he shall so inform the parties. The respondent shall be put on notice that he is to defend against lack of qualification and not merely against a proposed remedial sanction.

LAW JUDGES

§ 421.26 Assignment, duties, and powers.

(a) *Assignment of law judge and duration of assignment.* The chief law judge shall assign a law judge to preside over the proceeding. Until such assignment, motions, requests, and documents shall be addressed to the chief law judge. Thereafter, all such motions, requests, and documents shall be addressed to the law judge assigned. The authority of the law judge shall terminate upon certification of the record to the Board, or upon expiration of the period within which appeals from initial decisions may be filed, or upon the law judge's withdrawal from the proceeding upon considering himself disqualified.

(b) *Powers of law judges.* Law judges shall have the following powers:

(1) To give notice concerning, and hold, prehearing conferences and hearings;

(2) To administer oaths and affirmations;

(3) To examine witnesses;

(4) To issue subpenas and to take or cause depositions to be taken;

(5) To receive evidence and rule upon objections and offers of proof;

(6) To rule upon motions in assigned cases;

(7) To regulate the course of the hearing;

(8) To hold conferences, before or during the hearing for the settlement or simplification of issues;

(9) To dispose of procedural requests or similar matters; and

(10) To make initial decisions, and, if so directed by the Board to certify records with or without recommended decisions.

(c) *Disqualification of a law judge.* A law judge shall withdraw from the proceedings if at any time he deems himself disqualified. If, prior to the initial decision, there is filed an affidavit of personal bias or disqualification, with substantiating facts, and the law judge does not withdraw, the Board will determine the matter as a part of the record and decision in the proceeding, if an appeal from the law judge's initial decision is filed. The Board will not otherwise consider any claim of bias or disqualification. The Board, in its discretion, may order a hearing on a charge of bias or disqualification.

HEARINGS

§ 421.27 Notice of hearing.

(a) *Notice.* The chief law judge or the law judge to whom the case is assigned shall set the date, time, and place for the hearing, at a reasonable date, time, and place, and shall give the parties adequate notice thereof and of the nature of such hearing. Due regard shall be given to the convenience of the parties with respect to the place for the hearing.

(b) *Hearings in several sessions.* Where appropriate, the law judge may determine that a hearing will be held in one or more sessions at the same or different places.

§ 421.28 Evidence.

Every party shall have the right to present his case or defense by oral or documentary evidence, to submit evidence in rebuttal, and to conduct such cross-examination as may be required for a full and true disclosure of the facts.

§ 421.29 Argument and submissions.

At the hearing, the law judge shall give the parties adequate opportunity for the presentation of arguments in support of, or in opposition to, motions, objections, and exceptions to rulings. Prior to the initial decision, the parties shall be afforded a reasonable opportunity to submit for consideration proposed findings and conclusions and supporting reasons therefor.

§ 421.30 Record.

The transcript of testimony and exhibits, together with all papers, requests, and rulings filed in the proceeding shall constitute the exclusive record of the proceeding. The record shall also include any proceeding upon an affidavit of personal bias or disqualification of a law judge. Copies of the transcript may be obtained by any party upon payment of the reasonable cost thereof. A copy may be examined at the National Transportation Safety Board Public Reference Room No. 806D, at 800 Independence Ave., SW., Washington, D.C. 20591.

§ 421.31 Certification to the Board.

At any time prior to the close of the hearing, the Board may direct the law judge to certify any question or the entire record in the proceeding to the Board for decision, except an interlocutory ruling. In cases where the record is certified to the Board, the law judge shall not render an initial decision but shall only recommend to the Board a decision as provided in 5 U.S.C. 557 (Administrative Procedure).

INITIAL DECISION

§ 421.32 Initial decision by law judge.

(a) *Written or oral decision.* The law judge may render his initial decision orally at the close of the hearing, or he may render such decision in writing at a later date, except as provided in § 421.40(b).

(b) *Contents.* The initial decision shall include a statement of findings and conclusions, as well as the reasons or bases therefor, upon all material issues of fact (including credibility of witnesses, where such finding is material), law, or discretion, presented on the record, and the appropriate sanction or denial thereof.

(c) *Service of written decision and extension of time for appeal.* If the initial decision is in writing, it shall be served upon the parties. At any time before the date for filing an appeal from the initial decision has passed, the law judge or the Board may, for good cause shown, extend the time within which to file an appeal from the initial decision, and the law judge may also reopen the case for good cause upon notice to the parties.

(d) *Furnishing copy of oral decision and issuance date.* If the initial decision is rendered orally, a copy thereof, excerpted from the transcript of the record, shall be furnished the parties by the Office of Administrative Law Judges. Irrespective of the date of mailing of such copy, the issuance date of the decision shall be the actual date of the rendering of the oral decision.

§ 421.33 Effect of law judge's initial decision, and filing an appeal therefrom.

If no appeal from the initial decision is filed with the Board by either party within the time allowed, or no motion by the Board on its own initiative is made within 20 days to review the initial decision, it shall become final, but shall not be deemed to be a precedent binding on the Board. The timely review by the Board or the filing of such an appeal or

motion shall stay the order in the initial decison.

APPEALS FROM INITIAL DECISIONS

§ 421.34 Notice of appeal.

A party may appeal from a law judge's order or from the initial decision by filing with the Board and serving upon the other parties (pursuant to § 421.5) a notice of appeal within 10 days after an oral initial decision has been rendered or a written decision has been served. Exceptions are not required.

§ 421.35 Briefs and oral argument.

(a) *Appeal briefs.* Each appeal must be perfected within 40 days after an oral initial decision has been rendered, or 30 days after service of a written initial decision, by the filing with the Board and the serving on the other party of a brief in support of the appeal. Appeals may be dismissed by the Board on its own initiative or on motion of the other party, in cases where a party who has filed a notice of appeal fails to perfect his appeal by filing a timely brief.

(b) *Contents of appeal brief.* Each appeal brief shall set forth in detail the objections to the initial decision, and shall state whether such objections are related to alleged errors in the law judge's findings of fact and conclusions or alleged errors in his order. It shall also state the reasons for such objections and the relief requested.

(c) *Waiver of objections on appeal.* Any error contained in the initial decision which is not objected to may be deemed to have been waived. Where any objection is based upon evidence of record, such objection need not be considered by the Board unless specific record citations to the pertinent evidence are furnished in the appeal brief.

(d) *Reply brief.* A brief in reply to the appeal brief may be filed by the other party within 30 days after the appeal brief has been served upon him. A copy of the reply brief shall be served upon the party who has appealed from the initial decision. Where the reply brief relies upon evidence of record, specific record citations to the pertinent evidence shall be furnished in the reply brief.

(e) *Other briefs.* No further briefs may be filed, except upon specific leave of the Board upon a showing of good cause therefor.

(f) *Number of copies.* Five copies of briefs shall be filed with the Board.

(g) *Oral argument.* Oral argument before the Board will normally not be held in proceedings under this part. However, when need therefor appears, the Board may permit oral argument, either on its own initiative or on motion of a party.

§ 421.36 Issues on appeal.

On appeal, the Board will consider only the following issues:

(a) Are the findings of fact each supported by a preponderance of reliable, probative, and substantial evidence?

(b) Are conclusions made in accordance with precedent and policy?

(c) Are the questions on appeal substantial?

(d) Have any prejudicial errors occurred?

If the Board determines that the law judge erred in any respect or that his order in his initial decision should be changed, the Board may make any necessary findings and may issue an order in lieu of the law judge's order, or may remand the case for such purposes as the Board may deem necessary. The Board on its own initiative may raise any issue, the resolution of which it deems important to a proper disposition of the proceedings, in which event a reasonable opportunity shall be afforded to the parties to submit argument thereon.

§ 421.37 Petitions for rehearing, reargument, reconsideration, or modification of an order of the Board.

(a) *General.* Any party to a proceeding may petition for rehearing, reargument, reconsideration, or modification of a Board order on appeal from an initial decision. Initial decisions which have become final because they were not appealed from shall not be deemed orders for this purpose.

(b) *Form and number of copies.* The petition shall be in writing. Five copies shall be filed with the Board and a copy shall be served upon each of the parties within 30 days after service of the Board's order on appeal from the initial decision.

(c) *Contents.* The petition shall state briefly and specifically the matters of record alleged to have been erroneously decided, the ground or grounds relied upon, and the relief sought. If the petition is based, in whole or in part, on allegations as to the consequences that would result from the order of the Board, the basis of such allegations shall be set forth. If the petition is based, in whole or in part, upon new matters, it shall set forth such new matter and shall contain affidavits of prospective witnesses, authenticated documents, or both, or an explanation why such substantiation is unavailable, and shall explain why such new matter could not have been discovered by the exercise of due diligence prior to the date the case was submitted for decision.

(d) *Grounds for dismissal.* Repetitious petitions will not be entertained by the Board and will be summarily dismissed.

(e) *Reply to petition.* Within 10 days after the service of the petition upon an adverse party, he may reply thereto by filing a copy of the reply with the Board, with proof of service upon the petitioner.

(f) *Stay of effective date of order.* The filing of a petition under this section shall operate to stay the effective date of the Board order, unless it is otherwise ordered by the Board.

RULES APPLICABLE TO EMERGENCY PROCEEDINGS

§ 421.38 General.

(a) *Applicability.* This section shall apply to any order issued by the Administrator as an emergency order, or any order issued by the Administrator not designated as an emergency order, which is later amended to be an emergency order, as provided in § 609 of the Act, in cases where the respondent appeals or has appealed to the Board therefrom.

(b) *Effective date of emergency.* The procedure set forth in this section shall apply on the date when the Administrator's advice of the emergency character of his order has been received by the Office of Administrative Law Judges or by the Board.

(c) *Computation of time.* Time shall be computed in accordance with § 421.7, including the provision that Saturdays, Sundays, and legal holidays of the Board shall always be counted in the computation.

§ 421.39 Appeal, complaint, answer to the complaint, and motions.

(a) *Time within which to appeal.* Within 10 days after the service of the Administrator's emergency order on the certificate holder, he may file an appeal therefrom to the Board.

(b) *Form and content of appeal.* The appeal may be in the form of a letter to the Board signed by the aggrieved party. It shall identify the Administrator's order and the certificate affected, shall recite the Administrator's action from which the appeal is taken, and shall identify the issues of fact or law on which the appeal is based and the relief sought.

(c) *Complaint.* Within 3 days after receipt of the appeal from the Board, the Administrator shall file with the Board his emergency order as his complaint and serve a copy upon the respondent.

(d) *Answer to the complaint.* Within 5 days after service of the complaint upon respondent, he shall file his answer thereto. Failure to deny any allegation or allegations of the complaint may be deemed an admission of the allegation or allegations not answered.

(e) *Motion to dismiss and motion for more definite statement.* No motion to dismiss or for a more definite statement shall be made, but the substance thereof may be stated in the respondent's answer. The law judge may permit or require a more definite statement or other amendment to any pleading at the hearing, upon good cause shown and upon just and reasonable terms.

§ 421.40 Hearing and initial decision.

(a) *Notice of hearing.* Immediately upon the timely filing of the answer with the Board, or within the time set for such filing, the law judge shall set the date and place for hearing upon motion to the parties, not to exceed 7 days.

(b) *Initial decision.* The initial decision shall be made orally on the record at the termination of the hearing and after opportunity for oral argument. The provisions of § 421.32(b) and (d) shall be applicable, covering content, furnishing of a copy of the initial decision excerpted from the record, and issuance date.

(c) *Conduct of hearing.* The provisions of §§ 421.28, 421.29, and 421.30, covering evidence, argument and submissions, and record, shall be applicable.

(d) *Effect of law judge's initial decision.* If no appeal to the Board by either party, by motion or otherwise, is filed within the time allowed, the law judge's initial decision shall become final but shall not be deemed to be a precedent binding on the Board.

§ 421.41 Notice of appeal from initial decision, briefs, issues, and petitions for reconsideration.

(a) *Time within which to file a notice of appeal and content.* Within 2 days after the initial decision has been orally rendered, either party to the proceeding may appeal therefrom by filing with the Board and serving upon the other parties a notice of appeal. Exceptions are not required.

(b) *Brief and oral argument.* Within 5 days after the filing of the notice of appeal, the appellant shall file a brief with the Board and serve a copy upon the other parties. Within 5 days after service of the appeal brief, a reply brief may be filed with the Board and a copy served upon the other parties. The briefs shall comply with the requirements of § 421.35 (b), (c), (d), (e), (f), and (g), covering contents, waiver of objections on appeal, reply brief, other briefs, number of copies, and oral argument. Where oral argument is granted, the Board will give 3 days' notice of such oral argument.

(c) *Issues on appeal.* The provisions of § 421.36 shall apply to issues on appeal. However, the Board may on its own initiative raise any issue, the resolution of which it deems important to a proper disposition of the proceeding. In such case, not more than 2 days shall be afforded to the parties to submit argument thereon.

(d) *Petitions for reconsideration, rehearing, reargument, or modification of order.* The only petitions for reconsideration, rehearing, reargument, or modification of an order which the Board will entertain are petitions based on the ground that new matter has been discovered. Such petitions must set forth the following:

(1) The new matter;

(2) Affidavits of prospective witnesses, authenticated documents, or both, or an explanation of why such substantiation is unavailable; and

(3) A statement that such new matter could not have been discovered by the exercise of due diligence prior to the date the case was submitted to the Board.

[FR Doc.73-25386 Filed 11-29-73;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

SUBCHAPTER C—REGULATIONS UNDER SPECIFIC ACTS OF CONGRESS

PART 302—RULES AND REGULATIONS UNDER FLAMMABLE FABRICS ACT

Mattresses; Labeling, Recordkeeping Requirements, and Guaranties Under FF 4-72

In the FEDERAL REGISTER of June 11, 1973 (38 FR 15373), the Consumer Product Safety Commission proposed 16 CFR 302.20 setting forth labeling, recordkeeping, and guaranty requirements for the implementation, administration, and enforcement of the Standard for the Flammability of Mattresses (FF 4-72). The purpose of this document is to act on that proposal.

CODIFICATION NOTE: The regulations being amended herein (Part 302), although appearing in the CFR under Title 16, Chapter I—Federal Trade Commission, are now the responsibility of the Consumer Product Safety Commission due to a transfer of statutory authority explained below. Until the Consumer Product Safety Commission revises and transfers these regulations to Title 16, Chapter II, it shall amend them in Chapter I.

The subject flammability standard (FF 4-72) was originally issued by the Secretary of Commerce on May 31, 1972, and was published in a notice in the FEDERAL REGISTER of June 7, 1972 (37 FR 11362), pursuant to certain provisions of the Flammable Fabrics Act.

Effective May 14, 1973, however, section 30(b) of the Consumer Product Safety Act (Pub. L. 92-573, 86 Stat. 1231; 15 U.S.C. 2079(b)) transferred functions under the Flammable Fabrics Act from the Secretary of HEW, the Secretary of Commerce, and the Federal Trade Commission to the Consumer Product Safety Commission.

Thereafter, the mattress flammability standard (FF 4-72) was amended and reissued by the Consumer Product Safety Commission by a notice dated June 1, 1973, and published in the FEDERAL REGISTER of June 8, 1973 (38 FR 15095). As a result of a judicially imposed temporary stay, the standard as amended became effective June 22, 1973.

The proposal of June 11, 1973, concerning 16 CFR 302.20, invited interested persons to submit comments thereon on or before July 11, 1973.

The most extensive comments were submitted by the National Association of Bedding Manufacturers (NABM). It recommended an introductory clause to make clear that the provisions of the regulation "do not apply to mattresses (or other actions taken) prior to its effective date." The Commission's intention is that the regulation apply prospectively.

NABM also requested clarifying language to the effect that any labeling information required by the regulation and the Standard, other than that required by .5(c)(3) of the Standard, can be on the same label as labeling information which might be required by state law. There was no intention to prohibit this. Whether it could be done would be controlled by the particular state law involved. In order to clarify this point the second sentence of paragraph (b)(4) of the regulation has been changed to read as follows: "Other (instead of "non-required") information, representations, or disclosures, appearing on labels required by this section or elsewhere on the item, shall not interfere with, minimize, detract from, or conflict with the required information."

Paragraph (c)(1)(vii) of the regulation requires "photographic evidence of each test result in the form of a photograph (color or black and white) of the bare mattress surface before and after testing and of the sheeted mattress after testing." NABM urged that the "before" photograph is burdensome and not really essential and that only one photograph of the bare, tested mattress should be required. Comments of the Quilted Products Association, Inc. (QPA), Ramcon, the National Industries for the Blind, and the J. C. Penney Company, Inc., also objected to the "before" test photograph requirement. Upon consideration, the Commission believes the effectiveness of the regulation would not be seriously hampered by this suggested change and has accordingly adopted it.

The J. C. Penney Company, Inc., suggested that paragraph (c)(1)(viii) be changed to require manufacturers' records to contain "date of shipment, the quantity of mattresses shipped and the name and address of the purchaser as well as the identity of the production unit" instead of "date and quantity of each sale or delivery of mattresses * * * and the name and address of the purchaser or recipient relating such sale to the production unit or other unit identification." The principal difference between these two provisions is mainly that the one from the Commission's proposal covers the possible situation where a "delivery" occurs without a sale. This degree of comprehensiveness is believed to be necessary. Also, the language of the proposal provision is slightly more general than the suggested language, which is believed to be desirable to cover the many different types of sale or delivery arrangements which could be encountered in practice. For these reasons, the Commission has retained the language of paragraph (c)(1)(viii) as set out in the proposal.

NABM requested that paragraph (c)(3)(iii) requiring "written data which will enable the * * * Commission to obtain and test mattresses under any applicable compliance market sampling plan," be eliminated entirely on the ground that adequate information for this purpose is already required by the recordkeeping requirement relating to production testing. The purpose of this requirement is to relate the present regulation to recordkeeping requirements which may be necessary with regard to possible future compliance market sampling plans. (None have been promulgated so far.) For this reason the Commission believes retention of this requirement is desirable.

NABM urged that paragraph (d) "be clarified to state more clearly that it is not intended to apply to retailers." Sears Roebuck and Co. stated it assumed the paragraph exempted retailers from keeping records of sales, receipts, and identities of purchasers of mattresses subject to the Standard. J. C. Penney Company, Inc., argued that the retailer should not have to keep records of dates of receipt and sale of items marketed or handled on the ground that these records are also kept by manufacturers. QPA suggested that dates of sales to ultimate consumers

not be required. In view of the apparent confusion concerning this paragraph the Commission has reworded it to make it clear that neither dates of sales nor identities of purchasers are required for individual retail sales to ultimate consumers. The paragraph does apply to retailers and does require, among other things, that they keep records as to dates of receipt of mattresses subject to the Standard. The requirements of this paragraph, revised as indicated, are definitely necessary. They will make possible or facilitate the tracing of items from retail or distribution, through distribution, to manufacture and/or importation; and in many situations, they can be expected to shed light on whether or not violations of the Flammable Fabrics Act have occurred.

NABM suggested that paragraphs (g)(1)(i) and (g)(1)(ii) be changed to make (g)(1)(i) refer to on-site production testing facilities only and (g)(1)(ii) refer to outside testing facilities only. The Commission did not intend to make this distinction. The provisions are concerned with the availability or unavailability of testing facilities, whether they are on-site or off-site. Therefore, these changes have not been made.

In addition to the above, NABM suggested certain minor rewordings of paragraphs (b)(3) and (b)(4). Also, it suggested its own version of paragraph (c) *Records—manufacturers, importers, or persons initially introducing items into commerce*, containing extensive reorganization and rewordings, plus the addition of two suggested testing record forms. The Commission has carefully studied all these suggestions, which primarily are matters of form rather than substance, and has concluded that, while they would produce a different version of the parts of the regulation to which they relate, that version would not be essentially better or different in effect from that contained in the proposal. Consequently, these suggestions have not been accepted, except that illustrative forms for recording test results have been included as a note.

Comments received from the New York Consumer Protection Board expressed concern that one-of-a-kind mattresses might be excluded from testing under the Standard pursuant to .2(d) thereof. This paragraph provides that such mattresses "may be excluded * * * pursuant to rules and regulations established by the Consumer Product Safety Commission." One-of-a-kind mattresses are not presently excluded from testing under the Standard because the Commission has promulgated no regulations having that effect. Should such regulations be brought under consideration, however, public comment would be invited on the subject at that time. The Commission does not consider the subject to be within the scope of this promulgation.

Having considered the views, arguments, and data submitted in response to the proposal, and other pertinent information, the Commission concludes that the proposed regulation, with changes specified above, should be adopted as set forth below. The Commission finds that promulgating this regulation is necessary and proper for implementation, administration, and enforcement of the Standard and the Flammable Fabrics Act.

Therefore, pursuant to provisions of the Flammable Fabrics Act (sec. 5, 67 Stat. 112, as amended 81 Stat. 570; 15 U.S.C. 1194) and under authority vested in the Consumer Product Safety Commission by the Consumer Product Safety Act (sec. 30(b), 86 Stat. 1231; 15 U.S.C. 2079(b)), Part 302 of Title 16, Chapter I, is amended by adding thereto a new § 302.20, as follows:

§ 302.20 Matresses—labeling, record-keeping requirements, and guaranties under FF 4–72.

(a) *Definitions.* For the purposes of this section, the following definitions apply:

(1) "Standard for the Flammability of Mattresses" or "Standard" means the Standard for the Flammability of Mattresses (FF–4–72) promulgated by the Secretary of Commerce and published in the FEDERAL REGISTER of June 7, 1972 (37 FR 11362), as amended and reissued by the Consumer Product Safety Commission in a notice dated June 1, 1973, and published in the FEDERAL REGISTER of June 8, 1973 (38 FR 15095), which Standard as amended became effective June 22, 1973.

(2) The definition of terms set forth in the Standard shall also apply to this section. (It should be noted that the definition of "mattress" in the Standard includes, among other things, mattress pads.)

(b) *Labeling.* (1) All mattress pads which have had a chemical fire retardant treatment or contain any fire retardant treated components shall be labeled with precautionary instructions to protect the pads from agents or treatments which are known to cause deterioration of their flame resistance. Such labels shall be permanent, prominent, conspicuous, and legible.

(2) If a mattress pad has had a chemical fire retardant treatment or contains any fire retardant treated components, it shall be prominently, conspicuously, and legibly labeled with the letter "T."

(3) Every manufacturer, importer, or other person initially introducing mattresses subject to the Standard into commerce shall assign to each mattress a unit identification (number, letter, or date, or combination thereof) sufficient to identify and relate to the production unit of which the mattress is a part. Such unit identification shall be designated in such a way as to indicate that it is a production unit identification under the Standard for the Flammability of Mattresses. Each mattress subject to the Standard shall bear a permanent, accessible, and legible label containing the appropriate production unit identification relating to such mattress.

(4) The information required on labels by this section shall be set forth separately from any other information appearing on such label. Other information, representations, or disclosures, appearing on labels required by this section or elsewhere on the item, shall not interfere with, minimize, detract from, or conflict with the required information.

(5) The warning label required by .5(c)(3) of the Standard for noncomplying mattresses manufactured during the 6 months following the effective date of the Standard shall be separate and apart from any other label on the mattress and shall not have any other information, representation, or disclosure thereon.

(6) No person, other than the ultimate consumer, shall remove or mutilate, or cause or participate in the removal or mutilation of, any label required by this section to be affixed to any item.

(c) *Records—manufacturers, importers, or persons initially introducing items into commerce*—(1) *General.* Every manufacturer, importer, or other person initially introducing into commerce mattresses subject to the Standard, irrespective of whether guarantees are issued relative thereto, shall maintain written records as hereinafter specified. The records required must establish a line of continuity through the process of manufacture of each mattress and from the specific finished item to the manufacturing records and shall show with respect to such items:

(i) Details, description, and identification of any sampling plan or plans engaged in pursuant to the requirements of the Standard. Such records must be sufficient to demonstrate compliance with such sampling plan or plans and must relate the sampling plan or plans to the actual mattresses produced, marketed, or handled. This subdivision is not limited by other provisions of this paragraph.

(ii) Production units of all mattresses marketed or handled. The records must relate to an appropriate production unit identification on or affixed to the mattress itself in accordance with paragraph (b)(3) of this section, and the production unit identification must relate to the production unit.

(iii) Test results and details of all tests performed, both prototype and production, including cigarette locations and whether each cigarette location passed or failed, details of the sampling procedure or procedures employed, name and signature of person conducting tests, date of tests, and all other records necessary to demonstrate compliance with the test procedure or procedures and sampling plan or plans specified by the Standard or authorized alternate sampling plan or plans. These records shall include a certification by the person overseeing the testing as to the test results and that the test was carried out in accordance with the Standard. (For illustrative forms, see note at the end of this section.)

(iv) Disposition of all failing or rejected mattresses. Such records must demonstrate that the items were retested and reworked in accordance with the Standard prior to sale or distribution and

that such retested or reworked mattresses comply with the Standard, or must otherwise show the disposition of such items.

(v) Manufacturing specifications relating the same to prototype and production testing and to the production units to which applicable.

(vi) Test data or other information relied on as a basis for inclusion of different components as a single production unit where permitted by the Standard.

(vii) Photographic evidence of each test result in the form of a photograph (color or black and white) of the bare mattress surface after testing, with a clear designation thereon as to which part of the mattress was sheeted and which part was tested bare.

(viii) Date and quantity of each sale or delivery of mattresses subject to the Standard and the name and address of the purchaser or recipient relating such sale to the production unit or other identification.

(ix) Details of any approved alternative laundering procedure used in laundering mattress pads required by the Standard to be laundered during testing.

(x) Identification, composition, and details of application of any flame retardant treatments employed relative to mattress pads or mattress pad components. All prototype and production records shall relate to such information.

(2) *Prototype testing.* In addition to the records specified in paragraph (c)(1) of this section, records shall be maintained which shall show with respect to prototype testing required by the Standard:

(i) Mattress specifications and description.

(ii) Prototype identification number.

(iii) Test room conditions.

(3) *Production testing.* In addition to the records required by paragraph (c)(1) of this section, records shall be maintained which shall show with respect to each production unit:

(i) Mattress specifications and description, prototype identification, production unit identification, size of production unit, calendar period of production unit, test date, and test results.

(ii) Random selection number of the tested mattress and information sufficient to show that tested mattresses were selected from the production unit at random from regular production.

(iii) Written data which will enable the Consumer Product Safety Commission to obtain and test mattresses under any applicable compliance market sampling plan.

(4) *Record retention requirements.* The records required by this paragraph shall be retained for 3 years, except that records relating to prototype testing shall be maintained for so long as they are relied upon as demonstrating compliance with the prototype testing requirements of the Standard and shall be retained for 3 years thereafter.

(d) *Records—persons not subject to paragraph (c) of this section.* Any person not subject to paragraph (c) of this section who markets or handles mattresses subject to the Standard shall keep and retain for 3 years records to show the identity of items marketed or handled, the identity of the source of the items, and the date of receipt thereof. Such records shall also show the identity of purchasers and the date of sale, except in the case of individual retail sales to individual ultimate consumers.

(e) *Records—exempted or labeled mattresses.*—(1) Any person marketing or handling mattresses which are entitled to exemption from the Standard as having been manufactured before the effective date of the Standard (June 22, 1973) shall maintain written records sufficient to establish that any such mattresses offered for sale after the effective date of the Standard are eligible for the exemption.

(2) Any person marketing or handling mattresses which are subject to the provisions of .5(c)(3) of the Standard, and which are labeled in accordance therewith, shall maintain written records to show that such mattresses were manufactured within 6 months after the effective date of the Standard and were labeled in accordance with the provisions of .5(c)(3) of the Standard.

(f) *Tests for guaranty purposes.* Reasonable and representative tests for the purpose of issuing a guaranty under section 8 of the act for items subject to the Standard shall be those tests performed pursuant to any sampling plan or authorized alternative sampling plan engaged in pursuant to the requirements of the Standard.

(g) *Postponement of production testing.* (1) Any person requesting a temporary suspension of production testing shall file five copies of an application in writing and under oath with the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207. Such application shall contain the following information:

(i) Statement that production testing facilities are unavailable and reason for unavailability.

(ii) Location of closest available testing facility.

(iii) Period of delay requested.

(iv) Detailed plans of applicant to implement production testing procedures.

(v) Certification that prototype mattress or mattresses to be produced comply with the Standard plus test reports, name and address of facility performing the tests, and specifications and identification of prototype mattresses or mattresses.

(vi) Statement that records and facilities of the applicant are available to the Consumer Product Safety Commission upon request.

(2) Temporary suspension of production testing will not be granted for a period in excess of 6 months upon one application. Upon filing of the application, the requirements for production testing of mattresses may be suspended by the Consumer Product Safety Commission for periods of 30 days while the petition is pending. During such 30-day periods the manufacturer shall submit to the Secretary weekly reports of mattress shipments as specified by the Commission.

(h) *Compliance with this section.* No person subject to the Flammable Fabrics Act shall manufacture, import, distribute, or otherwise market or handle any mattress which is not in compliance with this § 302.20.

NOTE: The following forms are for use in recording test results pursuant to the Standard and this section. These are illustrative forms only; their use shall not be construed as relieving anyone of other recordkeeping requirements of this section.

ILLUSTRATIVE FORM, PROTOTYPE QUALIFICATION MATTRESS FLAMMABILITY STANDARD FF 4–72

Prototype identification number_____

Room conditions at time of test: Temperature _____ R.H. _____

Mattress specification and description (e.g., tape, thread, flange, "heat barrier" material, corner felt, border backing where there is no flange, other material designed to prevent ignition, ticking, upholstery, etc.). Provide details for:

(Attach necessary Test Results Reporting Forms.)

ILLUSTRATIVE FORM, PRODUCTION TESTING MATTRESS FLAMMABILITY STANDARD FF 4–72

1. Production unit identification _____

2. Mattress type (circle one): Smooth Top Tufted Deep Panel Quilt Multi-needle Quilt Other (Identify): _____

3. Sampling plan or plans proceeded under, including options, if any_____

4. Quantity of mattresses covered by testing reported herein and calendar period of their production _____

5. Type of sampling (normal, reduced, batch, or other) and basis for type of sampling used _____

_____

_____

6. Identification of prototype or prototypes of mattresses covered by testing reported herein _____

7. If mattresses covered by testing reported herein are from more than one prototype, identify prototype or prototypes of mattresses tested _____

8. Random numbers of mattresses tested and method by which random numbers were selected _____

_____

(Attach necessary Test Results Reporting Forms.)

Prototype or production unit identification _____

ILLUSTRATIVE TEST
RESULTS REPORTING FORM

Report results for each burn, "X" for pass, cigarette burned to full length; "O" for pass, cigarette self-extinguished before burning to full length; "F" for failure. "F" burns shall be considered as having burned to full length. Use blocks appropriate to side being tested.

3 surface locations, bare

Type surface*

3 surface locations, sheeted

Type surface*

(Each line must contain at least 3 burns to full length or 3 burns self-extinguished before burning to full length, except where prototype or unit rejection is established.)

2 surface locations, bare

Type surface*

Tape edge

(Line 1 must contain at least 4 burns to full length or 4 burns self-extinguished and line 2 must contain at least 5 burns to full length or 5 burns self-extinguished, except where prototype or unit rejection is established.)

2 surface locations, sheeted

Type surface*

Tape edge

(Use necessary additional sheets and complete bottom portion of last sheet of complete test. Attach photographs showing all test results.)

Action (Circle one) Accept Reject Retest

Test date _____ Manufacturer _____

I certify that this test was carried out in full accordance with the provisions of Standard FF 4-72.

(Signed) _____
(Tester)

_____
(Name and business association of tester)

* Smooth surface, tape edge, quilt channel, tufting, etc.

Effective date. This order shall become effective December 31, 1973.

(Sec. 5, 67 Stat. 112, as amended 81 Stat. 570; 15 U.S.C. 1194)

Dated: November 21, 1973.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.73-25290 Filed 11-29-73;8:45 am]

Title 21—Food and Drugs

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

REVOCATION OF USE OF MERCAPTOIMIDAZOLINE

In the FEDERAL REGISTER of April 24, 1973 (38 FR 10116), the Commissioner of Food and Drugs proposed that the food additive regulations (§§ 121.2550(b)(5) and 121.2562(c)(4)(ii)(b)) be amended to delete the items "Mercaptoimidazoline" and "2-Mercaptoimidazoline" respectively, as a result of data reflecting that it is possible for the subject additive to rearrange to form ethylenethiourea which is a known carcinogen. No comments were received in response to the proposal.

Accordingly, the Commissioner concludes that the proposed revocation should be adopted without change. Therefore, pursuant to provisions of the Federal Food, Drugs, and Cosmetic Act (sec. 409(d), 72 Stat. 1787; 21 U.S.C. 348(d)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 121 is amended as follows:

1. In § 121.2550 *Closures with sealing gaskets for food containers* by deleting from table 1 of paragraph (b)(5) the item "Mercaptoimidazoline."

2. In § 121.2562 *Rubber articles intended for repeated use* by deleting from paragraph(c)(4)(ii)(b) the item "2-Mercaptoimidazoline."

Any person who will be adversely affected by the foregoing order may at any time on or before December 31, 1973, file with the Hearing Clerk, Food and Drug Administration, Room 6-86, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Objections may be accompanied by a memorandum or brief in support thereof. Six copies of all documents shall be filed. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective on November 30, 1973.

(Sec. 409(d), 72 Stat. 1787; 21 U.S.C. 348(d).)

Dated: November 23, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-25413 Filed 11-29-73;8:45 am]

PART 121—FOOD ADDITIVES

Extension of Time for Use of Nitrites and/or Nitrates Combined With Spices in Curing Premixes

In the FEDERAL REGISTER of July 19, 1973 (38 FR 19218), it was announced that nitrosamines had been detected in certain curing premixes containing nitrites and/or nitrates combined with spices and stored for an appreciable period of time before use, but that buffering with sodium carbonate appeared to prevent the formation of nitrosamines. Accordingly, the Commissioner of Food and Drugs established an interim food additive regulation § 121.4002 *Nitrites and/or nitrates in buffered curing premixes* (21 CFR 121.4002), which required that studies be undertaken to determine whether nitrosamines do form in buffered premixes and that if nitrosamines are detected, the interim food additive regulation would then be revoked.

Subsequently, nitrosamines were detected in some buffered curing premixes. Therefore, in the FEDERAL REGISTER of November 16, 1973 (38 FR 31679), it was announced that effective November 16, 1973, the use in any food of curing premixes in which nitrites and/or nitrates

are combined with any flavoring or seasoning that constitutes a source of secondary or tertiary amines will cause such food to be adulterated within the meaning of the Federal Food, Drug, and Cosmetic Act and subject to regulatory action. The notice provided that, where curing premixes with separately packaged nitrite and/or nitrate ingredients are not available, meat and poultry processors may continue to use currently available buffered premixes until replacement stocks are available, but in no event later than November 30, 1973.

The Commissioner of Food and Drugs has since been apprised that substantial stocks of curing premixes containing nitrites and/or nitrates combined with flavoring or seasoning are on hand in meat and poultry processing plants and that under certain conditions nitrosamines have not been found to be formed in such premixes. Such conditions, all of which must prevail simultaneously in a given lot, are as follows:

(1) The lot must be less than 60 days old.
(2) It must have a pH of not less than 7.5 (to be determined by adding 2 grams of the premix to 100 grams of water and measured within 5 minutes after mixing) immediately prior to use in curing meat or poultry.
(3) It must contain a safe and suitable buffer such as sodium carbonate.
(4) A salt of ascorbic or erythorbic acid must be present at the permitted level.

The available data are insufficient at this time to justify a determination that such curing premixes have been proved to be safe as required by section 409 of the act. In view of this information, however, the Commissioner has concluded that it is unnecessary to destroy existing stocks of curing premixes that meet all of these conditions. These conditions will be monitored by the U.S. Department of Agriculture, which has inspection authority over meat and poultry processing plants.

Accordingly, the Commissioner concludes that pursuant to the Federal Food, Drug, and Cosmetic Act (secs. 201, 409, 701, 52 Stat. 1040–1041, 1049, 1055 (21 U.S.C. 321, 348, 371)), and under authority delegated to him (21 CFR 2.120), nitrites and/or nitrates combined with flavoring or seasoning in curing premixes on hand in meat and poultry processing plants and that were not shipped in interstate commerce after November 16, 1973, may be used in curing meat, meat products and poultry products in those plants if such premixes meet the four conditions specified herein.

This action relieves a restriction and for this reason notice and public procedure are not prerequisites to this promulgation.

Effective date. This order shall be effective November 30, 1973.

(Secs. 201, 409, 701, 52 Stat. 1040–1041, 1049, 1055 (21 U.S.C. 321, 348, 371).)

Dated: November 28, 1973.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.73-25498 Filed 11-29-73;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER A—INCOME TAX

[T.D. 7294]

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

Special Rules for Reduction of Creditable Foreign Taxes in the Case of Certain Foreign Mineral Income

By a notice of proposed rulemaking appearing in the FEDERAL REGISTER for April 27, 1972 (37 FR 8453), amendments to the Income Tax Regulations (26 CFR Part 1) were proposed in order to conform the regulations to changes made by section 506 of the Tax Reform Act of 1969 (P.L. 91–172, 83 Stat. 634), which provides for a reduction of foreign taxes on foreign mineral income for purposes of the foreign tax credit and provides for revocation of the overall limitation for the taxpayer's first taxable year beginning after December 31, 1969. After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, certain changes were made in the proposed amendments of the regulations, which as revised are adopted by this document.

In the regulations as proposed, § 1.901–3(a)(2)(ii) contained some misleading rules for the deduction of expenses, losses, and other deductions properly allocable to foreign mineral income and for the disallowance of the deduction for personal exemptions. These rules have been revised to achieve greater clarity.

Proposed § 1.901–3(a)(3)(iv) required the taxpayer to file a schedule showing the computation of the reduction of foreign taxes with respect to foreign mineral income; this rule could have been construed to apply even though the taxpayer did not claim a foreign tax credit for the taxable year involved. This provision has been amended to make clear that no computation schedule is required unless the foreign tax credit is claimed for the taxable year and the taxpayer has foreign mineral income with respect to which the percentage depletion deduction under section 613 is allowed.

Paragraphs (c)(2) and (g)(2) of example (6) in § 1.901–3(d) were inconsistent with paragraph (a)(2)(ii)(b) of § 1.901–3, in that deductions which were not allocable to foreign mineral income were allowed to reduce foreign mineral income from the foreign country involved for the purpose of determining the U.S. tax on such income. In addition, example (6) contained some technical errors. Example (6) in § 1.901–3(d) has been amended to correct these problems.

ADOPTION OF AMENDMENTS TO THE REGULATIONS

On April 27, 1972, there was published in the FEDERAL REGISTER (37 FR 8453) a notice of proposed rulemaking with respect to the amendment of the Income Tax Regulations (26 CFR Part 1) to conform such regulations to section 901(e) of the Internal Revenue Code of 1954 (relating to taxes on foreign mineral income), as added by section 506(a) of the Tax Reform Act of 1969 (83 Stat. 634), and to section 904(b) of such Code (relating to election of overall limitation), as amended by section 506(b) of such Act (83 Stat. 635). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendment of the regulations as proposed is hereby adopted, subject to the changes set forth below:

PARAGRAPH 1. Section 1.901, as set forth in paragraph 1 of the notice of proposed rulemaking, is changed by revising section 901(d) and the historical note to read as set forth below.

PAR. 2. Section 1.901–3, as set forth in paragraph 3 of the notice of proposed rulemaking, is changed by revising paragraph (a)(2)(ii) and (3)(iv) and by revising paragraphs (a), (c)(2), (g)(2), and (k) of example (6) in paragraph (d). These revised provisions read as set forth below.

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

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

Approved: November 21, 1973.

FREDERIC W. HICKMAN,
Assistant Secretary of the Treasury.

PARAGRAPH 1. Section 1.901 is amended to read as follows:

§ 1.901 Statutory provisions; taxes of foreign countries and of possessions of the United States.

SEC. 901. *Taxes of foreign countries and of possessions of the United States*—(a) *Allowance of credit.* If the taxpayer chooses to have the benefits of this subpart, the tax imposed by this chapter shall, subject to the applicable limitation of section 904, be credited with the amounts provided in the applicable paragraph of subsection (b) plus, in the case of a corporation, the taxes deemed to have been paid under sections 902 and 960. Such choice for any taxable year may be made or changed at any time before the expiration of the period prescribed for making a claim for credit or refund of the tax imposed by this chapter for such taxable year. The credit shall not be allowed against the tax imposed by section 56 (relating to minimum tax for tax preferences), against the tax imposed by section 531 (relating to the tax on accumulated earnings), against the additional tax imposed for the taxable year under section 1333 (relating to war loss recoveries) or under section 1351 (relating to recoveries of foreign expropriation losses), or against the personal holding company tax imposed by section 541.

(b) *Amount allowed.* Subject to the applicable limitation of section 904, the following amounts shall be allowed as the credit under subsection (a):

(1) *Citizens and domestic corporations.* In the case of a citizen of the United States and of a domestic corporation, the amount of any income, war profits, and excess profits taxes paid or accrued during the taxable year to any foreign country or to any possession of the United States; and

(2) *Resident of the United States or Puerto Rico.* In the case of a resident of the United States and in the case of an individual who is a bona fide resident of Puerto Rico during the entire taxable year, the amount of any such taxes paid or accrued

during the taxable year to any possession of the United States; and

(3) *Alien resident of the United States or Puerto Rico.* In the case of an alien resident of the United States and in the case of an alien individual who is a bona fide resident of Puerto Rico during the entire taxable year, the amount of any such taxes paid or accrued during the taxable year to any foreign country; and

(4) *Nonresident alien individuals and foreign corporations.* In the case of any nonresident alien individual not described in section 876 and in the case of any foreign corporation, the amount determined pursuant to section 906; and

(5) *Partnerships and estates.* In the case of any individual described in paragraph (1), (2), (3), or (4), who is a member of a partnership or a beneficiary of an estate or trust, the amount of his proportionate share of the taxes (described in such paragraph) of the partnership or the estate or trust paid or accrued during the taxable year to a foreign country or to any possession of the United States, as the case may be.

(c) *Similar credit required for certain alien residents.* Whenever the President finds that—

(1) A foreign country, in imposing income, war profits, and excess profits taxes, does not allow to citizens of the United States residing in such foreign country a credit for any such taxes paid or accrued to the United States or any foreign country, as the case may be, similar to the credit allowed under subsection (b)(3),

(2) Such foreign country, when requested by the United States to do so, has not acted to provide such a similar credit to citizens of the United States residing in such foreign country, and

(3) It is in the public interest to allow the credit under subsection (b)(3) to citizens or subjects of such foreign country only if it allows such a similar credit to citizens of the United States residing in such foreign country,

the President shall proclaim that, for taxable years beginning while the proclamation remains in effect, the credit under subsection (b)(3) shall be allowed to citizens or subjects of such foreign country only if such foreign country, in imposing income, war profits, and excess profits taxes, allows to citizens of the United States residing in such foreign country such a similar credit.

(d) *Corporations treated as foreign.* For purposes of this subpart, the following corporations shall be treated as foreign corporations:

(1) A corporation entitled to the benefits of section 931, by reason of receiving a large percentage of its gross income from sources within a possession of the United States; and

(2) A corporation organized under the China Trade Act, 1922 (15 U.S.C., chapter 4), and entitled to the deduction provided in section 941.

For purposes of this subpart, dividends from a DISC or former DISC as defined in section 992(a) shall be treated as dividends from a foreign corporation to the extent such dividends are treated under part I as income from sources without the United States.

(e) *Foreign taxes on mineral income*—(1) *Reduction in amount allowed.* Notwithstanding subsection (b), the amount of any income, war profits, and excess profits taxes paid or accrued during the taxable year to any foreign country or possession of the United States with respect to foreign mineral income from sources within such country or possession which would (but for this paragraph) be allowed under such subsection shall be reduced by the amount (if any) by which—

(A) The amount of such taxes (or, if smaller, the amount of the tax which would be computed under this chapter with respect to such income determined without the deduction allowed under section 613), exceeds

(B) The amount of the tax computed under this chapter with respect to such income.

(2) *Foreign mineral income defined.* For purposes of paragraph (1), the term "foreign mineral income" means income derived from the extraction of minerals from mines, wells, or other natural deposits, the processing of such minerals into their primary products, and the transportation, distribution, or sale of such minerals or primary products. Such term includes, but is not limited to—

(A) Dividends received from a foreign corporation in respect of which taxes are deemed paid by the taxpayer under section 902, to the extent such dividends are attributable to foreign mineral income, and

(B) That portion of the taxpayer's distributive share of the income of partnerships attributable to foreign mineral income.

(f) *Cross reference*—(1) For deductions of income, war profits, and excess profits taxes paid to a foreign country or a possession of the United States, see sections 164 and 275.

(2) For right of each partner to make election under this section, see section 703(b).

(3) For right of estate or trust to the credit for taxes imposed by foreign countries and possessions of the United States under this section, see section 642(a)(2).

(4) For reduction of credit for failure of a U.S. person to furnish certain information with respect to a foreign corporation controlled by him, see section 6038.

[Sec. 901 as amended by sec. 3 (a) and (b), Act of Sept. 14, 1960 (Public Law 86-780, 74 Stat. 1013); secs. 9(d)(3) and 12(b)(1), Rev. Act 1962 (76 Stat. 1001, 1031); sec. 207(b)(7), Rev. Act 1964 (78 Stat. 42); sec. 1(c)(2), Act of April 8, 1966 (Public Law 89-384, 80 Stat. 102); sec. 106 (a)(4) and (5) and (b)(1) and (2), Foreign Investors Tax Act 1966 (80 Stat. 1569); secs. 301(b)(9) and 506(a)(1) and (2), Tax Reform Act 1969 (83 Stat. 585, 634)]

PAR. 2. Section 1.901-2 is amended by revising paragraph (a) to read as follows:

§ 1.901-2 Definitions.

(a) The term "amount of any income, war profits, and excess profits taxes paid or accrued during the taxable year" means taxes proper, paid or accrued during the taxable year on behalf of the taxpayer claiming credit. No credit is given for amounts representing interest or penalties. For reduction in the amount of such taxes paid or accrued with respect to foreign mineral income, see section 901(e) and § 1.901-3.

* * * * *

PAR. 3. The following new section is added immediately after § 1.901-2:

§ 1.901-3 Reduction in amount of foreign taxes on foreign mineral income allowed as a credit.

(a) *Determination of amount of reduction*—(1) *In general.* For purposes of determining the amount of taxes which are allowed as a credit under section 901(a) for taxable years beginning after December 31, 1969, the amount of any income, war profits, and excess profits taxes paid or accrued, or deemed to be paid under section 902, during the taxable year to any foreign country or possession of the United States with respect to foreign mineral income (as defined in paragraph (b) of this section) from sources within such country or possession shall be reduced by the amount, if any, by which—

(i) The smaller of—

(*a*) The amount of such foreign income, war profits, and excess profits taxes, or

(*b*) The amount of the tax which would be computed under chapter 1 of the Code for such year with respect to such foreign mineral income if the deduction for depletion were determined under section 611 without regard to the deduction for percentage depletion under section 613, exceeds

(ii) The amount of the tax computed under chapter 1 of the Code for such year with respect to such foreign mineral income.

The reduction required by this subparagraph must be made on a country-by-country basis whether the taxpayer uses for the taxable year the per-country limitation under section 904(a)(1), or the overall limitation under section 904(a)(2), on the amount of taxes allowed as credit under section 901(a).

(2) *Determination of amount of tax on foreign mineral income*—(i) *Foreign tax.* For purposes of subparagraph (1)(i)(*a*) of this paragraph, the amount of the income, war profits, and excess profits taxes paid or accrued during the taxable year to a foreign country or possession of the United States with respect to foreign mineral income from sources within such country or possession is an amount which is the greater of—

(*a*) The amount by which the total amount of the income, war profits, and excess profits taxes paid or accrued during the taxable year to such country or possession exceeds the amount of such taxes that would be paid or accrued for such year to such country or possession without taking into account such foreign mineral income, or

(*b*) The amount of the income, war profits, and excess profits taxes that would be paid or accrued to such country or possession if such foreign mineral income were the taxpayer's only income for the taxable year,

except that in no case shall the amount so determined exceed the total of all income, war profits, and excess profits taxes paid or accrued during the taxable year to such country or possession. For such purposes taxes which are paid or accrued also include taxes which are deemed paid under section 902. In the case of a dividend described in paragraph (b)(2)(i)(*a*) of this section which is from sources within a foreign country or possession of the United States and is attributable in whole or in part to foreign mineral income, the amount of the income, war profits, and excess profits taxes deemed paid under section 902 during the taxable year to such country or possession with respect to foreign mineral income from sources within such country or possession is an amount which bears the same ratio to the amount of the income, war profits, and excess profits

taxes deemed paid under section 902 during such year to such country or possession with respect to such dividend as the portion of the dividend which is attributable to foreign mineral income bears to the total dividend. For purposes of (*a*) and (*b*) of this subdivision, foreign mineral income is to be reduced by any credits, expenses, losses, and other deductions which are properly allocable to such income under the law of the foreign country or possession of the United States from which such income is derived.

(ii) *U.S. tax.* For purposes of subparagraph (1)(ii) of this paragraph, the amount of the tax computed under chapter 1 of the Code for the taxable year with respect to foreign mineral income from sources within a foreign country or possession of the United States is the greater of—

(*a*) The amount by which the tax under chapter 1 of the Code on the taxpayer's taxable income for the taxable year exceeds a tax determined under such chapter on the taxable income for such year determined without regard to such foreign mineral income, or

(*b*) The amount of tax that would be determined under chapter 1 of the Code if such foreign mineral income were the taxpayer's only income for the taxable year.

For purposes of this subdivision the tax is to be determined without regard to any credits against the tax and without taking into account any tax against which a credit is not allowed under section 901(a). For purposes of (*b*) of this subdivision, the foreign mineral income is to be reduced only by expenses, losses, and other deductions properly allocable under chapter 1 of the Code to such income and is to be computed without any deduction for personal exemptions under section 151 or 642(b).

(iii) *U.S. income tax computed without deduction allowed by section 613.* For purposes of subparagraph (1)(i)(*b*) of this paragraph, the amount of the tax which would be computed under chapter 1 of the Code (without regard to section 613) for the taxable year with respect to foreign mineral income from sources within a foreign country or possession of the United States is the amount of the tax on such income that would be computed under such chapter by using as the allowance for depletion cost depletion computed upon the adjusted depletion basis of the property. For purposes of this subdivision the tax is to be determined without regard to any credits against the tax and without taking into account any tax against which credit is not allowed under section 901(a). If the greater tax with respect to the foreign mineral income under subdivision (ii) of this subparagraph is the tax determined under (*a*) of such subdivision, the tax determined for purposes of subparagraph (1)(i)(*b*) of this paragraph is to be determined by applying the principles of (*a*) (rather than of (*b*)) of subdivision (ii) of this subparagraph. On the other hand, if the greater tax with respect to the foreign mineral income under subdivision (ii) of this subparagraph is the tax determined under (*b*) of such subdivision, the tax determined for purposes of subparagraph (1)(i)(*b*) of this paragraph is to be determined by applying the principles of (*b*) (rather than of (*a*)) of subdivision (ii) of this subparagraph.

(3) *Special rules.* (i) The reduction required by this paragraph in the amount of taxes paid, accrued, or deemed to be paid to a foreign country or possession of the United States applies only where the taxpayer is allowed a deduction for percentage depletion under section 613 with respect to any part of his foreign mineral income for the taxable year from sources within such country or possession, whether or not such deduction is allowed with respect to the entire foreign mineral income from sources within such country or possession for such year.

(ii) For purposes of this section, the term "foreign country" or "possession of the United States" includes the adjacent continental shelf areas to the extent, and in the manner, provided by section 638 (2) and the regulations thereunder.

(iii) The provisions of this section are to be applied before making any reduction required by section 1503(b) in the amount of income, war profits, and excess profits taxes paid or accrued to foreign countries or possessions of the United States by a Western Hemisphere trade corporation.

(iv) If a taxpayer chooses with respect to any taxable year to claim a credit under section 901 and has any foreign mineral income from sources within a foreign country or possession of the United States with respect to which the deduction under section 613 is allowed, he must attach to his return a schedule showing the computations required by subdivisions (i), (ii), and (iii) of subparagraph (2) of this paragraph.

(v) A taxpayer who has elected to use the overall limitation under section 904 (a)(2) on the amount of the foreign tax credit for any taxable year beginning before January 1, 1970, may, for his first taxable year beginning after December 31, 1969, revoke his election without first securing the consent of the Commissioner. See paragraph (d) of § 1.904–1.

(b) *Foreign mineral income defined*—(1) *In general.* The term "foreign mineral income" means income (determined under chapter 1 of the Code) from sources within a foreign country or possession of the United States derived from—

(i) The extraction of minerals from mines, wells, or other natural deposits,

(ii) The processing of minerals into their primary products, or

(iii) The transportation, distribution, or sale of minerals or of the primary products derived from minerals.

Any income of the taxpayer derived from an activity described in either subdivision (i), (ii), or (iii) of this subparagraph is foreign mineral income, since it is not necessary that the taxpayer extract, process, and transport, distribute, or sell minerals or their primary products for the income derived from any such activity to be foreign mineral income. Thus, for example, an integrated oil company must treat as foreign mineral income from sources within a foreign country or possession of the United States all income from such sources derived from the production of oil, the refining of crude oil into gasoline, the distribution of gasoline to marketing outlets, and the retail sale of gasoline. Similarly, income from such sources from the refining, distribution, or marketing of fuel oil by the taxpayer is foreign mineral income, whether or not the crude oil was extracted by the taxpayer. In further illustration, income from sources within a foreign country or possession of the United States derived from the processing of minerals into their primary products by the taxpayer is foreign mineral income, whether or not the minerals were extracted, or the primary products were sold, by the taxpayer. Section 901 (e) and this section apply whether or not the extraction, processing, transportation, distribution, or selling of the minerals or primary products is done by the taxpayer. Thus, for example, an individual who derives royalty income from the extraction of oil from an oil well in a foreign country has foreign mineral income for purposes of this paragraph. Income from the manufacture, distribution, and marketing of petrochemicals is not foreign mineral income. Foreign mineral income is not limited to gross income from the property within the meaning of section 613(c) and § 1.613–3.

(2) *Income included in foreign mineral income*—(i) *In general.* Foreign mineral income from sources within a foreign country or possession of the United States includes, but is not limited to—

(*a*) Dividends from such sources, as determined under paragraph (d)(1) of § 1.902–3, received from a foreign corporation in respect of which taxes are deemed paid by the taxpayer under section 902, to the extent such dividends are attributable to foreign mineral income described in subparagraph (1) of this paragraph. The portion of such a dividend which is attributable to such income is that amount which bears the same ratio to the total dividend received as the earnings and profits out of which such dividend is paid that are attributable to foreign mineral income bear to the total earnings and profits out of which such dividend is paid. For such purposes, the foreign mineral income of a foreign corporation is its foreign mineral income described in this paragraph (including any dividends described in this (*a*) which are received from another foreign corporation), whether or not such income is derived from sources within the foreign country or possession of the United States in which, or under the laws of which, the former corporation is created or organized. A foreign corporation is considered to have no foreign mineral income for any taxable year beginning before January 1, 1970.

(b) Any section 78 dividend to which a dividend described in (a) of this subdivision gives rise, but only to the extent such section 78 dividend is deemed paid under paragraph (a)(2)(i) of this section with respect to foreign mineral income from sources within such country or possession and to the extent it is treated under paragraph (d)(1) of § 1.902-3 as income from sources within such country or possession.

(c) Any amounts includible in income of the taxpayer under section 702(a) as his distributive share of the income of a partnership consisting of income described in subparagraph (1) of this paragraph.

(d) Any amounts includible in income of the taxpayer by virtue of section 652(a), 662(a), 671, 682(a), or 691(a), to the extent such amounts consist of income described in subparagraph (1) of this paragraph.

(ii) *Illustration.* The provisions of this subparagraph may be illustrated by the following example:

Example. (a) Throughout 1974, M, a domestic corporation, owns all the one class of stock of N, a foreign corporation which is not a less developed country corporation within the meaning of section 902(d). Both corporations use the calendar year as the taxable year. N is incorporated in foreign country Y. During 1974, N has income from sources within foreign country X, all of which is foreign mineral income. During 1974, N also has income from sources within country Y, none of which is foreign mineral income. N is taxed in each foreign country only on income derived from sources within that country. Neither country X nor country Y allows a credit against its tax for foreign income taxes. N pays a dividend of $40,000 to M for 1974. For purposes of section 902, the dividend is paid from earnings and profits for 1974.

(b) N's earnings and profits and taxes for 1974 are determined as follows:

Foreign mineral income from country X		$100,000
Less:		
Intangible drilling and development costs	$21,000	
Cost depletion	3,000	24,000
Taxable income from country X		76,000
Income tax rate of country X		×50%
Tax paid to country X		38,000
Income from country Y		100,000
Less deductions		25,000
Taxable income from country Y		75,000
Income tax rate of country Y		×60%
Tax paid to country Y		45,000
Total taxable income		151,000
Less total foreign income taxes		83,000
Total earnings and profits		68,000
Taxable income from foreign mineral income		76,000
Less: Tax paid on foreign mineral income		38,000
Earnings and profits from foreign mineral income		38,000

(c) For 1974, M has foreign mineral income from country Y of $49,636.68, determined in the following manner and by applying this section, § 1.78-1, and § 1.902-3(d)(1):

Portion of dividend from country Y attributable to foreign mineral income (subdivision (i)(a) of this subparagraph) ($40,000×$38,000/$68,000)	$22,352.94
Foreign income tax deemed paid by M to country Y under section 902(a)(1) ($83,000×$40,000/$68,000) (§ 1.902-3(a)(2))	48,823.53
Foreign income tax deemed paid by M to country Y with respect to foreign mineral income from country Y (paragraph (a)(2)(i) of this section) ($48,823.53 × $22,352.94/$40,000)	$27,283.74
Foreign mineral income from country Y:	
Dividend attributable to foreign mineral income from country Y	22,352.94
Sec. 78 dividend deemed paid with respect to foreign mineral income (subdivision (i)(b) of this subparagraph)	27,283.74
Total foreign mineral income	49,636.68

(c) *Limitations on foreign tax credit*—(1) *In general.* The reduction under section 901(e) and paragraph (a)(1) of this section in the amount of foreign taxes allowed as a credit under section 901(a) is to be made whether the per-country limitation under section 904(a)(1) or the overall limitation under section 904(a)(2) is used for the taxable year, but the reduction in the amount of foreign taxes allowed as a credit under section 901(a) must be made on a country-by-country basis before applying the limitation under section 904(a) to the reduced amount of taxes. If for the taxable year the separate limitation under section 904(f) applies to any foreign mineral income, that limitation must also be applied after making the reduction under section 901(e) and paragraph (a)(1) of this section.

(2) *Carrybacks and carryovers of excess tax paid*—(i) *In general.* Any amount by which (a) any income, war profits, and excess profits taxes paid or accrued, or deemed to be paid under section 902, during the taxable year to any foreign country or possession of the United States with respect to foreign mineral income from sources within such country or possession exceed (b) the reduced amount of such taxes as determined under paragraph (a)(1) of this section may not be deemed paid or accrued under section 904(d) in any other taxable year. See § 1.904-2(b)(2)(iii). However, to the extent such reduced amount of taxes exceeds the applicable limitation under section 904(a) for the taxable year it shall be deemed paid or accrued under section 904(d) in another taxable year as a carryback or carryover of an unused foreign tax. The amount so deemed paid or accrued in another taxable year is not, however, deemed paid or accrued with respect to foreign mineral income in such other taxable year. See § 1.904-2(c)(3).

(ii) *Carryovers to taxable years beginning after December 31, 1969.* Where, under the provisions of section 904(d), taxes paid or accrued, or deemed to be paid under section 902, to any foreign country or possession of the United States in any taxable year beginning before January 1, 1970, are deemed paid or accrued in one or more taxable years beginning after December 31, 1969, the amount of such taxes so deemed paid or accrued shall not be deemed paid or accrued with respect to foreign mineral income and shall not be reduced under section 901(e) and paragraph (a)(1) of this section.

(iii) *Carrybacks to taxable years beginning before January 1, 1970.* Where income, war profits, and excess profits taxes are paid or accrued, or deemed to be paid under section 902, to any foreign country or possession of the United States in any taxable year beginning after December 31, 1969, with respect to foreign mineral income from sources within such country or possession, they must first be reduced under section 901(e) and paragraph (a)(1) of this section before they may be deemed paid or accrued under section 904(d) in one or more taxable years beginning before January 1, 1970.

(d) *Illustrations.* The application of this section may be illustrated by the following examples, in which the surtax exemption provided by section 11(d) and the tax surcharge provided by section 51(a) are disregarded for purposes of simplification:

Example (1). (a) M, a domestic corporation using the calendar year as the taxable year, is an operator drilling for oil in foreign country W. For 1971, M's gross income under chapter 1 of the Code is $100,000, all of which is foreign mineral income from a property in country W and is subject to the allowance for depletion. During 1971, M incurs intangible drilling and development costs of $15,000, which are currently deductible for purposes of the tax of both countries. Cost depletion amounts to $2,000 for purposes of the tax of both countries, and only cost depletion is allowed as a deduction under the law of country W. It is assumed that no other deductions are allowable under the law of either country. Based upon the facts assumed, the income tax paid to country W on such foreign mineral income is $41,500, and the U.S. tax on such income before allowance of the foreign tax credit is $30,240, determined as follows:

	U.S. tax	*W tax*
Foreign mineral income	$100,000	$100,000
Less:		
Intangible drilling and development costs	15,000	15,000
Cost depletion	------	2,000
Percentage depletion (22% of $100,000, but not to exceed 50% of $85,000)	22,000	------
Taxable income	63,000	83,000
Income tax rate	48%	50%
Tax	30,240	41,500

(b) Without taking this section into account, M would be allowed a foreign tax credit for 1971 of $30,240 ($30,240×$63,000/$63,000), and foreign income tax in the amount of $11,260 ($41,500 less $30,240) would first be carried back to 1969 under section 904(d).

(c) Pursuant to paragraph (a)(1) of this section, however, the foreign income tax allowable as a credit against the U.S. tax is reduced to $31,900, determined as follows:

Foreign income tax paid on foreign mineral income		$41,500
Less reduction under sec. 901(e):		
Smaller of $41,500 (tax paid to country W on foreign mineral income) or $39,840 (U.S. tax on foreign mineral income of $83,000 ($83,000×48%), determined by by deducting cost depletion of $2,000 in lieu of percentage depletion of $22,000)	$39,840	
Less: U.S. tax on foreign mineral income (before credit)	$30,240	$9,600
Foreign income tax allowable as a credit		31,900

(d) After taking this section into account, M is allowed a foreign tax credit for 1971 of $30,240 ($30,240×$63,000/$63,000). The amount of foreign income tax which may be first carried back to 1969 under section 904(d) is reduced from $11,260 to $1,660 ($31,900 less $30,240).

Example (2). (a) M, a domestic corporation using the calendar year as the taxable year, is an operator drilling for oil in foreign country X. For 1972, M has gross income under chapter 1 of the Code of $100,000, all of which is foreign mineral income from a property in country X and is subject to the allowance for depletion. During 1972, M incurs intangible drilling and development costs of $50,000 which are currently deductible for purposes of the U.S. tax but which must be amortized for purposes of the tax of country X. Percentage depletion of $22,000 is allowed as a deduction by both countries. For purposes of the U.S. tax, cost depletion for 1972 amounts to $15,000. It is assumed that no other deductions are allowable under the law of either country. Based upon these facts, the income tax paid to country X on such foreign mineral income is $27,200, and the U.S. tax on such income before allowance of the foreign tax credit is $13,440, determined as follows:

	U.S. tax	*X tax*
Foreign mineral income	$100,000	$100,000
Less:		
Intangible drilling & development costs	50,000	10,000
Percentage depletion	22,000	22,000
Taxable income	28,000	68,000
Income tax rate	48%	40%
Tax	13,440	27,200

(b) Without taking this section into account, M would be allowed a foreign tax credit for 1972 of $13,440 ($13,440×$28,000/$28,000), and foreign income tax in the amount of $13,760 ($27,200 less $13,440) would first be carried back to 1970 under section 904(d).

(c) Pursuant to paragraph (a)(1) of this section, however, the foreign income tax allowable as a credit against the U.S. tax is reduced to $23,840, determined as follows:

Foreign income tax paid on foreign mineral income		$27,200
Less reduction under sec. 901(e):		
Smaller of $27,200 (tax paid to country X on foreign mineral income) or $16,800 (U.S. tax on foreign mineral income of $35,000 ($35,000×48%), determined by deducting cost depletion of $15,000 in lieu of percentage depletion of $22,000)	$16,800	
Less: U.S. tax on foreign mineral income (before credit)	13,440	3,360
Foreign income tax allowable as a credit		23,840

(d) After taking this section into account, M is allowed a foreign tax credit of $13,440 ($13,440×$28,000/$28,000). The amount of foreign income tax which may be first carried back to 1970 under section 904(d) is reduced from $13,760 to $10,400 ($23,840 less $13,440).

Example (3). (a) N, a domestic corporation using the calendar year as the taxable year, is an operator drilling for oil in foreign country Y. For 1972, N's gross income under chapter 1 of the Code is $100,000, all of which is foreign mineral income from a property in country Y and is subject to the allowance for depletion. During 1972, N incurs intangible drilling and development costs of $15,000, which are currently deductible for purposes of the U.S. tax but are not deductible under the law of country Y. Depreciation of $40,000 is allowed as a deduction for purposes of the U.S. tax; and of $20,000, for purposes of the Y tax. Cost depletion amounts to $10,000 for purposes of the tax of both countries, and only cost depletion is allowed as a deduction under the law of country Y. It is assumed that no other deductions are allowable under the law of either country. Based upon the facts assumed, the income tax paid to country Y on such foreign mineral income is $14,000, and the U.S. tax on such income before allowance of the foreign tax credit is $11,040, determined as follows:

	U.S. tax	*Y tax*
Foreign mineral income	$100,000	$100,000
Less:		
Intangible drilling and development costs	15,000	------
Depreciation	40,000	20,000
Cost depletion	------	10,000
Percentage depletion (22% of $100,000, but not to exceed 50% of $45,000)	22,000	------
Taxable income	23,000	70,000
Income tax rate	48%	20%
Tax	11,040	14,000

(b) Without taking this section into account, N would be allowed a foreign tax credit for 1972 of $11,040 ($11,040×$23,000/$23,000), and foreign income tax in the amount of $2,960 ($14,000 less $11,040) would first be carried back to 1970 under section 904(d).

(c) Pursuant to paragraph (a)(1) of this section, however, the foreign income tax allowable as a credit against the U.S. tax is reduced to $11,040, determined as follows:

Foreign income tax paid on foreign mineral income		$14,000
Less reduction under sec. 901(e):		
Smaller of $14,000 (tax paid to country Y on foreign mineral income) or $16,800 (U.S. tax on foreign mineral income of $35,000 ($35,000×48%), determined by deducting cost depletion of $10,000 in lieu of percentage depletion of $22,000)	14,000	
Less: U.S. tax on foreign mineral income (before credit)	11,040	2,960
Foreign income tax allowable as a credit		11,040

(d) After taking this section into account, N is allowed a foreign tax credit for 1972 of $11,040 ($11,040×$23,000/$23,000), but no foreign income tax is carried back to 1970 under section 904(d) since the allowable credit of $11,040 does not exceed the limitation of $11,040.

Example (4). (a) D, a domestic corporation using the calendar year as the taxable year, is an operator drilling for oil in foreign country Z. For 1971, D's gross income under chapter 1 of the Code is $100,000, all of which is foreign mineral income from a property in country Z and is subject to the allowance for depletion. During 1971, D incurs intangible drilling and development costs of $85,000, which are currently deductible for purposes of the U.S. Tax but are not deductible under the law of country Z. Cost depletion in the amount of $10,000 is allowed as a deduction for purposes of both the U.S. tax and the tax of country Z. Percentage depletion is not allowed as a deduction under the law of country Z and is not taken as a deduction for purposes of the U.S. tax. It is assumed that no other deductions are allowable under the law of either country. Based upon the facts assumed, the income tax paid to country Z on such foreign mineral income is $27,000, and the U.S. tax on such income before allowance of the foreign tax credit is $2,400, determined as follows:

	U.S. tax	*Z tax*
Foreign mineral income	$100,000	$100,000
Less:		
Intangible drilling & development costs	85,000	------
Cost depletion	10,000	10,000
Taxable income	5,000	90,000
Income tax rate	48%	30%
Tax	2,400	27,000

(b) Section 901(e) and this section do not apply to reduce the amount of the foreign income tax paid to country Z with respect to the foreign mineral income since for 1971 D is not allowed the deduction for percentage depletion with respect to any foreign mineral income from sources within country Z. Accordingly, D is allowed a foreign tax credit of $2,400 ($2,400×$5,000/$5,000), and foreign income tax in the amount of $24,600 ($27,000 less $2,400) is first carried back to 1969 under section 904(d).

Example (5). (a) R, a domestic corporation using the calendar year as the taxable year, is an operator drilling for oil in the United States and in foreign country Z. For 1971, R's gross income under chapter 1 of the Code is $250,000, of which $100,000 is foreign mineral income from a property in foreign country Z and $150,000 is from a property in the United States, all being subject to the allowance for depletion. During 1971, R incurs intangible drilling and development

costs of $125,000 in the United States and of $25,000 in country Z, all of which are currently deductible for purposes of the U.S. tax. Of these costs of $25,000 incurred in country Z, only $2,500 is currently deductible under the law of country Z. Cost depletion in the case of the U.S. property amounts to $60,000; and in the case of the property in country Z, to $5,000, which is allowed as a deduction under the laws of such country. Percentage depletion is not allowed as a deduction under the law of country Z. In computing the U.S. tax for 1971, R is required to use cost depletion with respect to the mineral income from the U.S. property and percentage depletion with respect to the foreign mineral income from the property in country Z. It is assumed that no other deductions are allowed under the law of either country. Based upon the facts assumed, the income tax paid to country Z on the foreign mineral income from sources therein is $37,000, and the U.S. tax on the entire mineral income before allowance of the foreign tax credit is $8,640, determined as follows:

	U.S. tax	Z tax
Gross income (including foreign mineral income)	$250,000	$100,000
Less:		
Intangible drilling and development costs	150,000	2,500
Cost depletion	60,000	5,000
Percentage depletion on foreign mineral income (22% of $100,000, but not to exceed 50% of [$100,000−$25,000])	22,000	
Taxable income	18,000	92,500
Income tax rate	48%	40%
Tax	8,640	37,000

(b) Without taking this section into account, R would be allowed a foreign tax credit for 1971 of $8,640 ($8,640×$18,000/$18,000), and foreign income tax in the amount of $28,360 ($37,000 less $8,640) would first be carried back to 1969 under section 904(d).

(c) Under paragraph (a)(2)(ii) of this section, the amount of the U.S. tax for 1971 with respect to foreign mineral income from country Z is $25,440, which is the greater of the amounts of tax determined under subparagraphs (1) and (2):

(1) U.S. tax on total taxable income in excess of U.S. tax on taxable income excluding foreign mineral income from country Z (determined under paragraph (a)(2)(ii)(*a*) of this section):

U.S. tax on total taxable income		$8,640
Less U.S. tax on taxable income other than foreign mineral income from country Z:		
Income from U.S. property	$150,000	
Intangible drilling and development costs	125,000	
Cost depletion	60,000	
Taxable income	0	
Income tax rate	48%	
U.S. tax	0	0
Excess tax		8,640

(2) U.S. tax on foreign mineral income from country Z (determined under paragraph (a)(2)(ii)(b) of this section):

Foreign mineral income	$100,000
Intangible drilling and development costs	25,000
Percentage depletion (22% of $100,000, but not to exceed 50% of $75,000)	22,000
Taxable income	53,000
Income tax rate	48%
U.S. tax	25,440

(d) Under paragraph (a)(2)(iii) of this section, the amount of the U.S. tax which would be computed for 1971 (without regard to section 613) with respect to foreign mineral income from sources within country Z is $33,600, computed by applying the principles of paragraph (a)(2)(ii)(b) of this section:

Foreign mineral income	$100,000
Intangible drilling and development costs	25,000
Cost depletion	5,000
Taxable income	70,000
Income tax rate	48%
U.S. tax	33,600

(e) Pursuant to paragraph (a)(1) of this section, the foreign income tax allowable as a credit against the U.S. tax for 1971 is reduced to $28,840, determined as follows:

Foreign income tax paid on foreign mineral income		$37,000
Less reduction under sec. 901(e):		
Smaller of $37,000 (tax paid to country Z on foreign mineral income) or $33,600 (U.S. tax on foreign mineral income of $70,000, as determined under paragraph (d) of this example	$33,600	
Less: U.S. tax on foreign mineral income of $53,000, as determined under paragraph (c) of this example	25,440	8,160
Foreign income tax allowable as a credit		$28,840

(f) After taking this section into account, R is allowed a foreign tax credit for 1971 of $8,640 ($8,640×$18,000/$18,000). The amount of foreign income tax which may be first carried back to 1969 under section 904(d) is reduced from $28,360 to $20,200 ($28,840 less $8,640).

Example (6). (a) B, a single individual using the calendar year as the taxable year, is an operator drilling for oil in foreign countries X and Y. For 1972, B's gross income under chapter 1 of the Code is $250,000, of which $150,000 is foreign mineral income from a property in country X and $100,000 is foreign mineral income from a property in country Y, all being subject to the allowance for depletion. The asumption is made that B's earned taxable income for 1972 is insufficient to cause section 1348 to apply. During 1972, B incurs intangible drilling and development costs of $16,000 in country X and of $9,000 in country Y, which are currently deductible for purposes of both the U.S. tax and the tax of countries X and Y, respectively. For purposes of both the U.S. tax and the tax of countries X and Y, respectively, cost depletion in the case of the X property amounts to $8,000, and in the case of Y property, to $7,000; and only cost depletion is allowed as a deduction under the law of countries X and Y. For 1972, B uses the overall limitation under section 904(a)(2) on the foreign tax credit. Percentage depletion is not allowed as a deduction under the law of countries X and Y. It is assumed that the only other allowable deductions amount to $2,250. None of these deductions is attributable to the income from the properties in countries X and Y, and none is deductible under the laws of country X or country Y. Based upon the facts assumed, the income tax paid to countries X and Y on the foreign mineral income from each such country is $71,820 and $25,200, respectively, and the U.S. tax on B's total taxable income before allowance of the foreign tax credit is $99,990, determined as follows:

	U.S. tax	X tax	Y tax
Total income (including foreign mineral income from countries X and Y)	$250,000	$150,000	$100,000
Intangible drilling and development costs	25,000	16,000	9,000
Cost depletion		8,000	7,000
Percentage depletion (22% of $150,000, but not to exceed 50% of $134,000; plus 22% of $100,000, but not to exceed 50% of $91,000)	55,000		
Adjusted gross income	170,000		
Other deductions	2,250		
Personal exemption	750		
Taxable income	167,000	126,000	84,000
Income tax rate		57%	30%
Foreign tax		71,820	25,200
U.S. tax ($53,000 plus 70% of $67,000)	99,990		

(b) Without taking this section into account, B would be allowed a foreign tax credit for 1972 of $97,020 ($71,820+$25,200), but not to exceed the overall limitation under section 904(a)(2) of $99,990 ($99,990×$167,750/$167,750). There would be no foreign income tax carried back to 1970 under section 904(d) since the allowable credit of $97,020 does not exceed the limitation of $99,990.

(c) Under paragraph (a)(2)(ii) of this section, the amount of the U.S. tax for 1972 with respect to foreign mineral income from sources within country X is $69,760, which is the greater of the amounts of tax determined under subparagraphs (1) and (2):

(1) U.S. tax on total taxable income in excess of U.S. tax on taxable income excluding foreign mineral income from country X (determined under paragraph (a)(2)(ii)(*a*) of this section):

U.S. tax on total taxable income		$99,990
Less U.S. tax on taxable income other than foreign mineral income from country X:		
Foreign mineral income from country Y	$100,000	
Intangible drilling and development costs	9,000	
Percentage depletion (22% of $100,000, but not to exceed 50% of $91,000)	22,000	
Adjusted gross income	69,000	
Other deductions	2,250	
Personal exemption	750	
Taxable income	66,000	
U.S. tax ($26,390 plus 64% of $6,000)		30,230
Excess tax		69,760

(2) U.S. tax on foreign mineral income from country X (determined under paragraph (a)(2)(ii)(b) of this section):

Foreign mineral income from country X	$150,000.00
Intangible drilling and development costs	16,000.00
Percentage depletion (22% of $150,000, but not to exceed 50% of $134,000)	33,000.00
Adjusted gross income	101,000.00
Other deductions	
Taxable income	101,000.00
U.S. tax ($53,090 plus 70% of excess over $100,000)	53,790.00

(d) Under paragraph (a)(2)(iii) of this section, and by applying the principles of paragraph (a)(2)(ii)(*a*) of this section, the

amount of the U.S. tax which would be computed for 1972 (without regard to section 613) with respect to foreign mineral income from sources within country X is $87,920, which is the excess of the U.S. tax ($127,990) determined under subparagraph (1) over the U.S. tax ($40,070) determined under subparagraph (2):

(1) U.S. tax on total taxable income determined without regard to section 613:

Total income	$250,000
Intangible drilling and development costs	25,000
Cost depletion	15,000
Adjusted gross income	210,000
Other deductions	2,250
Personal exemption	750
Taxable income	207,000
U.S. tax ($53,090 plus 70% of $107,000)	127,990

(2) U.S. tax on total taxable income other than foreign mineral income from country X, determined without regard to section 613:

Foreign mineral income from country Y	$100,000
Intangible drilling and development costs	9,000
Cost depletion	7,000
Adjusted gross income	84,000
Other deductions	2,250
Personal exemption	750
Taxable income	81,000
U.S. tax ($39,390 plus 68% of $1,000)	40,070

(e) Under paragraph (a)(2)(i) of this section, the amount of income tax paid to country X for 1972 with respect to foreign mineral income from sources within such country is $71,820. This is the amount determined under both (*a*) and (*b*) of paragraph (a)(2)(i) of this section, since, in this case, there is no income from sources within country X other than foreign mineral income, and there are no deductions allowed under the law of country X which are not allocable to such foreign mineral income.

(f) Pursuant to paragraph (a)(1) of this section, the foreign income tax with respect to foreign mineral income from sources within country X which is allowable as a credit against the U.S. tax for 1972 is reduced to $69,760, determined as follows:

Foreign income tax paid to country X on foreign mineral income		$71,820
Less reduction under sec. 901(e):		
Smaller of $71,820 (tax paid to country X on foreign mineral income) or $87,920 (U.S. tax on foreign mineral income from sources within country X, as determined under paragraph (d) of this example)	$71,820	
Less: U.S. tax on foreign mineral income from sources within country X, determined under paragraph (c) of this example	69,760	2,060
Foreign income tax of country X allowable as a credit		69,760

(g) Under paragraph (a)(2)(ii) of this section, the amount of the U.S. tax for 1972 with respect to foreign mineral income from sources within country Y is $48,280, which is the greater of the amounts of tax determined under subparagraphs (1) and (2):

(1) U.S. tax on total taxable income in excess of U.S. tax on taxable income excluding foreign mineral income from country Y (determined under paragraph (a)(2)(ii)(*a*) of this section):

U.S. tax on total taxable income		$99,990
Less U.S. tax on taxable income other than foreign mineral income from country Y:		
Foreign mineral income from country X	$150,000	
Intangible drilling and development costs	16,000	
Percentage depletion (22% of $150,000, but not to exceed 50% of $134,000)	33,000	
Adjusted gross income	101,000	
Other deductions	2,250	
Personal exemption	750	
Taxable income	98,000	
U.S. tax ($46,190 plus 69% of $8,000)		51,710
Excess tax		48,280

(2) U.S. tax on foreign mineral income from country Y (determined under paragraph (a)(2)(ii)(*b*) of this section):

Foreign mineral income from country Y	$100,000
Intangible drilling and development costs	9,000
Percentage depletion (22% of $100,000, but not to exceed 50% of $91,000)	22,000
Adjusted gross income	69,000
Other deductions	------
Taxable income	69,000
U.S. tax ($26,390 plus 64% of $9,000)	32,150

(h) Under paragraph (a)(2)(iii) of this section, and by applying the principles of paragraph (a)(2)(ii)(*a*) of this section, the amount of the U.S. tax which would be computed for 1972 (without regard to section 613) with respect to foreign mineral income from sources within country Y is $58,800, which is the excess of the U.S. tax ($127,990) determined under paragraph (d)(1) of this example over the U.S. tax ($69,190) on total taxable income other than foreign mineral income from country Y, determined without regard to section 613, as follows:

Foreign mineral income from country X	$150,000
Intangible drilling and development costs	16,000
Cost depletion	8,000
Adjusted gross income	126,000
Other deductions	2,250
Personal exemption	750
Taxable income	123,000
U.S. tax ($53,090 plus 70% of $23,000)	69,190

(i) Under paragraph (a)(2)(i) of this section, the amount of income tax paid to country Y for 1972 with respect to foreign mineral income from sources within such country is $25,200. This is the amount determined under both (*a*) and (*b*) of paragraph (a)(2)(i) of this section, since, in this case, there is no income from sources within country Y other than foreign mineral income, and there are no deductions allowed under the law of country Y which are not allocable to such foreign mineral income.

(j) Pursuant to paragraph (a)(1) of this section, the foreign income tax with respect to foreign mineral income from sources within country Y which is allowable as a credit against the U.S. tax for 1972 is not reduced from $25,200, as follows:

Foreign income tax paid to country Y on foreign mineral income		$25,200
Less reduction under sec. 901(e):		
Smaller of $25,200 (tax paid to country Y on foreign mineral income) or $58,800 (U.S. tax on foreign mineral income from sources within country Y, as determined under paragraph (h) of this example)	$25,200	
Less: U.S. tax on foreign mineral income from sources within country Y, as determined under paragraph (g) of this example	48,280	------
Foreign income tax of country Y allowable as a credit		25,200

(k) After taking this section into account, B is allowed a foreign tax credit for 1972 of $94,960 ($69,760+$25,200), but not to exceed the overall limitation under section 904(a)(2) of $99,990 ($99,990×$167,750/$167,750). There would be no foreign income tax carried back to 1970 under section 904(d) since the allowable credit of $94,960 does not exceed the limitation of $99,990.

Example (7). (a) P, a domestic corporation using the calendar year as the taxable year, is an operator mining for iron ore in foreign country X. For 1971, P's gross income under chapter 1 of the Code is $100,000, all of which is foreign mineral income from a property in country X and is subject to the allowance for depletion. For 1971, cost depletion amounts to $5,000 for purposes of the tax of both countries, and only cost depletion is allowed as a deduction under the law of country X. It is assumed that deductions (other than for depletion) attributable to the mineral property in country X amount to $8,000, and these deductions are allowable under the law of both countries. Based upon the facts assumed, the income tax paid to country X on such foreign mineral income is $39,150, and the U.S. tax on such income before allowance of the foreign tax credit is $37,440 determined as follows:

	U.S. tax	*X tax*
Foreign mineral income	$100,000	$100,000
Less:		
Percentage depletion (14% of $100,000, but not to exceed 50% of $92,000)	14,000	------
Cost depletion	------	5,000
Other deductions	8,000	8,000
Taxable income	78,000	87,000
Income tax rate	48%	45%
Tax	37,440	39,150

(b) Without taking this section into account, P would be allowed a foreign tax credit for 1971 of $37,440 ($37,440×$78,000/$78,000), and foreign income tax in the amount of $1,710 ($39,150 less $37,440) would first be carried back to 1969 under section 904(d).

(c) Pursuant to paragraph (a)(1) of this section, however, the foreign income tax allowable as a credit against the U.S. tax is reduced to $37,440, determined as follows:

Foreign income tax paid on foreign mineral income		$39,150
Less reduction under sec. 901(e):		
Smaller of $39,150 (tax paid to country X on foreign mineral income) or $41,760 (U.S. tax on foreign mineral income of $87,000 ($87,000×48%), determined by deducting cost depletion of $5,000 in lieu of percentage depletion of $14,000)	$39,150	
Less: U.S. tax on foreign mineral income (before credit)	37,440	1,710
Foreign income tax allowable as a credit		37,440

(d) After taking this section into account, P is allowed a foreign tax credit for 1971 of $37,440 ($37,440×$78,000/$78,000), but no foreign income tax is carried back to 1969 under section 904(d) since the allowable credit of $37,440 does not exceed the limitation of $37,440.

Example (8). (a) The facts are the same as in example (7), except that P is assumed to have received dividends for 1971 of $25,000 from R, a foreign corporation incorporated in country X which is not a less developed country corporation within the meaning of section 902(d). Income tax of $2,500 ($25,000×10%) on such dividends is withheld at the source in country X. It is assumed that P is deemed under section 902(a)(1) and § 1.902-3(d) to have paid income tax of $22,500 to country X in respect of such dividends and that under paragraphs (a)(2)(i) and (b)(2)(i) of this section such dividends are deemed to be attributable to foreign mineral income from sources in country X and that such tax is deemed to be paid with respect to such foreign mineral income. Based upon the facts assumed, the U.S. tax on the foreign mineral income from sources in country X is $60,240 before allowance of the foreign tax credit, determined as follows:

Foreign mineral income from country X:		
Income from mining property	$100,000	
Dividends from R	25,000	
Sec. 78 dividend	22,500	$147,500
Less:		
Percentage depletion (14% of $100,000, but not to exceed 50% of $92,000)		$14,000
Other deductions		8,000
Taxable income		125,500
Income tax rate		48%
U.S. tax		60,240

(b) Without taking this section into account, P would be allowed a foreign tax credit for 1971 of $60,240 ($60,240×$125,500/$125,500), and foreign income tax in the amount of $3,910 ([$39,150+$22,500+$2,500] less $60,240) would first be carried back to 1969 under section 904(d).

(c) Pursuant to paragraph (a)(1) of this section, however, the foreign income tax allowable as a credit against the U.S. tax is reduced from $64,150 to $60,240, determined as follows:

Foreign income tax paid, and deemed to be paid, to country X on foreign mineral income ($39,150+$22,500+$2,500)		$64,150
Less reduction under sec. 901(e):		
Smaller of $64,150 (tax paid and deemed paid to country X on foreign mineral income) or $64,560 (U.S. tax on foreign mineral income of $134,500 ($134,500×48%), determined by deducting cost depletion of $5,000 in lieu of percentage depletion of $14,000)	$64,150	
Less: U.S. tax on foreign mineral income (before credit)	60,240	3,910
Foreign income tax allowable as a credit		60,240

(c) After taking this section into account, P is allowed a foreign tax credit for 1971 of $60,240 ($60,240×$125,500/$125,500), but no foreign income tax is carried back to 1969 under section 904(d) since the allowable credit of $60,240 does not exceed the limitation of $60,240.

PAR. 4. Section 1.902-3 is amended by revising paragraph (a)(1) to read as follows:

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

(a) *Domestic shareholder owning stock in a first-tier corporation*—(1) *In general.* If a domestic shareholder (meaning for purposes of section 902 a domestic corporation owning at least 10 percent of the voting stock of a foreign corporation, such foreign corporation for purposes of section 902 being referred to as a first-tier corporation) receives dividends in any taxable year from its first-tier corporation, the credit for foreign income taxes allowed by section 901 includes, subject to the conditions and limitations prescribed in subparagraphs (4) through (8) of this paragraph, the foreign income taxes deemed, in accordance with subparagraphs (2) and (3) of this paragraph, to be paid by such domestic shareholder for such year. For purposes of this section, § 1.902-4, and § 1.902-5, the term "foreign income taxes" means income, war profits, and excess profits taxes, and taxes included in the term "income, war profits, and excess profits taxes" by reason of section 903, imposed by a foreign country or a possession of the United States. For rules relating to reduction of the amount of foreign income taxes deemed paid or accrued with respect to foreign mineral income, see section 901(e) and § 1.901-3.

* * * * *

PAR. 5. Section 1.904 is amended by revising subsection (b) (1) and (2) of section 904 and the historical note to read as follows:

§ 1.904 Statutory provisions; limitation on credit.

SEC. 904. *Limitation on credit.* * * *

(b) *Election of overall limitation*—(1) *In general.* A taxpayer may elect the limitation provided by subsection (a)(2) for any taxable year beginning after December 31, 1960. An election under this paragraph for any taxable year shall remain in effect for all subsequent taxable years except that it may be revoked (A) with the consent of the Secretary or his delegate with respect to any taxable year or (B) for the taxpayer's first taxable year beginning after December 31, 1969.

(2) *Election after revocation.* Except in a case to which paragraph (1)(B) applies, if the taxpayer has made an election under paragraph (1) and such election has been revoked, such taxpayer shall not be eligible to make a new election under paragraph (1) for any taxable year, unless the Secretary or his delegate consents to such new election.

* * * * *

[Sec. 904 as amended by sec. 42(a), Technical Amendments Act 1958 (72 Stat. 1639); sec. 1, Act of Sept. 14, 1960 (Public Law 86-780, 74 Stat. 1010); secs. 10 and 12(b)(2), Rev. Act 1962 (76 Stat. 1002, 1031); sec. 234(b)(6), Rev. Act 1964 (78 Stat. 116); sec. 106(c), Foreign Investors Tax Act 1966 (80 Stat. 1570); sec. 506(b), Tax Reform Act 1969 (83 Stat. 635)]

PAR. 6. Section 1.904-1 is amended by revising paragraph (d)(1) to read as follows:

§ 1.904-1 Limitation on credit for foreign taxes.

* * * * *

(d) *Election of overall limitation*—(1) *In general*—(i) *Manner of making election.* The initial election under section 904(b) of the overall limitation provided by section 904(a)(2) may be made by the taxpayer for any taxable year beginning after December 31, 1960, without securing the consent of the Commissioner. The taxpayer may, for the first taxable year for which the election is to be made, make such election at any time before the expiration of the period referred to in paragraph (d) of § 1.901-1 for choosing the benefits of section 901 for such taxable year. Having made the initial election, the taxpayer may, within the time prescribed for making such election for such taxable year, revoke such election without the consent of the Commissioner. If such revocation is timely and properly made, the taxpayer may make his initial election of the overall limitation for a later taxable year without the consent of the Commissioner. If, however, the taxpayer makes the initial election for a taxable year and the period prescribed for making such election for such taxable year expires, the taxpayer must continue the election of the overall limitation for all subsequent taxable years (whether or not foreign taxes were paid or accrued for any such year and notwithstanding that a deduction for foreign taxes under section 164 was claimed for any such year) until revoked with the consent of the Commissioner. See section 904(b)(1). If the election for any taxable year is revoked with the consent of the Commissioner, the taxpayer may not make a new election for such taxable year or for any subsequent taxable year without the consent of the Commissioner. If the election of the overall limitation is revoked for a taxable year, the per-country limitation shall apply to such taxable year and to

all taxable years thereafter unless a new election of the overall limitation is made, either with or without the consent of the Commissioner in accordance with this section.

(ii) *Revocation for first taxable year beginning after December 31, 1969.* Notwithstanding subdivision (i) of this subparagraph, if the taxpayer has made an initial election under section 904(b) of the overall limitation for a taxable year beginning before January 1, 1970, and the period prescribed for making such election for such taxable year has expired, or if he has made a new election for such a taxable year with the consent of the Commissioner, he may revoke such election effective with respect to his first taxable year beginning after December 31, 1969, without the consent of the Commissioner. Such revocation may be made within the time prescribed for making an initial election for such first taxable year beginning after December 31, 1969. If such revocation is timely and properly made, the taxpayer may make a new election of the overall limitation for a later taxable year without the consent of the Commissioner. Such new election for a later taxable year may be made at any time before the expiration of the period referred to in paragraph (d) of § 1.901–1 for choosing the benefits of section 901 for such taxable year. The revocation of an election, or the making of a new election, pursuant to this subdivision shall be made in the same manner provided in subparagraph (2) of this paragraph for revoking or making an initial election. This subdivision applies even though the taxpayer is not required under section 901(e) and § 1.901–3 to reduce the amount of any foreign taxes paid, accrued, or deemed to be paid with respect to foreign mineral income for any taxable year beginning after December 31, 1969.

* * * * *

PAR. 7. Section 1.904–2 is amended by adding subdivision (iii) to paragraph (b)(2) and by adding subparagraph (3) to paragraph (c), as follows:

§ 1.904–2 **Carryback and carryover of unused foreign tax.**

* * * * *

(b) *Years to which carried.* * * *

(2) *Definitions.* * * *

(iii) The term "unused foreign tax" does not include any amount by which the income, war profits, and excess profits taxes paid or accrued, or deemed to be paid, to any foreign country or possession of the United States with respect to foreign mineral income are reduced under section 901(e)(1) and § 1.901–3(b)(1).

* * * * *

(c) *Tax deemed paid or accrued.* * * *

(3) *Unused foreign tax with respect to foreign mineral income.* If any portion of an unused foreign tax for any taxable year beginning after December 31, 1969, consists of tax paid or accured, or deemed to be paid, with respect to foreign mineral income, as defined in § 1.901–3(c), such portion shall not be deemed paid or accrued with respect to foreign mineral income in the taxable year to which it is carried under section 904(d).

* * * * *

[FR Doc.73–25405 Filed 11–29–73;8:45 am]

Title 36—Parks, Forests, and Memorials

CHAPTER I—NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

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

Cape Hatteras National Seashore, North Carolina; Fishing Regulations

A proposal was published at page 25185 of the FEDERAL REGISTER of September 12, 1973, to add paragraph (c) to § 7.58 of Title 36 of the Code of Federal Regulations as set forth below. The effect of the addition is: (1) To provide for the issuance of commercial fishing permits, authorizing commercial fishing from seashore beaches to legal residents of the villages specified in Section 1 of the Act of August 17, 1937 (50 Stat. 669), establishing Cape Hatteras National Seashore; (2) to define the criteria for determining eligibility for a commercial fishing permit; (3) to provide for the sanitation of seashore beaches and disposal of unwanted fish and fish parts.

Interested persons were given 30 days within which to submit written comments, suggestions, or objections with respect to the proposed addition. A public hearing was held September 29, 1973, in Manteo, North Carolina, to further provide for public response. No comments, suggestions or objections have been received and the proposed addition is hereby adopted without any substantial change as set forth below. This addition shall take effect on December 31, 1973.

Paragraph (c) is added to § 7.58 of Title 36 of the Code of Federal Regulations as follows:

§ 7.58 **Cape Hatteras National Seashore Recreational Area; hunting.**

* * * * *

(c) *Fishing*—(1) Definitions. As used in this part:

(i) *Superintendent.* The Superintendent of Cape Hatteras National Seashore.

(ii) *Seashore.* Cape Hatteras National Seashore.

(iii) *Permittee.* A person authorized to engage in commercial fishing from seashore beaches.

(iv) *Legal resident of an established village.* An individual (excluding a corporation, partnership, or other artificial person) having domicile in one of the following Outer Banks villages referred to in section 1 of the Act of August 17, 1937 (50 Stat. 669):

Corolla	Rodanthe
Duck	Waves
Kitty Hawk	Salvo
Kill Devil Hills	Avon
Collington	Buxton
Nags Head	Frisco
Manteo	Hatteras
Wanchese	Ocracoke

(v) *Commercial fishing.* All operations preparatory to, during, and subsequent to the taking of fish by any means if a primary purpose of the taking is to sell fish.

(vi) *Commercial fishing permit.* Written revocable authorization, issued by the Superintendent to an eligible individual, to engage in commercial fishing from the Seashore beaches. The permit will be issued on an annual basis commencing on October 1st of each year.

(2) *Commercial fishing permit required.* A commercial fishing permit is required before engaging in commercial fishing from the seashore beaches.

(3) *Permits.* Commercial fishing permits may be issued by the Superintendent or his authorized representative limited to individuals meeting the following criteria of eligibility:

(i) A legal resident of an established village.

(ii) Possession of a valid North Carolina commercial fishing license or engagement in a joint commercial fishing venture with a North Carolina commercial fishing licensee.

The permit shall be carried at all times while engaged in commercial fishing and shall be displayed upon request by the Superintendent or his representative. When two or more individuals engage in a joint commercial fishing venture involving a splitting of profits or any other assumption of proprietary interests, each individual must qualify for and have a commercial fishing permit. An employee hired by a permittee for a specific wage with no financial interest in the activity need not have a permit.

(4) *Revocation of permit.* The Superintendent may revoke the commercial fishing permit of any permittee who ceases to meet the criteria of eligibility set forth in paragraph (c)(3) of this section or who violates any General, Special, or other related regulation governing activities at the Seashore.

(5) *Beach sanitation and conservation of aquatic life.* Notwithstanding any General Regulation of the National Park Service to the contrary, all fishermen, commercial and sport, landing fish on the Seashore by any method and not using such fish because of size, edible quality, or other reason, shall immediately release and return such fish alive in the waters from which taken. No dead fish or part thereof may be left on any shore, beach, dock, pier, fish cleaning table or thrown back into the waters, but must be disposed of only at points or places designated for the disposal thereof or removed from the seashore area.

R. NEIL THORNE,
Acting Superintendent,
Cape Hatteras National Seashore.

[FR Doc.73–25414 Filed 11–29–73;8:45 am]

Title 39—Postal Service

CHAPTER I—U.S. POSTAL SERVICE

PART 156—RURAL SERVICE

Approved Manufacturers of Rural Mailboxes

The list of approved manufacturers and suppliers of rural and contemporary style suburban mailboxes is amended by (1) moving a listed firm to its proper, alphabetized place in the list, (2) correcting the name and address of one listed firm, and (3) adding a new firm to the list. Accordingly, paragraph (a)(5) of § 156.5 is amended, effective immediately, as follows:

1. The name and address of Parker Mailboxes, Inc., together with the notations as to the types of mailboxes manufactured or supplied, is hereby moved from its present position in the list and placed between the firms of Northwest Metal Products Co. and Remington Hardware Co., Inc.

2. The name and address of the firm listed as Superior Sheet Metal Works Co., is hereby changed to read as follows:

Superior Sheet Metals, Inc.,
3201 Roosevelt Avenue,
Post Office Box 18173,
Indianapolis, IN 46218

The notations as to the types of mailboxes manufactured or supplied remain the same.

3. The firm of Trend House, Inc., 1200 North Eighteenth Street, Post Office Box 4088, Monroe, LA 71201, C1A, is hereby added to the list following the firm of Superior Sheet Metals, Inc., as amended by paragraph 2 herein.

(39 U.S.C. 401)

ROGER P. CRAIG,
Deputy General Counsel.

[FR Doc.73-25382 Filed 11-29-73;8:45 am]

Title 43—Public Lands: Interior

SUBTITLE A—OFFICE OF THE SECRETARY

PART 26—GRANTS TO STATES FOR ESTABLISHING YOUTH CONSERVATION CORPS PROGRAMS

Interim Grant Application Procedures

A new Part 26 to Title 43, Subtitle A of the Code of Federal Regulations (CFR) is herein issued. The new part consists of interim regulations to implement the Pilot Grant Program for State projects under the Youth Conservation Act of 1970 (P.L. 91-378), as amended by P.L. 92-597. This pilot program will assist States in meeting the cost of projects for the employment of young men and women to develop, preserve, and maintain non-Federal public lands and waters within the States.

These regulations were developed jointly by the Department of Agriculture and the Department of the Interior. The Department of Agriculture will publish the same interim regulations under Title 36 of the Code of Federal Regulations, Part 214.

Specifically, these are proposed interim regulations which cover State Youth Conservation (YCC) program requirements and grant application procedures. These interim regulations will be used in developing final regulations, and will remain in effect until December 31, 1974, unless extended or superseded.

Findings and determinations. In accordance with exemptions to rulemaking procedures in 5 U.S.C. 553 and USDA policy (36 FR 13804), it has been found and determined that advance notice and request for comments would be unnecessary and impractical. The interim regulations must be operative to provide guidelines and requirements, for States in developing grant applications. In the language of these interim regulations, each State is invited to apply for a grant, have the experience of a YCC grant program and make comments or recommendations on the interim grant regulations by November 1, 1974. Final regulations are to be developed for an effective date of January 1, 1975. This provision for comments based upon experience is supported by the YCC Act which directs the establishment of a "pilot" grant program. Some public involvement by review and comment on these interim regulations has already occurred. These interim regulations in proposal form were referred to the Advisory Commission on Intergovernmental Relations for comment per OMB Circular A-85. Comments were minimal and concerns were resolved. In addition, a copy of the proposed interim regulations was transmitted on August 29, 1973 to the governor's designated YCC representative in each State. Few comments resulted and none prompted substantial changes, therefore these interim regulations became effective October 1, 1973.

The new Part 26 will read as follows:

Sec.
26.1 Introduction.
26.2 Definitions.
26.3 Program purpose and objectives.
26.4 Legislation.
26.5 Administrative requirements.
26.6 Request for grant.
26.7 Application format and instructions.
26.8 Program reporting requirements.
26.9 Consideration and criteria for awarding grants.
26.10 Comments or recommendations.

AUTHORITY: Sec. 4, 86 Stat. 1320.

§ 26.1 Introduction.

(a) The Youth Conservation Corps (YCC) is a program of summer employment for young men and women, aged 15 through 18, who work, earn, and learn together by doing projects which further the development and conservation of the natural resources of the United States. The Corps is open to youth of both sexes, and youth of all social, economic, and racial classifications who are permanent residents of the United States, its territories, possessions, or trust territories.

(b) The Youth Conservation Corps Act of 1970 (Pub. L. 91-378) provided for a three-year pilot program, to be funded at $3.5 million, to be carried out on lands and waters under the jurisdiction of the Secretary of Agriculture or the Secretary of the Interior. Public Law 92-597 amended the 1970 Act to include a pilot program (beginning in 1974) under which grants shall be made to States, to assist them in meeting the cost of Youth Conservation Corps projects on non-Federal public lands and waters within the States.

§ 26.2 Definitions.

Terms used in these regulations are defined as follows:

"Act": The Youth Conservation Corps Act of 1970, Pub. L. 91-378 as amended by Pub. L. 92-597.

"Secretaries": The Secretaries of Agriculture and the Interior, or their designated representatives, who jointly administer the pilot grant program. Within the Department of Agriculture, the YCC program is administered by the Forest Service; within the Department of the Interior, it is administered by the Office of Manpower Training and Youth Activities.

"States": Any of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Trust Territory of the Pacific Islands, and American Samoa.

"Grant": Money, or property provided in lieu of money, paid or furnished by the Secretaries pursuant to the Act to a State to carry out YCC programs on non-Federal public lands and waters. The amount of any grant shall be determined jointly by the Secretaries, except that no grant for any project may exceed 50 per centum of the cost (as determined by the Secretaries) of said project in 1974.

"Grantee": Any State which receives Federal grant funds for the operation of a YCC grant program.

"Sub-Grantee": Any public organization or any private agency or nonprofit agency or organization which has been in existence for at least five years, which contracts with a State for the operation of the YCC project for that State.

"Program Agent": State Agent designated by the State to have program responsibility for all aspects of YCC operations in that State except for those projects conducted under Federal auspices.

"Grant Program": The YCC program which consists of one or more projects operated by the State with State funds and Federal grant funds.

"Project": The operating unit or camp of the State YCC grant program, either of residential or nonresidential program type, as follows:

(1) Residential Project—One in which youths reside either seven or five days per week at a Camp on or adjacent to the public lands where they conduct their work-education program.

(2) Nonresidential Project—One in which youths reside at home and daily commute to the public lands to conduct their work-education program.

"Operating Year": November 1 to October 31.

§ 26.3 Program purpose and objectives.

(a) The purpose of the Youth Conservation Corps Act is to further the development and maintenance of the natural resources of the United States, by the

youth upon whom will fall the ultimate responsibility for maintaining and managing these resources for the American people. The Departments have stressed the following three equally important objectives as reflected in the law:

(1) Accomplish needed conservation work on public lands.

(2) Provide gainful employment for 15 through 18 year-old males and females from all social, economic, ethnic, and racial backgrounds.

(3) Develop an understanding and appreciation, in participating youths, of the Nation's natural environment and heritage.

(b) The objectives will be accomplished in a manner that will provide the youth with an opportunity to acquire increased self-dignity and self-discipline, better work with and relate with peers and supervisors, and build lasting cultural bridges between youth from various social, ethnic, racial and economic backgrounds.

§ 26.4 Legislation.

State programs must meet all of the requirements of section 4 of the Act. Section 4 of the Act which applies to the grant program reads in part as follows:

Sec. 4(a) The Secretary of the Interior and the Secretary of Agriculture shall jointly establish a pilot grant program under which grants shall be made to States to assist them in meeting the cost of projects for the employment of young men and women to develop, preserve, and maintain non-Federal public lands and waters within the States. For purposes of this section, the term 'States' includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Trust Territory of the Pacific Islands, and American Samoa.

(b)(1) No grant may be made under this section unless an application therefore has been submitted to, and approved by, the Secretary of the Interior and the Secretary of Agriculture. Such application shall be in such form, and submitted in such manner, as the Secretaries shall jointly by regulation prescribe, and shall contain—

(A) assurances satisfactory to the Secretaries that individuals employed under the project for which the application is submitted shall: (i) have attained the age of fifteen but not attained the age of nineteen, (ii) be permanent residents of the United States or its territories, possessions, or the Trust Territory of the Pacific Islands, (iii) be employed without regard to the personnel laws, rules, and regulations applicable to full-time employees of the applicant, (iv) be employed for a period of not more than ninety days in any calendar year, and (v) be employed without regard to their sex or social, economic, or racial classification; and

(B) such other information as the Secretaries may jointly by regulation prescribe.

(2) The Secretaries may approve applications which they determine (A) meet the requirements of paragraph (1) and (B) are for projects which will further the development, preservation, or maintenance of the non-Federal public lands or waters within the jurisdiction of the applicant.

§ 26.5 Administrative requirements.

The following administrative requirements must be met:

(a) Recruiting must be conducted to insure that the youth in each project constitute a representative cross-sample of the eligible youth within the recruiting area. This is to meet the cornerstone requirement that there be a social, economic, and racial mix of enrollees. State programs should encourage participation by needy and urban youth.

(b) Young women must receive equal encouragement in the application process to that which young men receive. Although individual projects are not required to be coeducational, the State program as a whole should include both sexes.

(c) To the maximum extent practicable, enrollees should be employed on conservation projects near their places of residence.

(d) Capital outlays for facilities should be kept at a minimum.

(e) YCC projects may be conducted during periods other than summer months provided that enrollees will not leave school in order to participate.

(f) The enrollee is an employee of the grantee or subgrantee. The Enrollee Pay Plan should comply with Federal or State Minimum Wage Laws whichever may be higher. To the maximum extent practicable, State YCC enrollees should receive the same rate of pay as Federal YCC enrollees.

(g) The grantee must provide for an effective accident control, health, and safety program. As a minimum, the grantee should follow U.S. Department of Labor Bulletin 158,[1] "State Child Labor Standards,"

(h) The grantee will have a financial management system which will provide the information called for in Attachment G of OMB Circular A-102.[1]

(i) "Request for Advance or Reimbursement" as outlined in OMB Circular A-102 will be used to obtain an advance to start the program, or a reimbursement during, or at the end of the project. An advanced can be made equal to half the Federal share 30 days prior to the start of the project, with the additional funds provided after 30 days of operation. "Financial Status Report" as outlined in OMB Circular A-102 will be submitted to Secretaries' representatives within 90 days upon completion of the project funded under the grant program. Instructions and forms will be supplied to the grantee at time of grant award.

(j) Allowable costs under the grant program are defined in OMB Circulars A-102 and A-87.[1]

(k) Records retention and custodial requirements for records are prescribed by Attachment C to OMB Circular A-102.

(l) Because of the short duration of each project, budget revisions normally should be unnecessary; however, if a budget revision becomes necessary, the grantee will be governed by Attachment K of OMB Circular A-102.

(m) The grantee shall comply with the provisions of Attachments O and N of Circular A-102 in regard to nonexpendable personal property and procurement standards.

(n) Grantees shall permit the Secretaries to periodically inspect the conduct of the program by the State.

(o) States will supervise those projects in the State being administered by subgrantees. Sub-grantees will be required to operate in accordance with the procedures outlined in these regulations and the grant agreement with the State. Periodic inspection of the sub-grantee projects will be made by the State under the direction of the Program Agent or his designee.

(p) If the grantee fails to comply with the grant award stipulations, standards, or conditions, the Secretaries jointly may suspend the grant. Subsequent to or during any period of suspension of the grant, the Federal Government shall not be obligated to reimburse the grantee for any incurrence of obligations other than direct salaries of enrollees and then only for a period of time which the Secretaries shall determine to be reasonable. In addition, the Secretaries jointly may, for convenience, terminate the grant with the authorization of the grantee. Termination shall be effected by a notice of termination. Upon receipt of a notice of termination, the grantee shall:

(1) Discontinue further commitments of grant funds.

(2) Cancel all subgrants or contracts scheduled for payment with grant funds.

(3) Supply the Secretaries within two months after receipt of the notice of termination, a final financial statement, along with a refund check for any unused portion of funds advanced, or request for reimbursement for allowable expenditures during the grant program.

§ 26.6 Request for grant.

(a) A total of $10 million has been budgeted to fund the 1974 Youth Conservation Corps. This amount may be increased or decreased by the Congress. Of the amount finally appropriated, 30 percent will be allocated for State projects. All States will be given an opportunity to participate in the program. Allocated funds not needed by a State will be reallocated based on the merits of applications. All proposed projects should be listed by priority. Grant funds are for State projects only. A grant to a State must be matched by the State for each project. Matching can consist of either direct expenditures or services of an in-kind nature.

(b) Pursuant to section 4(c)(1) to P.L. 92-597, States may receive grants up to but not to exceed 80 percent of the cost of funding a project from the Federal Government. For 1974, however, it has been administratively determined that a maximum of 50 percent of total cost of State projects is to be financed by Federal grant. No grant is to be made for construction of residential facilities other than to provide temporary facilities and their necessary basic infrastructure and necessary renovation or modification of existing facilities.

(c) "Application for Federal Assistance (short form)" will be used by applicants in applying for grants under this

[1] Filed as part of the original document.

program. Application forms will be supplied to Program Agents. Only a Program Agent may submit an application. A separate form will be submitted for each project or Camp. If there is more than one project proposed for a State program, the State should indicate priorities of projects for consideration and approval of the Secretaries.

(d) The Secretaries have designated individuals in each State who will jointly represent them. Grant applications (original and three copies) must be submitted to the designated representative of either Secretary. November 1 is the deadline date for acceptance of applications for the succeeding operating year, except where so modified by the Secretaries. For example, November 1, 1974, is the deadline for submission of applications for the 1975 program. Names and addresses of designated representatives will be furnished to each State. The Secretaries' representatives must jointly approve grant proposals. Approval or disapproval of proposals will be documented by a formal letter to the Program Agent. The Secretaries' representatives will also be available for technical assistance and advice.

(e) To the maximum extent practicable, enrollees should be selected from an area within one day's surface travel from their residence to a YCC Camp. Urban and rural youth should be given an equal opportunity to participate in the program.

§ 26.7 Application format and instructions.

Grant proposals must be made using the Office of Management and Budget form entitled "Application for Federal Assistance (short form)." Instructions for completing the form by part numbers follows:

Part I—shall be completed.

Part II—(Budget Date) lines 1–8 need not be used. However, the following information is needed in supplemental form in order to provide information relative to the YCC program. Please prepare a supplemental sheet for using the following functional headings:

General
Staff pay
Enrollee pay
Camp Opening and Closing costs
Food
Work Project Costs
Program Direction

A description of the items to be included under each of these functional headings are:

General. Include expenditures for (1) construction, (2) other (medical, first aid expense, utilities, maintenance costs, recreation, all supplies not otherwise identified), (3) indirect costs—approved under OMB Circular A–87.

Staff Pay. Includes pay, benefits, and travel, net of any deductions made for meals and quarters furnished.

Enrollee Pay. Includes pay, benefits, and transportation of enrollees.

Camp Opening and Closing Costs.

Food. Includes cost of food and related freight charges.

Work Project Costs. Safety equipment, transportation, and work supplies and materials.

Program Direction. Includes support services, and program administration expenses at locations other than at projects.

Part III—(Program Narrative Statement)—should include the following information:

(1) Location of project (address and county).

(2) Distance to nearest town; name of town.

(3) Number of youth planned for project.

(4) Type of project (7-day residential; 5-day residential; nonresidential; other).

(5) Length of session (i.e., number of weeks) and proposed beginning and ending dates.

(6) Description of living conditions (types of facilities, age, condition, tents, cabins, dormitories).

(7) Project staff (number and position titles).

(8) Rates of pay for enrollees.

(9) Description of health and safety program.

(10) Enrollee recruiting system and recruiting areas.

(11) Description of the work-learning program.

(12) Types of work projects that will be available (an integrated environmental work-learning program is preferred).

(13) State's agreement to administer tests, conduct interviews or otherwise assist the Federal Government in collecting data on the Grant program. The data is to be used for the required report to the President and Congress on accomplishing the purposes of the Act.

Part IV—(Assurances)—is preprinted and is to be included as part of the application.

§ 26.8 Program reporting requirements.

(a) Monitoring and reporting of program performance will be in accordance with Attachment I of Circular A–102. Grantees will submit performance reports with the Financial Status Report filed at the end of each project to the Secretaries' representatives. This report shall be due 90 days after termination of the project. The performance report will include the number of youth enrolled in the project, number of weeks of camp operation, youth loss rate, value of work accomplished by resource category (for example, timber management, recreation, etc.), narratives of significant project accomplishments, hours of youth work-learning experience by resource category and value of work supplies and materials by resource category.

(b) As a part of the performance report, states must provide the Secretaries' representatives with detailed information on the demographic characteristics of enrollees in State projects as follows:

(1) Number of youth by age.

(2) Number of male and female, by project.

(3) Number from communities of up to 2,500 population, 2,500 to 50,000 population, 50,000 to 750,000 population, and number over 750,000 population.

(4) Number from families of under $5,000 annual family income, $5,000 to $10,000 family income, $10,000 to $15,000 family income, and over $15,000 family income.

(5) Race of enrollees; number of Black, White, Spanish Surname, American Indian, Oriental, and other.

§ 26.9 Consideration and criteria for awarding grants.

(a) The decision by the Secretaries' representatives on grants to individual States will consider the following:

(1) Amount of grant funds appropriated and available.

(2) The quality of the proposed program in terms of meeting program objectives as reflected in the State application. After the initial year, actual performance of the States in administering YCC projects in prior years will also be considered.

(3) The cost to the Federal government of the State program in relation to quality and quantity of projects proposed.

(4) The population of the State in relation to the total population of the United States, and the number of Federal YCC slots programmed for youth in the State. In addition, States with few Federal public lands will be given preference, assuming that applications are comparable.

(b) To place each State on equal footing, evaluation of an application will be based on the proposed cost of enrollees, calculated on an eight-week operating cycle regardless of project duration in the proposal.

§ 26.10 Comments or recommendations.

Interested persons may submit written comments or recommendations based on experience with the pilot program to: (a) The Department of Agriculture, Forest Service, Division of Manpower and Youth Conservation Programs, South Agriculture Building, Room 3243, Washington, D.C. 20250, or, (b) the Department of the Interior, Office of Manpower Training and Youth Activities, 18th and C Sts. NW., Washington, D.C. 20240. Comments should be sent by November 1, 1974, to either.

All written comments will be available for public inspection in the offices listed above during regular business hours (7 CFR 1.27(b)). Further information about this program may be obtained from the above addresses.

RICHARD R. HITE,
Deputy Assistant Secretary of the Interior.

NOVEMBER 26, 1973.

[FR Doc.73-25381 Filed 11-29-73;8:45 am]

Title 49—Transportation

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

[Docket No. 69–19; Notice 7]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Lamps, Reflective Devices, and Associated Equipment

This notice amends 49 CFR 571.108, Motor Vehicle Safety Standard No. 108, *Lamps, Reflective Devices, and Associated Equipment*, to specify requirements for rectangular headlamps that may be used as an option in a four-headlamp system until September 1, 1976. The notice also sets forth NHSTA policy concerning rectangular headlamps after such time.

Interested persons have been afforded an opportunity to participate in the making of the amendment by a notice of proposed rulemaking (Docket No. 69–19; Notice 5) published on June 8, 1973 (38 F.R.

15082), and due consideration has been given to all comments received in response to the notice, insofar as they relate to matters within its scope.

The prior notice responded to a petition by General Motors. Under it, a rectangular headlamp approximately 6¾ in by 4¼ in would be permissible in five headlamp types (Types 1A through 5A) proposed for the two four-lamp front lighting Systems B and C proposed in Notice 3 to Docket No. 69-19 (37 FR 22801). Photometric values based upon Notice 3 were also proposed. As Notice 5 was technically an amendment of Notice 3, other headlighting requirements of the earlier proposal, such as those affecting mounting and aiming, were incorporated by reference.

Based upon comments to the docket and consideration of the issues involved, this amendment allowing an optional rectangular headlamp system differs from the proposal in several respects. The most important of these is its incorporation into Standard No. 108 as it is currently in effect, rather than into the amendment proposed by Notice 3. Thus, only two of the five proposed rectangular headlamp types have been adopted, and the photometric, mounting, and other requirements are with slight exceptions those that are presently required for a four-headlamp system. Dimensions are slightly different from those proposed, at the request of General Motors which has modified its original experimental design.

The comments received expressed a variety of opinions on the rectangular headlamp proposal. The most common point of agreement was that there is no clear safety benefit or detriment in the use of rectangular headlamps. The NHTSA expressed concern in the notice "that there should not be such a proliferation of headlamp shapes and sizes that the motorist who has an immediate need to replace a headlamp has difficulty in finding one," and this concern was shared by several commenters. The points were also made that rectangular headlamps may be more expensive than conventional ones, and that they cannot be mechanically aimed with equipment currently in use. Finally, the question was raised whether rectangular headlamps might encounter more service performance difficulties than round ones.

Commenters generally supported the relief of a design restriction imposed by Standard No. 108, and this has been a prime determinant in the NHTSA's decision to permit certain rectangular headlamps. The NHTSA has determined that, by reducing the proposed number of types of rectangular headlamps from five to two, there will not be an undue proliferation of headlamps on the replacement market. Since these headlamps are optional and not mandatory, their cost is not a major relevant factor to be considered in determining whether they should be permitted. Rectangular headlamps can be optically aimed, the method in predominant use in State motor vehicle inspections, and thus the NHTSA did not find the difficulty of mechanical aiming a persuasive argument. In addition, mechanical aimers capable of aiming rectangular headlamps are under development and should shortly be commercially available. The NHTSA is, of course, concerned as to whether the rectangular headlamps will encounter more service difficulties than conventional ones, but does not believe that the issue can be proven until such units are mass-produced and actually in service.

These amendments to Standard No. 108 represent an interim rather than a final decision on the issues of rectangular headlamps and appropriate dimensions. During 1974 and 1975 NHTSA expects the world motor vehicle industry, through international standards organizations and regular trade and professional associations, to arrive, if possible, at a consensus for one set of requirements, including dimensions for rectangular headlamps. Late in 1975, the NHTSA intends to announce its final decision on the matter: whether to remain with the requirements and dimensions adopted in this notice, to propose and adopt others, or to revoke the option. The agency at this point is not committing itself either to adopt any consensus dimensions or to perpetuate the ones desired by General Motors, though the field experience with such lamps over the next two years may be expected to have some influence in the final decision. Adoption of these optional dimensions by a manufacturer during this interim period is at his own risk, and the cost of changing over from interim to permanent dimensions, if different, in 1977 model year tooling will not be considered a material factor in the decision on permanent dimensions. It is planned that the interim amendment will be in effect through August 31, 1976, and that no petitions will be entertained for variant headlamp dimensions or system configurations before the end of that period, to avoid multiplying stock items and disrupting supply channels.

* * * * *

In consideration of the foregoing, 49 CFR § 571.108, Motor Vehicle Safety Standard No. 108, is amended by adding a new paragraph S4.1.1.21 to read as follows:

§ 571.108 Standard No. 108; lamps, reflective devices, and associated equipment.

S4.1.1.21 Instead of a headlighting system of two Type 1 headlamps and two Type 2, 5¾-inch headlamps, a vehicle manufactured between January 1, 1974 and September 1, 1976, may be equipped with a headlighting system of two Type 1A headlamps and two Type 2A headlamps, that meet the following requirements.

(a) Each Type 1A headlamp and Type 2A headlamp shall be designed to conform to the requirements for a Type 1 headlamp and Type 2, 5¾-inch headlamp respectively, as specified in any SAE Standard or Recommended Practice, referenced or subreferenced by Tables I and III, except as provided below.

(b) Each Type 1A and Type 2A headlamp shall be designed for 12.8 volts, and to conform to the applicable dimensional requirements and specifications of Figure 2. (See below) Each Type 1A headlamp shall be designed for a maximum of 50 watts. Each Type 2A headlamp shall be designed for a maximum of 60 watts for each filament.

(c) The following SAE Standards and Recommended Practices or portions thereof, do not apply:

(i) SAE Standard J571b, "Dimensional Specifications for Sealed Beam Headlamp Units", April 1965.

(ii) SAE Standard J573d, "Lamp Bulbs and Sealed Units", December 1968.

(iii) Figure 1, SAE Recommended Practice J602, "Headlamp Aiming Device for Mechanically Aimable Sealed Beam Headlamp Units", August 1963.

(iv) Paragraph 2 of "Retaining Ring Requirements", and the paragraph "Proper Seating of Sealed Beam Unit", SAE Standard J580a, "Sealed Beam Headlamp", June 1966.

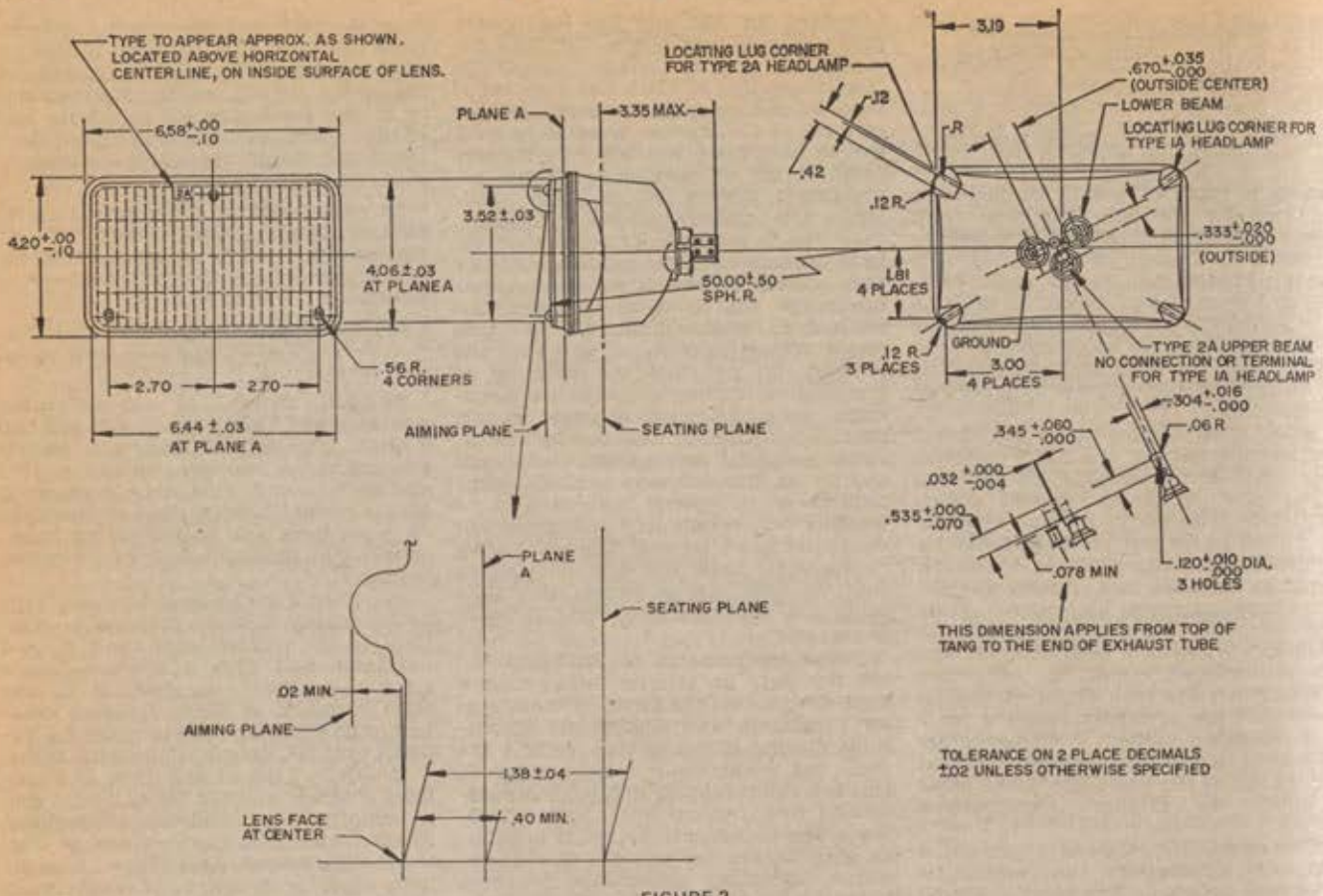

FIGURE 2

RECTANGULAR HEADLAMP SPECIFICATIONS

* * * * *

Effective date: January 1, 1974. Because the amendment creates an optional system without imposing new mandatory requirements on any person it is found for good cause shown that an effective date earlier than 180 days after the issuance of the amendment is in the public interest.

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

Issued on November 23, 1973.

JAMES B. GREGORY,
Administrator.

[FR Doc.73-25265 Filed 11-28-73;1:08 pm]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1102; Amdt. 3]

PART 1033—CAR SERVICE

Delaware and Hudson Railway Co.

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

Upon further consideration of Service Order No. 1102 (37 FR 13697, 28634; and 38 FR 17843), and good cause appearing therefor:

It is ordered, That:

§ 1033.1102 *Service Order No. 1102* (Delaware and Hudson Railway Company and Penn Central Transportation Company, George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., Trustees, authorized to assume joint supervisory control over railroad operations of Albany Port District Commission, Albany, New York) be, and it is hereby, amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) *Expiration date.* This order shall expire at 11:59 p.m., May 31, 1974, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., November 30, 1973.

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

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

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-25438 Filed 11-29-73;8:45 am]

SUBCHAPTER B—PRACTICE AND PROCEDURE

[Ex Parte No. 274 (Sub-No. 1)]

PART 1121—ABANDONMENT OF RAILROAD LINES

Special Relief for Railroads

NOVEMBER 27, 1973.

On January 22, 1972, September 16, 1972, September 11, 1973, and September 25, 1973 (FEDERAL REGISTER publication dates), certain corrections to the original order were made. For convenience, Subpart C, §§ 1121.30 through 1121.35 is being reissued in full, as set forth below.

[SEAL] ROBERT L. OSWALD,
Secretary.

Subpart C—Special Relief for Railroads Proposing Abandonments Where There Is No Significant and Material Public Objection

Sec.
1121.30 Scope of special rules.
1121.31 Applications (short-form).
1121.32 Notice, publication, posting, service.

AUTHORITY: Sec. 1(18)–(20), 49 Stat. 543, as amended; 49 U.S.C. sec. 1.

Subpart C—Special Relief for Railroads Proposing Abandonments Where There Is No Significant and Material Public Objection

§ 1121.30 Scope of special rules.

These special rules govern the filing and handling of applications (short-form) under section 1, paragraph (18) to (20), inclusive, of the Interstate Commerce Act (49 Stat. 543, as amended; 49 U.S.C. 1(18)–(20)), for certificates of public convenience and necessity authorizing the abandonment of a line of railroad, or the operation thereof, where there is no significant and material public objection; and certain other procedural matters with respect thereto.

§ 1121.31 Applications (short-form).

(a) *Carriers to be assigned an abandonment docket number.* Each carrier by railroad desiring to propose abandonments pursuant to these special rules shall request the Commission to assign to it an abandonment docket number (No. AB–_____). Thereafter, carrier shall date and consecutively subnumber each short-form application at the bottom of each page in substantially the following manner:

No. AB–____(Sub-No. _____). _____ (date) _____

(b) *Form and style.* Applications shall be in the form of a notice, the front page of which may be on the letterhead of the applicant. Applications shall be typewritten or printed on paper approximately 8½ x 11 inches with 1½ inch margin at the left side for binding. Reproduction may be by any process which provides clearly legible copies. The words "Notice of Proposed Abandonment" shall be in large bold-face type near the top. If printed, nothing less than 12-point type shall be used in the remainder of the notice.

(c) *Content.* The first six paragraphs of the notice must appear in substantially the following form:

Notice is hereby given that the Interstate Commerce Commission is being requested to issue a certificate of public convenience and necessity permitting abandonment of (a) the line of railroad of _____ (applicant) or (b) operations by _____ (applicant) over the line of railroad, extending from railroad milepost _____ near _____ (station name) in a _____ direction to (end of line or railroad milepost), near _____ (station name) a distance of _____ miles, in _____ (County(ies)) _____ (State). This line includes the stations of (list all stations on the line).

The interest of employees will be protected by (specify imposition of "the Burlington conditions") (Chicago, B. & O. R. Co. Abandonment, 257 I.C.C. 700) or (some other appropriate conditions).

The reasons for this proposed abandonment are (here, in a paragraph headed "Reasons for Proposed Abandonment" tell the public, briefly and plainly, why the abandonment is being undertaken).

The name and address of applicant's representative to whom inquiries may be made is _____

The Interstate Commerce Commission will rule upon this application without hearings unless protests are received which contain information indicating a need for such hearings. In accordance with the Commission's regulations (49 CFR 1100.250) in Ex Parte No. 55 (Sub-No. 4), Implementation Nat'l Environmental Policy Act, 1969, 340 I.C.C. 431 (1972), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall include information relating to the relevant factors set forth in Ex Parte No. 55 (Sub-No. 4), supra, Part (B)(1)–(5), 340 I.C.C. 431, 461.

Any protests referring to this notice (No. AB–_____ (Sub-No. _____)) shall be filed with the Interstate Commerce Commission, Washington, D.C. 20423, not later than _____ (here insert a date not earlier than 20 days from the final date of publication of this notice in county newspapers.).

(d) *Other pages, additional statements.* The prescription in paragraph (c) shall not preclude applicant from furnishing additional statements and explaining its reasons to the Commission or in response to inquiries from the general public. Applicant's statements shall include the amount of traffic (tonnage and carloads) handled on the line (abandonment trackage) in the preceding two plus calendar years, and whether continued operation would be at a deficit. If the reasons for the proposed abandonment are stated in condensed form, applicant shall indicate whether and where a more complete statement is available.

(e) *Signature, verification.* The original application shall be signed and verified under oath as provided in § 1121.3.

(f) *Date, filing, copies.* The application shall be dated and filed, with copies as provided in § 1121.4, not later than 30 days before the date specified in the notice of proposed abandonment for the filing of protests with the Commission.

(g) *Filing fee.* Applicant must submit with the application (short-form) a check or money order made out to the Interstate Commerce Commission for 25 percent of the filing fee for an application (long-form) under subpart A of this part.

(h) *Environmental statement.* Will granting the authority sought in this application constitute a major Federal action having a significant effect upon the quality of the human environment" [Yes] [No] If yes, a statement complying with the requirements of 49 CFR 1100.250 as promulgated in *Implementation Nat'l Environmental Policy Act, 1969*, 340 I.C.C. 431, must be attached to this application.

§ 1121.32 Notice, publication, posting, service.

(a) *Publication in county newspapers.* The front page of the application (short-form) and attachment (if any) must be published by the applicant in some newspaper of general circulation in each county in which any part of the line of railroad sought to be abandoned is situated. The notice must be published at least once during each of three consecutive weeks. The last publication date must be at least 20 days before the date specified therein for the filing of protests with the Commission.

(b) *Posting.* Copy of the front page of the application and attachment (if any) must be posted in a conspicuous place at each agency station on the line sought to be abandoned. If there is no agency station on the line sought to be abandoned, the notice shall be posted at the agency station on the applicant's line through which business for the line sought to be abandoned is handled.

(c) *Mail service.* On or before the date the application is filed with the Commission, the applicant shall serve, by first class mail:

(1) A conformed copy of the application on the governor and public service commission of each state in which any part of the line of railroad sought to be abandoned is situated, accompanied by a statement that if they desire to be heard in the matter they shall advise the Commission within the period specified of their interest in the proceeding; and

(2) Copy of the notice on all shippers and consignees which, after diligent inquiry, are found to be located on the line proposed to be abandoned and to have used the services of said line during the 12-month period immediately preceding the date of filing the application and upon all prospective shippers and consignees which may have newly located on the line during the aforesaid 12-month period regardless of whether or not they may have utilized the line during the period.

(d) *Certificate of service.* A certificate of mail service and proof of publication and posting of the notice shall be filed with the Commission at least 10 days before the date specified in the notice for the filing of protests.

§ 1121.33 Defective or inadequate notice.

Where the notice required by § 1121.32 is inadequate or defective, the applicant will be so advised by the Commission with a statement specifying the inadequacies. The applicant may publish, post, and serve a notice with appropriate modification unless the Commission has already determined that significant and material public objection has been registered against the proposed abandonment, in which event the Commission will so notify the applicant, thereby precluding further use of this Subpart C for the application.

§ 1121.34 No public objection, waivers, certification.

(a) *Waiver of additional information.* Where no public objection is submitted, maintained in force, and unsatisfied, all or any part of the information requirements in § 1121.1 may be waived.

(b) *Waiver of additional fee.* Where there is no significant and material public objection, the balance of the filing fee for an application (long-form) under subpart A of this part shall be waived.

(c) *Certification.* Appropriate certificates and orders will be issued to applicants found eligible to abandon lines of railroad, or the operation thereof, pursuant to these special rules.

§ 1121.35 Public objection, withdrawal, refiling.

(a) *Partial withdrawal.* Where there is significant and material public objection as to only a part of the line being proposed for abandonment, the applicant, with the consent of the protestants, may request that, that part of the application be withdrawn, and that a certificate be issued permitting abandonment of the remainder of the line sought to be abandoned.

(b) *Applicant may file (long-form) application.* A notice upon which there is significant and material public objection, in whole or in part, is without prejudice to applicant's right to file and prosecute an application for the same authority, or any portion thereof, pursuant to the provisions of subparts A or B of this part. As soon as practicable after public objection is made, the Commission will request applicant to advise whether an application under subparts A or B will be filed and prosecuted. If such an application is filed not more 60 days after the last publication date as provided in § 1121.32(a), notice and service of the application (long-form) will be required only as provided in § 1121.5 (b). The fee paid under § 1121.31(g) will apply toward the fee for the application (long-form).

(c) *Application may be dismissed.* Where public objection has been found significant and material, and no application under subparts A or B is filed, the application under these rules will be deemed to have been withdrawn and will be dismissed.

(d) *No refiling within one year.* A notice to which public objection has been found significant and material, may not be refiled under this subpart C sooner than one year from the last publication date as provided in § 1121.32(a).

(Secs. 1(18)–(20) and 12, 49 Stat. 543, as amended, and 24 Stat. 383, as amended; 49 U.S.C. § 1(18)–(20), 12.)

[FR Doc.73-25445 Filed 11-29-73;8:45 am]

Proposed Rules

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

[45 CFR Part 149]

CRITERIA FOR STATE PUBLIC POSTSECONDARY VOCATIONAL EDUCATIONAL AGENCIES

Notice of Proposed Rule Making

Notice is hereby given to State public postsecondary vocational education agencies, and other interested parties that the Commissioner of Education pursuant to the authority of 20 U.S.C. 1087–1(b) proposes to issue the criteria set forth below as Subpart B of Part 149 of Title 45 of the Code of Federal Regulations governing the recognition of State accrediting agencies determined to be reliable authorities as to the quality of public postsecondary vocational education in their respective States. The criteria require State agencies to meet certain standards which are designed to provide assurance that the State agencies are functional, responsible and reliable authorities, and are promulgated in accordance with the requirements of section 438(b) of the Higher Education Act of 1965, as amended.

Interested parties are invited to submit written comments, suggestions, or objections regarding the proposed criteria to the Accreditation and Institutional Eligibility Staff, Bureau of Higher Education, U.S. Office of Education, Washington, D.C. 20202, on or before December 31, 1973. Comments received will be available in the Office of the Accreditation and Institutional Eligibility Staff, Office of Education, Room 4068, Regional Office Building No. 3 at 7th and D Streets SW., Washington, D.C. between the hours of 8:00 a.m. and 4:30 p.m. Monday through Friday.

Dated: October 29, 1973.

JOHN OTTINA
U.S. Commissioner of Education.

Approved: November 26, 1973.

CASPER W. WEINBERGER,
Secretary of Health, Education, and Welfare.

PART 149—COMMISSIONER'S RECOGNITION PROCEDURES FOR NATIONAL ACCREDITING BODIES AND STATE AGENCIES

Subpart B—Criteria for State Agencies

Sec.

AUTHORITY: Sec. 438(b) of the Higher Education Act of 1965, Pub. L. 89–329 as amended by Pub. L. 92–318, 86 Stat. 235, 264 (20 U.S.C. 1087–1(b)).

Subpart B—Criteria for State Agencies

§ 149.20 Scope.

(a) Pursuant to section 438(b) of the Higher Education Act of 1965 as amended by Public Law 92–318, the United States Commissioner of Education is required to publish a list of State agencies which he determines to be reliable authorities as to the quality of public postsecondary vocational education in their respective States for the purpose of determining eligibility for Federal student assistance programs administered by the Office of Education.

(b) Approval by a State agency included on the list will provide an additional means of satisfying statutory standards as to the quality of public postsecondary vocational education to be undertaken by students receiving assistance under such programs.

(20 U.S.C. 1087–1(b))

§ 149.21 Publication of list.

Periodically the U.S. Commissioner of Education will publish a list in the FEDERAL REGISTER of the State agencies which he determines to be reliable authorities as to the quality of public postsecondary vocational education in their respective States.

(20 U.S.C. 1087–1(b))

§ 149.22 Inclusion on list.

Any State agency which desires to be listed by the Commissioner as meeting the criteria set forth in § 149.24 should apply in writing to the Director, Accreditation and Institutional Eligibility Staff, Bureau of Higher Education, Office of Education, Washington, D.C. 20202.

§ 149.23 Initial recognition; reevaluation.

For initial recognition and for renewal of recognition, the State agency will furnish information establishing its compliance with the criteria set forth in § 149.24. This information may be supplemented by personal interviews or by review of the agency's facilities, records, personnel qualifications, and administrative management. Each agency listed will be reevaluated by the Commissioner at his discretion, but at least once every four years. No adverse decision will become final without affording an opportunity for a hearing.

(20 U.S.C. 1087–1(b))

§ 149.24 Criteria for State agencies.

The following are the criteria which the Commissioner of Education will utilize in designating a State agency as a reliable authority to assess the quality of public postsecondary vocational education in its respective State.

(a) *Functional aspects.* The functional aspects of the State agency must be shown by:

(1) *Its scope of operations.* The agency:

(i) Is statewide in the scope of its operations and is legally authorized to approve public postsecondary vocational institutions or programs;

(ii) Clearly sets forth the scope of its objectives and activities, both as to kinds and levels of public postsecondary vocational institutions or programs covered, and kinds of operations performed;

(iii) Delineates the process by which it differentiates among and approves programs of varying levels.

(2) *Its organization.* The State agency:

(i) Employs qualified personnel and uses sound procedures to carry out its operations in a timely and effective manner;

(ii) Receives adequate and timely financial support, as shown by its appropriations, to carry out its operations;

(iii) Selects competent and knowledgeable persons qualified by experience and training, and selects such persons in accordance with nondiscriminatory practices, (i) to participate on visiting teams, (ii) to engage in consultative services for the evaluation and approval process, and (iii) to serve on decision-making bodies.

(3) *Its procedures.* The State agency:

(i) Maintains clear definitions of approval status and has developed written procedures for granting, reaffirming, revoking, denying, and reinstating approval status;

(ii) Requires, as an integral part of the approval and reapproval process, institutional or program self-analysis and onsite reviews by visiting teams, and provides written and consultative guidance to institutions or programs and visiting teams.

(a) Self-analysis shall be a qualitative assessment of the strengths and limitations of the instructional program, including the achievement of institutional or program objectives, and should involve a representative portion of the institution's administrative staff, teaching

faculty, students, governing body, and other appropriate constituencies.

(b) The visiting team, which includes qualified examiners other than agency staff, reviews instructional content, methods and resources, administrative management, student services, and facilities. It prepares written reports and recommendations for use by the State agency.

(iii) Reevaluates at reasonable and regularly scheduled intervals institutions or programs which it has approved.

(b) *Responsibility and reliability.* The responsibility and reliability of the State agency will be demonstrated by:

(1) Its responsiveness to the public interest. The State agency:

(i) Has an advisory body which provides for representation from public employment services and employers, employees, postsecondary vocational educators, students, and the general public, including minority groups. Among its functions, this structure provides counsel to the State agency relating to the development of standards, operating procedures and policy, and interprets the educational needs and manpower projections of the State's public postsecondary vocational education system;

(ii) Demonstrates that the advisory body makes a real and meaningful contribution to the approval process;

(iii) Provides advance public notice of proposed or revised standards or regulations through its regular channels of communications, supplemented, if necessary, with direct communication to inform interested members of the affected community. In addition, it provides such persons the opportunity to comment on the standards or regulations prior to their adoption;

(iv) Secures sufficient qualitative information regarding the applicant institution or program to enable the institution or program to demonstrate that it has an ongoing program of evaluation of outputs consistent with its educational goals;

(v) Encourages experimental and innovative programs to the extent that these are conceived and implemented in a manner which ensures the quality and integrity of the institution or program;

(vi) Demonstrates that it approves only those institutions or programs which meet its published standards; that its standards, policies, and procedures are fairly applied; and that its evaluations are conducted and decisions are rendered under conditions that assure an impartial and objective judgment;

(vii) Regularly reviews its standards, policies and procedures in order that the evaluative process shall support constructive analysis, emphasize factors of critical importance, and reflect the educational and training needs of the student;

(viii) Performs no function that would be inconsistent with the formation of an independent judgment of the quality of an educational institution or program;

(ix) Has written procedures for the review of complaints pertaining to institutional or program quality as these relate to the agency's standards, and demonstrates that such procedures are adequate to provide timely treatment of such complaints in a manner fair and equitable to the complainant and to the institution or program;

(x) Annually makes available to the public (A) its policies for approval, (B) reports of its operations, and (C) list of institutions or programs which it has approved;

(xi) Requires each approved school or program to report on changes instituted to determine continued compliance with standards or regulations;

(xii) Confers regularly with counterpart agencies that have similar responsibilities in other and neighboring States about methods and techniques that may be used to meet those responsibilities.

(2) Its assurances that due process is accorded to institutions or programs seeking approval. The State agency:

(i) Provides for adequate discussion during the on-site visit between the visiting team and the faculty, administrative staff, students, and other appropriate persons;

(ii) Furnishes as a result of the evaluation visit, a written report to the institution or program commenting on areas of strength, areas needing improvement, and, when appropriate, suggesting means of improvement and including specific areas, if any, where the institution or program may not be in compliance with the agency's standards;

(iii) Provides the chief executive officer of the institution or program with opportunity to comment upon the written report and to file supplemental materials pertinent to the facts and conclusions in the written report of the visiting team before the agency takes action on the report;

(iv) Provides the chief executive officer of the institution with a specific statement of reasons for any adverse action, and notice of the right to appeal such action before an appeal body designated for that purpose;

(v) Publishes rules of procedure regarding appeals;

(vi) Continues the approval status of the institution or program pending disposition of an appeal;

(vii) Furnishes the chief executive officer of the institution or program with a written decision of the appeal body, including a statement of its reasons therefor.

(c) *Capacity to foster ethical practices.* The State agency must demonstrate its capability and willingness to foster ethical practices by showing that it:

(i) Promotes a well-defined set of ethical standards governing institutional or programmatic practices, including recruitment, advertising, transcripts, fair and equitable student tuition refunds, and student placement services;

(ii) Maintains appropriate review in relation to the ethical practices of each approved institution or program.

(20 U.S.C. 1087-1(b))

[FR Doc.73-25427 Filed 11-29-73;8:45 am]

[45 CFR Part 169]

STRENGTHENING DEVELOPING INSTITUTIONS

Notice of Proposed Rulemaking

Pursuant to the authority contained in Title III of the Higher Education Act of 1965 as amended (20 U.S.C. 1051–1056) notice is hereby given that the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, proposes to issue the following regulations under part 169 of Title 45 of the Code of Federal Regulations covering the operation of the "Strengthening Developing Institutions Program." This program offers special assistance to strengthen the academic quality of developing institutions which have the desire and potential to make a substantial contribution to the higher education resources of the nation but which are struggling for survival and are isolated from the main currents of academic life.

Subpart A of the proposed regulations contains the general provisions; Subpart B sets forth the Criteria for Identifying and Defining "Developing Institutions;" Subpart C sets forth rules and procedures governing the Basic Institutional Development Program; and Subpart D sets forth the regulations concerning the Advanced Institutional Development Program.

Interested persons are invited to submit written comments, suggestions, or objections to the Division of College Support, Bureau of Higher Education, Office of Education, Seventh and D Streets SW., Washington, D.C. 20202. Such responses to this notice will be available for public inspection at the above address on Mondays through Fridays between 8:00 a.m. and 4:30 p.m. All relevant material received by December 31, 1973 will be considered.

Dated: October 30, 1973.

JOHN OTTINA,
U.S. Commissioner of Education.

Approved: November 26, 1973.

CASPAR W. WEINBERGER,
Secretary of Health, Education and Welfare.

(Catalog of Federal Domestic Assistance No. 13.454; Strengthening Developing Institutions Program.)

1. Chapter I of Title 45 of the Code of Federal Regulations is amended by adding a new Part 169, reading as follows:

PART 169—STRENGTHENING DEVELOPING INSTITUTIONS PROGRAM

Subpart A—General Provisions

Sec.

Subpart B—Criteria for Identifying Developing Institutions

Subpart C—Basic Institutional Development Program

Subpart D—Advanced Institutional Development Program

AUTHORITY: Section 121(a) of Title I of P.L. 92-318, 86 Stat. 241-245, (20 U.S.C. 1051-1056), unless otherwise noted.

Subpart A—General Provisions

§ 169.1 Statement of purpose.

The purpose of this part is to assist developing institutions of higher education which demonstrate a desire and potential to make a substantial contribution to the higher education resources of the nation but which for financial and other reasons are struggling for survival and are isolated from the main currents of academic life. The Commissioner will support the establishment of cooperative arrangements under which these developing institutions may draw on the talent and experience of the stronger colleges and universities, on the educational resources of business and industry, and on the strengths of other developing institutions in an effort to improve their academic programs, administrative and management resources and their student services. The Commissioner will also support National Teaching Fellows and Professors Emeritus under this part.

(20 U.S.C. 1051-1054, 1056.)

§ 169.2 Definitions.

As used is this part:

"Act" means Title III of the Higher Education Act of 1965, as amended.

"Academic Year" means a period of time usually eight or nine months in which a full-time student would normally be expected to complete the equivalent of two semesters, two trimesters, three quarters, twenty-eight semester hours, forty-two quarter hours or 900 clock hours of instruction.

(20 U.S.C. 1051-1054, 1056.)

"Developing Institution" is an institution of higher education that is so classified under Subpart B.

"Institution of higher education" means an educational institution as defined in section 1201(a) of the Higher Education Act of 1965.

(20 U.S.C. 1141(a).)

"Junior or Community College" means an institution of higher education (1) which does not provide an educational program for which it awards a bachelors degree (or an equivalent degree), (2) which admits as regular students only persons having a certificate of graduation from a school providing secondary education (or the recognized equivalent of such a certificate); and (3) which does (a) provide an educational program of not less than two years which is acceptable for full credit toward such a bachelors or equivalent degree, or (b) offers a two year program in engineering, mathematics, or the physical or biological sciences, which program is designed to prepare a student to work as a technician and at the semiprofessional level in engineering, scientific or other technological fields, which fields require the understanding and application of basic engineering, scientific, or mathematical principles of knowledge.

"State" means the several States of the Union, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, and the Virgin Islands.

(20 U.S.C. 1141(b).)

(20 U.S.C. 1051-1054 unless otherwise noted.)

§ 169.3 Advisory Council on Developing Institutions.

An Advisory Council on Developing Institutions will be established consisting of nine members appointed by the Commissioner with the approval of the Secretary. The Advisory Council will assist the Commissioner

(a) In identifying developing institutions through which the purposes of this part may be achieved, and

(2) In establishing the priorities and criteria to be used in making grants under this part.

(20 U.S.C. 1053.)

§ 169.4 Funding limitation.

Junior or community colleges may receive not more than 24 per centum of the sums appropriated for any fiscal year for carrying out the provisions of this part.

(20 U.S.C. 1051.)

§ 169.5 Limitation.

Funds made available pursuant to this part shall not be used for a school or department of divinity as defined in section 1201(1) of the Higher Education Act of 1965 or for any religious worship or sectarian activity.

(20 U.S.C. 1056, 1141.)

§ 169.6 Retention of records.

(a) *Records.* Each recipient of a grant under this part shall keep intact and accessible records relating to the receipt and expenditure of Federal funds (and to the expenditure of the recipient's contribution to the cost of the project, if any) in accordance with section 434(a) of the General Education Provisions Act, including all accounting records and related original and supporting documents that substantiate direct and indirect costs charged to the award.

(b) *Period of retention.* (1) Except as provided in paragraphs (b) (2) and (d) of this section, the records specified in paragraph (a) of this section shall be retained (i) for three years after the date of the submission of the final expenditure report, or (ii) for grants which are reviewed annually, for 3 years after the date of the submission of the annual expenditure report.

(2) Records for nonexpendable personal property which was acquired with Federal funds shall be retained for 3 years after its final disposition.

(c) *Microfilm copies.* Recipients may substitute microfilm copies in lieu of original records in meeting the requirements of this section.

(d) *Audit questions.* The records involved in any claim or expenditure which has been questioned by Federal audit shall be further retained until resolution of any such audit questions; provided, however, that records need not be retained if they relate to a grant with respect to which actions by the United States to recover for diversion of Federal funds are barred by the statute of limitations in 20 U.S.C. 2415(b).

(e) *Audit and examination.* (1) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to the records specified in paragraph (a) of this section and to any other pertinent books, documents, papers, and records of the grantee. (2) In the case of a contract negotiated by the grantee and exceeding $2,500, the grantee, the Secretary, the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any books, documents, papers, and records of the contractor which the grantee, the Secretary, the Comptroller General of the United States, or any of their duly authorized representatives determine are pertinent to the specific grant for the purpose of making audit, examination, excerpts, and transcripts.

(20 U.S.C. 1232c(a).)

§ 169.7 Limitation on costs.

The amount of the award shall be set forth in the grant award document and the total cost to the Federal Government from funds authorized by the Act will not exceed that amount. The Federal Government shall not be obligated to reimburse the recipient for costs incurred in excess of such amount from funds authorized by the Act unless and until the Commissioner has notified the recipient in writing that such amount has been increased and has specified such increased amount in a revised grant

award. Such revised amount shall thereupon constitute the revised total cost of the performance of the grant.

(31 U.S.C. 200.)

§ 169.8 Final accounting.

(a) In addition to such other accounting as the Commissioner may require the grantee shall render, with respect to the project, a full account of funds expended, obligated, and remaining.

(b) A report of such accounting shall be submitted to the Commissioner within 90 days of the expiration or termination of the grant, and the recipient shall remit within 30 days of the receipt of a written request therefor any amounts found by the Commissioner to be due. Such period may be extended at the discretion of the Commissioner upon the written request of the recipient.

(20 U.S.C. 1232c(b)(3).)

Subpart B—Criteria for Identifying Developing Institutions

§ 169.11 General criteria.

A "developing institution" is an institution of higher education in any State which:

(a) Is legally authorized to provide, and provides within the State, an education program for which it awards a bachelor's degree, or is a junior or community college;

(b) Admits as regular students only persons having a certificate of graduation from a school providing secondary education or the recognized equivalent of such a certificate;

(c) Is accredited by a nationally recognized accrediting agency or association determined by the Commissioner to be reliable authority as to the quality of training offered or is, according to such an agency or association, making reasonable progress toward accreditation;

(d) Meets the requirements of paragraphs (a) and (c) of this section during the five academic years preceding the academic year for which it seeks assistance under this part, unless in the case of institutions located on or near an Indian reservation or a substantial population of Indians, the Commissioner determines that a waiver of those requirements will increase the opportunity for Indians to obtain the benefits of higher education; and

(e) Is, on the basis of the quantitative and qualitative factors set forth in §§ 169.12 and 169.13 respectively, (1) making reasonable effort to improve the quality of its teaching and administrative staffs and of its student services; and (2) for financial or other reasons, struggling for survival and isolated from the main currents of academic life.

(20 U.S.C. 1052)

§ 169.12 Quantitative factors for identifying developing institutions.

The following eight factors have been identified as the most important quantitative measures in assessing whether an institution meets the conditions set forth in § 169.11(e). They have been quantified by institutional type and control. These factors define the range of developing institutions. Every institution which meets all the quantitative standards will be included for further evaluation under the qualitative criteria. Institutions that fall outside the range of one or more of the criteria will be given an opportunity to demonstrate that the shortfall or excess as the case may be does not materially alter the character of the institution.

	At least	Not more than
2-Year Private Institutions		
1. Full-time equivalent enrollment	300	950
2. Full-time enrollment	250	850
3. Percent of faculty with masters	50	90
4. Average faculty salary	$7,000	$9,000
5. Percent of students from low-income families [1]	20	100
6. Total expenditures for educational and general purposes	$500,000	$2,500,000
7. Total expenditures per FTE student	$500	$2,000
8. Total volumes in library	15,000	35,000
2-Year Public Institutions		
1. Full-time equivalent enrollment	750	3,000
2. Full-time enrollment	500	2,500
3. Percent of faculty with masters	60	95
4. Average faculty salary	$8,000	$10,000
5. Percent of students from low-income families [1]	20	100
6. Total expenditures for educational and general purposes	$500,000	$4,500,000
7. Total expenditures per FTE student	$500	$1,750
8. Total volumes in library	15,000	40,000
4-Year Private Institutions		
1. Full-time equivalent enrollment	500	1,500
2. Percent of faculty with Doctorates	15	40
3. Average professor's salary	$10,000	$14,500
4. Average instructor's salary	$7,000	$9,000
5. Percent of Students from low-income families [1]	15	100
6. Total expenditures for educational and general purposes	$1,000,000	$5,000,000
7. Total expenditures per FTE student	$1,000	$2,750
8. Total volumes in library	35,000	95,000
4-Year Public Institutions		
1. Full-time equivalent enrollment	1,000	3,500
2. Percent of faculty with Doctorates	20	40
3. Average professor's salary	$12,000	$16,000
4. Average instructor's salary	$8,000	$9,000
5. Percent of students from low-income families [1]	40	100
6. Total expenditures for educational and general purposes	$3,000,000	$10,000,000
7. Total expenditures per FTE student	$1,000	$2,500
8. Total volumes in library	40,000	160,000

[1] For purposes of this subpart a low-income family is one whose adjusted family income is less than $7,500.

(20 U.S.C. 1052)

§ 169.13 Qualitative factors for identifying developing institutions.

Those institutions which satisfy the requirements set out in § 169.12 will be further assessed on the following qualitative factors which will be used to assess whether the institution meets the conditions set forth in § 169.11(c). These factors will be evaluated over a three year period. Such period will include the academic year in which the institution is seeking recognition as a developing institution and the preceding two academic years.

(a) *Enrollment.* Consideration will be given to the institution's full-time equivalent enrollment, the number of its graduates continuing their education either at a four year institution in the case of a junior or community college, or at a graduate or professional school, the class standing of entering freshmen in their high school graduating class, the percentage of freshmen completing their first year, the percentage of freshmen graduating from the institution and the geographical diversity of the student population. If such enrollment data are in a decline over the three year period the institution must demonstrate that such a decline is not inconsistent with continued institutional viability.

(b) *Institution personnel.* An institution will be evaluated with regard to the quality of its personnel in the areas of institutional administration including financial operations, student services, teaching and research. Factors considered in making such an evaluation will include the percentage of professional personnel with advanced degrees and the salary scale of the institution.

(c) *Institutional vitality.* An institution will be evaluated in terms of its vitality and viability. Factors considered in such a determination will include its fund raising capability, whether the institution has a planning capability and whether the institution has devised an institutional development plan.

(20 U.S.C. 1052.)

§ 169.14 Effect of classification.

(a) Those institutions which meet the quantitative and qualitative criteria set out in §§ 169.12 and 169.13 will be classified as "developing institutions" for the purpose of this part and for the purpose of section 305 of the Act. Applications for grants under this part will be further evaluated on their merits.

(b) A reevaluation of an institution's classification as a developing institution will be made periodically.

(20 U.S.C. 1052, 1055.)

§ 169.15 Application requirements.

An institution wishing to be designated as a developing institution shall file an application which shall be in such form and contain such information as the Commissioner may from time to time prescribe and shall include:

(a) The signature of the institutional head;

(b) Data describing institutional participation in Federal programs, both education and other, by program title. The institution shall also state amount of funds it received under each program;

(c) Institutional data described in §§ 169.12 and 169.13; and

(d) An institutional eligibility narrative in which the applicant shall state the reasons it considers itself qualified to be designated as a "developing institution."

(20 U.S.C. 1052.)

Subpart C—Basic Institutional Development Program

§ 169.21 Program objectives.

The purpose of grants made pursuant to this subpart is to assist in raising the academic quality of developing institutions that show both a desire for and a promise of institutional improvement in order that they may more fully participate in the higher education community. The Basic Institutional Development program attempts to narrow the gap between small, weak colleges and stronger institutions. The principal means for doing so is through cooperative arrangements in which developing institutions may draw upon the talent and experience of assisting institutions of higher education, including other developing institutions, as well as upon business and industry in the area of faculty and curriculum development, administrative improvement, student services. National Teaching Fellows may be requested to release faculty of developing institutions to further their education, and Professors Emeriti may be requested to make special contributions to institutional needs.

(20 U.S.C. 1054.)

§ 169.22 Cooperative arrangements.

(a) (1) The Commissioner may award grants to developing institutions to pay part of the costs of planning, developing and carrying out cooperative arrangements between developing institutions, between developing institutions and other institutions of higher education, and between a developing institution and a business entity, an agency or an organization, which show promise as effective measures for strengthening the academic program, administrative capacity, and student services of the developing institutions.

(2) In each cooperative arrangement receiving assistance under this subpart the developing institution shall be the legal recipient of the grant award and shall be legally responsible for administering the project assisted under such grant.

(b) The types of cooperative arrangements that will be funded include bilateral and consortium arrangements.

(1) *Bilateral arrangement.* A bilateral arrangement is an arrangement between the applicant developing institution and another institution of higher education or an agency, organization, or business entity under which the latter will provide assistance and resources to the developing institution to carry out activities described in section 169.23.

(2) *Consortium arrangement.* A consortium arrangement is an arrangement between the applicant developing institution and at least two other developing institutions which provides for the exchange or joint use of resources to the mutual benefit of all the participants. Such a consortium of developing institutions may also enter into arrangements with institutions of higher education and other agencies, organizations, or business entities for the latter to assist the developing institution in carrying out the activities described in § 169.23.

(20 U.S.C. 1054.)

§ 169.23 Grant activities.

(a) The type of activities and projects that may be funded under cooperative arrangements include such activities and projects as

(1) The exchange of faculty and students with other institutions of higher education;

(2) Arrangements for bringing visiting scholars to developing institutions;

(3) Faculty and administrative staff improvement programs such as internships (including internships for administrative staff), attendance at short term institutes, advanced study including stipends of up to $4,000, and participation in research projects;

(4) The introduction of new curricula and curricular materials;

(5) The development and operation of cooperative education programs involving alternate periods of academic study and business or public employment;

(6) The joint use of facilities such as libraries and laboratories, as well as the purchase of necessary books, materials, and equipment;

(7) The obtaining of specialized personnel for developing institutions in such areas as media, reading, computers, institutional research and management; and

(8) Faculty and salary supplements for a faculty member who is engaged in a special project or activity for the benefit of the developing institution. Such request must be carefully documented and such salary supplements will generally be limited to three (3) years.

(20 U.S.C. 1054.)

§ 169.24 National Teaching Fellowships.

(a) The Commissioner may grant funds to developing institutions, independently or in conjunction with the funding of a cooperative arrangement, for the purpose of awarding National Teaching Fellowships.

(b) National Teaching Fellowships may be awarded by a developing institution to junior faculty members of institutions of higher education other than developing institutions and graduate students who have completed all requirements for a masters degree in the institution in which they are enrolled or who possess the equivalent of a masters degree in related professional experience, whose training and experience will serve the needs of the developing institution.

(c) National Teaching Fellows may be used by the developing institution to:

(1) Assist, through full-time teaching, in the implementation of a cooperative arrangement;

(2) Replace temporarily a regular teaching faculty member and release the faculty member for further training or advanced study; or

(3) Strengthen an understaffed academic program.

(d) Each National Teaching Fellowship shall include a stipend for each academic year of teaching in an amount not to exceed $7,500 plus an allowance of $400 for each dependent of the Fellow. The developing institution may supplement the stipend paid to the National Teaching Fellow, but such increase may not be paid from funds received under this part.

(e) The period of a National Teaching Fellowship may not exceed two academic years.

(f) A National Teaching Fellow may not engage in advanced study that is inconsistent with the Fellow's duties as a full-time faculty member.

(20 U.S.C. 1054.)

§ 169.25 Professor Emeritus Grants.

(a) The Commissioner may grant funds to developing institutions either independently of or in conjunction with the funding of a cooperative arrangement to permit such institutions to award Professors Emeritus Grants. Such grants may be awarded to professors or to other skilled higher education personnel who have retired from active service at institutions of higher education other than the developing institution awarding the grant. The Commissioner will award such funds only if he determines that the program of teaching or research for which a Professor Emeritus Grant is requested meets the educational needs of the applicant institution and is reasonable in light of the specific competence(s) of the Professor Emeritus.

(b) A Professor Emeritus may be used by the developing institution to:

(1) Assist, through full-time teaching, in the implementation of a cooperative arrangement;

(2) Replace temporarily a regular teaching faculty member and release the faculty member for further training or advanced study;

(3) Provide specialized competence in a particular area that will serve the needs of the developing institution;

(4) Assist in new programs;

(5) Conduct institutional research or research connected with the development of the institution; or

(6) Strengthen an understaffed academic program.

(c) A Professor Emeritus Grant shall include a stipend for each academic year of teaching or research. The stipend shall not exceed the salary of a comparable staff member of the developing institution and shall take into consideration the retirement benefits being received by the Professor Emeritus. The institution may supplement the stipend of the Professor Emeritus but such increase may not be paid with funds received under this part. Funds may also be awarded to the developing institution for the payment of travel and moving expenses,

housing and fringe benefits for Professors Emeritus. Professors Emeritus shall be hired on a semester (or equivalent) or on an annual basis.

(d) The period of a Professor Emeritus Grant may not exceed two academic years unless it is determined by the Commissioner upon the advice of the Advisory Council described in section 169.3 that the additional period is necessary to fully complete the program objective for which the Professor Emeritus was originally requested.

(20 U.S.C. 1054.)

§ 169.26 Application requirements.

(a) Each application for assistance under this subpart shall include:

(1) A statement that the institution has been designated by the Commissioner as a developing institution, or if not so designated, a request for such a designation in accordance with subpart B of this part;

(2) The signature of the institutional head;

(3) The total amount of funds requested for each year in the case of multi-year requests;

(4) The number of cooperative arrangements requested;

(5) The name of each such arrangement;

(6) A listing of such arrangements in order of the applicant institution's priority;

(7) A listing of each institution of higher education, agency, organization, and/or business entity from which the applicant developing institution expects to draw resources;

(8) A program budget; in the case of a proposed multi-year project the initial year budget;

(9) A narrative indicating an overview of the institution's involvement in activities supported under this part. This narrative shall also describe the objectives of the institution's proposed program and explain the relationship between the proposed programs and the overall planned development of the institution;

(10) A program narrative which shall contain a concise description of each program to be undertaken in a cooperative arrangement including the nature and extent of the activities planned as well as the program's expected specific impact (including quantitative results expected) on those institution(s) participating in the program. If National Teaching Fellowships or Professors Emeritus are requested, the program narrative should explain specifically the institution's need for such personnel support;

(11) Letters of commitment from each institution, agency, organization, or business entity, signed by the president of such institution or agency and addressed to the coordinator of the cooperative arrangement. The coordinator shall be responsible for submitting copies of these letters as a part of the complete proposal. These letters shall be used to demonstrate that

(i) The proposal as submitted accurately reflects the terms of the cooperative arrangement,

(ii) The budget is correctly represented and includes, where appropriate, the dollar value of service or contribution offered by the assisting institution or agency, and

(iii) The institution or agency will carry out its part of the program(s), if the application for Federal funds is approved;

(12) Procedures for the administration of each program as will insure the proper and efficient operation of the program and the accomplishment of the purposes of this subpart;

(13) Procedures as will insure that Federal funds made available under this subpart for any fiscal year will be so used as to supplement and, to the extent practical, increase the level of funds that would, in the absence of such Federal funds be made available for purposes of this subpart, and in no case supplant such funds;

(14) Procedures for the evaluation of the effectiveness of the project or activity in accomplishing its purpose;

(15) Such fiscal control and fund accounting procedures as may be necessary to insure proper disbursement of and accounting for funds made available under this subpart to the applicant; and

(16) Such reports, in such form and containing such information, as the Commissioner may require to carry out his functions under this subpart and procedures for keeping such records and affording such access thereto, as he may find necessary to assure correctness and verification of such reports.

(b) The Commissioner will from time to time establish cut off dates for the filing of applications under this subpart.

(20 U.S.C. 1054.)

§ 169.27 Multi-year grants.

Multi-year grants may be awarded to developing institutions to provide up to three years of support for the development and implementation of cooperative arrangements. The continued funding of these projects will be contigent upon the continued eligibility of the applicant institution(s), institutional progress, and the availability of Federal funds.

(20 U.S.C. 1054.)

§ 169.28 Evaluation and award procedures.

(a) *Evaluation criteria.* The following criteria will be utilized in the evaluation of requests for program support under this subpart:

(1) The program demonstrates a major focus on providing a successful educational experience for low-income students;

(2) The program demonstrates promise for moving colleges into the mainstream of higher education as a result of careful long-range planning and substantial improvements in the area of development and management;

(3) The program demonstrates coordination with other Federal, State, and local efforts to produce a maximum impact on the needs of developing institutions;

(4) With regard to junior and community colleges that the program demonstrates that it serves the needs of students in urban areas; and

(5) The program demonstrates good communication between faculty, students, administration, and, where appropriate, local communities in its planning and implementation.

(b) *Evaluation procedure.* Each application for support under this subpart will be reviewed and evaluated by a panel of field readers who are not employees of the Office of Education, who will advise the Commissioner with respect to funding such applications. The final funding decision shall rest with the Commissioner. When proposals appear equal in merit, consideration will be given to such factors as geographic location, type of program, and national educational needs served.

(20 U.S.C. 1054.)

§ 169.29 Allowable costs.

(a) The Commissioner will pay part of the costs that are reasonably related to the development and implementation of cooperative arrangements and the entire cost of National Teaching Fellowships and Professor Emeritus Grants.

(b) The purchase of equipment will be limited to equipment that is necessary to achieve specific program objectives.

(20 U.S.C. 1054.)

Subpart D—Advanced Institutional Development Program

§ 169.31 Scope and purpose of the advanced institutional development program.

The Commissioner will make grants to selected developing institutions adjudged to have the potential for accelerated institutional development to expedite the institution's progress towards achieving both operational and fiscal stability and participation in the mainstream of American higher education.

(20 U.S.C. 1054.)

§ 169.32 Cooperative arrangements.

The Commissioner will award grants to selected developing institutions of higher education to pay part of the cost of planning, developing, and carrying out cooperative arrangements, as described in section 169.22, between developing institutions, between developing institutions and other institutions of higher education and between developing institutions and other agencies, organizations and business entities which show promise as effective measures for strengthening the academic program and administrative capacity of the grantee institution. Such grants may be used for curriculum development compatible with changing societal needs, student services including academic and career counseling, and faculty and administrative improvement programs.

(20 U.S.C. 1054.)

§ 169.33 Allowable activities.

The type of activities that may be funded include such activities as:

(a) New programs which seek to serve the educational needs of low-income students by providing them with the background required to obtain employment with upward mobility, which seek to move them into professional areas where low-income students are underrepresented, or which equip them to gain admittance to graduate schools;

(b) Programs or projects which allow the institution to structure or restructure itself so that it may relate more directly to emerging professional or career fields; and

(c) Curriculum development.

(20 U.S.C. 1054.)

§ 169.34 Institutional plan.

(a) An applicant shall submit with its application an outline of a long range (5 year) plan which shall be in such form and contain such information as the Commissioner may from time to time prescribe but shall include:

(1) The planned institutional programs including:

(i) a description of the program objectives or intended program changes,

(ii) a description of the specific activities or projects for which funds are requested, and

(iii) a description of proposed cooperative arrangements;

(2) The budget for the program and the proposed allocation of funds to each activity or project;

(3) A statement of institutional development goals, describing the planned impact of the funded program upon the institution;

(4) A general strategy for replacing funds awarded under this subpart by the end of the grant period;

(5) A description of steps to be taken, if any, to develop the institutional planning and management capability by the end of the grant period;

(6) A plan for evaluating the progress made by the institution in meeting its goals and objectives including the replacement of grant funds and the development of a management capability if such latter activity is proposed.

(b) The final plan shall be submitted to the Commissioner for approval at such time as the Commissioner may prescribe. Such plan must be approved by the chief administrative officer of the institution, with the concurrence of the governing board of the institution.

(c) All components of the long range plan submitted pursuant to paragraph (a) of this section shall be revised periodically to reflect future program considerations. Significant changes shall become part of the plan only upon approval of the Commissioner.

(20 U.S.C. 1054.)

§ 169.35 Program priorities.

In selecting grantees under section 169.37 the Commissioner will give preferential consideration to those applicants whose proposed programs are likely to best carry out one or more of the following objectives:

(a) The provision of training in professional and career fields in which previous graduates of developing institutions are severely underrepresented;

(b) Theaddition of substantial numbers of graduates of developing institutions prepared for emerging employment and graduate study opportunities;

(c) The development of more relevant approaches to learning by utilizing new configurations of existing curricula as well as a variety of teaching strategies;

(d) The development of new or more flexible administrative styles; and

(e) The improvement of methods of institutional effectiveness so as to increase the fiscal and operational stability of the institution and improve its academic quality.

(20 U.S.C. 1054.)

§ 169.36 Application requirements.

(a) Each application for assistance under this subpart shall be in such form and contain such information as the Commissioner may from time to time prescribe but shall include:

(1) A statement of institutional objectives which take into account the history, development, and continuing or proposed future role of the college. Such a statement shall be based upon the following information, if available:

(i) A description of the local, regional or national geographic area which the institution plans to serve,

(ii) State or regional manpower data including any reports relevant to an assessment of projected employment opportunities for graduates,

(iii) Data on the characteristics of students currently admitted to the institution including geographical origins, enrollment by sex, aptitude test score distributions at time of admittance, distribution of enrollment by curricular area, enrollment by major field, indications of career goals, and

(iv) Follow up data on graduates, including job placements, location and nature of employment, institutions attended for further study, and fields of further study;

(2) The outline for the long range plan described in section 169.34;

(3) Data on student enrollment and student characteristics including trend data;

(4) Faculty characteristics and trends;

(5) Institutional financial data and projections;

(6) Curriculum range;

(7) Such other information as is required by section 169.37;

(8) Procedures for the administration of the program to insure the proper and efficient operation of the program and the accomplishment of the purposes of this subpart;

(9) Procedures to insure the Federal funds made available under this subpart for any fiscal year shall be so used as to supplement, and to the extent practical, increase the level of funds that would, in the absence of such Federal funds, be made available for these programs and in no case supplement such funds;

(10) Procedures for the evaluation of the effectiveness of the project or activity in accomplishing its purpose;

(11) Provision for such fiscal control and fund accounting procedures as may be necessary to insure proper disbursement of and accounting for funds made available under this subpart; and

(12) Provision for making such reports as the Commissioner may require to carry out his functions and for keeping such records and affording such access thereto as he may find necessary to assure the correctness and verification of such reports.

(b) The Commissioner will from time to time establish cut off dates for the filing of applications for assistance under this subpart.

(20 U.S.C. 1054.)

§ 169.37 Grantee selection.

Institutions will be selected for grants under this subpart as follows:

(a) Initially applicant institutions will be assessed in relation to other developing institutions with regard to those quantitative and qualitative characteristics which are indicative of institutional, academic, and financial strength. Such characteristics include:

(1) The institution's enrollment and the trend of enrollment;

(2) The institution's full-time faculty in terms of size, faculty-student ratio, and academic qualifications;

(3) The institution's present and projected financial position with respect to

(i) Total income,

(ii) Income sources and the amount received from each source,

(iii) Expediture per full-time equivalent student.

(iv) Rate of growth of income, and

(v) Endowment and gifts as a total amount and as a percentage of income.

(4) The ability of the institution to attract and hold qualified students, as indicated by such factors as:

(i) The percentage of freshmen students who graduate,

(ii) The percentage of graduates accepted to institutions offering bachelor degrees (for junior and community colleges), and graduate, or professional schools,

(iii) The percentage of graduating class gainfully employed;

(5) The ability of the institution to attract qualified faculty; and

(6) The institution's past success in and present capability for formulating and using a plan for the allocation of resources in light of its stated goals and priorities.

(b) Those applicant institutions determined under paragraph (a) of this section to have the greatest comparative degree of financial, academic, and institutional strength will be further assessed in light of the programs priorities reflected in section 169.35 and on the relationship between the type of program proposed by the institution and the financial, academic, and other characteristics of the institution.

(c) In making the assessments required by paragraph (b) of this section the Commissioner will review the information contained in the institution's application and may in addition make site visits to such institutions.

(20 U.S.C. 1054.)

§ 169.38 Allowable costs.

(a) The Commissioner will pay part of the cost of developing and implementing a long-range plan for accelerated institutional development except that costs for the implementation of such a plan are allowable only to the extent that they are incurred after that plan has been approved by the Commissioner.

(b) The institution may not expend more than 10 percent of grant funds for the development or improvement of a planning, management, and evaluation capability.

(c) Purchase of equipment is allowed only if such equipment is necessary to achieve the program objectives.

(20 U.S.C. 1054.)

[FR Doc.73-25409 Filed 11-29-73;8:45 am]

[45 CFR Part 171]

FINANCIAL ASSISTANCE FOR ACQUISITION OF EQUIPMENT TO IMPROVE UNDERGRADUATE INSTRUCTION IN INSTITUTIONS OF HIGHER EDUCATION

Notice of Proposed Rulemaking

In accordance with section 503 of the Education Amendments of 1972 (P.L. 92-318) and pursuant to the authority contained in Title VI-A of the Higher Education Act of 1965, (Public Law 89-329, as amended; 20 U.S.C. 1121-1129, 1141-1142b), the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, proposes to amend Title 45, Part 171 of the Code of Federal Regulations to read as set forth below. The Commissioner also proposes to establish guidelines for this program, which are set forth following the text of the proposed regulation.

1. *Program purpose.* Title VI-A of the Higher Education Act of 1965 provides, in accordance with Federal Regulations and appropriate State plans, matching Federal financial assistance for the acquisition of equipment, materials and minor remodeling for the direct improvement of undergraduate instruction in institutions of higher education. All proposals must be made in compliance with individual State plans which are approved and published by State commissions broadly representative of higher educational needs in each State. Public or nonprofit institutions of higher education, including trade and vocational schools or combinations of such institutions are eligible. These institutions must offer not less than a 1-year program of training to prepare students for gainful employment in a recognized occupation. A school or department of divinity is not eligible. No funds have been requested for this program for fiscal year 1974.

2. *Section 503 procedures and effect.* Section 503 of the Education Amendments of 1972 requires the Commissioner to study all rules, regulations, guidelines, or other published interpretations or orders issued by him or by the Secretary after June 30, 1965, in connection with, or affecting, the administration of Office of Education programs; to report to the Committee on Labor and Public Welfare of the Senate and the Committee on Education and Labor of the House of Representatives concerning such study; and to publish in the FEDERAL REGISTER such rules, regulations, guidelines, interpretations, and orders, with an opportunity for public hearing on the matters so published. The regulations and guidelines proposed below reflect the results of this study as it pertains to the program under Title VI-A of the Higher Education Act of 1965. Upon publication of revised Part 171 in final form, after comments and hearing, all preceding rules, regulations, guidelines, and other published interpretations and orders issued in connection with or affecting Part 171 will be superseded effective thirty days after such publication.

4. *Effect of Office of Education general provisions regulation.* The proposed regulation differs from the current regulation in that provisions have been deleted relating to general fiscal and administrative matters which are presently covered in 45 CFR part 171 and which will be covered in the future under the overall Office of Education general provisions regulation, published under notice of proposed rulemaking in the FEDERAL REGISTER at 38 FR 10386 (April 26, 1973), in connection with the same study under section 503 of the Education Amendments of 1972 of which this publication is a part. (Reference is made in particular to the provisions of proposed part 100a of title 45 CFR, which would be applicable to the program under Title VI-A of the Higher Education Act of 1965.)

5. *Guidelines.* Guidelines for the program have not previously been published in the FEDERAL REGISTER. The guidelines proposed below essentially contain recommendations and suggestions for program management and operation and are designed to incorporate all materials covered by § 503 of the Education Amendments of 1972 not otherwise reflected in the regulation. When finally published in the FEDERAL REGISTER in accordance with § 503(d) the guidelines will be stated separately in the general notice section of the FEDERAL REGISTER.

6. *Citations of legal authority.* As required by section 431(a) of the General Education Provisions Act (20 U.S.C. 1232(a)) and section 503 of the Education Amendments of 1972, a citation of statutory or other legal authority for each section of the regulations and guidelines has been placed in parentheses on the line following the text of the section.

On occasion, a citation appears at the end of a subdivision of the section. In that case the citation is to all that appears in that section above the citation. When the citation appears only at the end of the section it applies to the entire section.

7. *Opportunity for public hearing.* Pursuant to section 503(c) of the Education Amendments of 1972, the Commissioner will provide interested parties an opportunity for a public hearing on these regulations. A hearing will take place at the U.S. Office of Education on January 11, 1974, in the auditorium of Regional Office Building Three (ROB-3) located at 7th and D Streets SW., Washington, D.C. 20202, beginning at 10 a.m. The purpose of the hearing is to receive comments and suggestions on the published materials. Parties interested in attending the hearing should notify the Office of Education, 400 Maryland Avenue SW., Room 2079-G, Washington, D.C. 20202, Attention: Chairman, Office of Education Task Force on Section 503, and are urged to submit a written copy of their comments with such notification. Each party planning to make oral comments at the hearing is urged to limit his presentation to a maximum of fifteen minutes.

Written comments and recommendations may also be sent to the above address. All relevant material received prior to the date of the hearing will be considered. Comments and suggestions submitted in writing will be available for review in the above office between the hours of 9 a.m. and 4:30 p.m., Monday through Friday of each week.

(Catalog of Federal Domestic Assistance Program No. 13.518, Higher Education Instructional Equipment.)

Dated: August 10, 1973.

JOHN OTTINA,
U.S. Commission of Education.

Approved: November 19, 1973.

CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare.

Sec.

AUTHORITY: Secs. 601-609, 1201-1204 of Pub. L. 89-329, as amended, 79 Stat. 1261-1266, 1269-1270 as amended (20 U.S.C. 1121-1129, 1141-1143), unless otherwise noted.

§ 171.1 Definitions.

As used in this part:

"Act" means Public Law 89-329, the Higher Education Act of 1965, as amended. Unless otherwise indicated, title references are to titles of the Act. All terms defined in section 1201 of the Act shall have the same meaning as given them in the Act.

"Branch campus" means a campus of an institution of higher education which

is located in a community different from that in which its parent institution is located. A campus shall not be considered to be located in a community different from that of its parent institution unless it is located beyond a reasonable commuting distance from the main campus of the parent institution.

(20 U.S.C. 1125(a).)

"Category" refers to Category I (laboratory and other special equipment) or Category II (television equipment for closed-circuit direct instruction).

"Combinations of institutions of higher education" means a group of institutions of higher education that have entered into a cooperative arrangement for the purpose of carrying out a common objective, or a public or private nonprofit agency, organization, or institution designated or created by a group of institutions of higher education for the purpose of carrying out a common objective on their behalf.

(20 U.S.C. 1141(j).)

"Developing institution" means an eligible institution of higher education which has the desire and potential to make a substantial contribution to the higher education resources of our Nation but which for financial and other reasons is struggling for survival and is isolated from the main currents of academic life.

(20 U.S.C. 1051.)

"Expenditures for instructional and library purposes" means the sum of "expenditures for instruction and departmental research" and "library expenditures".

"Expenditures for instruction and departmental research" include all expenditures of instructional departments, including salaries, office expense and equipment, laboratory expense and equipment, and other expenses. The term includes research not separately organized or separately budgeted, but excludes sponsored research and other separately budgeted research.

"Library expenditures" includes the total expenditures for separately organized libraries, both general and departmental, including those for salaries, wages, other operating expenses, books, subscriptions, continuations, and binding costs.

"Full-time equivalent number of students" means for purposes of determining State allotments, the number of full-time students enrolled in programs which consist wholly or principally of work normally creditable toward a bachelor's or higher degree plus one-third of the number of students enrolled in programs which are not chiefly transferable toward a bachelor's or higher degree, plus 28 percent of the remaining number of such students. Student enrollment figures for each fiscal year for the purpose of this computation shall be those listed in the most recent edition of the Office of Education publication "Opening Fall Enrollment in Higher Education".

"Institutional fiscal year" means for a particular institution, combination of institutions, or branch campus, a period of one year, not necessarily corresponding with the school year, at the end of which financial accounts are closed and reports made.

"Eligible subjects" means courses at the undergraduate level in science, mathematics, foreign languages, history, geography, government, English, other humanities, the arts, and education, or any interdisciplinary educational activity embodying such a course or a combination thereof.

"Laboratory and other special equipment and materials" means items of equipment, as defined in this section, and materials, as defined in this section, which are to be used in providing instruction in eligible subjects in institutions of higher education. The term does not include items for non-instructional uses such as organized research or general administration nor does it include general purpose furniture, radio or television broadcast apparatus or items for the maintenance or repair of equipment.

"Project" means a separate proposal for improvement of undergraduate instruction in one or more of the eligible subjects through either (a) the acquisition (by purchase, lease-purchase, or lease) and use of laboratory and other special equipment and materials (and directly associated minor remodeling), or (b) the acquisition (by purchase, lease-purchase or lease) and use of television equipment and materials for closed-circuit direct instruction (and directly associated minor remodeling).

(20 U.S.C. 1124(a).)

"Semester credit hour equivalent" means the unit of credit which the institution awards to a student for a class meeting one hour per week for a semester or a laboratory meeting two or three hours per week for a semester. The total shall include all failure, withdrawal, or incomplete listings that appear on the student's permanent record. For purposes of this definition the term "semester" means a period approximately 15 weeks of instruction. Where credits are recorded at an institution or branch campus on the basis of some other length or term, such as a "quarter", or where credits are not normally recorded, the credit hours of other units of accomplishment are to be converted to semester hour equivalents for purposes of reporting in applications submitted under this part. Any such conversions to semester credit hour equivalents shall be supported by definitive explanations satisfactory to the State commission, of the basis on which the conversions are calculated and shall in all cases be subject to adjustment by the State commission.

(20 U.S.C. 1122(a)(1)(A).)

"State Commission" means the State agency designated or established pursuant to section 603 of the Act.

(20 U.S.C. 1123.)

"State plan" means the document submitted by the State commission and approved by the Commissioner, which sets forth the standards, methods, and administrative procedures whereby the State commission shall review projects proposed by applicants in the State for Federal assistance under this part and shall determine and recommend the relative priority of each such project and the Federal share of the costs eligible for Federal financial participation.

(20 U.S.C. 1123.)

"Television equipment for closed-circuit direct instruction" means fixed or movable equipment items which are suitable for use in originating, distributing, and receiving programs or units of instruction by closed-circuit television, in institutions of higher education. The term includes studio equipment, control and recording equipment, transmitters, receivers and associated distribution equipment, antennas, and supporting towers for instructional television fixed services as defined by the Federal Communications Commission and for point-to-point microwave relay equipment, but does not include towers, antennas, or broadcast transmitters designed to operate on VHF or UHF frequencies in the standard broadcast band. "Closed-circuit direct instruction" includes all uses of television equipment and materials involving the distribution of television instruction from any source such as television cameras, film chains, video-tape recording or playback apparatus, monoscope devices or receiving antennas, to one or more television monitors or receivers at one or more viewing locations. The term does not include closed-circuit installations for any noninstructional uses, such as monitoring for security purposes.

(20 U.S.C. 1123(2)(B).)

"Textbook" means a book or workbook or manual which is used as a principal source of study materials for a given class or group of students, a copy of which is expected to be available for the individual use of each student in such a class or group.

(20 U.S.C. 1123(2)(A).)

"Undergraduate level" programs of instruction mean all courses of regular length which are intended primarily for meeting program requirements for students pursuing bachelor's degrees or first professional degrees in programs which do not require 3 or more years of previous college work for entry and do not extend beyond the fifth year of college, students pursuing associate degrees, or students enrolled in terminal-occupational programs. Not included under this definition are courses which are intended primarily for meeting program requirements for students pursuing graduate degrees or first professional degrees in programs extending beyond the fifth year of college or requiring 3 or more years of previous college work for entry into a first professional degree program. Also excluded are non-credit courses and conferences.

(20 U.S.C. 1141(a).)

§ 171.2 General provisions.

Assistance provided under this part is subject to applicable provisions contained in Subchapter A of this chapter (relating to fiscal, administrative, property management, and other matters).

(20 U.S.C. 1121.)

§ 171.3 Conditions for grant approval.

Before approving a grant under this part, the Commissioner shall verify:

(a) That the institution qualifies as an institution of higher education under section 1201 of the Act;

(b) That the application contains the assurances required by and meets all the other conditions set forth in section 605(b) of the Act;

(c) That the applicant shows evidence of meeting the maintenance of effort requirement under section 604;

(d) That the applicant has certified that none of the equipment or materials covered by the project will be used for sectarian instruction or religious worship, or primarily in connection with any part of the program of a school or department of divinity, as defined in section 609 of the Act, and

(e) Where a combination of institutions is involved, that each institution individually meets the above basic eligibility requirements.

(20 U.S.C. 1141(a), 1125(b), 1124(b), and 1129.)

§ 171.4 Submission and processing of applications.

(a) *Closing dates for filing applications.* (1) Closing dates by which applications may be filed with and accepted by the State commission shall be established in the State plan. Separate applications must be filed for grants in each category. Unless otherwise provided in the State plan the date of receipt of a complete application shall be determined by the United States Post Office postmark date when mailed or by the date of physical receipt if hand delivered. Where a closing date falls on a non-business day, the closing date shall be the first business day thereafter as determined by the State commission.

(2) The State plan shall provide for not more than two closing dates per category set forth in section 601(b) and (c) of the Act for any Federal fiscal year, and all such closing dates shall be between October 15 and February 15. The total allotment shall be available for grants as of the first applicable closing date in each Federal fiscal year.

(20 U.S.C. 1123.)

(b) *Submission of project applications.* Applications for grants under this part may be submitted only by institutions of higher education or by a combination of such institutions. Such applications shall be submitted on forms provided by the Commissioner directly to the appropriate State commission in the number of copies specified by the State commission. Each application shall provide information on deficiencies to be remedied and describe a plan for improvement, and also contain such supplemental information as may be required by the State commission. Applications shall cover a single institution, or branch campus of an institution, or a combination of such institutions. Unless otherwise provided in the applicable State plan, not more than one application shall be submitted for any single institution, branch campus, or any combination of institutions for a particular fiscal year. Where an institution is part of a combination of institutions, the filing of a separate application by a participating institution shall not be precluded by filing as part of a combination. The State commission shall accept all complete applications under this Part provided such applications are submitted in accordance with the above limitations and shall officially record the date of receipt of each such complete application. Any application which is incomplete shall be returned promptly to the applicant with an explanation of deficiencies to be corrected before the application can be accepted for consideration by the State commission as of the next closing date in the current fiscal year, if any.

(20 U.S.C. 1124(a).)

(c) *Verification of application data and institutional and project eligibility.* Before determining the relative priority or Federal share for any application for grant assistance under Part A, Title VI of the Act, the State commission shall satisfy itself that the data contained in the application are valid, and that the institution (or each institution in a combination of institutions) and the project meet the basic eligibility requirements set forth in the Act and the regulations governing the administration of the Act. In any case where in the opinion of the State commission a question may be raised as to the eligibility of the institution, or of a combination of institutions, or of a project, the State commission shall promptly forward a copy of the application to the Office of Education for clarification of such eligibility. In any such case, the State commission shall continue to process and rank such applications considered as of the same closing date until receipt of notification by the Office of Education of the disposition of the eligibility question.

(20 U.S.C. 1125(d).)

(d) *Determination of relative priorities and Federal shares.* All applications received by each specified closing date, and verified by State commission review to be accurate and complete, shall be considered together and assigned relative priorities and recommended Federal shares in accordance with the provisions of the State plan.

(20 U.S.C. 1125(b).)

(e) *Procedures where funds are insufficient to provide full Federal shares for all eligible projects.* In any case where the funds available in a State allotment for projects in either category considered as of a particular closing date are insufficient to cover all eligible applications, the State commission shall nevertheless determine the full Federal share, calculated according to the State plan, for all projects in their order of relative priority, in each category until the remaining available funds are insufficient to provide the full Federal share as calculated for the next project in order of priority. The amount of the remaining funds shall be offered as a reduced Federal share for the next project in order of relative priority for which less than the full Federal share as calculated is available. An applicant offered such a reduced Federal share shall be entitled to reduce the scope of the project to a level not less than that required to qualify under the State plan for such a Federal share amount.

(20 U.S.C. 1124(b).)

(f) *Recommendation by State Commissions.* Promptly upon completing its consideration of applications as of each closing date, and no later than March 31 of each Federal fiscal year, each State commission will forward to the Commissioner:

(a) A current project report, on forms supplied by the Commissioner, listing applications in each category received or carried over from the previous closing date, each application returned to the applicant and the reason for return of such application, each application considered as of the closing date, and the priority and Federal share determined according to the State plan for each project considered;

(b) The application form and exhibits in the number of copies requested by the Commissioner for each project assigned a priority high enough to qualify for a Federal grant within the amount of funds available in the allotment for the State; and (3) copies of correspondence documenting the offering and either acceptance or rejection of reduced Federal share pursuant to paragraph (e) of this section.

(20 U.S.C. 1123(3).)

(g) *Notification to applicants.* The State commission shall promptly notify each applicant of the result of all final determinations regarding its application as of each closing date and the records of official State commission proceedings shall be a matter of public record within the State.

(20 U.S.C. 1123.)

(h) *Disposition of applications which are not recommended for grants.* Applications which are not recommended for a grant within the fiscal year for which they are filed, shall be retained by the State commission until such commission is notified that all recommended applications for such fiscal year have been approved by the Commissioner. New applications shall be required to be filed each fiscal year for each project which does not receive a recommendation for a grant and which the applicant desires

to have reconsidered in a subsequent year.

(20 U.S.C. 1124(a).)

(i) *Offer and acceptance of grant.* For a project application which meets all eligibility requirements the Commissioner will approve the application and reserve Federal funds from the appropriate State allotment and will prepare and send to the applicant a grant award which sets forth the pertinent terms and conditions, and which is contingent upon acceptance by the applicant within a specified period of time.

(20 U.S.C. 1126.)

(j) *Amendment of project applications.* Any time prior to a closing date for which an application is to be considered, the applicant may make changes in the application by written notification to the State commission. After any such closing date, no changes in applications shall be permitted, except corrections or submission of additional data as requested by the State commission and reductions in project scope as provided for in paragraph (e) of this section. Once an application has been recommended for a grant by a State commission, no increase in recommended Federal grant funds for the particular project will be considered, except where funds become available to supplement reduced Federal shares for projects for which the full Federal share calculated under the State plan was not available at the time the project application was recommended by the State commission.

(20 U.S.C. 1125(c).)

§ 171.5 Criteria for standards and methods to determine relative priorities of eligible projects.

(a) The State plan shall set forth a single set of standards for determining relative priorities for Category I grants and for Category II grants. Separate applications, however, must be filed with respect to each category. Such standards shall include the following, each of which shall be assigned at least the indicated percentage of the total weight possible to be assigned to all standards for such projects.

(1) One or more standards dealing with relative financial needs of the applicant institution or combinations of institutions (at least 30 percent of total weight) with priority advantage given to applicant institutions with relatively greater financial need.

(2) One or more standards designed to measure the extent to which the applicant's program will be improved by the proposed project (at least 10 percent of total weight).

(b) The State plan may include additional standards for determining relative priorities of projects which are not inconsistent with the criteria set forth in paragraph (a) of this section and which will carry out the purposes of the Act.

(c) Unless otherwise provided for in the State plan, in the case of any new institution which has not been in operation for at least one year preceding the year in which the application is filed, the State plan shall provide for assigning one-half of the points provided for in the standards required by paragraph (a)(1) and (2) of this section.

(d) The methods for application of the standards shall provide for the assignment of point values for each standard applied, and shall provide specific methods for determining the number of points which each application considered shall be awarded for each standard including provisions for averaging priority factors for individual institutions covered in an application for a combination of institutions on a weighted or composite basis according to semester credit hour equivalents. The assignment of points for each standard may be by any one of the following methods, or by similar methods, a different one of which may be used in connection with each standard.

(1) Applications may be ranked according to relative performance for the standard, and assigned a point score for relative rank.

(2) Applications may be compared to a scoring table for the standard and assigned points accordingly. In connection with standards required by paragraph (a)(1) of this section, State plans may provide for separate scoring scales for applications for different sizes or different educational or functional types of institutions if such tables are supported by normative data based on recent research and analysis.

(3) Applications may be compared to a fixed requirement for the standard, and assigned points if they meet the requirement or denied points if they do not. This type of scoring should be used where comparison against the standards involve a "yes-no" decision.

(e) The method of application of the standard shall provide also for determination of relative priorities on the basis of the total of the points earned by each application for each applicable standard and shall specify factors to be applied in determining which application shall receive the higher priority in the case of identical scores for applications where funds available in the applicable State allotment are insufficient to provide full Federal shares for both or all of the applications.

(f) The standards and methods for determining relative priorities must be developed on the basis of information which is to be submitted on the application form prescribed by the Commissioner, required by the State commission to be submitted in connection with the filing of an application, or contained in reports or publications readily available to the State commission and the institutions within the State. In no event shall an institution's readiness to admit out-of-State students or the number of such out-of-State students be considered as a priority factor adverse to such institution, and in no event may the nature of the control or sponsorship of the institution be considered as a priority factor either in favor of, or adverse to, an institution.

(20 U.S.C. 1124(a).)

§ 171.6 Criteria for standards and methods to determine Federal shares of eligible projects.

(a) The State plan shall prescribe the standards and methods in accordance with which the State commission shall determine the Federal share of such costs. In no event may the Federal share of a project exceed the percentage of the eligible project cost specified by the Act.

(20 U.S.C. 1124(a).)

(b) The State plan may provide for Federal shares of up to 80 percent of the project cost for institutions proving insufficient resources to otherwise participate in the program under this part and inability to acquire such resources. Any such provision in a State plan shall include specification of criteria which will have to be satisfied before such a determination will be made by the State commission. The Federal share may in no case be increased above 50 percent except where such provisions are included in the State plan as approved by the Commissioner. In the instance of an applicant qualifying as a developing institution pursuant to Title III of the Act, the State commission may provide for special consideration.

(20 U.S.C. 1124(b).)

(c) Standards and methods for determining the Federal share pursuant to paragraphs (a) and (b) of this section (1) must be clearly defined and simple to apply; (2) must involve the use only of information which is to be submitted on the application form prescribed by the Commissioner, required by the State commission to be submitted on supplemental State forms to accompany the application, or contained in reports or publications readily available to the State commission and the institutions of higher education in the States; (3) must be such as will enable an applicant to calculate in advance (on the assumption that sufficient funds will be available to cover all applications) the Federal share of the estimated eligible project costs which the State commission will certify to the Commissioner if it recommends the project for a Federal grant; and (4) must be consistent with criteria published by the Commissioner with respect to the determination of relative priorities among projects and be promotive of the purposes of Part A, Title VI of the Act.

(20 U.S.C. 1124.)

§ 171.7 Fiscal control and fund accounting procedures.

(a) *State commissions.* Each State plan shall contain specific information regarding fiscal control and fund accounting procedures, as required by the Commissioner, to ensure proper disbursement of and accounting for Federal funds which may be paid to the State commission for

expenses necessary for the proper and efficient administration of the State plan.

(20 U.S.C. 1123(5).)

(b) *Institutions and combinations of institutions.* Applicants shall maintain adequate accounting and fiscal records and accounts of all funds provided from any source to pay the cost of equipment, materials, and minor remodeling for each approved project, and audit of the financial records of the institution by the Commissioner's designated representative shall be permitted and facilitated by applicants at any reasonable time. In connection with combinations of institutions, fiscal control shall be the responsibility of the agency or institution designated or created by the group of institutions to file the application.

(20 U.S.C. 1123(5)(A).)

§ 171.8 Retention of records.

State commissions shall establish a complete case file on each Title VI-Part A application received; inform applicants of official actions and determinations by letter or similar type of correspondence, and retain records regarding each case for at least three years after final action with respect to the application has been taken by the State commission. In addition, each State commission shall maintain a full record of all hearings on appeals pursuant to Section 604(3) of the Act, and all proceedings by which it establishes relative priorities and recommended Federal shares for eligible projects considered as of each specified closing date and shall retain such records for at least three years.

(20 U.S.C. 1124(5)(B).)

§ 171.9 State plans.

(a) The Commissioner shall approve a State plan only after he has received satisfactory assurance and explanation regarding the basis on which the State commission submitting the plan meets the requirements of section 603 of the Act. A new or revised State plan submitted in accordance with section 603 shall be submitted on forms or in a format supplied by the Commissioner and shall contain all provisions required by the Commissioner pursuant to section 603 of the Act and other sections of the regulations in this part, together with such additional organizational and administrative information as the Commissioner may request.

(b) All proposed amendments to the State plan shall be submitted to the Commissioner for his approval in such form and in accordance with such instructions as are established for that purpose. Such amendments shall apply uniformly to all applications to be considered together as of any closing date, and, unless otherwise provided in the State plan, shall become effective immediately upon approval by the Commissioner, except that in no event shall any amendment which affects the standards and methods for determining priorities or Federal shares or any amendment providing for an additional closing date or for the change in an existing closing date become effective sooner than 60 days after the date the proposal to make such amendment is received by the Commissioner and 30 days after the date of the Commissioner's approval of the amendment as part of the State plan: provided, however, that amendments which are required by amendments of the Act or of these regulations or are designed to implement promptly amendments of the Act or of these regulations may be made effective immediately upon their approval by the Commissioner.

(c) State plan amendments conforming to the provisions in these regulations regarding closing dates and determination of priorities shall be submitted and approved prior to State commission actions on any Part A, Title VI applications.

(20 U.S.C. 1123.)

§ 171.11 Determination of costs eligible for Federal participation.

(a) Projects under this part may cover only equipment, materials and directly associated minor remodeling which are consistent with the plan for improvement of instruction set forth in the approved project applications.

(20 U.S.C. 1124(b).)

(b) Costs eligible for Federal participation in connection with any approved project shall include only those costs which are for items set forth in paragraph (a) of this section, and are incurred in accordance with § 100a.80 of this chapter. Only costs incurred after filing of the application with the State commission and not later than the end of the 12th month after the grant is approved by the Commissioner or under contracts entered into within such time, shall be eligible for Federal grant participation. Costs under agreements for the leasing of equipment and materials shall be further limited to those covering a period not exceeding 12 months after such agreements are entered into. Expenditures in which Federal participation is claimed also may include the cost of raw or processed materials or component parts to be made into finished products or into complete equipment units, including the cost (above and beyond salaries of regular employees of the applicant) of making and assembling such equipment.

(20 U.S.C. 1124(b).)

(c) Budgets for projects as approved shall be based upon tentative equipment lists which will be required to be submitted with each application. Applicants may substitute or add other eligible items which are similar in nature or serve the same defined or basic instructional function and are in line with the plan for improvement of undergraduate instruction set forth in the application as originally approved. Examples of possible reasons are as follows:

(1) The original instructional goal will be better accomplished by new items to be substituted.

(2) Limitations of availability or source of supply may compel substitution.

(3) Specifications of original items cannot be met by manufacturers.

(4) Substitutions needed to accommodate changes in instructional curriculum or academic personnel.

(5) Advances in educational technology may result in availability of newer or more appropriate equipment.

(20 U.S.C. 1125(a).)

Guidelines for Financial Assistance for Acquisition of Equipment To Improve Undergraduate Instruction in Institutions of Higher Education

(Title VI-A, Higher Education Act, as amended)

Table of Contents

Part 1—Introduction

Section 1.1 *Scope of guidelines.* (a) The guidelines contained in this document are recommendations and suggestions for meeting the legal requirements which apply to Federal assistance under the Higher Education Act of 1965, Title VI-A, sections 601-610. The legal requirements include the Act itself (20 U.S.C. 1121-1129a) and the regulations (45 CFR 171). The guidelines are not to be construed as requirements. However, where the guidelines set forth a permissible means of meeting a legal requirement, the guidelines may be relied upon.

(20 U.S.C. 1211 *et seq.*, 113 Cong. Rec. 5936, 5939 (daily ed. May 23, 1967); *United States* v. *Jefferson County Board of Education*, 372 F. 2d 836, 857 (1966).)

(b) Where a guideline is issued in connection with or affecting a provision in the regulations, the pertinent regulation will be cited after the citation of legal authority for the guideline, in the parentheses following the guideline. For example, if the legal authority for the guideline is section 604 of the Act (20 U.S.C. 1124), and the guideline affects section 171.4 of the regulations (45 CFR 171.4), the following citation will be placed on the line immediately following the guideline (20 U.S.C. 1124; 45 CFR 171.4). If no

particular section of the regulations is affected, no citation to the Code of Federal Regulations (CFR) will be made.

(20 U.S.C. 1232(a).)

Sec. 1.2 *Purpose of Act.* Title VI-A of the Higher Education Act provides financial assistance for the acquisition of equipment, materials and minor remodeling to improve undergraduate instruction in institutions of higher education. Such financial assistance is provided for projects for the acquisition of laboratory and other special equipment, (Category I) or for equipment and materials for closed-circuit direct instruction, (Category II).

Part 2—Application for Grant

Sec. 2.2 *Who may file applications.* (a) All accredited nonprofit institutions of higher education, including post-secondary trade and vocational schools are eligible who comply with Title VI of the Civil Rights Act of 1964, are not "schools or departments of divinity", and meet the basic "maintenance of fiscal effort" set forth in the Act.

(b) Separate applications must be submitted for each institution, branch campus or combination of institutions. For a combination of institutions, an application may be filed either by one of the institutions designated by the combination to act on behalf of the group or by an agency designated or created by the group to act on its behalf.

(c) Unless otherwise provided in the State plan for the State in which the campus is located, no more than one Category I (laboratory and other special equipment) and one Category II (CCTV) application per institution, branch campus, or combination of institutions may be submitted in any Federal fiscal year.

(d) Institutions or branch campuses may also submit separate applications for both categories, while at the same time participate as part of a combination of institutions.

(20 U.S.C. 1125(a).)

Sec. 2.3 *Costs which may be included.* (a) Applications may be submitted only for the costs of acquisition (including necessary installation) of equipment, acquisition of materials and minor remodeling which have not been and will not be incurred prior to or under contracts entered into prior to, the filing of the project application with the appropriate State commission. Cost eligible for inclusion in the project budget shall be further limited to those which will be incurred not later than 12 months after the grant is approved, or under contracts entered into within such time, and in connection with lease purchase contracts or lease agreements, to payments made in an amount not exceeding the cost for a period of twelve months.

(b) Separate applications for Category I—laboratory and other special equipment and Category II—CCTV must be made. Costs eligible for Category II are not generally eligible for Category I and vice versa.

(20 U.S.C. 1124(b))

Sec. 2.4 *Closing dates.* Check your State plan or contact your State commission for closing dates. Applications are considered in the Federal fiscal year in which submitted, in accordance with closing dates established in each individual State plan.

(20 U.S.C. 1123)

Sec. 2.5 *Assistance in preparing the application.* (a) Payments for any private assistance obtained in the preparation of an application under this program may not be included in the cost for the project covered in such an application. Assistance in interpreting definitions, instructions, or eligibility requirements or in preparing an application may be obtained by telephoning, visiting, or writing to your State commission.

(b) Before preparing an application, the applicant should be certain that the institution or each institution in a combination of institutions, meets all institutional eligibility requirements.

(20 U.S.C. 1125.)

Part 3—Preparation for Filing of Application

Sec. 3.1 *Supplemental information.* Consult with your State commission regarding any supplemental information required. The State commission must satisfy itself that all data in the application are valid and that the institution or each institution in a combination of institutions, and the project meets the basic eligibility requirements. The State commission, in strict accordance with its published State plan, must verify Federal grant amounts, assign priority standings for all complete projects received by the appropriate State closing date, and before a specified date, recommend projects to the U.S.O.E. for final action.

(20 U.S.C. 1125; 45 CFR 171.3.)

Sec. 3.2 *Assurances.* Before submitting the application to your State commission, review the assurances contained in the application. REMEMBER: If a grant is made, these assurances become a legal and binding agreement.

(20 U.S.C. 1125; 45 CFR 171.2.)

Part 4—Institutional, Project, and Item Eligibility

Sec. 4.1 *Institutional eligibility.* An institution of higher education as defined in the Higher Education Act of 1965 and which meets all of the requirements of Sections 604(b), 605, 609 and 1201(a) is considered an eligible institution. Institutional eligibility is a prerequisite for project eligibility, which in turn is a prerequisite for item eligibility. The following sections cover project and item eligibility.

(20 U.S.C. 1125; 45 CFR 171.3(c).)

Sec. 4.2 *Project eligibility.* (a) A narrative description, covering acquisitions in each subject area of the project is required. The State commission will be reviewing these narratives very closely.

(b) Equipment, materials and directly related minor remodeling, are not, by themselves, eligible. All acquisitions must relate clearly to a project for the improvement of instruction. Acquisitions relating to noninstructional functions such as general administration, organized research or operation of the physical plant are not eligible. An entire proposal, or a part thereof, may be declared ineligible because the project or projects are not directly related to the improvement of instruction.

(c) Audiovisual and other types of equipment assigned to centralized locations that are used directly in instruction are eligible if the items will be used predominately in instruction in eligible subject, and will not be used at all for sectarian instruction or religious worship.

(20 U.S.C. 1123; 45 CFR 171.3(c).)

Sec. 4.3 *Ineligible items*—(a) *Items not directly related to instructional improvement.* Items to be used for institutional administration, organized research, operation of the physical plant, or general library operations rather than for instructional purposes are not eligible. Specific examples of items not eligible are:

(1) Items such as printing equipment in a centralized printing or duplicating service; Multilith and offset printing presses not used primarily for instructional purposes are ineligible.

(2) Microfilm readers and printers which are for general library use; and general library acquisitions such as books, periodicals and microfilm.

(3) Both analog and digital computers are generally ineligible, however, the Higher Education amendments of 1968 permit the acquisition of "desk-top" computers used solely or partially for regularly scheduled undergraduate instruction in courses in eligible subjects. A "desk-top" computer normally costs less than $10,000, and has a limited storage and operational capacity.

(b) *General purpose furniture.* Examples of this type are office furniture and files, tables, and desks. Certain items such as files may be eligible if they are clearly for storage of materials directly related to an instructional program. *Seating of all types is ineligible.*

(c) *Glassware.* Examples are test tubes, tubing, cover slides and other glass or mirror items consumed in use. However, student glassware lab kits are eligible, but stock replacement parts are not.

(d) *Chemicals.* All chemicals consumed in use are ineligible.

(e) *Supplies.* All supplies which are stock operational items, that are consumed in use and no longer usable in their original form. Examples are bolts, tape, paper stock, staples, typewriter ribbons, replacement bulbs, spare parts, etc. Items such as blank film, audio or video tapes (eligible in Category II–CCTV only) which are used to produce instructional materials for extended use are eligible.

(f) *Public address systems.* Examples are school, auditorium or grandstand PA systems comprised of microphones, mounted speakers, amplifiers, etc. Portable lecterns with built-in voice amplification units for instructional use in large classrooms or lecture halls are eligible.

(g) *Radio and television broadcast apparatus.* Used for the transmission of signals on the standard AM, FM, VHF, or UHF broadcast banks; (except 2500 mHz CCTV installations). This includes broadcast towers, and transmitters.

(h) *Items for the maintenance and repair of equipment.* Examples are repair or test bench tools, equipment, spare parts and replacement units for other equipment. Items for repair and maintenance of audio-visual materials are eligible.

(i) *Textbooks.* "Textbook" means a book or workbook, or manual, which is used as a principal source of student material for a given class or group or students, a copy of which is expected to be available for the individual use of each student in such a class or group. While textbooks are ineligible, programmed instruction books (not consumed in use) are eligible where these materials are supplementary to the basic course, or are for reference use.

(j) *Athletic and recreational equipment.* Athletic and recreational equipment used for recreation, intramural programs, intercollegiate athletics or nonscheduled class activity is not eligible.

(20 U.S.C. 1123.)

Part 5—Narrative Description Exhibits

Sec. 5.1 *General information.* (a) This narrative serves two functions; first, the basic determination that the project is designed for the improvement of instruction, and secondly, the assignment of priority points by the State commission.

(b) The narrative should contain specific documentation as to how a particular item or group of items will benefit an instructional program. Similar types or classes of equipment may be covered in a single subject area narrative. Do not include a written

justification for each individual item in a subject category narrative unless the sophistication of the equipment or materials warrants it.

(c) Be brief. Clarity and completeness are the essential ingredients in describing each point.

(20 U.S.C. 1123.)

Sec. 5.2 *Specific information.* In completion of the project description the following basic points should be covered for each subject area:

(a) *Deficiencies to be remedied.* Describe the specific instructional deficiencies which the project is designed to remedy. A project for a combination of institutions must describe the deficiencies to be remedied of each participating institution.

(b) *Plan for improvement.* Describe the plan for remedying the deficiencies identified above. For a combination of institutions, describe the joint plan for improvement to remedy the deficiencies indicated above.

(c) *Adequacy of resources.* Describe the adequacy of the institution's resources for the effective utilization of the acquisitions proposed in this application. For a combination of institutions, indicate the adequacy of each institution's resources for effectively utilizing its share of the proposed acquisitions and the adequacy of the combined group of institutions in meeting its joint needs. For basic equipment such as microscopes and projectors, only a very brief description is necessary. For highly sophisticated equipment such as studio type television equipment the description must cover the institutional commitment for the continuance of the program.

(20 U.S.C. 1124; 45 CFR 171.3(b).)

Sec. 5.3 *Detailed listings.* The detailed lists of equipment and materials and minor remodeling must be submitted with the application:

(a) *Equipment.* (1) List the proposed items of laboratory and other special equipment, including television equipment specifically for each subject area. Each such list should be in the following format:

Item description	Quantity	Unit cost	Total cost

(2) Tenative specifications, including exemplary make, model, or catalog number. Where the component parts are being requested, only the description of the finished item should be shown.

(3) Any items which are to be acquired by trade-in must be so identified and only net costs may be listed. Identify the item to be traded in, and the cost, before trade-in allowance, of the item to be acquired.

(b) *Materials.* List the proposed "materials" items for each particular subject to be purchased for use in improving instruction. Show only the number of items to be acquired. Actual titles of proposed films, filmstrips, recordings, or publications, should not be shown. Elimination of titles, etc., will necessitate a clear explanation of the materials total need as expressed in the narrative.

(c) *Directly associated necessary minor remodeling.* Describe in detail the specifications and show the estimated cost for minor alterations in previously completed buildings which are directly related to the installation or effective utilization of the equipment to be installed under this specific project. This includes installation charges which are separately detailed by the equipment supplier.

(20 U.S.C. 1125.)

[FR Doc.73-25408 Filed 11-29-73;8:45 am]

National Institute of Education

[45 CFR Part 1450]

RESEARCH GRANTS PROGRAM

Proposed Policies, Procedures, and Requirements for Obtaining Research Funds

Pursuant to the authority contained in section 405 of the General Education Provisions Act, notice is hereby given that the Director of the National Institute of Education (NIE), with the approval of the Secretary of Health, Education, and Welfare, proposes to issue the regulation set forth below, establishing certain policies, procedures, and requirements for the award of Federal funds under the Research Grants Program. The program will make awards in support of original research projects with relevance to American education proposed by eligible persons and organizations in any discipline or field of study.

General regulations for the National Institute of Education, which will be codified as Subchapter A, Chapter XIV of 45 CFR, have been published in proposed form in the FEDERAL REGISTER (38 FR 1020, January 8, 1973). Proposed § 1400.2 provides that the regulations of Chapter XIV, Subchapter A will be supplemented by special substantive and procedural rules and policies. This notice of proposed regulations is made in accordance with this provision. The procedures and substantive rules contained herein are proposed for incorporation as Part 1450 of Subchapter B in chapter XIV of 45 CFR.

It is anticipated that projects for research in education under this Program will be funded primarily through grant awards. However, as provided in proposed § 1400.4(c) applications from profit-making organizations will be considered as unsolicited proposals and will be evaluated in accordance with criteria contained herein and in HEW Procurement Regulations Subpart 41 3-4.52 (41 CFR Part 3-4). Grants awarded under this part will be administered according to the provisions of the NIE general regulations which will be codified as Subchapter A of this Chapter. These regulations are scheduled to be published in final form in the FEDERAL REGISTER well in advance of award of funds under this Program.

In pursuit of its objective of strengthening the scientific and technological foundations of education, the NIE Office of Research Grants will be seeking means of fostering greater cumulation of knowledge and coalescence of research into promising lines of basic inquiry and attacks on important problems. It is planned that approximately 10-15% of NIE's funds will be made available to this Program, at least for fiscal year 1974, but only projects deemed highly meritorious according to the criteria specified in this part will be supported whether or not such projects exhaust the available funds. The large bulk of NIE funds will be expended in other NIE offices for more highly focused programs of research and development aimed principally at other objectives specified in the NIE legislation. Most of the funds allocated to these other activities are at present being used to continue programs and projects transferred to NIE from other Federal agencies. However, research proposals submitted under this part with particular relevance to the objectives of other NIE offices may in addition to being reviewed within the Research Grants Program, be referred to such other offices for additional funding consideration.

As noted in proposed § 1450.6, the review of prospectuses would be carried out within the framework of specific categories, representing both generic areas and individual disciplines. The generic categories are intended to be sufficiently inclusive to embrace any proposed educational research activity. The discipline categories are provided in order to facilitate and improve the quality of review of applications in selected disciplines in which the National Institute of Education wishes to encourage greater attention to educational research. These categories do not, however, reflect review or funding priorities nor do they represent any particular allocation or commitment of funds to predesignated areas.

Proposed § 1450.2 specifies that research supported pursuant to this part must show promise of contributing to one or more of the following goals: (1) Making educational programs more effective in meeting the needs of persons from low-income families and from minority communities, (2) increasing the effectiveness of use of educational resources so that individuals and society can better afford high quality education, and (3) improving the quality of education generally. Until recently, most educational research has concentrated on the last of these goals. While understanding that most good research on learning, instruction, and human development aimed at improving education generally will contribute to improving education of persons from low-income families and from minority communities, NIE wishes also to encourage particular attention to studies relating specifically to these persons. Similarly, many findings about human learning and eduactional systems provide a basis for more effective use of educational resources, but as in the case above, NIE wishes also to encourage more particular attention to this goal.

Notifications of any closing dates for receipt of applications for funds under this part will be published in the FEDERAL REGISTER.

Interested parties are invited to submit written comments, suggestions, or objections regarding the proposed rule to the

Office of Planning and Management, National Institute of Education, Washington, D.C. 20208, on or before December 31, 1973. Comments received in response to this notice will be available for public inspection in Room 522, Reporters Building, 300 Seventh Street SW., Washington, D.C., between 9:00 a.m. and 5:30 p.m. Mondays through Fridays.

(Catalog of Federal Domestic Assistance Program No.—13.575, Educational Research and Development.)

Dated: October 3, 1973.

THOMAS K. GLENNAN, Jr.,
Director of National Institute of Education.

Approved: November 23, 1973.

CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare.

Title 45 of the Code of Federal Regulations is amended by adding to Chapter XIV a new Subchapter B, Part 1450 reading as follows:

SUBCHAPTER B—PROGRAM REGULATIONS FOR NATIONAL INSTITUTE OF EDUCATION

PART 1450—RESEARCH GRANTS PROGRAM

Sec.
1450.1 Scope.
1450.2 Purpose.
1450.3 Eligible research projects.
1450.4 Applicant eligibility.
1450.5 Applications.
1450.6 Review of applications.
1450.7 Inexperienced investigators.
1450.8 Project duration.

AUTHORITY: Section 405 of the General Education Provisions Act, as added by section 301(a)(2) of Public Law 92-318, 86 Stat. 328 (20 U.S.C. 1221e).

§ 1450.1 Scope.

(a) This part establishes procedural and substantive requirements and criteria governing the submission and review of applications for funds under the Research Grants Program.

(b) Project awards funded pursuant to this part shall be administered in accordance with the General Provisions regulation of the National Institute of Education (Subchapter A of this Chapter).

§ 1450.2 Purpose.

The Research Grants Program will make awards in support of original research projects with relevance to American education proposed by eligible persons and organizations in any discipline or field of study. Research supported pursuant to this part must show promise of contributing toward one or more of the following goals:

(a) Making educational programs more effective in meeting the needs of persons from low-income families and from minority communities;

(b) Increasing the effectiveness of use of educational resources so that individuals and society can better afford high quality education; and

(c) Improving the quality of education generally.

§ 1450.3 Eligible research projects.

(a) As used in this part "research" includes activities designed to:

(1) increase of synthesize basic knowledge of processes and conditions relevant to human learning and education; or

(2) provide answers, of sufficient generality to be widely applicable, to important questions concerning actual or possible conduct of education in this country.

(b) The following types of activities will not be considered for research support under this part:

(1) Operational support for education programs; or

(2) Projects in which the primary emphasis is on course development, training, dissemination, improving an educational program (e.g., in a school or postsecondary institution or in a State), demonstration or development of prototype programs, or instructional media or instruments, as distinguished from the production of new knowledge.

§ 1450.4 Applicant eligibility.

Colleges, universities, State departments of education, local educational agencies, and other public or private agencies, organizations, groups, or individuals are eligible for grants. Applications from any corporation, institution, or agency whose net earnings inure, or may lawfully inure, to the benefit of any private shareholder or individual will be considered as unsolicited proposals and will be evaluated in accordance with criteria specified in this part and in HEW Procurement Regulations, Subpart 3-4.52 (41 CFR Part 3-4).

§ 1450.5 Applications.

(a) *General.* The application submission and review procedures will consist of two stages:

(1) *Prospectus.* (i) The applicant shall submit a prospectus for initial review. Only prospectuses, prepared according to the format described in paragraphs (b) or (c) of this section, will be accepted at this initial stage; other submissions will be returned to the applicant.

(ii) No more than one prospectus per individual will be accepted. Although institutional applicants may submit more than one prospectus, no more than one prospectus per each principal investigator will be considered. In the event that more than one prospectus per individual/principal investigator is received, the prospectus received earlier in time will be accepted, and subsequent prospectuses will be returned to the applicant.

(2) *Full proposals.* Applicants submitting the most highly rated prospectuses will be invited to submit full proposals for evaluation. Only invited proposals will be accepted at this second stage; proposals not invited by the National Institute of Education will be returned to the applicants.

(b) *Prospectus format.* With respect to applicants other than State and local governments, the prospectus shall include:

(1) A cover sheet executed by the principal investigator indicating (i) that the prospectus is submitted to the Research Grants Program of the National Institute of Education; (ii) the title of the study; (iii) the category of the study under which the applicant believes his project should be reviewed as described in § 1450.6(a); (iv) the name(s), Department, Institution, address, and telephone number of the principal investigator(s); (v) the estimated budget; and (vi) the proposed duration and starting date of the project.

(2) A statement of from three to five double-spaced, typewritten pages summarizing the proposed project, including:

(i) *Description and rationale.* A description of the proposed research, its relation to what is already known and to the problems of American education, and the importance of the expected addition to knowledge.

(ii) *Procedures.* Description of the procedures to be followed in carrying out the research, including, where appropriate, such concerns as sampling, data acquisition, instrumentation, and data analysis.

(iii) *Facilities.* Description of facilites and arrangements available to the investigator for conducting the research.

(3) Resume(s) of principal investigator(s), including education, applicable experience, and a list of major publications.

(4) An estimated budget covering direct costs (salaries and benefits, travel, supplies and materials, communication, services, equipment) and indirect costs proposed to be charged against the grant.

(c) *State and local government prospectuses.* Prospectuses from State and local governments, as defined in paragraph (e) of this section, shall be made in accordance with the preapplication provisions of § 74.122 of this title with such supplementation as may be required by the Director of the National Institute of Education with the approval of the Office of Management and Budget. Information concerning such application and supplementation requirements may be obtained from the Director of the National Institute of Education upon request.

(d) *Full proposals.* Notification of procedures and forms for the development and submission of full proposals will be given to applicants invited to submit full proposals.

(e) *Definition of State and local governments.* As used in this section, the term "State and local governments" shall be determined according to the following definitions:

(1) "State" means any of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, or any agency or instrumentality of a State exclusive of State institutions of higher education and hospitals.

(2) "Local government" means a local unit of government including specifically

a county, municipality, city, town, township, school district, local public authority, special district, intrastate district, council of governments, sponsor group representative organization, and other regional or interstate government entity, or any agency or instrumentality of a local government exclusive of institutions of higher education and hospitals.

§ 1450.6 Review of applications.

(a) *Review categories.* For purposes of facilitating, and improving the quality of, review of applications by the National Institute of Education, each prospectus and invited full proposal received will be assigned to one of the following categories and will be reviewed together with other applications within the same category: (1) Learning and instruction; (2) Human development; (3) Objectives, measurement, evaluation and research methodology; (4) Social thought and processes; (5) Organization and administration; (6) Anthropology; (7) Economics; (8) Political science; and (9) Legal research.

(b) *Criteria for evaluation.* Evaluation of prospectuses and full proposals will be based upon the following criteria:

(1) Significance of the proposed research for American education, including:

(i) Importance of the problem area from the standpoint of basic knowledge or of problems of American education;

(ii) Likely magnitude of the addition that will be made to knowledge if the project is successful, including the generalizability of the results.

(2) Quality of the proposed research project, including such considerations as:

(i) Adequacy of design, methodology, and instrumentation where appropriate;

(ii) Likelihood of success of the project;

(iii) Extent to which the application exhibits thorough knowledge of pertinent previous work and relates the proposed work to it.

(3) Qualifications of the principal investigator and other professional personnel as evidenced by:

(i) Experience and previous research productivity (except in the case of inexperienced investigators); and

(ii) Quality of the discussion and analysis in the application.

(4) Adequacy of the facilities and arrangements available to the investigator to conduct the proposed study.

(5) Reasonableness of the budget for the work to be done and the anticipated results.

(6) If funds are not sufficient to support all proposals rated highly according to the criteria listed in subparagraphs (1)–(5) of this paragraph, the Director of the National Institute of Education may accord funding preference among proposals rated equally highly to those addressing the priority areas noted in § 1450.2(a) and (b).

§ 1450.7 Inexperienced investigators.

(a) Applications for small grants from inexperienced investigators are encouraged and will be reviewed with other applications, with allowances being made for the investigator's lack of a previous research record. To be reviewed as inexperienced investigators, applicants may not have been either: (1) director or principal investigator of a research project supported by funds from a Federal, State, college, university, or other public or private agency or foundation; or (2) author or coauthor of more than two articles or chapters in professional journals or books reporting results of his or her research.

(b) Persons applying as inexperienced investigators must include in the prospectus a statement describing their eligibility under the criteria in paragraph (a) of this section.

(c) While there is no specific upper limit on the size of grants to inexperienced investigators, the average grant awarded will in general be in the neighborhood of $10,000.

§ 1450.8 Project duration.

Project duration will normally be for a maximum of three years (18 months for awards to inexperienced investigators). The initial award for a project may provide funds for less than the full project period, with further support contingent upon availability of funds and progress of the research.

[FR Doc.73-25410 Filed 11-29-73;8:45 am]

VETERANS ADMINISTRATION

[38 CFR Part 21]

DEPENDENTS' EDUCATIONAL ASSISTANCE

Extensions of Entitlement and Eligibility

These proposed changes to §§ 21.3041, 21.3044 and 21.3046 are intended to clarify the regulations pertaining to extensions of entitlement and eligibility and to conform the regulations to the requirements enacted in Public Law 92–540 (86 Stat. 1074).

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to the Administrator of Veterans Affairs (27H), Veterans Administration, 810 Vermont Avenue NW., Washington, D.C. 20420. All relevant material received before December 31, 1973, will be considered. All written comments received will be available for public inspection at the above address only between the hours of 8 a.m. and 4:30 p.m. Monday through Friday (except holidays), during the mentioned 30-day period and for 10 days thereafter. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Assistance Unit in room 132. Such visitors to any VA field station will be informed that the records are available for inspection only in Central Office and furnished the address and the above room number.

Notice is also given that it is proposed to make any regulations that are adopted effective the date of final approval.

1. In § 21.3041, the introductory portion of paragraph (d) preceding subparagraph (1), paragraph (d)(8) and paragraph (e)(3) are amended to read as follows:

§ 21.3041 Periods of eligibility; child.

* * * * *

(d) *Modified ending date.* When one of the following occurs between ages 18 and 26, the ending date will be the eligible person's 26th birthday or 5 years from the date of happening specified in subparagraphs (1) to (7) of this paragraph and 8 years in subparagraph (8) of this paragraph, whichever is later. Where the ending date is subject to modification under more than one of subparagraphs (3), (4), (5), (6) or (7) of this paragraph the more favorable date will apply. In no case will the modified ending date extend beyond the eligible person's 31st birthday.

* * * * *

(8) Enactment of Public Law 92–540 (86 Stat. 1074) on October 24, 1972, providing for a course of apprentice or other on-the-job training approved under the provisions of § 21.4261 or 21.4262; that is October 24, 1980, or until age 31, whichever is earlier.

(e) *Extensions to ending dates.* * * *

(3) Period of eligibility as specified in paragraph (c) or (d) of this section ends while enrolled during last half of quarter or semester, or during last half of course not operating on quarter or semester system: extended to end of quarter or semester for schools operating on quarter or semester system, or end of course or for 9 weeks, whichever is earlier, for schools not operating on quarter or semester system. Extension may be authorized beyond age 31, but may not exceed maximum entitlement. See § 21.3044 (a). No extension of the period of eligibility will be made where training is pursued in a training establishment as defined in § 21.4200(c).

* * * * *

2. In § 21.3044, paragraphs (a) and (c) are amended to read as follows:

§ 21.3044 Entitlement.

(a) Each eligible person is entitled to educational assistance for a period not in excess of 36 months, or the equivalent thereof in part-time training. No extension of entitlement will be authorized except as provided in paragraph (c) of this section. The period of entitlement when added to education or training received under any or all of the laws cited in § 21.4020 will not exceed 48 months of full-time educational assistance. The period of entitlement will not be reduced by any period during which subsistence allowance was paid after determination of employability following vocational rehabilitation. Where the period of entitlement is subject to reduction by reason of

prior training the period of prior training will be converted to months and quarter fractions of a month before subtracting this period from the period of entitlement. In the conversion process a period of prior training less than a full month will be converted by using the table in § 21.1041(c).

* * * * *

(c) The 36-months limitation may be exceeded only in the following cases:

(1) Where no charge against entitlement is made based on a course or courses pursued by a wife or widow under the Special Assistance for the Educationally Disadvantaged program. (See § 21.4237); or

(2) Where special restorative training authorized under § 21.3300 exceeds 36 months.

3. In § 21.3046, paragraph (c) is amended to read as follows:

§ 21.3046 Periods of eligibility; wives and widows.

* * * * *

(c) *Extension to ending date.* Wife is enrolled and eligibility ceases for a reason specified in subparagraph (1), (2) or (3) of this paragraph: extended to end of quarter or semester for schools operating on quarter or semester system, or for schools not operating on quarter or semester system, to end of course or for 9 weeks, whichever is earlier. In a course pursued exclusively by correspondence, the period of eligibility will be extended to the end of the course or for the total additional amount of instruction that $462 will provide, whichever is less. No extension may exceed maximum entitlement or extend beyond the 8-year delimiting date specified in paragraph (a) of this section. Extension is authorized without regard to whether the midpoint of the quarter, semester or term has been reached. No extension of the period of eligibility will be made where training is pursued in a training establishment as defined in § 21.4200(c).

(1) Veteran is no longer rated permanently and totally disabled.

(2) Wife is divorced from veteran without fault on her part.

(3) Spouse no longer is listed in any of the categories of § 21.3021(a)(3)(ii). (38 U.S.C. 1711(b), 1712(b)).

Approved: November 26, 1973.

By direction of the Administrator:

[SEAL] RICHARD L. ROUDEBUSH,
Assistant Deputy Administrator.

[FR Doc.73-25417 Filed 11-29-73;8:45 am]

Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

[Public Notice CM-88]

STUDY GROUP ON NEGOTIABLE INSTRUMENTS

Notice of Meeting

A meeting of the Study Group on Negotiable Instruments, a subgroup of the Secretary of State's Advisory Committee on Private International Law, will be held on Thursday, December 6, 1973, at the United States Mission to the United Nations, 799 United Nations Plaza, New York, New York. The meeting, which will begin at 10:30 a.m., will be open to the public.

The primary purpose of the meeting is to review a draft uniform law on negotiable instruments under consideration by a Working Group of the United Nations Commission on International Trade Law.

Members of the public who desire to attend the meeting will be admitted up to the limits of the capacity of the meeting room. Entrance to the United States Mission building is controlled and entry will be facilitated if arrangements are made in advance of the meeting. It is requested that prior to December 6, 1973, members of the general public who plan to attend the meeting inform their name and affiliation and address to Mr. Robert E. Dalton, Office of the Legal Adviser, Department of State; the telephone number is area code 202, 632-2107.

ROBERT E. DALTON,
Executive Director.

NOVEMBER 19, 1973.

[FR Doc.73-25374 Filed 11-29-73;8:45 am]

[Public Notice CM-89]

STUDY CROUP ON INTERNATIONAL SALE OF GOODS

Notice of Meeting

A meeting of the Study Group on International Sale of Goods, a subgroup of the Secretary of State's Advisory Committee on Private International Law, will take place on Friday, December 7, 1973, at the United States Mission to the United Nations, 799 United Nations Plaza, New York, New York. The meeting, which will begin at 10:30 a.m., will be open to the public.

The primary purpose of the meeting is to review the uniform law on international sale of goods that is under consideration by a Working Group of the United Nations Commission on International Trade Law.

Members of the public who desire to attend the meeting will be admitted up to the limits of the capacity of the meeting room. Entrance to the United States Mission building is controlled and entry will be facilitated if arrangements are made in advance of the meeting. It is requested that prior to December 7, 1973, members of the general public who plan to attend the meeting inform their name and affiliation and address to Mr. Robert E. Dalton, Office of the Legal Adviser, Department of State; the telephone number is area code 202, 632-2107.

ROBERT E. DALTON,
Executive Director.

NOVEMBER 19, 1973.

[FR Doc.73-25375 Filed 11-29-73;8:45 am]

[Public Notice CM-90]

LAW OF THE SEA ADVISORY COMMITTEE

Notice of Open Mee'ing

The Advisory Committee on the Law of the Sea will meet on December 13, 1973, in the auditorium of the United States Mission to the United Nations, 77 United Nations Plaza, New York, New York. This meeting will be open to the general public, and will be held in the afternoon from 5:30 p.m. to 7 p.m. Attendees are asked to use the 45th Street entrance of the United States Mission.

The Advisory Committee will discuss the events which will have transpired at the organizational session of the Third United Nations Conference on the Law of the Sea that will occur during the period of December 3-14, 1973, in New York. The substantive session is tentatively scheduled for Caracas, Venezuela, from June 20 to August 29, 1974.

MYRON H. NORDQUIST,
Executive Secretary.

NOVEMBER 15, 1973.

[FR Doc.73-25376 Filed 11-29-73;8:45 am]

[Public Notice CM-91]

SECRETARY OF STATE'S ADVISORY COMMITTEE ON PRIVATE INTERNATIONAL LAW

Notice of Meeting

A meeting of the Secretary of State's Advisory Committee on Private International Law will be held at 10:00 a.m. on Friday, December 14, 1973, in room 5519 of the Department of State. The Committee meeting will be open to the public.

The principal topics of the meeting will be the convention and uniform law on the form of an international will, recognition and enforcement of foreign judgments in civil matters, and recognition of foreign divorces.

Members of the general public who desire to attend the meeting will be admitted up to the limits of the capacity of the meeting room. Entrance to the Department of State building is controlled and entry will be facilitated if arrangements are made in advance of the meeting. It is requested that prior to December 14, 1973, members of the general public who plan to attend the meeting inform their name and affiliation and address to Mr. Robert E. Dalton, Office of the Legal Adviser, Department of State; the telephone number is area code 202, 632-2107. All non-government attendees at the meeting should use the C Street entrance to the building.

ROBERT E. DALTON,
Executive Director.

NOVEMBER 19, 1973.

[FR Doc.73-25377 Filed 11-29-73;8:45 am]

Agency for International Development

ADVISORY COMMITTEE ON VOLUNTARY FOREIGN AID

Notice of Meeting

NOVEMBER 26, 1973.

Pursuant to Executive Order 11686 and the provisions of Section 10(a), Public Law 92-463, Federal Advisory Committee Act, notice is hereby given of the meeting of the Advisory Committee on Voluntary Foreign Aid which will be held on December 10, 1973, from 9:30 a.m. to 12:30 p.m., and from 2:00 p.m. to 3:30 p.m. in Room 5951, New State Building, 21st and Virginia Avenue, N.W., Washington, D.C.

The purpose of the meeting on the 10th will be to consider the reactions to the draft report, reach conclusions regarding any major changes to be made in the report, discuss the outline of the annual report and other matters related to the foreign assistance activities of voluntary agencies.

The meeting will be open to the public. Any interested person may attend, appear before, or file statements with the Committee in accordance with procedures established by the Committee, and to the extent time available for the meeting permits. Written statements may be filed before or after the meeting.

Dr. Jarold A. Kieffer will be the A.I.D. representative at the meeting. Information concerning the meeting may be obtained from Mr. Robert S. McClusky, telephone AC 202-632-0802. Persons desiring to attend the meeting should enter

the New State Building through the 21st Street entrance.

Dated November 26, 1973.

HARRIETT S. CROWLEY,
Acting Assistant Administrator for Population and Humanitarian Assistance.

[FR Doc.73-25430 Filed 11-29-73;8:45 am]

MISSION DIRECTOR, USAID, PHILIPPINES

Redelegation of Authority

Redelegation of authority regarding contracting functions No. 99.1.6, effective October 1, 1973, and published in the FEDERAL REGISTER on October 25, 1973, at 38 FR 29500, is hereby changed by adding redelegation paragraph 3 as follows:

"3. Inter-agency support agreements with other U.S. Government agencies in the Philippines and amendments thereto, on reimbursable bases, provided that the aggregate amount of each individual agreement does not exceed $25,000 or local currency equivalent; except that each individual agreement for family planning shall not exceed $50,000, each individual agreement for U.S. excess property (using trust account funds for the rural electrification program) shall not exceed $100,000, and that each individual agreement for flood recovery and rehabilitation shall be without monetary limitation.

Dated November 26, 1973.

JOHN F. OWENS,
Director,
Office of Contract Management.

[FR Doc.73-25431 Filed 11-29-73;8:45 am]

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

REGIONAL ADVISORY COMMITTEE ON BANKING POLICIES AND PRACTICES OF THE TWELFTH NATIONAL BANK REGION

Notice of Closed Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given that a closed meeting of the Comptroller of the Currency's Regional Advisory Committee on Banking Policies and Practices of the Twelfth National Bank Region will be held at 9:00 A.M. on November 30, 1973, at the Carefree Inn, Carefree, Arizona.

The purpose of this meeting is to assist the Regional Administrator and Comptroller of the Currency in a continuing review of bank regulations and policies. The meeting will also apprise agency officials of current conditions and problems banks are experiencing in the Twelfth National Bank Region.

It is hereby determined pursuant to section 19(d) of Public Law 92-463 that the meeting is concerned with matters listed in section 552(b) of Title 5 of the United States Code and particularly with exceptions (3), (4) and (8) thereof, and is therefore exempt from the provisions of section 10(a)(1) and (a)(3) of the Act (Public Law 92-463) relating to open meetings and public participation therein.

Dated: November 26, 1973.

[SEAL] JAMES E. SMITH,
Comptroller of the Currency.

[FR Doc.73-25425 Filed 11-29-73;8:45 am]

Office of Revenue Sharing

[Administrative Ruling 73-3]

REVENUE SHARING FUNDS

Constructive Waiver by Non-Responsive Recipient Governments

This ruling sets forth the procedure by which the Office of Revenue Sharing will effectuate a constructive waiver for those recipient governments which fail to act pursuant to the written communication requirements of Subpart B of the Revenue Sharing Regulations (31 CFR Part 51). Compliance with those requirements is a prerequisite to the payment of entitlement funds pursuant to § 51.3(b) of the regulations.

Any recipient government which has not waived and is otherwise eligible to receive entitlement payments and which has failed to provide required reports, assurances or certifications to the Director is subject to a determination of having constructively waived through inaction its entitlement funds for the affected entitlement period. The Director, prior to such a determination, shall notify nonresponsive recipient governments of their noncompliance and that their entitlement funds are being temporarily withheld pursuant to § 51.3(b). If compliance is not achieved within a reasonable period of time, which shall not be less than 30 days, the Director shall notify the affected recipient governments that if compliance is not achieved within a period of 30 days after mailing such notice, a constructive waiver of entitlement funds for the applicable entitlement period will be determined to have occurred. Entitlement funds thus constructively waived will be redistributed pursuant to the provisions of § 51.24(a) of the regulations (31 CFR 51.24(a)).

Dated: November 27, 1973.

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

[FR Doc.73-25420 Filed 11-27-73;3:04 pm]

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

DEPARTMENT OF DEFENSE WAGE COMMITTEE

Notice of Closed Meetings

Pursuant to the provisions of section 10 of Public Law 92-463, effective January 5, 1973, notice is hereby given that meetings of the Department of Defense Wage Committee will be held on:

Tuesday, December 4, 1973
Tuesday, December 11, 1973
Tuesday, December 18, 1973

These meetings will convene at 9:45 a.m. and will be held in Room 1E-801, The Pentagon, Washington, D.C.

The Committee's primary responsibility is to consider and make recommendations to the Assistant Secretary of Defense (Manpower and Reserve Affairs) on all matters involved in the development and authorization of wage schedules for Federal prevailing rate employees pursuant to Public Law 92-392.

At these scheduled meetings, the Committee will consider wage survey specifications, wage survey data, local reports and recommendations, statistical analyses and proposed pay schedules derived therefrom.

Under the provisions of section 10(d) of Public Law 92-463 and 5 U.S.C. 532(b) and (4), the Assistant Secretary of Defense (Manpower and Reserve Affairs) has determined that these meetings will be closed to the public.

However, members of the public who may wish to do so, are invited to submit material in writing to the Chairman concerning matters felt to be deserving of the Committee's attention. Additional information concerning these meetings may be obtained by contacting the Chairman, Department of Defense Wage Committee, Room 3D-281, The Pentagon, Washington, D.C.

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

NOVEMBER 27, 1973.

[FR Doc.73-25389 Filed 11-29-73;8:45 am]

DEPARTMENT OF THE INTERIOR

National Park Service

CHESAPEAKE AND OHIO CANAL NATIONAL HISTORICAL PARK COMMISSION

Notice of Meeting and Agenda

Notice is hereby given in accordance with Federal Advisory Committee Act that a meeting of the Chesapeake and Ohio Canal National Historical Park Commission will be held on Saturday, December 8, 1973 at 9 a.m., at the Stephen Mather Training Center, Harpers Ferry, West Virginia.

The Commission was established by Public Law 91-664 to meet and consult with the Secretary of the Interior on general policies and specific matters related to the administration and development of the Chesapeake and Ohio Canal National Historical Park.

The member of the Commission are as follows:

Miss Nancy Long (Chairman), Glen Echo, Md.
Mrs. Caroline Freeland, Bethesda, Md.
Hon. Vladimir A. Wahbe, Baltimore, Md.
Mr. John C. Lewis, Hamilton, Va.

Hon. Joseph H. Manning, Annapolis, Md.
Mr. Burton C. English, Berkeley Springs, W. Va.
Mr. James G. Banks, Washington, D.C.
Mr. Joseph H. Cole, Washington, D.C.
Mr. Ronald A. Clites, LaVale, Md.
Mrs. Mary Miltenberger, Cumberland, Md.
Dr. James H. Gilford, Frederick, Md.
Mr. Grant Conway, Brookmont, Md.
Mr. Edwin F. Wesely, Chevy Chase, Md.
Mr. John C. Frye, Gapland, Md.
Mr. Justice Douglas (Special Consultant).
Mr. Rome F. Schwagel, Keedysville, Md.
Mr. Donald Frush, Hagerstown, Md.

The matters to be discussed at this meeting include:

1. Report on Catoctin Aqueduct.
2. Aqueduct Studies.
3. Cumberland Report.
4. Dickerson Report.
5. Status of Land Acquisition.
6. Canal Funding.

The meeting will be open to the public. However, facilities and space for accommodating members of the public are limited and it is expected that not more than 15 persons will be able to attend the sessions. Any member of the public may file with the committee a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting, or who wish to submit written statements, may contact Richard L. Stanton, Assistant Director, Cooperative Activities, National Capital Parks, at Area Code 202-426-6715. Minutes of the meeting will be available for public inspection two weeks after the meeting, at the Office of National Capital Parks, Room 208, 1100 Ohio Drive SW., Washington, D.C.

Date: November 28, 1973.

STANLEY W. HULETT,
Associate Director,
National Park Service.

[FR Doc.73-25582 Filed 11-29-73;10:08 am]

LAKE MEAD NATIONAL RECREATION AREA

Notice of Intention To Negotiate Concession Contract

Pursuant to the provisions of Section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that on December 31, 1973, the Department of the Interior, through the Director of the National Park Service, proposes to negotiate a concession contract with Leisurama, Inc., authorizing it to provide concession facilities and services for the public at Lake Mead National Recreation Area for a period of twenty-five (25) years from January 1, 1973, through December 31, 1997.

An assessment of the environmental impact of this proposed action has been made and it has been determined that it will not significantly affect the quality of the human environment, and that it is not a major Federal action under the Environmental Quality Act and the guidelines of the Council on Environmental Quality. The environmental assessment may be reviewed in the office of the Superintendent, Lake Mead National Recreation Area, 601 Nevada Highway, Boulder City, Nevada.

The foregoing concessioner has performed its obligations under the expired contract to the satisfaction of the National Park Service, and therefore, pursuant to the Act cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. However, under the Act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted on or before December 31, 1973.

Interested parties should contact the Chief of Concessions Management, National Park Service, Washington, D.C. 20240, for information as to the requirements of the proposed contract.

Dated: November 20, 1973.

RUSSELL E. DICKENSON,
Acting Director,
National Park Service.

[FR Doc.73-25416 Filed 11-29-73;8:45 am]

MOUNT RAINIER NATIONAL PARK

Notice of Intention To Continue Concession Facilities and Services

Pursuant to the provisions of Section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that on December 31, 1973, the Department of the Interior, through the Director of the National Park Service, proposes to authorize Government Services, Inc., to continue to provide concession facilities and services for the public at Mount Rainier National Park for a period of 19 years from January 1, 1973, through December 31, 1991, pursuant to the concession contract under which it is authorized to provide accommodations, facilities, and services for the public within National Capital Parks and such other areas of the National Park System as the Secretary may designate.

An assessment of the environmental impact of this proposed action has been made and it has been determined that it will not significantly affect the quality of the human environment, and that it is not a major Federal action under the Environmental Quality Act and the guidelines of the Council on Environmental Quality. The environmental assessment may be reviewed in the office of the Superintendent, National Park Service, Mount Rainier National Park, Longmire, Washington 98397.

The foregoing concessioner has performed its obligations under an expired contract to the satisfaction of the National Park Service, and therefore, pursuant to the Act cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. However, under the Act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted on or before December 31, 1973.

Interested parties should contact the Assistant Director, Concessions, National Park Service, Washington, D.C. 20240, for information as to the requirements of the proposed contract.

Dated: November 19, 1973.

RUSSELL E. DICKENSON,
Acting Director,
National Park Service.

[FR Doc.73-25415 Filed 11-29-73;8:45 am]

Office of the Secretary

[INT DES 73-72]

PROPOSED WILDERNESS CLASSIFICATION BIG BEND NATIONAL PARK, TEXAS

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement on the Proposed Wilderness Classification, Big Bend National Park, Texas.

The draft statement considers the impact on the natural and human environment of designating 533,900 acres of Big Bend National Park as wilderness and recommending an additional 25,700 acres as potential wilderness additions.

Written comments on the statement are invited and will be accepted until January 14, 1973. The comment period may be extended on an individual case basis as provided for in the Council on Environmental Quality Guidelines of August 1, 1973. Comments should be addressed to the Superintendent, Big Bend National Park (address given below).

Copies of the draft environmental statement are available from or for inspection at the following locations:

Southwest Regional Office
National Park Service
Old Santa Fe Trail
P.O. Box 728
Santa Fe, New Mexico 87501
Superintendent
Big Bend National Park
Big Bend National Park, Texas 79834

Dated: November 20, 1973.

JOHN M. SEIDL,
Deputy Assistant
Secretary of the Interior.

[FR Doc.73-25423 Filed 11-29-73;8:45 am]

[Order No. 2508, Amdt. 100]

COMMISSIONER OF INDIAN AFFAIRS

Revocation of Authority

Subparagraph (53), paragraph (a), section 30 of Order 2508 delegates to the Commissioner of Indian Affairs certain authorities under the Alaska Native Claims Settlement Act of December 18, 1971 (Public Law 92-203; 85 Stat. 688), subject to exceptions in subparagraph (12), paragraph (b), section 30 of the Order. Subparagraphs (a)(53) and (b)

(12) are being revised to revoke the delegation to the Commissioner under section 2(c) of the Act. Section 2(c) authorizes making a study of Federal programs designed to benefit native people. This authority was transferred from the Bureau of Indian Affairs to the Alaska Task Force. The revision is made to reflect the transfer.

As amended, paragraphs (a) and (b) read as follows:

SEC. 30 *Authority under specific acts.* (a) In addition to any authority delegated elsewhere in this order, the Commissioner of Indian Affairs, except as provided in paragraph (b) of this section, is authorized to perform the functions and exercise the authority vested in the Secretary of the Interior by the following acts or portions of acts or any acts amendatory thereof:

* * * * *

(53) Section 5, which authorizes preparation of a roll of all Natives born on or before the date of enactment and enrollment of eligible Natives who are non-residents of Alaska in one of the twelve regions or in a thirteenth region if it is established; section 6(c), which authorizes distribution of Alaska Native Fund money among the Regional Corporations; section 11(b)(2), which authorizes reviewing all listed villages and determining if any disqualify; section 11(b)(3), which authorizes determining if any Native villages not listed qualify for land and benefits; section 14(h)(1), which authorizes certifying existing cemetery sites and historical places; section 14(b)(2), which authorizes certifying eligibility of certain Native groups for land and the lands selected by them; section 14(h)(3), which authorizes certifying eligibility for land of Natives residing in certain cities; section 14(h)(5), which authorizes determination of the primary place of residence of an individual Native; section 18(a), which authorizes certifying eligibility of Natives applying for allotments; and section 20(d)(5), which authorizes reviewing claims referred by the Court of Claims and filing answers when claims are to be contested; of the Alaska Native Claims Settlement Act of December 18, 1971 (Public Law 92-203; 85 Stat. 688).

* * * * *

(b) The authority granted in paragraph (a) of this section shall not include:

* * * * *

(12) The authority under the Alaska Native Claims Settlement Act of December 18, 1971 (Public Law 92-203; 85 Stat. 688) to approve the roll prepared under section 5; to withdraw lands for Native villages determined to be eligible under section 11(b)(3); to withdraw and convey fee title to cemetery sites and historical places under section 14(h)(1); to withdraw and convey title to lands for certain Native groups under section 14(h)(2); to withdraw and convey title to lands for Natives residing in certain cities under section 14(h)(3); to convey surface and subsurface estates in land under section 14(h)(5); and to approve applications for allotments and issue patents under section 18(a).

JOHN C. WHITAKER,
Acting Secretary of the Interior.

NOVEMBER 20, 1973.

[FR Doc.73-25383 Filed 11-29-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

CHUGACH ELECTRIC ASSOCIATION, INC.

Draft Environmental Statement

Notice is hereby given that the Rural Electrification Administration has prepared a Draft Environmental Statement in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969, in connection with a loan to Chugach Electric Association, Inc., Box 3518, Anchorage, Alaska 99501. This loan includes financing for an addition to the existing Beluga, Alaska, generating station. The addition will include two new 58.5 MW (nominal rating) natural gas-fired regenerative gas turbines to be known as Unit No. 5 and Unit No. 6.

Additional information may be secured on request, submitted to the Assistant Administrator-Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250. Comments are particularly invited from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved from which comments have not been requested specifically.

Copies of the REA Draft Environmental Statement have been sent to various Federal, State and local agencies, as outlined in the Council on Environmental Quality Guidelines. The Draft Environmental Statement may be examnied during regular business hours at the offices of REA in the South Agriculture Building, 12th Street and Independence Avenue SW., Washington, D.C., Room 4310, or at the borrower address indicated above.

Comments concerning the environmental impact of the construction proposed should be addressed to the Assistant Administrator-Electric at the address given above. Comments must be received on or before January 14, 1974 to be considered in connection with the proposed action.

Final REA action with respect to this matter (including any release of funds) will be taken only after REA has reached satisfactory conclusions with respect to its environmental effects and after procedural requirements set forth in the National Environmental Policy Act of 1969 have been met.

Dated at Washington, D.C., this 26 day of November, 1973.

DAVID A. HAMIL,
Administrator, Rural Electrification Administration.

[FR Doc.73-25435 Filed 11-29-73;8:45 am]

DEPARTMENT OF COMMERCE

Maritime Administration

WATERMAN STEAMSHIP CORP.

Notice of Application

[Docket No. S-398]

Notice is hereby given that Waterman Steamship Corporation has applied for permission to make a minimum of 20 and a maximum of 35 calls annually inbound and outbound at United States Atlantic Coast ports with its subsidized vessels serving Trade Route No. 21 between U.S. Gulf ports and ports in the United Kingdom, Republic of Ireland and Continental Europe including ports in Scandinavia and Baltic countries (including ports in the U.S.S.R.) and U.S.S.R. ports east of Finland in the Barents Sea. Contract No. MA/MSB-253 which the applicant seeks to have amended is effective for at least calendar years 1973 and 1974 but not in excess of three years.

Any person, firm or corporation having any interest in such application and desiring a hearing on issues pertinent to Section 605(c) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1175), should by close of business on December 14, 1973 notify the Secretary, Maritime Subsidy Board in writing, in triplicate, and file petition for leave to intervene in accordance with the Rules of Practice and Procedure of the Maritime Subsidy Board.

In the event a section 605(c) hearing is ordered to be held, the purpose thereof will be to receive evidence relevant to (1) whether the application is one with respect to vessels to be operated in an essential service, served by citizens of the United States which would be in addition to the existing service, or services, and if so whether the service already provided by vessels of United States registry in such essential service is inadequate, and (2) whether in the accomplishment of the purpose and policy of the Act additional vessels should be operated thereon.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Maritime Subsidy Board determines the petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board will take such action as may be deemed appropriate.

By Order of the Maritime Subsidy Board/Maritime Administration.

Dated: November 28, 1973.

JAMES S. DAWSON, Jr.,
Secretary.

(Catalog of Federal Domestic Assistance Program No. 11.504 Operating-Differential Subsidies (ODS).)

[FR Doc.73-25555 Filed 11-29-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. 69–7; Notice 30]

OCCUPANT CRASH PROTECTION

Denial of Petition for Reconsideration

This notice responds to a petition by Mr. Jesse M. Hollins for reconsideration of amendments to the seat belt interlock option of Motor Vehicle Safety Standard No. 208, *Occupant Crash Protection*, as adopted by notice of June 20, 1973 (38 FR 16072).

Mr. Hollins' petition is based on the agency's denial, in the June 20 notice and in an earlier notice of April 20, 1973 (38 FR 9830), of his petition for an alternative to the seat belt interlock system. The alternative system advocated by Mr. Hollins, although it involves a starter interlock feature, differs in several respects from the system specified in S7.4 of the standard.

The principal difference between the systems lies in the method by which they attempt to assure belt operation each time the vehicle is started. S7.4 specifies that the belt at each occupied front outboard position must be operated after the occupant is seated. Mr. Hollins' system has no similar logic system, but relies instead on a device which causes the seat belt warning system to operate whenever the belts remain in operation after the key is removed from the ignition. By having the warning buzzer sound in this manner, Mr. Hollins' system would induce occupants to disconnect any belts they might be tempted to leave buckled on the seat upon leaving the car. If an occupant is thus persuaded to disconnect his belt, upon reentry he would have to reoperate the belt in order to start the car, thereby following a belt operation sequence similar to that achieved by S7.4.

S7.4 further specifies that one of the conditions for interlock operation is the presence of a person of specified weight in the driver's seat and that the belt operation needed to override the interlock and start the car is either the buckling of the belt or the withdrawal of the belt by at least 4 inches. Mr. Hollins states that his system avoids the need for a weight sensor in the driver's seat by requiring the belt to be extended by an amount 6 inches less than that necessary to fit a 5th percentile adult female.

S7.4 further specifies that the right front passenger's seat must have an interlock feature. Mr. Hollins' system apparently provides interlock capability only at the driver's position.

With respect to the operation of the warning system specified by S7.3, the standard specifies that the warning must not operate when the engine is operating and the transmission is in "park", for automatic transmissions, or "neutral", for manual transmissions. Mr. Hollins' system would require warning system operation whenever the engine is running and the belts are not operated, regardless of the position of the transmission gear selector.

Not all features of the Hollins' system are incompatible with the requirements of S7.3 and S7.4. For example, the standard does not regulate the behavior of the warning system when the key is in the "off" position or when it is removed from the ignition. The feature of the Hollins' system whereby the warning system would operate after the key is removed is therefore permissible and may be installed without violation of Standard No. 208. Similarly, a system, such as Mr. Hollins', that does not permit starter operation until the webbing has been withdrawn to a distance considerably greater than 4 inches would be allowable under S7.4, which specifies that the webbing must be withdrawn "at least" 4 inches.

However, with respect to the principal distinction of Mr. Hollins' system, the substitution of the key-out warning in place of direct sequential logic, this agency has concluded that his system must be denied status as an alternative to the existing interlock system. Although his system involves fewer components than the logic system specified by S7.4, it also lacks the direct use incentive provided by the existing interlock system. It may be that some persons who would otherwise defeat a non-logic system by knotting the belts or buckling them behind the seat would be deterred by knowing that the warning would sound when they removed the key. It seems likely, however, that a frequent response would be to exit from the car quickly, leaving the warning to sound in an empty car. The consequences of this behavior on the longevity of the system, and on the reliability of the car's electrical system, are not known but are unlikely to be beneficial.

With respect to other areas of inconsistency of the Hollins system with the requirements of Standard No. 208, the petition is also denied. The operation of the warning system while the car is idling in park or neutral would create an inconvenience that S7.3.3 and S7.3.4 were designed to avoid. The agency does not see any benefit to be gained from requiring or permitting warning system operation in such cases. Similarly, the omission of the right front passenger position from the interlock system does not appear warranted by considerations of safety.

For these reasons, Mr. Hollins' petition for alternative requirements in Standard No. 208 is denied.

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

Issued on November 26, 1973.

JAMES B. GREGORY,
Administrator.

[FR Doc.73–25411 Filed 11–29–73;8:45 am]

National Transportation Safety Board

[Docket No. SS–H–33]

HIGHWAY ACCIDENT ON NEW JERSEY TURNPIKE

Notice of Investigation and Hearing

In the Matter of the Investigation of the Highway Accident Involving a Series of Multiple-Vehicle Collisions and Fires Under Limited Visibility Conditions, New Jersey Turnpike, Gates 15–18, October 23/24, 1973.

Notice is hereby given that a Highway Accident Investigation Hearing on the above matter will be held commencing at 9:00 a.m. (e.s.t.) on Tuesday, December 11, 1973, in the Grand Ball Room, Ramada Inn, Route 18 and Schoolhouse Lane, East Brunswick, New Jersey.

Dated this 15th day of November 1973.

ISABEL A. BURGESS,
Chairman, Board of Inquiry.

[FR Doc.73–25385 Filed 11–29–73;8:45 am]

ATOMIC ENERGY COMMISSION

[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]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS, SUBCOMMITTEE ON REGULATORY GUIDES

Notice of Meeting

NOVEMBER 23, 1973.

In accordance with the purpose of Sections 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards' Subcommittee on Regulatory Guides will hold a meeting on December 3, 1973, in Room 1046, 1717 H Street, NW., Washington, D.C. The purpose of this meeting will be to discuss Regulatory Staff drafts of the following proposed Regulatory Guides in Division 1 of the Regulatory Guide series:

(1) proposed Regulatory Guide 1.XX, "Physical Independence of Electric Systems", Draft 1, dated October 26, 1973;

(2) proposed Regulatory Guide 1.XX, "Quality Assurance Terms and Definitions", Draft 1, dated October 29, 1973; and

(3) proposed Revision 1 of former Safety Guide 12, "Instrumentation for Earthquakes", Draft 1, dated September 12, 1973.

The following constitutes that portion of the Subcommittee's agenda for the above meeting which will be open to the public:

Monday, December 3, 1973, 1:00 p.m. until the conclusion of business—Discussion with representatives of the AEC Regulatory Staff regarding the proposed Regulatory Guides.

In connection with the above agenda items, the Subcommittee will hold Executive Sessions, not open to the public, at approximately 12:30 p.m. and at the end of the day to exchange opinions and formulate recommendations to the ACRS.

I have determined, in accordance with subsection 10(d) of Public Law 92-463, that the above-noted Executive Sessions will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b). It is essential to close such portions of the meeting to protect the free interchange of internal views and to avoid undue interference with agency or Committee operation.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda items may do so by mailing 25 copies thereof to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Atomic Energy Commission, Washington, D.C. 20545. To be considered, comments must be received in the ACRS Office by the close of business (5:15 p.m. Eastern Standard Time) on December 6, 1973. The submission of written comments after the meeting is a departure from ACRS practice and is permitted only for this meeting to accommodate subcommittee scheduling requirements. Such comments shall be based upon the subject matter of the proposed Regulatory Guides which are agenda items and related documents which will be available on request at the meeting.

(b) To the extent that the time available for the meeting permits, the Subcommittee will receive oral statements during a period of not more than 30 minutes at an appropriate time, chosen by the Chairman of the Subcommittee, between the hours of 1 p.m. and 3 p.m. on December 3, 1973.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Subcommittee, who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting has been cancelled or rescheduled can be obtained by a prepaid telephone call on November 30, 1973, to the Office of the Executive Secretary of the Committee (telephone: 301-973-5651) between 8:30 a.m. and 5:15 p.m., e.s.t.

(e) Questions may be propounded only by members of the Subcommittee and its consultants.

(f) Seating for the public will be available on a first-come, first-served basis.

(g) The use of still and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(h) A copy of the transcript of the open portions of the meeting will be available for inspection during the following workday at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545. On request, copies of the minutes of the meeting will be made available for inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545 on or after February 3, 1973. Copies may be obtained upon payment of appropriate charges.

JOHN C. RYAN,
Advisory Committee Management Officer.

[FR Doc.73-25378 Filed 11-29-73;8:45 am]

[Docket Nos. 50-375, 50-323]

PACIFIC GAS AND ELECTRIC CO.

Establishment To Rule on Petitions To Intervene

Pursuant to delegation by the Commission dated December 29, 1972, published in the FEDERAL REGISTER (27 FR 38710) and sections 2.105, 2.700, 2.702, 2.714, 2.714a, 2.717 and 2.721 of the Commission's regulations, all as amended, an Atomic Safety and Licensing Board is being established to rule on petitions and/or requests for leave to intervene in the following proceeding: Pacific Gas and and Electric Company, (Diablo Canyon Nuclear Power Plant, Units 1 and 2).

This action is in reference to the "Notice of Receipt of Application for Facility Operating Licenses; Notice of Consideration of Issuance of Facility Operating Licenses and Notice of Opportunity for Hearing" published by the Commission on October 19, 1973, in the above matter (38 FR 29105).

The members of the Board are:

James R. Yore, Esq., Chairman
Robert M. Lazo, Esq., Member
Dr. Marvin M. Mann, Member

Dated at: Washington, D.C., this 26th day of November 1973.

ATOMIC SAFETY AND LICENSING BOARD PANEL,

NATHANIEL H. GOODRICH,
Chairman

[FR Doc.73-25379 Filed 11-29-73;8:45 am]

[Docket Nos. 50-354 and 50-355]

PUBLIC SERVICE ELECTRIC AND GAS CO.

Notice of Availability of Draft Environmental Statement

Pursuant to the National Environmental Policy Act of 1969 and the U.S. Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that a Draft Environmental Statement, prepared by the Commission's Directorate of Licensing, related to the proposed issuance of construction permits for the Public Service Electric and Gas Company's Hope Creek Generating Station, Nos. 1 and 2 Units (formerly designated as Newbold Island Nuclear Generating Station, Units 1 and 2), to be located in Lower Alloways Creek Township in Salem County, New Jersey, is available for inspection by the public in the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C. 20545, and in the Salem Free Public Library, 112 West Broadway, Salem, New Jersey 08079. The draft Environmental Statement is also being made availal'e at the Division of State and Regional Planning, Department of Community Affairs, P.O. Box 2768, Trenton, New Jersey 08625, and at the Wilmington Metropolitan Area Planning and Coordinating Council, 4613 Robert Kirkwood Highway, Wilmington, Delaware 19808. Copies of the Commission's Draft Environmental Statement may be obtained by request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Pursuant to 10 CFR Part 50, Appendix D, interested persons may submit comments on the Draft Environmental Statement for the Commission's consideration. Federal and State agencies are being provided with copies of the Draft Environmental Statement (local agencies may obtain these documents upon request). Comments are due by January 14, 1974. When comments thereon by Federal, State and local officials are received by the Commission, such comments will be made available for public inspection at the Commission's Public Document Room in Washington, D.C. 20545, and at the Salem Free Public Library, 112 West Broadway, Salem, New Jersey 08079. Comments on the Draft Environmental Statement from interested members of the public should be addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Maryland, this 27th day of November 1973.

For the Atomic Energy Commission.

B. J. YOUNGBLOOD,
Chief, Environmental Projects Branch No. 3, Directorate of Licensing.

[FR Doc.73-25478 Filed 11-29-73;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 25280, etc.; Order 73-11-100]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Currency Matters and Passenger Fares

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 21st day of November 1973.

Agreements[1] have been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA). The agreements, which were adopted at various passenger traffic conferences held at Nice and Monaco during August/September/October 1973, have been assigned the above C.A.B. agreement numbers.

In general, the agreements propose technical and procedural revisions designed to protect the integrity of various fares when payment is required or tendered in a particular local currency or basic currency for traffic originating in that country. Specifically, the agreements propose negative surcharges averaging 7.4 percent on local currency sales of normal fares to the United States for transportation originating in Austria, Belgium, Germany, and the Netherlands, as well as France, Switzerland, and Scandinavia should competitive reasons so require.[2] Likewise, negative surcharges would be imposed on fares from these countries to points in South America, the Caribbean, Africa, the Middle East, Asia and the Pacific.

Additionally, various adjustments or new surcharges are proposed for local currency sales of passenger and cargo transportation sold from various countries in Europe/Africa/Middle East, the Caribbean, and Asia and the Pacific. In regard to U.S. points, a 6-percent surcharge is proposed on transportation sold in the U.S. Virgin Islands to Europe/Africa/Middle East (passenger and cargo) and to Asia and the Pacific (passenger only), and a 5-percent surcharge on sales for American Samoan originating passenger transportation to the Western Hemisphere via the Atlantic. The agreements also include a 5-percent surcharge on sales for Guam originating passenger and cargo transportation to points in Europe/Africa/Middle East, within Asia and the Pacific, and the Western Hemisphere over the Atlantic. This surcharge from Guam is proposed to drop to 3 percent on January 1, 1974.

Amendments are also proposed to existing resolutions governing special rules for passenger fares and cargo rates so as to provide a mechanism whereby local panels of airline representatives would be established to meet and determine the source of and publish appropriate banker's rates for use in currency transactions within the particular local area concerned. For the U.S., the source of such banker's rates would be those published each Tuesday in the Wall Street Journal and would apply from Wednesday to Tuesday of the following week.

Finally, increases in selected first- and economy-class fares are proposed, as well as the addition of numerous creative

[1] Expedited resolutions R-1 through R-4 of Agreement C.A.B. 24006, are proposed to be effective November 1, 1973 and to expire December 31, 1973, the day after which the new North Atlantic fare structure proposed in Agreement C.A.B. 24006, R-5 through R-38 is intended to become effective. Agreement C.A.B. 24007 for expedited November 1, 1973 effectiveness adjusts currency matters within the present South Atlantic fare structure due to expire March 31, 1974. Agreement C.A.B. 24008, with two major exceptions, is for November 1, 1973 effectiveness and generally adjusts currency matters for fares and rates in most other world areas. The two exceptions are a 3 percent surcharge on Guam originating rates and fares to points in Europe/Africa/Middle East, the Western Hemisphere over the Atlantic, and within the Pacific for January 1, 1974 effectiveness, and a revalidation of special conversion rates for use within the Western Hemisphere for April 1, 1974 effectiveness. Agreement C.A.B. 24009 for expedited December 1, 1973 effectiveness deals with fares wholly within Africa.

[2] 14/21 day and 22/45 day excursion fares from Switzerland to US/Canada/Mexico points may be negatively surcharged 4 and 2 percent respectively should competitive circumstances so dictate.

fares for use solely within Africa. One way surcharges of 4.90 and 3.90 U.K. pounds ($12.76 and $10.16) are proposed to apply in first- and economy-class fares, respectively, for travel between Zambia and Southern Africa via Blantyre, Malawi. The amendments to first- and economy-class fares have only indirect application in air transportation and will be approved. Jurisdiction is disclaimed with respect to the creative fares, which are not combinable with other fares.

At present, the U.S. dollar and the U.K. pound are the basic currencies adopted by IATA for the specification of international passenger fares and cargo rates. Basic fares and rates within the Western Hemisphere, and over the Atlantic and Pacific, are generally specified in terms of dollars, while sterling is the basic currency in other world areas. Most presently effective basic fares were agreed to at the Geneva Conference of December 1971, and have been in effect since April 1972. Adjustments to account for the second (February 1973) dollar devaluation have generally been accomplished through surcharges on the local currency fare, derived by conversion from the specified basic fare using rates of exchange set forth in Resolution 021b.

At present, use of the applicable IATA rules for calculation of local currency fares for transportation originating in certain European countries results in a level of fares which is unrealistically high in terms of today's effective exchange rates. This has created an inequity to the passenger whose currency has appreciated and caused diversion of traffic and currency manipulation by passengers seeking to take advantage of more favorable exchange rates and hence lower fares in nearby countries. The instant agreements, in part, are an attempt to remedy this situation by introducing negative surcharges on undervalued currencies so as to bring the relationships among the various world currencies more into line and thus establish a practical stability in air transportation pricing which, in our opinion, is desirable in the interests of both the traveling public and the carriers.

In general, there are two sets of circumstances which may require or justify a fare increase by means of a surcharge on dollar sales of transportation from U.S. points to account for dollar devaluation. The first is one in which U.S. carrier operations abroad earn less revenues in the foreign local currency than the local expenses incurred in that currency. In such a case, dollars must be exported to cover the deficit, and more of the lower valued dollars are required of our carriers to maintain the *status quo*. The second set of conditions which warrants fare adjustments because of devaluation involves the relationship between revenues and expenses of foreign carriers in the conduct of their business in the United States. If the revenues earned in devalued dollars within the U.S. exceed the dollar expenses paid out, the value of the excess is reduced when the funds are remitted.

The surcharges of 5 percent and 6 percent proposed respectively for sales in American Samoa and the U.S. Virgin Islands are consistent with those previously found by the Board to be warranted in the areas concerned due to the cost/revenue impact of dollar devaluation.[3] We conclude that approval here is likewise warranted. On the other hand, the Board earlier concluded that a 5-percent surcharge on dollar fares in the North/Central area (including Guam) was not required by the dollar devaluation and disapproved the relevant agreements.[4] No evidence has been presented which would indicate that such a surcharge is now warranted and the proposal will be disapproved. Our action herein is limited to that portion of the resolutions which proposes a 5-percent surcharge through the end of 1973. The 3-percent surcharge proposed to become effective January 1, 1974 will be considered in conjunction with our disposition of the overall North/Central Pacific fares package intended to become effective on that date.

The Board, acting pursuant to sections 102, 204(a) and 412 of the Act, makes the following findings:

1. It is not found that the following resolutions, incorporated in the agreements indicated, are adverse to the public interest or in violation of the Act, insofar as they apply to American Samoa and to all other points except all U.S. territories and possessions within the Pacific:

Agreement CAB	IATA No.	Title	Application
24006:			
R-1	022f	Expedited JT12 and JT123 (North Atlantic) Special Rules for Sale of Passenger Air Transportation (Amending).	1/2; 1/2/3 (N. Atl.).
R-2	022z	Expedited JT12 (North Atlantic) Special Rules for Sales of Passenger Air Transportation from TC2 to TC1 (New).	1/2 (N. Atl.).
R-3	054a	(Expedited) North Atlantic First-Class Fares (Amending)	1/2 (N. Atl.).
R-4	064a	(Expedited) North Atlantic Economy-Class Fares (Amending)	1/2 (N. Atl.).
R-5	022h	JT12/JT123 (South Atlantic) Special Rules for Sales of Passenger Air Transportation (Revalidating and Amending).	1/2; 1/2/3 (So. Atl.).
24008:			
R-1	002	Standard Revalidation Resolution (Effective April 1, 1974)	1.
R-2	002	Standard Revalidation Resolution (Effective April 1, 1974)	1;2;3.
R-3	021b	Rates of Exchange (Amending)	1;2;3.
R-8	022e	TC3 Special Rules for Sales of Passenger Air Transportation (Revalidating and Amending).	3.
R-9	022f	JT23/JT123 Special Rules for Sales of Passenger Air Transportation (Revalidating and Amending).	2/3; 1/2/3.
R-10	022g	JT31 Special Rules for Sales of Passenger Air Transportation (Revalidating and Amending).	3/1 (So. Pacific).
R-11	022n	JT12 and JT123 (Mid Atlantic) Special Rules for Sales of Passenger Air Transportation (Revalidating and Amending).	1/2; 1/2/3; (Mid Atl.).
R-12	022v	JT23 Special Rules for Sales of Passenger Air Transportation from TC2 to TC3 (New).	2/3.
R-13	022y	JT12 (Mid Atlantic) Special Rules for Sales of Passenger Air Transportation from TC2 to TC1 (New).	1/2 (Mid Atl).
R-14	022a 022b	(Expedited) Special Rules for Sales of Cargo Air Transportation (TC3, JT23, JT123) (Amending).	3;2/3; 1/2/3.
R-15	022m, 022a, 022j, 022k, 022L, 022b, 022c	Special Rules for Sales of Cargo Air Transportation (TC2, TC3, JT12 North, Mid and South Atlantic, JT23, JT31 South Pacific, JT123) (Amending).	2;3;1/2; 2/3;3/1; 1/2/3.

2. It is not found that the following resolutions, incorporated in the agreements indicated and which have indirect application in air transportation as defined by the Act, are adverse to the public interest or in violation of the Act:

Agreement CAB	IATA No.	Title	Application
24007:			
R-2	003	Standard Rescission Resolution-South Atlantic	1/2 (S. Atl.). 1/2/3 (via Atlantic except TC2 and TC3 via TC1).
R-4	022w	JT12 (South Atlantic) Special Rules for Sales of Passenger Air Transportation from TC2 to TC1 (New).	1/2 (S. Atl.).
R-5	054c	(Expedited) South Atlantic Normal First-Class Fares (Amending).	1/2 (S. Atl.).
R-6	064c	(Expedited) South Atlantic Economy-Class Fares (Amending)	1/2 (S. Atl.).
24008:			
R-6	022d	TC2 Special Rules Relating to Sales of Passenger Air Transportation (Revalidating and Amending).	2.
R-7	022dd	TC2 Special Rules for Sales of Passenger Air Transportation (New).	2.
24009:			
R-1	052	TC2 First-Class Fares (Amending) (Expedited)	2.
R-2	062	TC2 Economy-Class Fares (Amending) (Expedited)	2.

3. It is not found that the following resolutions, incorporated in the agreements indicated, are adverse to the public interest or in violation of the Act: *Provided*, That approval is subject to conditions previously imposed by the Board:

[3] Orders 73-7-55 (July 12, 1973), 73-4-64 (April 13, 1973) and Opinion and Order on Remand 73-10-55 (October 15, 1973).

[4] Order 73-7-54 (and errata thereto) (July 12, 1973) and 73-8-124 (August 24, 1973).

Agreement CAB	IATA No.	Title	Application
24007: R-1	001b	(Expedited) South Atlantic Special Effectiveness Resolution (Tie-In).	1/2 (S. Atl). 1/2/3 (via Atlantic except TC2 and TC3 via TC1).
24008: R-4	021L	Special Rules for Fares Currency Adjustments (Revalidating and Amending).	1 (except transportation wholly within TC1)2/3.
R-5	021LL	Special Rules for Currency Adjustments (Cargo Rates) (Amending).	1;2;3.

4. It is found that the following resolutions, incorporated in the agreements indicated, are adverse to the public interest and in violation of the Act, insofar as they apply in air transportation to/from all U.S. territories and possessions within the Pacific, except American Samoa, up to and including December 31, 1973:

Agreement CAB	IATA No.	Title	Application
24007: R-3	022h	JT12/JT123 (South Atlantic) Special Rules for Sales of Passenger Air Transportation (Revalidating and Amending).	1/2; 1/2/3 (So. Atl.).
24008: R-8	022e	TC3 Special Rules for Sales of Passenger Air Transportation (Revalidating and Amending).	3.
R-9	022f	JT23/JT123 Special Rules for Sales of Passenger Air Transportation (Revalidating and Amending).	2/3; 1/2/3.
R-11	022n	JT12 and JT123 (Mid Atlantic) Special Rules for Sales of Passenger Air Transportation (Revalidating and Amending).	1/2; 1/2/3 (M. Atl.).
R-14	022a, 022b	(Expedited) Special Rules for Sales of Cargo Air Transportation (TC3, JT23, JT123) (Amending).	3; 2/3; 1/2/3.
R-15	022m, 022a, 022j, 022k, 022L, 022b, 022e	Special Rules for Sales of Cargo Air Transportation (TC2, TC3, JT12 North, Mid and South Atlantic, JT23, JT31 South Pacific, JT123) (Amending).	2; 3; 1/2; 2/3; 3/1; 1/2/3.

5. It is not found that the following resolutions, incorporated in Agreement C.A.B. 24009, affect air transportation within the meaning of the Act:

Agreement CAB	IATA No.	Title	Application
24009: R-3	072b	TC2 Creative Fares Except Europe (Amending) (Expedited) (November 1, 1973).	2.
R-4	072b	TC2 Creative Fares Except Europe (Amending) (Expedited) (November 15, 1973).	2.
R-5	072b	TC2 Creative Fares Except Europe (Amending) (Expedited) (December 1, 1973).	2.

Accordingly, it is ordered, That:

1. Those portions of Agreements C.A.B. 24006, 24007, and 24008, described in finding paragraph 1 above, be and hereby are approved, insofar as they apply to American Samoa and to all other points except all U.S. territories and possessions within the Pacific;

2. Those portions of Agreements C.A.B. 24007, 24008, and 24009, described in finding paragraph 2 above, which have indirect application in air transportation as defined by the Act be and hereby are approved;

3. Those portions of Agreements C.A.B. 24007 and 24008, described in finding paragraph 3 above, be and hereby are approved, subject to conditions previously imposed by the Board;

4. Those portions of Agreements C.A.B. 24007 and 24008, described in finding paragraph 4 above, be and hereby are disapproved, insofar as they apply in air transportation to/from all U.S. territories and possessions within the Pacific, except American Samoa, up to and including December 31, 1973;

5. Action be and hereby is deferred with respect to those portions of Agreements C.A.B. 24007 and 24008 described in paragraph 4 above insofar as they apply in air transportation to/from all U.S. territories and possessions within the Pacific, except American Samoa, on and after January 1, 1974; and

6. Jurisdiction is disclaimed with respect to those portions of Agreement C.A.B. 24009 described in finding paragraph 5 above.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-25348 Filed 11-29-73;8:45 am]

[Docket 26012]

ATLANTIC CENTRAL AIRLINES LTD.

Postponement of Prehearing Conference and Hearing

In the matter of foreign air carrier permit, Saint John, New Brunswick, Canada-Bangor, Maine service.

Notice is hereby given that the prehearing conference and hearing in the above-entitled proceeding have been postponed from December 11, 1973 (38 FR 31556, November 15, 1973), to January 10, 1974, at 10 a.m. (local time) in Room 503, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before January 3, 1974.

Dated at Washington, D.C., November 26, 1973.

[SEAL] MILTON H. SHAPIRO,
Administrative Law Judge.

[FR Doc.73-25426 Filed 11-29-73;8:45 am]

CIVIL SERVICE COMMISSION

DEPARTMENT OF AGRICULTURE

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Agriculture to fill by noncareer executive assignment in the excepted service the position of Deputy Administrator, Rural Development Service, Office of the Administrator.

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

[FR Doc.73-25398 Filed 11-29-73;8:45 am]

DEPARTMENT OF COMMERCE

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Commerce to fill by noncarreer executive assignment in the excepted service the position of Assistant Director for Government Programs, Office of Minority Business Enterprise.

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

[FR Doc.73-25401 Filed 11-29-73;8:45 am]

DEPARTMENT OF DEFENSE

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Defense to fill by noncareer executive assignment in the excepted service the position of Deputy to the Assistant to the Secretary and Deputy Secretary of Defense, Immediate Office, Office of the Secretary of Defense.

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

[FR Doc.73-25400 Filed 11-29-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Deputy Commissioner of Food and Drugs, Food and Drug Administration, Public Health Service, Office of the Assistant Secretary for Health.

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

[FR Doc.73-25395 Filed 11-29-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Notice of Title Change in Noncareer Executive Assignment

By notice of November 17, 1967, F.R. Doc. 67-13608, the Civil Service Commission authorized the departments and agencies to fill by noncareer executive assignment, certain positions removed from Schedule C of Civil Service Rule VI by 5 CFR 213.3301a on November 17, 1967. This is notice that the title of one such position so authorized to be filled by noncareer executive assignment has been changed from Deputy Commissioner on Aging, Social and Rehabilitation Service to Deputy Commissioner on Aging, Administration on Aging, Office of the Assistant Secretary for Human Development, Office of the Secretary.

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

[FR Doc.73-25403 Filed 11-29-73;8:45 am]

DEPARTMENT OF THE INTERIOR

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of the Interior to fill by noncareer executive assignment in the excepted service the position of Assistant to the Secretary, Office of the Secretary.

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

[FR Doc.73-25399 Filed 11-29-73;8:45 am]

DEPARTMENT OF THE INTERIOR

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of the Interior to fill by noncareer executive assignment in the excepted service the position of Associate Director, Office of Water Resources Research, Office of the Secretary.

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

[FR Doc.73-25402 Filed 11-29-73;8:45 am]

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Occupational Safety and Health Review Commission to fill by noncareer executive assignment in the excepted service the position of Chief Counsel.

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

[FR Doc.73-25397 Filed 11-29-73;8:45 am]

UNITED STATES INFORMATION AGENCY

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the United States Information Agency to fill by noncareer executive assignment in the excepted service the position of Assistant Director, USIA (Public Information).

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

[FR Doc.73-25396 Filed 11-29-73;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN COSTA RICA

Entry or Withdrawal From Warehouse for Consumption

NOVEMBER 27, 1973.

On November 20, 1973, the United States Government in furtherance of the objectives of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles, done at Geneva on February 9, 1962, including Article 6(c) thereof relating to non-participants, informed the Government of Costa Rica that it was renewing for an additional twelve-month period beginning November 28, 1973 and extending through November 27, 1974, the restraint on imports into the United States of cotton textile products in Category 51, produced or manufactured in Costa Rica. Pursuant to Annex B, paragraph 2, of the Long-Term Arrangement, the level of restraint for this twelve-month period is five (5) percent greater than the unadjusted level of restraint applicable to this category for the preceding twelve-month period.

There is published below a letter of November 27, 1973, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, directing that the amount of cotton textile products in Category 51, produced or manufactured in Costa Rica, which may be entered or withdrawn from warehouse for consumption in the United States for the twelve-month period beginning November 28, 1973, be limited to 18,634 dozen.

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

Committee for the Implementation of Textile Agreements

COMMISSIONER OF CUSTOMS
Department of the Treasury
Washington, D.C.

NOVEMBER 27, 1973.

Dear Mr. Commissioner: Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 6(c) thereof relating to non-participants, and in accordance with the procedures of Executive Order 11651 of March 3, 1972 you are directed to prohibit, effective November 28, 1973 and for the twelve-month period extending through November 27, 1974, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Category 51, produced or manufactured in Costa Rica, in excess of a level of restraint for the period of 18,634 dozen.

In carrying out this directive, entries of cotton textile products in Category 51, produced or manufactured in Costa Rica, which have been exported to the United States from Costa Rica prior to November 28, 1973, shall, to the extent of any unfilled balances, be charged against the level of restraint established for such goods during the period November 28, 1972 through November 27, 1973. In the event that the level of restraint established for that period has been exhausted by previous entries, such goods shall be subject to the level set forth in this letter.

A detailed description of Category 51 in terms of TSUSA numbers was published in the Federal Register on April 29, 1972 (37 F.R. 8802), as amended on February 14, 1973 (38 F.R. 4436).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Costa Rica and with respect to imports of cotton textiles and cotton textile products from Costa Rica have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within

the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the Federal Register.

Sincerely,

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

[FR Doc.73-25428 Filed 11-29-73;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

STANDARD FOR THE FLAMMABILITY OF MATTRESSES

Approval of Alternate Sampling Plan

In the FEDERAL REGISTER of June 7, 1972 (37 FR 11362), the Secretary of Commerce published the Flammability Standard for Mattresses (DOC FF 4–72) pursuant to provisions of the Flammable Fabrics Act.

Effective May 14, 1973, section 30(b) of the Consumer Product Safety Act (Pub. L. 92–573, 86 Stat. 1231; 15 U.S.C. 2079(b)) transferred all functions under the Flammable Fabrics Act to the Consumer Product Safety Commission.

Subsequently, the Consumer Product Safety Commission amended and reissued the standard (as the Standard for the Flammability of Mattresses (FF 4–72)) in the FEDERAL REGISTER of June 8, 1973 (38 FR 15095). As a result of a judicially imposed temporary stay, the standard as amended became effective June 22, 1973.

The standard contains a sampling plan for the selection and testing of mattresses and mattress pads. A provision (.4(b)(1)) of the standard allows alternate sampling plans to be used provided they are approved by the Consumer Product Safety Commission. Such plans must provide at least the equivalent level of fire safety to the consumer as that provided by the standard's sampling plan.

ALTERNATE SAMPLING PLAN NUMBER 5 TO FF 4–72 MATTRESSES AND MATTRESS PADS

(FF 4–72; as amended)

The following substitutes for .4(b) *Specimen and sampling* of FF 4–72:

4 *Test procedure.*

* * * * *

(b) *Specimen and sampling.*—(1) *General.*—(i) The test criterion of .3(b) of FF 4–72 shall be used in conjunction with this Alternate Sampling Plan No. 5 (ASP No. 5). This ASP No. 5 may be used in conjunction with ASP No. 4 to FF 4–72 (mattress ticking) if desired (ASP No. 4 was published in the FEDERAL REGISTER of June 19, 1973; 38 FR 15990). When ASP No. 4 is so used, the provisions of this ASP No. 5 shall apply with respect to production testing of mattresses or mattress pads.

(ii) Differing options or sampling plans may be employed with respect to differing mattress types and/or production units; however, any sampling plan employed with respect to a specific production unit shall be so employed in its entirety. (NOTE: Throughout this ASP No. 5, "mattress(es)" means "mattress (es or mattress pad(s).")

(iii) For purposes of this ASP No. 5 "initial production quantity" means a quantity of mattresses equalling or exceeding a specified fraction, K, of the quantity to be contained in the production unit to be accepted upon successful completion of the sampling requirements. Each prototype to be included in the production unit shall be represented in the initial production quantity. For each production unit, one of the following four options shall be selected:

(A) *Option 1.* The specified fraction, K, shall be one-thirtieth. The quantity limit shall be 250 mattresses for normal sampling (.4(b)(2)(i)(B)(*1*)) and 1,700 mattresses for reduced sampling (.4(b)(2)(i)(B)(2)) unless a smaller limit is imposed under the provisions of .4(b)(2)(i).

(B) *Option 2.* The specified fraction, K, shall be one-twentieth. The quantity limit shall be 275 mattresses for normal sampling and 2,000 mattresses for reduced sampling unless a smaller limit is imposed under the provisions of .4(b)(2)(i).

(C) *Option 3.* The specified fraction, K, shall be one-tenth. The quantity limit shall be 275 mattresses for normal sampling and 4,650 mattresses for reduced sampling unless a smaller limit is imposed under the provisions of .4(b)(2)(i).

(D) *Option 4.* The specified fraction, K, shall be one-fifth. The quantity limit shall be 550 mattresses for normal sampling and 7,500 mattresses for reduced sampling unless a smaller limit is imposed under the provisions of .4(b)(2)(i).

(2) *Mattress sampling.* The basic mattress sampling plan is made up of two parts: Prototype qualification (.4(b)(2)(i)(A)) and production testing (.4(b)(2)(i)(B)). In addition, a batch sampling plan (.4(b)(2)(ii)) is given that may be used for small production quantities, when shipping requirements prohibit the use of the basic plan or for other reasons at the discretion of the manufacturer.

(i) *Basic sampling plan.* A production unit in the basic sampling plan shall consist of not more than 250 mattresses of a mattress type in normal sampling (.4(b)(2)(i)(B)(*1*)) nor more than 500 mattresses of a mattress type in reduced sampling (.4(b)(2)(i)(B)(2)) or the quantity produced in 1½ consecutive calendar months, whichever is smaller in either case. This production unit size may be increased to the quantity produced in 1½ consecutive calendar months or less: *Provided*, That it is either documented that each of the materials contributing to the cigarette ignition characteristics of all the mattresses in the production unit and the preceding or the following production unit came from a single manufacturing lot of such material, or 50 consecutive production units (at least 20,000 mattresses) have all been accepted in production testing as set forth in .4(b)(2)(i)(B). In no event shall the production unit size exceed quantity limits imposed by the option selected.

(A) *Prototype qualification.* (*1*) For prototype qualification, the term "manufacturer" shall mean (*i*) with respect to a company having one manufacturing facility, that company; (*ii*) with respect to a company having two or more manufacturing facilities, either that company or one or more of its manufacturing facilities as it elects; or (*iii*) with respect to a company that is part of a group of companies that have elected to share in a prototype design, either that group of companies or a portion of that group or (*i*) or (*ii*) above, as that company elects.

(*2*) Each "manufacturer" shall select enough of each mattress prototype from preproduction or current production to provide six surfaces for test (three mattresses if both sides can be tested or six mattresses if only one side can be tested). Test each of the six surfaces according to .4(d) *Testing* of FF 4–72. If all the cigarette test locations on all six surfaces satisfy the test criterion of .3(b) of FF 4–72, accept the mattress prototype. If one or more of the cigarette test locations on the six surfaces fail the test criterion of .3(b), reject the mattress prototype.

(*3*) If it has been elected to include more than one company and/or more than one manufacturing facility in the term "manufacturer" for purposes of prototype qualification, each such company and each such manufacturing facility shall select enough additional prototype mattresses from its own preproduction or current production to provide two surfaces for test. Test each of the two surfaces according to .4(d) of FF 4–72. If all the cigarette test locations on both surfaces satisfy the test criterion of .3(b) of FF 4–72, accept the mattress prototype for that company or manufacturing facility. If one or more of the cigarette test locations on the two surfaces fail the test criterion of .3(b), reject the mattress prototype for that company or manufacturing facility.

(*4*) Mattress prototype qualification may be repeated after the manufacturer has taken action to improve the resistance of the mattress prototype to ignition by cigarettes through mattress design, production, or materials selection. When mattress prototype qualification is repeated as a result of prototype rejection by the "manufacturer," such qualification shall be conducted as if it were an original qualification. When the mattress prototype qualification is repeated as a result of prototype rejection under the provisions of the preceding (*3*) or as a result of production unit rejection, such qualification shall be performed as if the producer of the failing mattress were a company having one manufacturing facility.

(5) Each mattress prototype must be accepted in prototype qualification prior to shipping any mattresses to customers and prior to producing significant quantities of mattresses. If the "manufacturer" is one manufacturing facility, the first production unit manufactured immediately after successful prototype qualification or the production unit from which the mattresses were selected for the successful prototype qualification (not to exceed 500 mattresses in either case) may be accepted and shipped to customers without further testing if all mattresses in the production unit are the same as the prototype except for size.

(B) *Production testing.* For production testing, the term "manufacturer" shall mean each manufacturing facility. Random selection for production testing shall be accomplished by use of random number tables or equivalent means as determined by the Consumer Product Safety Commission. If it is desired to use only mattresses of a specified size (for example, twin) for testing, the drawing may be repeated until sufficient mattresses of that size have been selected. A production unit, except for the first production unit following successful prototype qualification as specified in .4(b)(2)(i)(A), is either accepted or rejected according to the following plan:

(*1*) *Normal sampling.* (*i*) From the initial production quantity (.4(b)(1)(iii)), select enough mattresses to provide two surfaces for test (one mattress if both sides can be tested or two mattresses if only one side can be tested). Test each of the two surfaces according to .4(d) of FF 4–72. If all the cigarette test locations on both surfaces meet the test criterion of .3(b) of FF 4–72, accept the production unit. If two or more individual cigarette test locations fail the test criterion of .3(b), reject the production unit. If only one individual cigarette test location fails the test criterion of .3(b), select enough additional mattresses from the initial production quantity to provide six additional surfaces for test. Test each of the six additional surfaces according to .4(d). If all the cigarette test locations on the six additional surfaces meet the test criterion of .3(b), accept the production unit. If one or more of the individual cigarette test locations on the six additional surfaces fail the test criterion of .3(b), reject the production unit.

(*ii*) Production unit rejection shall include all mattresses in the particular production unit under test. Such rejection also results in the loss of prototype qualification (.4(b)(2)(i)(A)) for all prototypes included in the production unit under test.

(*2*) *Reduced sampling.* (*i*) The level of sampling required for mattress production acceptance may be reduced provided the preceding 15 consecutive production units of mattresses (at least 500 mattresses) have all been accepted using the normal sampling plan of this ASP No. 5 (.4(b)(2)(i)(B)(*1*)) or that of FF 4–72. The production quantity for reduced sampling under this ASP No. 5 shall consist of one production unit as defined in .4(b)(2)(i).

(*ii*) From the initial production quantity (.4(b)(1)(iii)), randomly select enough mattresses to provide four surfaces for test. Test each of the four surfaces according to .4(d) of FF 4–72. If all the cigarette test locations on the four surfaces meet the test criterion of .3(b) of FF 4–72, accept the production unit. If two or more individual cigarette test locations fail the test criterion of .3(b), reject the production unit. If only one individual cigarette test location fails the test criterion of .3(b), accept the production unit.

(*iii*) Production unit rejection shall include all mattresses in the particular production unit under test. Such rejection also results in the loss of prototype qualification (.4(b)(2)(i)(A)) for all prototypes included in the production unit under test.

(ii) *Batch sampling plan.* For the batch sampling plan, the term "manufacturer" shall mean each manufacturing facility. A production unit in the batch sampling plan shall consist of not more than 250 mattresses or the quantity produced in one period of 30 consecutive calendar days, whichever is smaller.

(A) *Batch unit qualification and acceptance.* (*1*) Select enough mattresses from the initial production of the production unit to provide four surfaces for test (two mattresses if both sides can be tested or four mattresses if only one side can be tested). Test each of the four surfaces according to .4(d) of FF 4–72. If all the cigarette test locations on the four surfaces meet the test criterion of .3(b) of FF 4–72, accept the production unit. If one or more of the cigarette test locations on the four surfaces fail the test criterion of .3(b), reject the production unit.

(*2*) After rejection, production unit qualification and acceptance under this batch sampling plan may be repeated after the resistance of the mattress to ignition by cigarettes is improved by the manufacturer taking corrective action in mattress design, production, or materials selection.

(*3*) Acceptance of any production unit under this batch sampling plan shall not have any effect on prototype qualification (.4(b)(2)(i)(A)) or production unit acceptance of any other production unit.

(3) *Disposition of rejected units.* Rejected production units shall not be retested, offered for sale, sold, or promoted for use as mattresses as defined in .1(a) of FF 4–72 except after reworking to improve the resistance to ignition by cigarettes and subsequent retesting in accordance with the procedures set forth in the basic sampling plan (.4(b)(2)(i)).

(4) *Records.* Records of all production unit sizes, test results, and the disposition of rejected production units shall be maintained by the manufacturer in accordance with regulations established by the Consumer Product Safety Commission (see 16 CFR 302.20).

(5) *Preparation of mattress samples.* The mattress surface shall be divided laterally into two sections (see figure 1 of FF 4–72); one section for the bare mattress tests and the other for the two-sheet tests.

(6) *Sheet selection.* The sheets shall be white, 100-percent combed cotton percale, not treated with a chemical finish which imparts a characteristic such as permanent press or flame resistance, and shall have 170–200 threads per square inch and fabric weight of 115±14 grams per square meter (3.4±0.4 ounces per square yard), or shall be of another type approved by the Consumer Product Safety Commission. Size of sheet shall be appropriate for the mattress being tested.

(7) *Sheet preparation.* The sheet shall be laundered once before use (in an automatic home washer using the hot water setting and longest normal cycle with the manufacturer's recommended quantity of a commercial detergent) and dried in an automatic home tumble dryer. The sheet shall be cut across the width into two equal parts after washing.

(8) *Cigarettes.* Unopened packages of cigarettes shall be selected for each series of tests.

(9) *Compliance marketing sampling plans.* (i) Sampling plans for use in market testing of items covered by the standard (FF 4–72) may be issued by the Consumer Product Safety Commission. Such plans shall define noncompliance of a production unit to exist only when it is shown, with a high level of statistical confidence, that those production units represented by tested items which fail such plans will in fact fail the standard.

(ii) Production units found to be noncomplying under these provisions shall be deemed not to conform to the standard (FF 4–72).

(iii) The Consumer Product Safety Commission will propose such plans in the FEDERAL REGISTER for public comment prior to their promulgation.

(10) *Postponement of production testing.* Temporary suspension of production testing may be granted on a case-by-case basis by the Consumer Product Safety Commission in those instances where an individual manufacturer proves, under rules prescribed by the Commission, that he cannot acquire access to either in-house or independent testing facilities for production testing. In the event of such a suspension, the manufacturer would still be obligated to produce a mattress that meets all other requirements of the standard (FF 4–72).

The alternate sampling plan for mattresses and mattress pads set forth below was submitted for approval in accordance with .4(b)(1) of the standard. It has been reviewed and determined to offer an equivalent level of fire safety to the consumer and to meet all technical requirements of the standard. It has operating characteristics such that the probability of unit acceptance at any percentage defective does not exceed the corresponding probability of unit acceptance of the basic sampling plan in

the region of the operating characteristic curve that lies between 5 and 95 percent acceptance probability. The Commission hereby approves the plan.

Use of this alternate sampling plan, which may be cited as Alternate Sampling Plan No. 5 to FF 4–72, is applicable to mattresses and mattress pads. The plan is not restricted to the party submitting it but may be used by any mattress or mattress pad manufacturer.

Records of the use of this plan shall be maintained by the manufacturer in accordance with regulations established by the Consumer Product Safety Commission (see 16 CFR 302.20 promulgated elsewhere in this issue of the FEDERAL REGISTER).

All provisions of the Standard for the Flammability of Mattresses (FF 4–72, as amended) are applicable under this alternate sampling plan except as specified below.

Dated: November 21, 1973.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.73-25289 Filed 11-29-73;8:45 am]

STANDARD FOR THE FLAMMABILITY OF MATTRESSES

Procedure for Verification of Materials Substitution for Mattress Tape Edges

Notice is given that the Consumer Product Safety Commission has approved a procedure for verification of materials substitution for mattress tape edges where substitution is desired to be made under section .1(h) of FF 4–72 (the Standard for the Flammability of Mattresses). FF 4–72 was published in the FEDERAL REGISTER of June 8, 1973 (38 FR 15095), and, as a result of a judicially imposed temporary stay, became effective June 22, 1973.

Section .1(h) of FF 4–72 provides in part: "If it is determined or suspected that a material has influenced the ignition resistance of the mattress prototype, a dimensional or other change in that material shall be deemed a difference in materials for purposes of prototype definition unless it is previously shown to the satisfaction of the Consumer Product Safety Commission that such dimensional or other change will not reduce the ignition resistance of the mattress prototype."

The Commission will regard a showing "to the satisfaction of the Consumer Product Safety Commission" to have been made with respect to materials substitution of items such as flange materials and tapes at the tape edge under the following circumstances:

1. The mattress prototype has been qualified previously under the provisions of FF 4–72; and

2. A substitution of materials involving only tape edge construction is contemplated; and

3. A prototype mattress incorporating the substitute materials has been tested with 36 cigarettes (18 per surface) placed at tape edge locations with no ignitions occurring; and

4. Records are maintained setting forth the details of the materials substitution and showing the results of the testing referred to in paragraph 3 above. The records are to be maintained in accordance with regulations established by the Consumer Product Safety Commission (see 16 CFR 302.20 promulgated elsewhere in this issue of the FEDERAL REGISTER, p. 33069).

This action is taken pursuant to provisions of the Flammable Fabrics Act (secs. 1–17, 67 Stat. 111 et seq., as amended; 15 U.S.C. 1191–1204) and under authority vested in the Consumer Product Safety Commission by the Consumer Product Safety Act (sec. 30(b), 86 Stat. 1231; 15 U.S.C. 2079(b)).

Dated: November 21, 1973.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.73-25288 Filed 11-29-73;8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

Listing of Statements Received

Environmental impact statements received by the Council on Environmental Quality from November 19 through November 23, 1973.

NOTE: At the head of the listing of statements received from each agency is the name of an individual who can answer questions regarding those statements.

DEPARTMENT OF AGRICULTURE

Contact: Dr. Fred H. Tschirley, Acting Coordinator, Environmental Quality Activities, Office of the Secretary, U.S. Department of Agriculture, Room 331-E, Administration Building, Washington, D.C. 20250, 202-447-3965.

AGRICULTURAL RESEARCH SERVICE

Final Date

Application of Sewage Sludge to Agricultural Land, Minnesota, November 20: The proposal is for the development of a practical and complete farm management system for the handling and use of sewage sludge on agricultural land. Special measures are needed to be developed here because of soil and climatic conditions in an area where there are 4.5 to 5 months of frozen soils annually. Adverse impacts include possible dangers to aesthetics and remote dangers to human health. (38 pages). Comments made by: COE, USDA, EPA, DOI, state agencies. (ELR Order No. 31813.) (NTIS Order No. EIS 73 1813F.)

FOREST SERVICE

Draft

Madera Canyon Planning Unit, Coronado National Forest, Ariz., November 21: The statement refers to a proposed land use plan for the Madera Canyon Planning Unit of the Coronado National Forest. Management emphasis will be on wildlife habitat, natural beauty, water quality, and public outdoor recreation. Existing summer home permits will be placed upon limited tenure, after which the structures will be removed; existing private holdings will be acquired, and utility lines will be buried. (102 pages.). (ELR Order No. 31822.) (NTIS Order No. EIS 73 1822D.)

Uncompahgre and San Juan National Forests. Several counties, November 21: The statement refers to the proposed legislative designation of portions of the Uncompahgre and Wilson Mountain Primitive Areas, and certain contiguous lands, as wilderness within the National Wilderness Preservation System. The land would be added in five units, totalling 80,150 acres. Additionally, 84,869 acres of the present Primitive Areas would be declassified. (39 pages.) (ELR Order No. 31820.) (NTIS Order No. EIS 73 1820D.)

ATOMIC ENERGY COMMISSION

Contact: For Non-Regulatory Matters: Mr. W. Herbert Pennington, Office of Assistant General Manager, E-201, AEC, Washington, D.C. 20545, 301-973-4241. For Regulatory Matters: Mr. A. Giambusso, Deputy Director for Reactor Projects, Directorate of Licensing P-722, AEC, Washington, D.C. 20545, 301-973-7373.

Draft

Perry Nuclear Power Plant, Units 1 and 2, Ohio, Lake County, November 20: Proposed is the issuance of permits to the Cleveland Electric Illuminating Company for the construction of the Perry Nuclear Power Plant. Two identical boiling water reactors will be used to produce 3,597 MWt each; steam turbine-generators will provide 1,205 MWe (net) each. Future power levels of 3,758 MWt and 1,267 MWe per unit are anticipated. Cooling water will be drawn from Lake Erie at 1,150,000 gpm, and aquatic organisms will be killed by entrainment, and thermal and mechanical shock. The Plant will occupy a 250 acre wooded site; 93 miles of transmission line will be constructed, requiring 1,500 acres of right-of-way. (243 pages.) (ELR Order No. 31815.) (NTIS Order No. EIS 73 1815D.)

Hope Creek Generating Station, N.J., November 21: The statement refers to the proposed issuance of a construction permit to the Public Service Electric and Gas Company for the two unit Station near the town of Salem. Each unit will produce 3293 MWt and 1097 MWe (net). Waste heat will be dissipated through the use of natural draft cooling towers, with water being taken from the Delaware River at a consumptive rate of 62 cfs. Forty-four hundred acres will be committed to transmission line right-of-way. (The two units were originally to have been located at the proposed Newbold Island Generating Station. Uncertainty as to the Tocks Island Reservoir and the station water supply resulted in the conclusion that the Salem site is a more desirable alternative. (ELR Order No. 31842.) (NTIS Order No. EIS 73 1842D.)

DEPARTMENT OF DEFENSE

ARMY CORPS

Contact: Mr. Francis X. Kelly, Director, Office of Public Affairs, Attn: DAEN-PAP, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue, SW., Washington, D.C. 20314, 202-693-7168.

Final

Gas House Cove Pile Breakwater, Calif., November 20: The project involves the construction of a 117-ft. long concrete sheet pile breakwater connecting two existing breakwaters in order to reduce wave surge in Gas House Cove, San Francisco. The only adverse impact will be the elimination of benthos in a small area. (37 pages.) Comments made by: EPA, DOI, DOC, HEW, state agencies. (ELR Order No. 31817.) (NITS Order No. EIS 73 1817F.)

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 7260, Department of the Interior, Washington, D.C. 20240, 202-343-3891.

BUREAU OF OUTDOOR RECREATION

Draft

Proposed Roxborough State Park, Colo., Douglas County, November 20: The proposed action is the granting of $589,000 in matching funds from the Land and Water Conservation Fund to the Colorado Division of Parks and Outdoor Recreation for the acquisition of 402 acres. The land will be used for the development of a new State Park, with trails, a visitor/interpretive center, and parking for 100 cars. Disturbance to the environment will be confined primarily to the visitor/interpretive center area. (35 pages.) (ELR Order No. 31818.) (NTIS Order No. EIS 73 1818D.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Quality, 400 7th Street, S.W., Washington, D.C. 20590, 202-426-4357.

FEDERAL AVIATION ADMINISTRATION

Draft

Delaware County Airport, Ind., Delaware County, November 19: The purpose of the project is to enlarge the existing Delaware County airport to provide for safe and efficient operation. Adverse impacts are an increase in air pollution loss of farm land and wildlife habitat, and an increase in noise pollution. (138 pages.) (ELR Order No. 31808.) (NTIS Order No. EIS 73 1808D.)

Creston Municipal Airport, Iowa, Union County, November 19: The project involves the construction of a FAA designated Basic Transport Airport in Creston. Additional land must be purchased, and there must be extensions and improvements to existing facilities. Adverse impacts are that both air pollution and noise will increase with the addition of more airplane traffic. (25 pages.) (ELR Order No. 31809.) (NTIS Order No. EIS 73 1809D.)

Madison Airport, Ky., Madison County, November 19: The project involves the construction of an airport centrally located between Richmond and Berea. Approximately 200 acres are to be used to build a runway, an aircraft apron, and a 5,000 square yard automobile parking area and access road. There will be an increase in the noise level. There will also be short term adverse effects associated with construction. (27 pages.) (ELR Order No. 31811.) (NTIS Order No. EIS 73 1811D.)

Mineral County Airport, W. Va., November 19: The project involves the construction of a new airport in the town of Keyser. Included in the proposal is information related to the airports expected growth in the next 20 years. Adverse impacts are the relocation of two families, and a slight increase in air and noise pollution. (52 pages.) (ELR Order No. 31810.) (NTIS Order No. EIS 73 1810D.)

FEDERAL HIGHWAY ADMINISTRATION

Draft

California Route 84, Calif., Contra Costa and Sacramento Counties, November 20: The project involves construction of a 3.6 mile long, four-lane access controlled highway in Contra-Costa and Sacramento Counties. The principal feature of the project will be a 9,100 ft., four-lane bridge over the San Joaquin River. Adverse impacts are that 44 acres currently used for agriculture and wildlife habitat will be converted to highway use. The river bottom will be disturbed during construction of the bridge. (47 pages.) (ELR Order No. 31814.) (NTIS Order No. EIS 73 1814D.)

US 460, Mt. Vernon, Illinois, Ill., Jefferson County, November 20: The project provides for the improvement of US Route 460, an east-west area service highway in Mt. Vernon. It involves the widening of the road to 56 feet with two lanes of traffic in each direction, and the construction of a pedestrian overpass. An increase in noise and air pollution can be expected. Depending upon the alternative chosen, one family and six businesses may be relocated. Several roadside trees will be removed. (46 pages.) (ELR Order No. 31816.) (NTIS Order No. EIS 73 1816D.)

Relocation of N.H. Route 111, N.H., Rockingham County, November 20: This revised draft proposes the relocation of N.H. Route 111 beginning in Windham and proceeding easterly through Salem and Derry, terminating in Atkinson. The relocation will provide two 12-foot lanes and 10-foot shoulders. The project length is 5.3 miles. Adverse impact includes the displacement of 10 families and 7 businesses. (77 pages.) (ELR Order No. 31819.) (NTIS Order No. EIS 73 1819D.)

138kV Power Transmission Line, Ohio, Franklin County, November: The project involves the construction of a 138 kV Transmission line within the limited access right-of-way of I-270. The line is to run from the Linworth Substation to the Huntley Substation. The transmission line is essential to the area so that it can have sufficient and reliable electric power. Adverse impacts include the visual disruption of the area, and the loss of some trees. (26 pages.) (ELR Order No. 31812.) (NTIS Order No. EIS 73 1812D.)

Final

Superstition Freeway (State Route 360), Ariz., Maricopa and Pinal Counties, November 21: Proposed is the construction of approximately 25 miles of the Route 360 Freeway. The project will extend from Rural Road in Tempe to U.S. Highway 60-80-89 southeast of Apache Junction. Approximately 10 residences, part of two trailer parks and three businesses may be displaced; 850 acres of agricultural land and 415 acres of undeveloped desert will be required for right of way. Adverse impacts include the loss of breeding habitat and the bisecting of at least six prehistoric Hohokam Indian canals and probable archeological sites. (Approximately 350 pages.) Comments made by: DOI, HUD, state and local agencies and concerned citizens. (ELR Order No. 31823.) (NTIS Order No. EIS 73 1823F.)

Forest Highway Route 7, (SR 149), Colo., Mineral and Hinsdale Counties, November 21: The proposed project is the reconstruction of 20.5 miles of Colorado SR 1499 in the Rio Grande National Forest. The project will displace one seasonal dwelling. The project will create significant adverse impacts on area recreational facilities, by creating an influx of people. Other adverse impacts include an increase in noise and air pollution and stream siltation. (61 pages.) Comments made by: USDA, DOT, HUD, FPC, COE, DOI, EPA, and state agencies. (ELR Order No. 31826.) (NTIS Order No. EIS 73 1826F.)

US-95, Idaho, April 18: The proposed project would provide for the realignment of existing U.S. Highway 95. The project would vary in length from 2.41 to 2.45 miles. One resident would be displaced. Depending upon the alternate chosen, between 109 and 121 acres of land will be acquired for right-of-way. Adverse impacts include loss of wildlife habitat, increased erosion, water pollution and the loss of fish habitat in the Salmon River, located adjacent to the project. Increases in noise and air pollution will occur. (70 pages.) (ELR Order No. 31825.) (NTIS Order No. EIS 73 1825F.)

I-15, Utah, Juab County, November 21: Proposed is the construction of approximately 30 miles of I-15. Approximately 1100 acres, some of it irrigated agricultural land, and from 3 to 8 residences will be acquired for right-of-way. Adverse impact will include the loss of winter range land for the South Nebo elk and deer herds and increased danger of road kills. There will be increases in erosion and water pollution levels. (91 pages.) Comments made by: DOI, HEW, USDA, DOC, State agencies and concerned citizens. (ELR Order No. 31821.) (NTIS Order No. EIS 73 1821F.)

NEIL ORLOFF,
Counsel.

[FR Doc.73-25424 Filed 11-29-73;8:45 am]

FEDERAL MARITIME COMMISSION

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Notice of Certificates Issued

Notice is hereby given that the following vessel owners and/or operators have established evidence of financial responsibility, with respect to the vessels indicated, as required by section 311(p)(1) of the Federal Water Pollution Control Act, as amended, and, accordingly, have been issued Federal Maritime Commission Certificates of Financial Responsibility (Oil Pollution) pursuant to 46 CFR Part 542.

Certificate No.	*Owner/Operator and Vessels*
01428	Ocean Transport & Trading Limited: *Glenlyon; Glenogle; Flintshire; Glenfalloch; Rhexenor; Stentor; Adrastus; Eumaeus; Lycaon; Polydorus; Centaur.*
01505	Servicios Maritimos Mexicanos, S.A.: *Colima.*
01560	Det Nordenfjeldske Dampskibsselskab Trondheim Norway: *Bruse Jarl.*
01574	Fearnley & Eger: *Ferncraig.*
01758	Chotin Transportation, Inc.: *Chotin 2091.*
02032	D.B. Deniz Nakliyati T.A.S.: *Kocaeli.*
02156	Lorentzens Skibs A/S: *Robert Stove.*
02332	Lykes Bros. Steamship Co., Inc.: *LY-219; LY-221; LY-222; LY-223; LY-224; LY-225; LY-217; LY-218; LY-220.*
02367	Canadian Pacific (Bermuda) Ltd.: *R. A. Emerson.*
02701	Deutsche Atlantik Schiffahrts-Gesellschaft M.B.H. & Co.: *Hanseatic.*
02713	T.L. James & Co., Inc.: *East Peco.*
02724	Security Barge Line, Inc.: *Yazoo City; Redwood.*
02836	The Scindia Steam Navigation Co. Ltd.: *Jalavallabh.*
02976	Arthur-Smith Corporation: *C&H 105; AS 1000C.*
03180	Branch Lines Limited: *Arthur Simard.*
03246	Borgships, Inc.: *Team Dansborg.*
03508	Taiyo Gyogyo K. K.: *Taiyo Maru No. 82.*
03617	Toko Senpaku K. K.: *Toyu Maru.*
03640	Pan Ocean Bulk Carriers, Limited: *Pan Asia.*
03968	Zim Israel Navigation Co., Ltd.: *Zim Hongkong.*

Certificate No.	Owner/Operator and Vessels
04099	Waterways Marine of Memphis, Inc.: *GWG 202; R 101.*
04040	Halfdan Ditlev-Simonsen & Co.: *Viscaya.*
04136	Thomas Marine Company: *M–1.*
04151	Uiterwyk Shipping Limited: *Laurie U.*
04178	Canada Steamship Lines Limited: *H. M. Griffith.*
04357	Koninklijke Nedlloyd N.V.: *Nedlloyd Delft.*
04404	Lars Rej Johansen: *Freijo; Jotina; Jodonna.*
04528	Kabushiki Kaisha Sugacho Suisan: *Choko Maru No. 58.*
04606	Marquette Cement Manufacturing Company: *J. E. Poole.*
04630	L. Smit & Co's Internationale Sleepdienst: *Smit Salvor.*
04641	American Tugboat Company: *Barge 19.*
04803	Brent Towing Company, Inc.: *Gulf Chem I; Gulf Chem II; B 624; B 724; B 418; B 518.*
04834	Tidewater Barge Lines: *Russel No. 24; B.G. 1728.*
04886	Fertilia S.P.A. Compagnia Di Navigazione: *M. Rosario D.*
04889	Cory Brothers & Co. (Italy) Ltd.: *Sympathy.*
05046	Magnolia Marine Transport Company: *MM–103; MM–104; MM–105; MM–106; Gilda Shurden.*
05098	Esso Tankers Inc.: *Esso Okinawa; Esso Montreal.*
05134	Forsyth Maritime Ltd.: *Maria Forsyth.*
05151	Zapata Protein, Inc.: *Zapata Trinity Bay; Sandy Point; Zapata Shell Key; Rachel Burton; Carl Burton; Willard P. Leboeuf; W. J. Burton; Q. O. Dunn; Barataria Bay; Terrebonne Bay; Vermilion Bay; Tiger Point; Galveston Bay; Cote Blanche Bay; Oyster Bayou; Marsh Island; Raccoon Point; Zapata Timbalier Bay; Zapata Atchafalaya Bay; ZMS–D–10; Chrochet 250; Crochet 300; Grand Callion.*
05232	Diamond M Drilling Company: *Diamond M Century.*
05244	Hanseatische Hochseefischerei Aktiengesellschaft: *Wesermunde; Johann Dietrich Broelemann.*
05432	Lloyd Triestino: *Nipponica.*
05537	Empresa Navegacion Mambisa: *Jade Islands.*
05734	Federico E. Ford, S.A.: *Don Basilio.*
05845	Shinto Kaiun K.K.: *Shinyu Maru.*
05896	A/S Trans-Kosan: *Inga Tholstrup.*
06510	Compagnie Nationale Algerienne de Navigation C.N.A.N.: *Ibn Siradj; Iban Batouta; Iban Rochd; Skikda.*
06903	Sun Shipbuilding and Dry Dock Co.: *Matsonia.*
07149	United International Bulk Carriers, Ltd.: *Elwood Mead.*
07351	Skysea Corporation S.A.: *Lorenzo Halcoussi.*
07561	Gulf Atlantic Transport Corp.: *UM 93.*
07598	Vroon Shipping (Liberia) Ltd. Monrovia: *Caribbean Express.*
07640	Exxon Company, U.S.A. (A Division of Exxon Corporation): *LSC–40.*
07657	Regent Daisy Shipping Company, S.A.: *The Daisy.*
07658	Regent Tulip Shipping Company, S.A.: *Tulip.*
07718	Tokyo Teion Senpaku K.K.: *Aden Maru.*
08188	Western Ocean Products, Inc.: *Pacific Queen; City of San Diego; Polaris; Bold Contender; San Juan; Cape Cod; Cape San Vincent; Captain Vincent Gann; Bold Venture; Sea Sorceress.*
08218	Zidell, Inc., Zidell Dismantling, Inc. & Zidell Explorations, Inc.: *Zidell's Delight No. 1; Zidell's Delight No. 2; Zidell's Delight No. 5; ZB–107A; ZB–108F; ZB–205.*
08229	Salvesen Offshore Drilling Ltd.: *Dalmahoy.*
08241	North and South Atlantic Steamship Co., Inc.: *Nopal Alkimos.*
08363	United Bulk Carriers & Tankers Inc.: *Energy Transmission.*
08366	Pesquerias Expanolas De Bacalao S.A.: *Santa Regina; Santa Matilde.*
08388	Hephestos Technical Maritime Enterprises Co., Ltd. S.A.: *Amphion.*
08389	Geocosti Compania Financiera & Maritima S.A. Panama: *Thassitis.*
08380	The Northern Steam Ship Company Ltd.: *Tainui II.*
08396	Moundra Maritime Company Limited: *Moundra.*
08398	Travery S.A.—Panama: *Kim.*
08399	Crydon Shipping Company S.A. Panama: *Sophia.*
08406	Standard Chartering Corporation, Panama: *Cape Breton.*
08410	Oceangas Shipping (Far East) Inc.: *Zeilen; Moti.*
08413	McLean Contracting Company: *Cape Fear; Hampton Roads; Annapolis; Defender; Newport News; Consort; Curtis Bay; Ocean City; Safe Harbor; Liberty; Warwick; K–44; Mt. Vernon.*
08417	Dovey Shipping & Industrial Holdings Limited: *Lyminge; Lottinge.*
08421	Uranus Maritime Company of Panama: *Aeolian Wind.*
08423	Easthampton Shipping Company Limited: *Eastar.*
08424	Saipan Shipping Company, Inc.: *Normar.*
08425	Navieros Armadora S.A.: *Ivory Neptune.*
08426	Michele Amoruso & Figli: *Amoruso VII; Amoruso V.*
08427	Naviera Joaquin Davila & Co., S.A.: *Borna.*
08428	Leo Maritime Co. Ltd.: *Andriana I.*
08429	Oceanos Benignos Armadora S.A.: *Titika.*
08430	Hercules Shipping Co. S.A.: *Lucy.*
08431	Etablissement Maritime Camille Vaduz/Liechtenstein: *Camingoy.*
08432	Fantome Ltd.: *Fantome.*
08433	All Pacific Shipping Co.: *Pacstar.*
08435	Bulwark Transport Corporation: *Maersk Wave.*
08437	Bow Transport Corporation: *Maersk Wind.*
08438	Lamant Shipping Co. Ltd. (of Cyprus): *Lamant.*
08439	Thebes Shipping Inc.: *Aryo Merchant.*
08441	Alva Sea Shipping Company Limited: *Alva Sea.*
08442	Alma Shipping Company Limited: *Alma.*
08443	Lindinger Gold K/S: *Lindinger Gold.*
08444	Trent Shipping Company Limited: *Global Hope.*
08445	Sudatlantica S.A.N.I.C.Y.F.: *Luis Ferro*
08447	Takamiyamaru Gyogyo Kabushiki Kaisha: *Takamiya Maru No. 23.*
08449	Pacific Shrimp Company: *Pacific Shrimper.*
08450	Mutuo Mori: *Shotoku Maru No. 58.*
08452	The Chesapeake Corporation of Virginia: *Barge No. 7.*
08453	A. Tarricone, Inc.: *Chiara.*
08454	Shipshape Mariners Ltd.: *Domina.*
08455	Seatrans, Inc.: *Madonna.*
08456	General Kaiun Kabushiki Kaisha: *Gohko Maru.*
08457	Louisiana Towboat Co. Inc.: *Mr. Louie.*
08458	Kommanditselskapet A/S Goodwill & Co.: *Royal Viking Sea.*
08459	Water Prince Navigation Co., Ltd.: *Water Prince.*
08465	Myrto Shipping Company, S.A.: *Myrto.*
08468	Vroon B.V. (Handels-en Scheepvaart Ond.): *Hereford Express.*
08472	Societe Generale Marocaine De Peches: *Azaiz; Kanz.*
08476	Kea Shipping Corporation: *Kassos.*
08478	Eastern Tankers Panama S.A.: *Eastern Pioneer.*
08479	Delta Maritime Enterprises, Inc.: *Corona Delta.*

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-24521 Filed 11-29-73;8:45 am]

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Notice of Certificates Revoked

Notice of voluntary revocation is hereby given with respect to Certificates of Financial Responsibility (Oil Pollution) which had been issued by the Federal Maritime Commission, covering the below-indicated vessels, pursuant to Part 542 of Title 46 CFR and section 311(p)(1) of the Federal Water Pollution Control Act, as amended.

Certificate No.	Owner/Operator and Vessels
01145	Det Bergenscke Dampskibsselskab: *Team Vega.*
01184	Niels Onstads Tankrederi: *Astrid.*
01499	Standard Oil Company of British Columbia Limited: *Standard Service.*
01559	Rederiaktiebolaget Fraternitas: *Aleppo.*
01573	Naves Shipping Corp.: *Point Lacre.*

Certificate No.	Owner/Operator and Vessels
01758---	Chotin Transportation Inc.: *Chotin 1213; Chotin 1212; Chotin 1211; Chotin 1210; Chotin 2984; Chotin 1215; Chotin 1216; Chotin 1310; Chotin 1311; Chotin 1312; Chotin 1313; Chotin 1314; Chotin 1315; Chotin 1317; Chotin 1318; Chotin 1319; Chotin 1510X; Chotin 1546; Chotin 1599; Chotin 1780X; Chotin 1781X; Chotin 1783X; Chotin 1783X; Chotin 1784X; Chotin 1785X; Chotin 1850; Chotin 1851; Chotin 1852; Chotin 2180X; Chotin 2181X; Chotin 2182X; Chotin Chotin 2183X; Chotin 2184X; Chotin 2185X; Chotin 2186X; Chotin 2187X; Chotin 2188X; Chotin 2189X; Chotin 2280X; Chotin 2281X; Chotin 2380X; Chotin 2880; Chotin 2881; Chotin 2882; Chotin 2883; Chotin 2884; Chotin 2885; Chotin 2980; Chotin 2981; Chotin 2982; Chotin 2983; Chotin 3880; Chotin 3980; Chotin 4471; Chotin 2546.*
01972---	Naves Neptunea S.A. of Panama: *Koln.*
02163---	Rederiet "Ocean" A/S Copenhagen: *Arabian Reefer.*
02198---	The Peninsular & Oriental Steam Navigation Company: *Cotswold; Buccleuch.*
02417---	Norfolk, Baltimore & Carolina Line, Inc.: *Container Transport No. 3.*
02434---	Collins Towing Inc.: *Collins 8; Collins 7; Collins 6; Collins 5.*
02449---	A/S Ivarans Rederi: *Snehole.*
02457---	John Swire & Sons, Ltd.: *Sinkiang.*
02524---	The Watergate Steam Shipping Co. Ltd.: *Pennyworth.*
02588---	Adriondack Shipping Corp.: *Canopus.*
02699---	Hellenic Sea Transports, Ltd. S.A.: *Mani.*
02716---	Aktieselskabet Det Dansk-Franske Dampskibsselskab: *Skotland; Nigeria; Vinland.*
02724---	Security Barge Line, Inc.: *Satartia.*
02789---	Drake Shipping Company, S.A.: *Ethnos.*
02950---	Tony Barge Company Inc.: *GWG 202.*
02956---	Ashland Oil: *HCC-1.*
02982---	The Shipping Corporation of India Ltd.: *Vishva Darshan.*
03365---	Compania De Navegacion "Puertanueva" S.A.: *Eugenio.*
03413---	Baba-Daiko Shosen K.K.: *Ganges Maru.*
03459---	Meiji Kaiun K.K.: *Meishun Maru.*
03506---	Taiheiyo Kaiun K.K.: *Car Castle.*
03533---	Zuisei Kaiun K.K.: *Yamato Maru.*
03598---	Araya Transport Corporation: *Andria.*
03627---	Igert (A Corporation): *MBL-603.*
03645---	Tidewater Morgan City, Inc.: *Tide Mar 19.*
03830---	Intercontinental Transport Corp.: *Clarentia.*
04050---	A/S Uglands Rederi: *Evita.*
04630---	L. Smit & Co.'s Internationale Sleepdienst: *Clyde.*
04750---	Tosui Enyo Gyogyo Kabushiki Kaisha: *Tosuimaru No. 11.*
05008---	Star Kist Foods, Inc.: *Santa Anita.*
05134---	Forsyth Maritime Ltd.: *Maria Forsyth.*
05151---	Ocean Protein Inc.: *Carl Burton; W. J. Burton; Q. O. Dunn; Barataria Bay; Terrebonne Bay; Cote Blanche Bay; Grand Calliou; Galveston Bay; Tiger Point; Vermilion Bay; Zapata Atchafalaya Bay; Zapata Timbalier Bay; Raccoon Point; Marsh Island; ZMS-D-10; Sandy Point; Rachel Burton; Oyster Bayou.*
05520---	Union Carbide Corporation: *B 921.*
05553---	Compania Nacional De Navegacion S.A.: *Cataima.*
05677---	Wood River Towing Co., Inc.: *Dan C.*
05703---	Mardestino Compania Naviera S.A.: *Kavo Akritas.*
05854---	Levins Metals Corp.: *Wiley; Mount Olympus.*
05878---	Societe De Baillon Inc.: *Maridan C.*
06021---	Gamma Fishing Co., Inc.: *Venturous.*
06064---	TMT Trailer Ferry, Inc.: *TMT Carolina.*
06423---	Horn Construction Co., Inc.: *Horn 21.*
06485---	Minibulk Shipping (K.M. Kaalstad): *Mini Sun.*
06775---	Whitco (Marine Services) Ltd.: *Maranga.*
06900---	Cia Heredero De Navegacion S.A.: *Hakozaki.*
06901---	Cia Herradura De Navegacion S.A.: *Crystal Palm.*
07199---	Compania Bandera S.A.: *Spyro.*
07657---	Regent Daisy Shipping Company S.A.: *Laurel.*
07658---	Regent Tulip Shipping Company S.A.: *Juniper.*

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-25422 Filed 11-29-73;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. E-8478]

AMERICAN ELECTRIC POWER SERVICE CORP.

Notice of Amendment to Service Agreement

NOVEMBER 21, 1973.

Take notice that on November 7, 1973 American Electric Power Service Corporation (AEP) tendering for filing on behalf of Indiana and Michigan Electric Company (I&M) Amendment No. 4 to I&M Rate Schedule FPC No. 68. The rate schedule represents a service agreement among I&M, Consumers Power Company (Consumers) and Detroit Edison Company (Detroit).

AEP states that the present amendment provides a new service schedule for emergency service containing a minimum charge in case a party elects to pay cash rather than return equivalent energy; a new service schedule for short term power to be supplied especially for service of a third party; and a new schedule for limited term power.

Since service was initiated under the agreement on October 8, 1973, AEP requests that that be the effective date of this filing. AEP states that as the service to be rendered, by its nature is unascertainable, it is impossible to estimate the revenues resulting from the agreement.

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 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 Nov. 30, 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.73-25387 Filed 11-29-73;8:45 am]

[Docket No. ID-1618]

WILLIAM R. BISSON

Notice of Application

NOVEMBER 21, 1973.

Take notice that on November 16, 1973, William R. Bisson (Applicant), filed a supplemental application pursuant to section 305(b) of the Federal Power Act seeking authority to hold the position of Director of Blackstone Valley Electric Company. The Company is engaged in the generation, purchase and transmission of electric energy and its distribution and sale for light, heat and power purposes (and the incidental sale of electric appliances) throughout the entire Blackstone Valley district of Rhode Island, consisting of the Cities of Pawtucket, Woonsocket, Central Falls and the Towns of Cumberland, Lincoln and other adjacent towns. The entire operation of the Corporation are confined within the State of Rhode Island. The Company also owns approximately 33.33 percent of the voting control of Montaup Electric Company, a Massachusetts electric generating company, from which it purchases a major portion of its electric requirements. The Company sells firm power to Massachusetts Electric Company and the Pascoag Fire District.

The positions Applicant previously held, authorized by the Commission on August 11, 1970, are as follows:

Vice President, Blackstone Valley Electric Company, Public Utility.
Director, Montaup Electric Company, Public Utility.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 18, 1973, file with the Federal Power Commission, Washington, D.C. 20426,

petitions or protests to intervene in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-25392 Filed 11-29-73;8:45 am]

[Docket No. CP74-137]

DISTRIGAS OF MASSACHUSETTS CORP.

Notice of Application

NOVEMBER 21, 1973.

Take notice that on November 15, 1973, Distrigas of Massachusetts Corporation (Applicant), 125 High Street, Boston, Massachusetts 02110, filed in Docket No. CP74-137 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the operation of certain liquefied natural gas (LNG) facilities at Everett, Massachusetts, for the receipt, terminalling, storage, and redelivery of LNG from Algeria, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

In Commission Opinion No. 613, issued March 9, 1972, Distrigas Corporation Docket No. CP70-156, et al. (47 FPC 752), rehearing denied June 7, 1972 (47 FPC ——), the Commission authorized Distrigas Corporation (Distrigas), an affiliate of Applicant, to import up to 14 shiploads of LNG annually from Algeria to deepwater terminals located at Staten Island, New York, and Everett, Massachusetts. At that time the Commission held, *inter alia*, that the terminal facilities at Everett did not require certification; however, on May 25, 1973, in Docket No. CP73-78, *et al.*, Distrigas Corporation, et al. (49 FPC ——), rehearing denied June 20, 1973 (49 FPC ——), the Commission determined that it did have jurisdiction over the subject Everett facilities and has required Distrigas or its appropriate affiliate to apply for authorization to operate these facilities. Applicant states that it is filing the subject application in compliance with the Commission's orders issued in Docket No. CP73-78, *et al.*, on May 25 and June 20, 1973, but it is doing so under protest and with reservation of its rights to contest the Commission's aforesaid orders. These orders are being contested by Applicant in the United States Court of Appeals for the District of Columbia Circuit in Case No. 73-1747.

Applicant seeks authorization to operate certain terminal and appurtenant facilities to handle LNG, which will be imported into the United States at Everett, Massachusetts, on the Mystic River. Applicant states that these facilities are now complete and consist of ship berthing and unloading facilities, two storage tanks, one of 600,000 barrel capacity and one of 374,000 barrel capacity, revaporization facilities, odorant facilities, related piping and other equipment and supporting structures. Applicant indicates that these facilities were constructed at cost of $26,500,000, which is being financed from funds provided by the stockholders in the form of common stock equity, direct loans or guaranteed bank loans.

Applicant requests a waiver of the requirements of Part 159 of the Commission's Regulations under the Natural Gas Act so that it will not have to pay $40,000 in filing fees. Applicant asserts that to have to pay this fee would be grossly inequitable.

The subject facilities are proposed to be used to accept natural gas imported from Algeria by Distrigas for which an application for import authorization is pending in Docket No. CP73-132 and to help initiate sales of LNG to customers in Connecticut, New Jersey, New York and Rhode Island for which applications for authorization are pending in Docket Nos. CP73-135 and CP73-330.

Applicant asserts that this application and the aforesaid pending applications present an arrangement designed to provide supplemental supplies of gas to distributors in the Northeast portion of the United States. Applicant further asserts that the operation of the subject terminal will make a significant contribution towards meeting the pressing requirements of the buyers for supplemental gas supplies in peak periods, where the markets to be served suffer from acute shortages of clean burning fuels for peak shaving and other non-base load requirements.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 17, 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.73-25389 Filed 11-29-73;8:45 am]

[Docket No. E-8008]

FLORIDA POWER AND LIGHT CO.

Order Granting Intervention on Limited Issues

NOVEMBER 21, 1973.

On January 29, 1973, Florida Power and Light Company (FPL) tendered for filing copies of its FPC Electric Tariff Original Volume No. 1. The proposed rate change would provide increased revenues of $4,336,460.

By order of March 29, 1973, the Commission accepted the tariff for filing, suspended its effectiveness until September 1, 1973, and established hearing procedures with cross-examination now scheduled to commence on January 21, 1974.

Notice of the proposed increase provided for all petitions to intervene and comments to be filed by February 26, 1973. The order accepting and suspending the proposed increase permitted intervention by six customers of FPL.

On September 14, 1973, an untimely petition to intervene was filed by the cities of Homestead and New Smyrna Beach, Florida (Cities). In their petition, Cities state that they intend to contest the rate increase on the basis of general anticompetitive issues, rate structure, terms and conditions of service, possible "price-squeeze" effects, and environmental issues.

Cities contend that their untimeliness in seeking intervention was prompted by their hope that they would be able to resolve these issues by negotiation with FPL. They state that such a resolution has not been achieved and therefore are now compelled to actively seek participation in this docket. Cities claim their late intervention will not unduly delay these proceedings as they intend to adopt generally the position of Commission Staff. They do request, however, a six-week delay for submittal of testimony on the issues raised in their petition.

In an answer to the petition filed by FPL on October 1, 1973, the company asks the Commission to deny intervention as being untimely and as unduly interfering with the orderly procedure in this docket. Further, FPL asserts that the Commission's order of September 21, 1973, in

Southern California Edison Company, Docket No. E–8176 (*Edison*) is applicable to the issues raised in Cities' petition and should bar the introduction of the anticompetitive issues.

Upon review of the petition, we believe good cause exists to grant Cities intervention; however, we will limit the participation of Cities to matters other than the "price-squeeze" and general anticompetitive allegations raised by their petition.

Cities allegation of "price-squeeze" would presumably require that this Commission relate FPL's wholesale rates to FPL's rates for direct industrial service. However, wholesale rates, over which we have jurisdiction, must recover allocated wholesale costs. To base wholesale rates upon direct industrial rates would be limiting our jurisdiction on the basis of events and regulatory affairs over which we have no control; for as we stated in the *Edison* order, *supra*, the Federal Power Act does not grant us the authority to fashion relief on the basis of retail rates. Retail rate levels and the accounting and rate making principles underlying those rate levels are under the sole jurisdiction of the appropriate state regulatory agency. To key wholesale rates to retail rates would subordinate our decisions and authority to the decisions of state regulatory bodies. Cities interest in just and reasonable wholesale rates is fully protected by the participation we are granting them in this proceeding.

As a separate basis for their intervention—apart from the "price-squeeze" issue—Cities makes a general allegation of anticompetitive behavior of the part of FPL. They do not state, however, the particular facts relied upon nor the relief which is within our authority to grant on such an issue. As we stated in our order in Indiana and Michigan Electric Company, Docket No. E–7740 (issued May 31, 1973), absent such specificity we will not allow the introduction of this issue into rate proceedings.

While Cities are not specific as to the precise environmental issues they seek to raise, we note that issues on a proposed environmental adjustment clause and the application of FPL's tariff to less than full requirements customers have already been raised by parties' filed evidence in this proceeding. Accordingly, while Cities have not specified the specific facts relied upon in raising this issue, we shall allow their participation in this matter to the same extent as other parties' participation as has been previously allowed.

As we are restricting participation by the Cities to issues other than anticompetitive and "price-squeeze" questions, we do not consider the requested delay necessary. However, we will set dates for the submittal of testimony on the remaining issues.

The Commission finds:

Good cause exists for the intervention of the above-named petitioners; provided that such participation should be restricted to issues not related to anticompetitive or "price-squeeze" questions, as discussed above.

The Commission orders:

(A) The petitioners for intervention are hereby permitted to intervene in this proceeding subject to the rules and regulations of the Commission; *Provided, however,* That such participation shall be limited to matters affecting asserted rights and interests specifically set forth in the petition to intervene as discussed above; except that no issues related to "price-squeeze" or anticompetitive issues may be introduced by intervenors: *And provided, further,* That admission of the intervenors shall not be construed as recognition by the Commission that the intervenors may be aggrieved by any order entered in this proceeding.

(B) On or before December 7, 1973, intervenors shall serve their prepared testimony on those issues upon which their intervention was granted. Any rebuttal testimony on those issues by FPL shall be served on or before December 28, 1973. Cross-examination of the evidence pertaining to all outstanding issues in this docket shall commence on January 21, 1974.

(C) The Secretary of the Commission shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.73–25391 Filed 11–29–73;8:45 am]

[Docket No. RP73–4]

GREAT LAKES GAS TRANSMISSION CO.

Order Approving Settlement Agreement

NOVEMBER 21, 1973.

On May 8, 1973, Great Lakes Gas Transmission Company (Great Lakes) filed a Motion for Approval of a Stipulation and Agreement (Agreement) of the issues in the above-designated docket. This docket arises out of Great Lakes filing on July 22, 1972, of a proposed increase in revenue of $12.6 million annually over the settlement rates we approved in an order issued March 1, 1972, in Docket No. RP71–102. Also included in this docket was the issue of adjustments to original cost of Great Lakes plant as a result of a Commission audit which was ordered in Docket No. RP71–102.

In its rate increase filing, Great Lakes maintained that the proposed increase was necessary to recoup increased costs of rendering service. Great Lakes claims a 9.77 percent rate of return which would yield a return on equity of 15 percent. In addition, Great Lakes seeks an increase in rate of depreciation from 3 to 4 percent. By an order issued September 1, 1972, the proposed increase was suspended until February 4, 1973, and set for hearing. A prehearing conference was held on December 19, 1972. The record in this case consists of Great Lakes rate increase filing, testimony and exhibits of its witnesses and that of the Staff.

The proposed Agreement was filed with the Presiding Judge on May 8, 1973, along with a Motion to Convene a Hearing on Settlement Agreement. On May 14, 1973, the Judge served notice that Great Lakes had filed a proposed settlement agreement, that a hearing would convene on June 6, 1973, and that any party wishing to comment on the proposed settlement agreement should mail such comments to all parties at least 10 days prior to the hearing. All parties present at the hearing expressed approval of or concurrence in the proposed agreement or expressed concern about the Agreement's utilization of the unmodified *Seaboard* method of rate design which was prescribed by Commission order of April 10, 1973, in Michigan Wisconsin Pipeline Company, Docket No. RP72–118.

On June 8, 1973, the Presiding Judge certified the proposed Agreement to the Commission. The Agreement provides for a reduction of $3.6 million from the $12.6 million originally requested and would allow an annual increase of $9 million effective February 4, 1973. The Agreement also is based on a total cost of service of $102,026,119 for the twelve months ended March 31, 1972, as adjusted.[1] In addition, the Agreement provides for an overall rate of return of 9.5 percent with a return on equity of 14.12 percent[2] as shown by the capitalization used in the Agreement as set forth below:

	Amount	Percent	Cost of capital	Component cost
			Percent	
First mortgage bonds	$200,000,000	64.93	8.54	5.54
Serial notes	50,000,000	16.23	8.00	1.30
Common equity	58,022,000	18.84	14.12	2.66
Totals	308,022,000	100.00		9.5

The settlement cost of service is allocated in accordance with the unmodified *Seaboard* method which we have often stated is the minimum acceptable to this Commission.[3] The rate design for the transportation service Rate Schedule T–4 for Trans Canada however, remains tilted toward demand with approximately two thirds of the fixed costs in the demand charge. Great Lakes proposes to retain this design since the T–4 rate is strictly to transport Trans Canada's gas from Canada through the United States for redelivery in Canada. Since the current design of the T–4 rate does not have any effect on the sale or consumption of gas in the United States we will permit the continued use of the current design.

The principle provisions of the Agreement are as follows:

(1) *Article I.* Within ten (10) days of the date of issuance of the Commission's order approving the Stipulation and Agreement, Great Lakes will file with the Commission the revised rates as set forth

[1] See Appendix A attached.

[2] Great Lakes originally requested a 9.77 percent rate of return with a return on equity of 15 percent.

[3] Cite *Michigan Wisconsin Pipeline Company*, Docket No. RP72–118 supra; *Texas Eastern Gas Transmission Company*, Docket No. RP72–98, order issued June 28, 1973; *Colorado Interstate Gas Company*, Docket No. RP72–113, order issued July 5, 1973; *Natural Gas Pipeline Company of America*, Docket No. RP72–132, order issued July 18, 1973.

in Appendix C of the Stipulation and Agreement, to be effective as of February 4, 1973 (Appendix B herein attached).

(2) *Article II.* Within sixty (60) days of the date of issuance of the Commission's order approving the Stipulation and Agreement, Great Lakes will refund with 7 percent interest per annum to its customers all amounts collected in excess of the amounts computed on the basis of rates set forth in Appendix C of the Agreement for sales and services rendered on and after February 4, 1973.

(3) *Article III.* Great Lakes agrees to make original cost adjustments and other accounting entries as set forth on Schedule No. 1 of Appendix D appended to the Stipulation and Agreement. More specifically it is agreed that:

(a) An in-service date for the Phase II facilities will be January 31, 1969, and the amounts in rate base related to such facilities for the period January 1 to May 31, 1963, shall be amortized over a 10-year period commencing November 15, 1971. Any reduction of income taxes as a result of higher tax base due to the above adjustment will be flowed-through to operating income.

(b) Commencing November 15, 1971, Great Lakes will amortize over a ten-year period the tax effect of deferred income tax deductions resulting from the use of sinking fund tax depreciation from 1967 through 1970 on pre 1970 plant and the benefits associated with such higher tax return depreciation deductions will be flowed-through to the customers.

(4) *Article IV.* It is agreed that commencing February 4, 1973, Great Lakes shall reflect a 3.75 percent depreciation rate on its transmission properties.

(5) *Article V.* The transportation volume for Trans Canada Pipelines Limited (Trans Canada), pursuant to Great Lakes' Rate Schedule T–4, shall be 815,000 Mcf per day, effective not later than February 4, 1973, and that failure of Great Lakes to redeliver such contract quantity when tendered by Trans Canada shall require Great Lakes to render a demand charge credit.

(6) *Articles VI and VII.* Great Lakes' obligations under this Stipulation and Agreement shall be effective until superseded by rates made effective pursuant to Section 4 or 5 of the Natural Gas Act. The offer of settlement is subject to Commission approval of all the terms and conditions of the Agreement and that no party to the proceeding is bound by any principle underlying the proposed rates or any method used in this Stipulation and Agreement except the original cost determinations and the accounting disposition set forth in Appendix D concerning adjustments to Great Lakes' books of accounts.

The original cost adjustments noted in Article III of the Agreement, were the result of an audit we ordered in approving the settlement in RP71–102.[4] We believe the settlement is a satisfactory resolution of these original cost issues.

Along with the filing of this Agreement, Union Gas Ltd.[5] and Northern and Central Gas Corporation Limited filed notices of withdrawal of their intervention in Docket Nos. CP71–222 and CP71–223 in which Great Lakes seeks to amend its certificate to provide for lower transportation volumes. By order issued this date we have approved Great Lakes' certificate amendment to provide for a reduction in maximum transportation volume, from 900,000 Mcfd to 815,000 Mcfd, and left outstanding the issue whether November 1, 1972 or February 4, 1973, should be the effective date of such reduction for hearing. For purposes of this settlement an effective date of February 4, 1973, has been agreed to by all parties.[6]

Based upon our review of the terms and provisions of the proposed Agreement and cost of service which accompanied the settlement[7] we conclude that the proposed Agreement provides a reasonable and appropriate resolution of the issues in this docket and that the public interest will be served by our approval, as conditioned, of the settlement.

The Commission finds:

Approval, as conditioned below, of the settlement in these proceedings on the basis of the Agreement placed on the record June 6, 1973, is just and reasonable and in the public interest in carrying out the provisions of the Natural Gas Act and should be made effective.

The Commission orders:

(A) The Agreement placed on the record by Great Lakes on June 6, 1973, is incorporated herein by reference and is approved and made effective February 4, 1973, subject to the terms and conditions of this order.

(B) Great Lakes shall comply with each of the provisions of the Agreement and with the terms of this order.

(C) This order is without prejudice to any findings or orders which have been made or will hereafter be made by the Commission, and is without prejudice to any claims or contentions which may be made by the Commission, its Staff, Great Lakes, or any party or person affected by this order, in any proceeding now pending or hereinafter instituted by or against Great Lakes or any other person or party.

(D) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.[1]

[SEAL] KENNETH F. PLUMB, *Secretary.*

[4] Ordering Paragraphs C and D therein.

[5] Formerly Union Gas Company of Canada, Ltd.

[6] Great Lakes' motion filed May 31, 1973, in Docket Nos. CP71–222 and CP71–223.

[7] Appendix A attached.

[1] Commissioner Brooke's concurrence in the instant order does not extend to the discussion regarding application of unmodified *Seaboard*.

GREAT LAKES GAS TRANSMISSION COMPANY

Docket No. 73–4

COST OF SERVICE—12 MONTHS ENDED MARCH 31, 1972, AS ADJUSTED

Line No.	Description (a)	Settlement (b)
1	Operation and maintenance expenses:	
2	Net gas supply expenses	$28,561,888
3	Transmission expenses:	
4	Payroll costs	1,560,134
5	Operation supplies and expenses	11,945,908
6	Maintenance supplies and expenses	1,243,464
7	Customers accounts expenses	3,716
8	Administrative and general expenses	2,488,506
9	Total operation and maintenance	45,801,616
10	Depreciation	12,457,901
11	Taxes—Federal and State income	7,800,573
12	—Other than income	6,765,302
13	Return @ 9.50 percent	28,531,743
14	Amortization of gas plant adjustments	554,731
15	Amortization of tax effect of deferred income tax deductions resulting from use of sinking fund tax depreciation for years 1967 through 1970	438,880
16	Flow through of tax reductions arising from higher depreciation deductions, as a result of having used sinking fund method in earlier years	(286,137)
17	Tax benefit assuming no tax basis adjustment relating to original cost adjustments	(128,490)
18	Total cost of service	102,026,119

[FR Doc.73–25390 Filed 11–29–73;8:45 am]

[Docket No. DA-111-Alaska, Bureau of Land Management]

LANDS WITHDRAWN IN PROJECT NOS. 2138 & 2215

Order Vacating Land Withdrawals Under Section 24 of the Federal Power Act

NOVEMBER 21, 1973.

The Bureau of Land Management, Department of the Interior, has filed a petition for modification of the withdrawals for Project Nos. 2138 and 2215 in aid of two homestead claimants, thereby requiring Commission consideration under section 24 of the Federal Power Act. The two homestead claimants now occupy limited United States lands in technical trespass. The lands affected by the claims are described as follows:

COPPER RIVER MERIDIAN, ALASKA

T. 2 S., R. 4 E.,
Sec. 21, lots 2, 5 and 6;
Sec. 22, lots 1 and 2;
Sec. 27, N½NW¼.

The subject lands lie along the Copper River about 3 miles north of its confluence with the Tonsina River. The lands are withdrawn pursuant to the filing on July 20, 1953, of an application for a preliminary permit for Project No. 2138. Surrender of the permit was accepted by Commission Order dated October 2, 1956 (16 FPC 1006). The lands are further withdrawn pursuant to the filing on August 13, 1956, of an application for preliminary permit for Project No. 2215 which permit expired on May 31, 1960. An application for license was never filed.

The plan of development for each of the subject withdrawals contemplated development of the Wood Canyon site located in sec. 23, T. 5 S., R. 5 E., on the Copper River. Project No. 2138 proposed construction of a dam that would create a pool with maximum water surface at 1,000 feet elevation; the dam for Project No. 2215 would create a pool with maximum water surface at 950 feet elevation. The Corps of Engineers also suggested a development at the site which would raise the water surface to an elevation of 900 feet. Portions of the subject lands would be affected by flowage from development under any of the proposed plans.

The land withdrawals for the projects reserved "Every smallest legal subdivision, now unsurveyed, adjacent to Copper and Chitina Rivers any part of which, when surveyed, will be below an altitude of 1,000 feet, sea level datum." The lands subsequently were surveyed and described by legal subdivisions in an interpretation of survey dated February 18, 1971. A comparison of the survey plat and the Valdez (C-2) topographic map shows that only a small portion of each of the subject tracts lie below the 1,000-foot contour. According to sketches and statements furnished by the two homestead claimants, the improvements placed upon the subject lands lie above the 1,000-foot elevation and would not be affected by the development of the proposed Wood Canyon project.

The Wood Canyon site is considered to be one of the more favorable sites in Alaska because of its geographical location and the potential generating capacity. Retention of the land withdrawal for the project area is justified; however, development of the reservoir to an elevation above the 1,000-foot contour is not likely.

Under the circumstances, modification of the project boundary to allow the Bureau of Land Management to provide relief for the homestead claimants is in the public interest.

The Commission finds: The withdrawals for Project Nos. 2138 and 2215 insofar as they affect those portions of the subject lands lying above the 1,000-foot contour serve no useful purpose and should be vacated.

The Commission orders: The withdrawals for Project Nos. 2138 and 2215 insofar as they affect those portions of the subject lands lying above the 1,000-foot contour are hereby vacated.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-25262 Filed 11-29-73;8:45 am]

[Docket No. RP72-19]

MISSISSIPPI RIVER TRANSMISSION CORP.

Notice of Proposed Change in Rates and Charges

NOVEMBER 21, 1973.

Take notice that on November 1, 1973, Mississippi River Transmission Corporation (Mississippi) tendered for filing the following tariff sheets to its FPC Gas Tariff, First Revised Volume No. 1:

Second Substitute Twelfth Revised Sheet No. 3A
Second Substitute Thirteenth Revised Sheet No. 3A
Eleventh Revised Sheet No. 5
Ninth Revised Sheet No. 6
Second Revised Sheet No. 27B
Second Revised Sheet No. 27E
Second Revised Sheet No. 27H
Second Revised Sheet No. 27I

Mississippi states that on September 28, 1973, the Commission issued Opinion No. 666 which approved Mississippi's Stipulation and Agreement settling the proceedings in Docket No. RP72-149. Article II of said Stipulation and Agreement provides that Mississippi shall file, within ten days after the date upon which the Commission's order approving the Stipulation and Agreement shall bcome final and nonappealable, the revised tariff sheets contained in Appendix A to the Agreement. Mississippi states that the Commission's Opinion has now become final and no longer subject to appeal. Therefore, the tendered tariff sheets are being filed pursuant to Article II of the Stipulation and Agreement.

Mississippi states that included in the tariff filing are Second Substitute Twelfth Revised Sheet No. 3A and Second Substitute Thirteenth Revised Sheet No. 3A bearing effective dates of October 1, 1973 and November 1, 1973, respectively, and were filed in substitution of the tariff sheets originally filed to be effective on such dates in order to reflect the revised settlement rates with respect to Opinion No. 666.

Mississippi also states that on October 15, 1973, it filed Fourteenth Revised Sheet No. 3A and Alternate Fourteenth Revised Sheet No. 3A, both of which reflected a purchased gas cost adjustment to become effective December 1, 1973. In the October 15, 1973 filing Mississippi requested that Alternate Fourteenth Revised Sheet No. 3A, which contains the settlement base tariff rates to be effective on December 1, 1973. Mississippi now states that insomuch as the Commission's Opinion and Order approving the settlement agreement has now become final, Mississippi is renewing its request that the Alternate Fourteenth Revised Sheet No. 3A be made effective on December 1, 1973.

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 Sections 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 30, 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 unless such petition has been filed previously. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-25388 Filed 11-29-73;8:45 am]

[Docket No. RP73-6]

MISSISSIPPI RIVER TRANSMISSION CORP.

Notice Postponing Procedural Rates

NOVEMBER 21, 1973.

On November 19, 1973, GAF Corporation (GAF) filed a motion for extension of time from November 26, 1973, to December 17, 1973, within which to file testimony and exhibits in accordance with the orders issued October 1, 1973, and November 2, 1973, in the above-designated matter. The motion also requests a postponement of the hearing presently scheduled to commence on December 11, 1973. The motion states that Counsel for Mississippi River Transmission Corporation and Commission Staff Counsel do not oppose the request.

Upon consideration, notice is hereby given that the time is extended to and including December 17, 1973, within which GAF shall file its testimony and exhibits. The hearing is postponed to January 8, 1974, at 10:00 a.m. (EST), in a hearing room of the Federal Power

Commission, 825 North Capitol Street NE., Washington, D.C. 20426.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-25393 Filed 11-29-73;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; Correction

NOVEMBER 14, 1973.

In the FEDERAL REGISTER of November 9, 1973 (38 FR 31050), in the first paragraph, line 15: change "200 Mcf" to "300 Mcf". In the fourth paragraph, lines 4 and 38: change "CP74-24" to "RP74-24".

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-25394 Filed 11-29-73;8:45 am]

FEDERAL RESERVE SYSTEM

F&M NATIONAL CORP.

Order Denying Acquisition of Virginia Loan and Thrift Corporation

F&M National Corporation, Winchester, Virginia, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y, to acquire all of the voting shares of Virginia Loan and Thrift Corporation, Winchester, Virginia ("Company"), a company that engages in the activities of making consumer installment loans and purchasing consumer installment sales finance contracts, engaging in the general consumer finance business, selling credit life and credit health and accident insurance to borrowers, and conducting other financial activities as permitted by the Code of Virginia as it pertains to industrial loan associations. Such activities have been determined by the Board to be closely related to banking (12 CFR 225.4 (a) (1), (2), and (9)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (38 FR 26833). The time for filing comments and views has expired, and none has been timely received.

Applicant controls one bank with deposits of $91.8 million, which represents less than one percent of total commercial bank deposits in the State as of June 30, 1973. In the relevant banking market (approximated by the city of Winchester and the counties of Frederick and Clarke), Applicant's bank, Farmers and Merchants National Bank ("Bank"), Winchester, Virginia, is dominant, controlling approximately 44 percent of total market deposits. The second largest bank controls approximately 24 percent of the market deposits; and the remaining four banks control 32 percent in the aggregate. (All banking data are as of June 30, 1972, unless otherwise noted.)

Company (assets of $2.3 million as of June 30, 1973), one of only five industrial loan associations chartered by the State of Virginia, issues uninsured "certificates of investment" to fund the making of consumer installment loans and the purchasing of consumer installment finance contracts. Company also sells credit life and credit health and accident insurance to borrowers. Its sole office is located in Winchester, Virginia.

The relevant product markets for considering the competitive aspects of the proposed acquisition appear to be those for consumer loans and thrift deposits; the relevant geographic market for these activities is approximately the same as the banking market in which Bank competes. Bank had outstanding consumer installment loans of the types made by consumer finance companies of $9.6 million, representing about 39 per cent of consumer installment loans held by commercial banks in the relevant market, and thrift deposits of $34.8 million representing 32.1 per cent of those held by banks and nonbanks in the market. In addition to Bank, Applicant operates two finance companies in Winchester, a subsidiary, Winchester Credit Corporation ("Credit"), and its subsidiary, Rouss Finance Company ("Finance"). Credit and Finance hold about 32 per cent of the consumer installment loans held by nonbanking offices in the relevant market. Company had outstanding consumer loans of $1.5 million representing about 25 per cent of those held by nonbanks in the relevant market, and 1.4 per cent of market thrift deposits held by banks and nonbanks.

The market for consumer loans is concentrated, with the three largest lenders holding about 83 per cent of outstanding consumer loans. Approval of the proposed acquisition would increase this three-firm concentration to approximately 88 per cent and would reduce the number of competing consumer loan lenders from 12 to 11. Furthermore, existing competition between Applicant (the largest consumer loan lender in the market) and Company (the fourth largest consumer loan lender) would be eliminated, and Applicant's market share of consumer loans would increase from 38 per cent to 43 per cent.

The market for thrift deposits is concentrated, with the top three firms holding almost 75 per cent of thrift deposits. Approval of the proposed acquisition would increase this three-firm concentration to 76 per cent and would reduce the number of competitors in the market from eight to seven. Existing competition between Applicant (ranked first in thrift deposits) and Company (ranked seventh) would be eliminated, and Applicant's market share would increase from 32.1 per cent to 33.5 per cent. The Board concludes that consummation of the proposal would have a substantially adverse effect on existing competition in both product markets.

Virginia law prohibits the chartering of any new industrial loan institutions, such as Company, which can obtain funds through the issuance of certificates of investment. While Applicant would be effectively unable to form an industrial loan association *de novo*, Applicant's bank and nonbanking subsidiaries can offer all of the important lending services provided by Company. Applicant's proposed acquisition of Company would eliminate Company as a possible foothold acquisition by a State-wide banking organization not presently represented in this market or as an acquisition by a nonbank financial company, and would further entrench Applicant's dominant position. The Board concludes that consummation would have a substantially adverse effect on potential competition.

Section 4(c)(8) of the Bank Holding Company Act requires the Board to find that performance by Company as an affiliate of Applicant "can reasonably be expected to produce benefits to the public such as greater convenience, increased competition, or gains in efficiency that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest or unsound banking practices". In seeking to meet its burden of demonstrating that the acquisition would be in the public interest, Applicant indicates that affiliation would strengthen Company's competitive ability. While Company does have a problem of successor management which Applicant is capable of solving, Company's earnings are good and there would appear to be less anticompetitive solutions to the problem than affiliation with Applicant. Applicant also submitted anticipated reductions in rates charged by Company. While those anticipated rate reductions promise some public benefit, based on the foregoing and other considerations reflected in the record, the Board finds that the public benefits to be derived from the proposed acquisition do not outweigh the substantially adverse competitive effects of the proposal. Accordingly, the application is hereby denied.

By order of the Board of Governors,[1] effective November 21, 1973.

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

[FR Doc.73-25380 Filed 11-29-73;8:45 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY PANEL FOR ENGINEERING MATERIALS

Notice of Establishment

Pursuant to the Federal Advisory Committee Act (P.L. 92-463), it is hereby determined that the establishment of an Advisory Panel for Engineering Materials, as hereinafter identified,

[1] Voting for this action: Chairman Burns and Governors Mitchell, Daane, Brimmer, Sheehan, Bucher, and Holland.

is necessary, appropriate and in the public interest in connection with the performance of duties imposed upon the National Science Foundation by the National Science Foundation Act of 1950, as amended, and other applicable law. This determination follows consultation with the Office of Management and Budget (OMB), pursuant to section 9.(a)(2) of the Federal Advisory Committee Act and provisional OMB guidelines.

1. *Name of Panel:* Advisory Panel for Engineering Materials.

2. *Purpose:* To provide advice and recommendations to the National Science Foundation concerning support for research in engineering materials and to advise the Foundation of the impact of its research support programs on the scientific community in engineering materials.

3. *Effective Date of Establishment and Duration:* The Panel is established effective 30 days after publication of this notice; and its duration shall be two years from the effective date.

4. *Membership:* The membership on the Panel shall include reasonable representation of the different types of institutions having research programs in engineering materials.

5. *Meetings:* The Panel will normally meet one to three times annually.

6. *Panel Operation:* The Panel will operate in accordance with provisions of the Federal Advisory Committee Act (P.L. 92-463), Foundation policy and procedures, OMB Circular No. A-63 and other directives and instructions issued in implementation of the Act.

R. L. BISPLINGHOFF,
Acting Director.

[FR Doc.73-25437 Filed 11-29-73;8:45 am]

TARIFF COMMISSION

[337-L-68]

PIEZOELECTRIC CERAMIC 10.7 MHz ELECTRIC WAVE FILTERS

Notice of Complaint Received

The United States Tariff Commission hereby gives notice of the receipt on July 20, 1973, of a complaint under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337), filed by the Vernitron Corporation of Bedford, Ohio, alleging unfair methods of competition and unfair acts in the importation and sale of piezoelectric ceramic electric wave filters which are embraced within claims of U.S. Patents Nos. 3,222,622 and 3,676,724, owned by the complainant. International Importers, 2242 South Western Avenue, Chicago, Illinois, has been named as an importer of the subject electric wave filters.

In accordance with the provisions of § 203.3 of its Rules of Practice and Procedure (19 C.F.R. 203.3), the Commission has initiated a preliminary inquiry into the allegations of the complaint for the purpose of determining whether there is good and sufficient reason for a full investigation, and, if so, whether the Commission should recommend to the President the issuance of a temporary order of exclusion from entry under section 337(f) of the Tariff Act.

A copy of the complaint is available for public inspection at the Office of the Secretary, United States Tariff Commission, 8th and E Streets, N.W., Washington, D.C., and at the New York office of the Tariff Commission located in Room 437 of the Customhouse.

Information submitted by interested persons which is pertinent to the aforementioned preliminary inquiry will be considered by the Commission if it is received not later than January 4, 1974. Such information should be sent to the Secretary, United States Tariff Commission, 8th and E Streets NW., Washington, D.C. 20436. A signed original and nineteen (19) true copies of each document must be filed.

Issued: November 26, 1973.

By order of the Commission:

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.73-25429 Filed 11-29-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 397]

ASSIGNMENT OF HEARINGS

NOVEMBER 27, 1973.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

No. 35869, Continental Bus System, Inc., Continental Southern Lines Inc., Continental Trailways Tours, Inc., and Ray A. Johnson, DBA Universal Travel Service—Investigation of Operations and Practices, now assigned November 27, 1973, at Dallas, Tex., is cancelled.

MC-C-8115, Liquid Transporters, Inc., and Robbins Truck Line, Inc.—Investigation of Operations and Revocation of Certificates—now assigned January 15, 1974, at Louisville, Ky., is cancelled.

No. 35832, Aluminum Company of America V Davenport, Rock Island and Northwestern Railway Company, now assigned November 27, 1973, at Washington, D.C., is postponed to December 19, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 2202 Sub 437, Roadway Express, Inc. is continued to January 15, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-25444 Filed 11-29-73;8:45 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 27, 1973

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed on or before December 12, 1973.

FSA No. 42776—*Cinders to Points in Southern Territory.* Filed by Southwestern Freight Bureau, Agent, (No. B-449), for interested rail carriers. Rates on cinders, clay or shale, in open-top cars, in carloads, as described in the application, from Arkalite and Edmondson, Arkansas, Alexandria, Louisiana, Clodine, Dallas and Eastland, Texas, to points in southern territory; also Cincinnati, Ohio and points in Indiana.

Grounds for relief—Market competition and rate relationship.

Tariff—Supplement 4 to Southwestern Freight Bureau, Agent, tariff 162-Y, I.C.C. No. 5103. Rates are published to become effective on December 24, 1973.

FSA No. 42777—*Chemicals Between Points in Louisiana and Texas, also Darlington, S.C.* Filed by Southwestern Freight Bureau, Agent, (No. B-447), for interested rail carriers. Rates on chemicals, in tank-car loads, as described in the application, between points in Louisiana and Texas, on the one hand, and Darlington, S. C., on the other.

Grounds for relief—Market competition.

Tariff—Supplement 9 to Southwestern Freight Bureau, Agent, tariff 11-F, I.C.C. No. 5082. Rates are published to become effective on January 1, 1974.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-25441 Filed 11-29-73;8:45 am]

[Notice No. 399]

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 December 20, 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-74750. By order of November 20, 1973, the Motor Carrier Board approved the transfer to Toupin Rigging Company, Inc., Dracut, Mass., of the operating rights in Certificate No. MC-59892 issued January 16, 1959, to William R. Toupin, doing business as Toupin Rigging Company, Dracut, Mass., authorizing the transportation of used textile machinery and textile mill equipment, between points in Rhode Island, points in Massachusetts and Connecticut on and east of a line beginning at the Vermont-Massachusetts State line and extending along U.S. Highway 5 to Hartford, Conn., thence along unnumbered highway (formerly U.S. Highway 5) to junction U.S. Highway 5, and thence along U.S. Highway 5 to Long Island Sound, and points in that part of New Hampshire south of a line extending from the Connecticut River along U.S. Highway 4 to junction U.S. Highway 202 at Concord, N.H., and thence along U.S. Highway 202 to the New Hampshire-Maine State Line, including points on the indicated portions of the highways specified; and between Fall River, and New Bedford, Mass., and Pawtucket and Woonsocket, R.I., on the one hand, and, on the other, New Britain, Conn., Newark and Paterson, N.J., and New York and Long Island City, N.Y. Herbert Alan Dubin, 1819 H Street, N.W., Washington, D.C. 20006, Attorney for applicants.

No. MC-FC-74763. By order of November 21, 1973, the Motor Carrier Board approved the transfer to Rolph Trucking, Inc., Phoenix, Ariz., of the operating rights in Permit No. MC-134735 issued September 9, 1971, to Edwin J. Rolph, Phoenix, Ariz., authorizing the transportation of steel roof decking, from Phoenix, Ariz., to points in California, Nevada, Utah, Colorado, New Mexico, and Texas, and coiled sheet steel, from points in California to Phoenix, Ariz., under continuing contract, or contracts, with Verco Manufacturing, Inc., of Phoenix, Ariz. Donald E. Fernaays, Registered Practitioner, Suite 312, 4040 East McDowell Road, Phoenix, Ariz. 85008, Representative for applicants.

No. MC-FC-74781. By order of November 21, 1973, the Motor Carrier Board approved the transfer to The Union Cartage Company, a corporation, Youngstown, Ohio, of the operating rights evidenced by Certificate of Registration No. MC-99594 (Sub-No. 1) issued June 16, 1965, to Stony's Trucking Co., a corporation, North Jackson, Ohio, authorizing interstate transportation corresponding in scope to the grant of intrastate operating authority in certificate No. 1310-I dated December 13, 1955, issued by the Public Utilities Commission of Ohio. A. Charles Tell, 100 E. Broad Street, Columbus, Ohio 43215, Attorney for applicants.

No. MC-FC-74809. By order entered November 20, 1973, the Motor Carrier Board approved the transfer to Berg's Trucking, Inc., Dallas, Wis., of the operating rights set forth in Certificates Nos. MC-59240 (Sub-No. 1), MC-59240 (Sub-No. 2), and MC-59240 (Sub-No. 6), issued by the Commission May 23, 1942, July 19, 1962, and May 29, 1967, respectively, to Knute Berg, doing business as Berg's Transfer, Dallas, Wis., authorizing the transportation of flour, millfeeds, grain, household goods as defined by the Commission, emigrant movables, general commodities (except those of unusual value, and except dangerous explosives, commodities in bulk, and those requiring special equipment), animal and poultry feed and feed ingredients, from, to, or between specified points in Minnesota, Michigan, and Wisconsin. F. H. Kroeger, 2288 University Ave., St. Paul, Minn. 55114, practitioner for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-25443 Filed 11-29-73;8:45 am]

[Notice No. 161]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

NOVEMBER 23, 1973.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the Federal Register publication, on or before December 12, 1973. 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 30844 (Sub-No. 482 TA), filed November 13, 1973. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, P.O. Box 5000 (Box zip 50704), Waterloo, Iowa 50702. Applicant's representative: Paul Rhodes (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsite and facilities utilized by Royal Packing Company at or near St. Louis, Mo., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New York, New Hampshire, New Jersey, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to shipments originating from the above-named plantsites and destined to the above-named states, for 180 days. Note: Applicant does not intends to tack or interline. SUPPORTING SHIPPER: Royal Packing Company, P.O. Box 156, National Stock Yards, Ill. 62071. SEND PROTESTS TO: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 27500 (Sub-No. 9 TA), filed November 13, 1973. Applicant: MISHAK TRUCK LINE, INC., 320 7th Avenue North, Clear Lake, Iowa 50428. Applicant's representative: Larry D. Knox, 9th Floor, Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Portage, Ind., to points in Iowa, restricted to shipments originating at the plantsite of Midwest Steel, Division of National Steel Corporation and destined to points in Iowa, for 180 days. SUPPORTING SHIPPER: Midwest Steel, Division of National Steel Corporation, Portage, Ind. 46368. SEND PROTESTS TO: Herbert W. Allen, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 875 Federal Bldg., Des Moines, Iowa 50309.

No. MC 54567 (Sub-No. 14 TA), filed November 13, 1973. Applicant: RELIANCE TRUCK COMPANY, 2500 N. 24th Avenue, Phoenix, Ariz. 85009. Applicant's representative: A. Michael Bernstein, 1327 United Bank Bldg., Phoenix, Ariz. 85012. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pipe and fittings*, from Long Beach, Calif. and Crestmore, Calif., to points in Arizona; (2) *Iron and steel*, between points in Arizona and California; and (3) *Pipe*, from Tucson, Ariz., to points in California, for 180 days. SUPPORTING SHIPPERS: There are approximately 9 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office

named below. SEND PROTESTS TO: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 3427 Federal Building, 230 N. 1st Avenue, Phoenix, Ariz. 85025.

No. MC 83744 (Sub-No. 13 TA), filed November 14, 1973. Applicant: DOUGLAS GARRISON AND RUTH E. GARRISON, doing business as D & R TRANSPORT, P.O. Box 130, Beaver Springs, Pa. 17812. Applicant's representative: John M. Musselman, 410 North Third Street, Harrisburg, Pa. 17108. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Milk and milk products*, in tank vehicles, moving on commercial bills of lading, between the facilities of Abbotts Dairies, Division of Fairmont Foods Corp. at Belleville, Pa., on the one hand, and, on the other, the facilities of Abbotts Dairies, Division of Fairmont Foods Corp. at Coshocton, Ohio, for 180 days. SUPPORTING SHIPPER: Abbotts Dairies, Division of Fairmont Foods Corp., 700 Packer Avenue, Philadelphia, Pa. SEND PROTESTS TO: Robert P. Amerine, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 278 Federal Building, P.O. Box 869, Harrisburg, Pa. 17108.

No. MC 105457 (Sub-No. 76 TA), filed November 14, 1973. Applicant: THURSTON MOTOR LINES, INC., 600 Johnston Road, P.O. Box 10638, Charlotte, N.C. 28201. Applicant's representative: J. V. Luckadoo (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) serving the Holiday Industrial Park located within De Soto County, Miss., as an off-route point in connection with carrier's authorized regular route authority between Greenville, S.C. and Memphis, Tenn., as authorized in Certificate MC–105457, Sub 61, for 180 days.

NOTE.—Applicant intends to tack with MC 105457 Sub 19 and Subs thereto and applicant also intends to interline with other carriers at all points where interchange arrangements are maintained. SUPPORTING SHIPPER: Holiday Inns, Inc., 3796 Lamar Avenue, Memphis, Tenn. 38118. SEND PROTESTS TO: District Supervisor Terrell Price, Interstate Commerce Commission, Bureau of Operations, 800 Briar Creek Road, CC516, Charlotte, N.C. 28205.

No. MC 107002 (Sub-No. 443 TA), filed November 13, 1973. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, U.S. Highway 80 West, Jackson, Miss. 39205. Applicant's representative: John J. Borth (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood treating oil*, in bulk, in tank vehicles, from St. Marks, Fla., to the site of International Paper Company plant near Wiggins, Miss., for 180 days. SUPPORTING SHIPPER: International Paper Company, P.O. Box 2328, Mobile, Ala. 36601. SEND PROTESTS TO: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 212, 145 East Amite Building, Jackson, Miss. 39201.

No. MC 107403 (Sub-No. 863 TA) (CORRECTION), filed November 1, 1973, published in the Federal Register issue of November 20, 1973, and republished as corrected this issue. Applicant: MATLACK, INC., 10 West Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same address as above).

NOTE.—The purpose of this partial republication is to show the correct sub number as No. MC 107403 (Sub-No. 863 TA), in lieu of No. MC 107403 (Sub-No. 827 TA) which was published in the Federal Register in error. The rest of the application will remains the same.

No. MC 112963 (Sub-No. 48 TA), filed November 13, 1973. Applicant: ROY BROS., INC., 764 Boston Road, Pinehurst, Mass. 01866. Applicant's representative: Leonard E. Murphy (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Muriatic acid*, in bulk, in tank vehicles, from Providence, R.I., to Worcester, Mass., for 180 days. SUPPORTING SHIPPER: Essex Chemical Corp., 39 Newman Avenue, Rumford, R.I. SEND PROTESTS TO: Darrell W. Hammons, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 150 Causeway St.—5th Floor, Boston, Mass. 02114.

No. MC 112989 (Sub-No. 33 TA), filed November 14, 1973. Applicant: WEST COAST TRUCK LINES, INC., P.O. Box 668, Coos Bay, Oreg. 97420. Applicant's representative: Rick Kelley, Route 4, Box 194 R, Eugene, Oreg. 97405. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Layers or sheets of paper impregnated with thermosetting resins hardened and set under heat or pressure*, from the plant site of Simpson Timber Co. at Portland, Oreg., to points in Oregon, Washington, Idaho, Utah, Montana, Colorado, Nevada, Arizona, and California, for 180 days. SUPPORTING SHIPPER: Simpson Timber Co., 2000 Washington Bldg., Seattle, Wash. 98101. SEND PROTESTS TO: A. E. Odoms, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, 319 S.W. Pine, Portland, Oreg. 97204.

No. MC 115215 (Sub-No. 22 TA), filed November 13, 1973. Applicant: NEW TRUCK LINES, INC., Highway 27 South, P.O. Box 639, Perry, Fla. 32347. Applicant's representative: Sol H. Proctor, 2501 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board*, from the plantsite of the Abitibi Corporation at Blountstown, Fla., to points in South Carolina, North Carolina and points in Alabama and Georgia north of U.S. Highway 80, for 180 days. SUPPORTING SHIPPER: Abitibi Corporation, P.O. Box 501, Birmingham, Mich. 48011. SEND PROTESTS TO: District Supervisor G. H. Fauss, Jr., Interstate Commerce Commission, Bureau of Operations, Box 35008, 400 W. Bay Street, Jacksonville, Fla. 32202.

No. MC 116544 (Sub-No. 147 TA), filed November 14, 1973. Applicant: WILSON BROTHERS TRUCK LINE, INC., 700 East Fairview Avenue (P.O. Box 636), Carthage, Mo. 64836. Applicant's representative: Robert Wilson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat byproducts, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Miami, Okla.; Carthage, Mo.; and Springfield, Mo., to points in Georgia and North Carolina, for 180 days. SUPPORTING SHIPPER: Geo. A. Hormel & Co., P.O. Box 800, Austin, Minn. 55912. SEND PROTESTS TO: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Office Building, 911 Walnut St., Kansas City, Mo. 64106.

No. MC 119654 (Sub-No. 24 TA), filed November 13, 1973. Applicant: HI-WAY DISPATCH, INC., 1401 W. 26th Street, Marion, Ind. 46952. Applicant's representative: Alki E. Scopelitis, 815 Merchants Bank Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Glass containers, caps, covers and tops therefor, and paper cartons*, from Plainfield, Ill., to Milwaukee, Wis. and (2) *rejected shipments of glass containers, caps, covers and tops therefor, paper cartons and pallets*, from Milwaukee, Wis., to Plainfield, Ill., for 180 days. SUPPORTING SHIPPER: A.H.K. Division of Kerr Glass Mfg. Corp., Route #59 North, Plainfield, Ill. 60544. SEND PROTESTS TO: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 345 W. Wayne Street, Room 204, Ft. Wayne, Ind. 46802.

No. MC 123407 (Sub-No. 148 TA), filed November 13, 1973. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6 & McCool Road, Valparaiso, Ind. 46383. Applicant's representative: Donald W. Rice (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Veneer, wood products, building materials, and supplies* (except commodities in bulk) between points in Washburn County, Wis. and points in Minnesota, North Dakota, South Dakota, Nebraska, Illinois, Indiana, Michigan, and Georgia, for 180 days. SUPPORTING SHIPPER: Birchwood Lumber & Veneer Co., Inc., P.O. Box 54, Birchwood, Wis.

54817. SEND PROTESTS TO: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 345 W. Wayne Street, Room 204, Ft. Wayne, Ind. 46802.

No. MC 124251 (Sub-No. 32 TA), filed November 2, 1973. Applicant: JACK JORDAN, INC., Highway 41 South, P.O. Box 688, Dalton, Ga. 30720. Applicant's representative: Archie B. Culbreth, Suite 246, 1252 West Peachtree St., N.W., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alumina hydrate*, dry, in bulk, from points in Murray County, Ga., to points in Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia, for 180 days. SUPPORTING SHIPPER: Kaiser Aluminum & Chemical Sales, Inc., P.O. Box 576, 300 Lakeside Drive, Oakland, Calif. 94604. SEND PROTESTS TO: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1252 West Peachtree Street, N.W., Room 309, Atlanta, Ga. 30309.

No. MC 124511 (Sub-No. 21 TA), filed November 12, 1973. Applicant: JOHN F. OLIVER, E. Highway 54, P.O. Box 223, Mexico, Mo. 65265. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Building, St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Crude clay*, in bulk, in dump vehicles, from points in Pulaski and Lonoke Counties, Ark., to Marseilles, Ill. and (2) *Calcined clay*, in bulk, in dump vehicles, from Marseilles, Ill., to Mexico, Mo., for 180 days. SUPPORTING SHIPPER: Kaiser Refractories & Chemicals Division, Kaiser Aluminum and Chemicals Corporation, P.O. Box 499, Mexico, Mo. 65265. SEND PROTESTS TO: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 124511 (Sub-No. 22 TA), filed November 13, 1973. Applicant: JOHN F. OLIVER, E. Highway 54, P.O. Box 223, Mexico, Mo. 65265. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Building, St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fuel oil*, in bulk, in tank vehicles, from Ludington, Mich., to the plantsites and storage facilities of Harbison-Walker Refractories Division of Dresser Industries, Inc. at or near Fulton and Vandalia, Mo., for 180 days. SUPPORTING SHIPPER: Harbison-Walker Refractories Company, Division of Dresser Industries, Inc., No. 2 Gateway Center, Pittsburgh, Pa. 15222. SEND PROTESTS TO: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Office Building, 911 Walnut St., Kansas City, Mo. 64106.

No. MC 129870 (Sub-No. 14 TA), filed November 13, 1973. Applicant: GAS INCORPORATED, 95 E. Merimack Street, Lowell, Mass. 01853. Applicant's representative: John T. Hildemann, 744 Broad Street, Newark, N.J. 01702. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquified natural gas*, (1) from Everett, Mass., to Rocky Hill, Conn. and (2) from Rocky Hill, Conn., to points in Massachusetts, for 180 days. SUPPORTING SHIPPER: Cape Cod Gas Company, Whites Path, South Yarmouth, Mass. 02664. SEND PROTESTS TO: Darrell W. Hammons, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 150 Causeway Street, 5th Floor, Boston, Mass. 02114.

No. MC 129870 (Sub-No. 15 TA), filed November 14, 1973. Applicant: GAS INCORPORATED, 95 East Merrimack St., Lowell, Mass. 01853. Applicant's representative: John T. Hildemann, 744 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquified natural gas*, from Everett, Mass., to Manahawkin, N.J. and Howell Township, N.J., for 180 days. SUPPORTING SHIPPER: New Jersey Natural Gas Co., 601 Bangs Avenue, Asbury Park, N.J. SEND PROTESTS TO: Darrell W. Hammons, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 150 Causeway Street, 5th Floor, Boston, Mass. 02114.

No. MC 129870 (Sub-No. 16 TA), filed November 16, 1973. Applicant: GAS INCORPORATED, 95 East Merrimack St., Lowell, Mass. 01853. Applicant's representative: John T. Hildemann, 744 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid methane*, in bulk, in cryogenic tank vehicles, from Chattanooga, Tenn.; Roanoke, Va.; and Everett, Mass., to McKee City, N.J., for 180 days. SUPPORTING SHIPPER: South Jersey Gas Co., One South Jersey Plaza, Folsom, N.J. SEND PROTESTS TO: Darrell W. Hammonds, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 150 Causeway St., 5th Floor, Boston, Mass. 02114.

No. MC 135680 (Sub-No. 3 TA), filed November 14, 1973. Applicant: BEVERAGE DISTRIBUTORS, INC., 119 N. 46th Avenue, Yakima, Wash. 98902. Applicant's representative: Philip G. Skofstad, 3076 E. Burnside, Portland, Oreg. 97214. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wine, beer and malt beverages*, from points in Los Angeles, Napa, San Francisco, San Joaquin, Santa Clara, Sonoma and Stanislaus Counties, Calif., to Yakima, Wash., for 180 days. SUPPORTING SHIPPER: Chaney Beverage Co., 107 So. 4th Avenue, Yakima, Wash. 98902. SEND PROTESTS TO: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, 319 S.W. Pine, Portland, Oreg. 97204.

No. MC 136897 (Sub-No. 9 TA), filed November 12, 1973. Applicant: SWIFT TRANSPORTATION COMPANY, INC., 335 West Elwood Road, Phoenix, Ariz. 85041. Applicant's representative: Donald E. Fernaays, Suite 312, 4040 E. McDowell Road, Phoenix, Ariz. 85008. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Conduit or pipe, cement with asbestos fiber, washers, flangers, lube and accessories*, from the plant site of Johns-Manville Products Corporation, Carson (Los Angeles County), Calif., to points in Arizona, for 180 days. SUPPORTING SHIPPER: Johns-Manville Products Corporation, Carson, Calif. SEND PROTESTS TO: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 3427 Federal Bldg., 230 N. First Avenue, Phoenix, Ariz. 85025.

No. MC 138452 (Sub-No. 2 TA), filed November 12, 1973. Applicant: JOSEPH KRAUS, Route 2, Box 262-H, Sherwood, Oreg. 97140. Applicant's representative: Philip G. Skofstad, 3076 E. Burnside, Portland, Oreg. 97214. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum molding, aluminum windows, aluminum doors, aluminum siding, paste and paint*, (A) between Gardena, Calif. and Meridian, Idaho; (B) between Gardena, Calif. and Aurora, Oreg.; (C) between Meridian, Idaho and Aurora, Oreg.; and (D) from Meridian, Idaho, to Hollister, Calif., for 180 days. SUPPORTING SHIPPER: Elixir Industries, P.O. Box 7986, Boise, Idaho 83707. SEND PROTESTS TO: A. E. Odoms, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, 319 S.W. Pine Street, Portland, Oreg. 97204.

No. MC 139241 (Sub-No. 1 TA), filed November 12, 1973. Applicant: PARTS DISTRIBUTION SYSTEMS, INC., 510 Leonard Street, St. Louis, Mo. 63103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automotive parts and accessories*, from Lenexa, Kans. and Kansas City International Airport, to St. Louis and the commercial zone of St. Louis, Mo.; points in Jefferson, St. Charles, St. Francois, and St. Louis Counties, Mo.; and points in Madison, Monroe, and St. Clair Counties, Ill., for 180 days. SUPPORTING SHIPPERS: There are approximately 29 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission, in Washington, D.C., or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: District Supervisor, J. P. Werthmann, Interstate Commerce Commission, Bureau of Operations, Room 1465, 210 N. 12th Street, St. Louis, Mo. 63101.

No. MC 139246 TA, filed November 5, 1973. Applicant: LEON JONES FEED AND GRAIN, INC., Route 3, Cumming, Ga. 30130. Applicant's representative: Guy H. Postell, Suite 713, 3384 Peachtree Road, NW., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fish meal*, in bulk, in hopper-type vehicles, from Guntersville, Ala.; Chattanooga, Tenn.; Southport, N.C.; Moss Point, Miss.; Moorehead City, N.C.; and Gulfport, Miss., to points in Georgia, for 180 days. SUPPORTING SHIPPERS: Ralston Purina Company, P.O. Box 839, Gainesville, Ga. 30501; Southeastern Feed Ingredients, Inc., Route 3, Box 166 A, Gainesville, Ga. 30501; and H.F.C. Feeds, Inc., P.O. Box 446, Gainesville, Ga. 30501. SEND PROTESTS TO: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street, NW., Atlanta, Ga. 30309.

No. MC 139247 TA, filed November 5, 1973. Applicant: COOPER BROTHERS, INC., Highway 53, P.O. Box 167, Braselton, Ga. 30517. Applicant's representative: Guy H. Postell, Suite 713, 3384 Peachtree Road, N.E., Atlanta, Ga. 30326. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such merchandise* as used, sold, or dealt in by wholesale, retail and chain grocery and food business houses, from points in Minnesota, Iowa, Missouri, Arkansas, Louisiana, Wisconsin, Illinois, Kentucky, Tennessee, Mississippi, Michigan, Indiana, Alabama, Ohio, Georgia, Florida, New York, Pennsylvania, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, Maine, Delaware, Maryland, West Virginia, Virginia, North Carolina, South Carolina, New Jersey, and the District of Columbia, to the warehouse storage and distribution facilities of Colonial Stores, Inc. at Atlanta, Ga.; Thomasville, Ga.; Columbia, S.C.; Raleigh, N.C.; Norfolk, Va.; and Columbus, Ohio and (2) *Materials, supplies and equipment* used by wholesale, retail and chain grocery and food business houses, from High Point, N.C., to the retail outlets and business of Colonial Stores, Inc. in North Carolina, South Carolina, Georgia, Ohio, Florida, Alabama, Kentucky, Maryland and Virginia under a continuing contract or contracts with Colonial Stores, Inc., for 180 days. SUPPORTING SHIPPER: Colonial Stores, Inc., 2251 N. Sylvan Road, Box 4358, Atlanta, Ga. 30310. SEND PROTESTS TO: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1252 West Peachtree Street, N.W., Room 309, Atlanta, Ga. 30309.

No. MC 139252 TA, filed November 12, 1973. Applicant: C & W HOUSE MOVERS, INC., P.O. Box 5544, Lubbock, Tex. 79417. Applicant's representative: John C. Sims, 1607 Broadway, Lubbock, Tex. 79401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Assembled buildings and houses*, ready built, new and used intact or in sections which, by reason of their physical characteristics, require the use of special equipment for loading and unloading and in transportation thereof, from points in Lubbock County, Tex., to points in Colorado, New Mexico, Oklahoma, Kansas, and Arizona, for 180 days. SUPPORTING SHIPPERS: Bertram Ready Built Homes, Inc., P.O. Box 5431, Lubbock, Tex. 79417; The Medlock Co., Inc., P.O. Box 5545, Lubbock, Tex. 79417; L & M Builders, P.O. Box 5491, Lubbock, Tex. 79417; Leroy W. Hindman Readybuilt Homes, 805 N. Ave. Q Dr., Lubbock, Tex. 79403; and Bob's Custom Ready Built Homes, 2134 Erskine Road, Lubbock, Tex. 79417. SEND PROTESTS TO: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box H-4395 Herring Plaza, Amarillo, Tex. 79101.

No. MC 139253 TA, filed November 13, 1973. Applicant: SOUTHEASTERN WAREHOUSING AND DISTRIBUTION CORPORATION, P.O. Box 1195, Johnson City, Tenn. 37601. Applicant's representative: Charles Carter Baker, Jr., Third National Bank Building, Nashville, Tenn. 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, (except articles of unusual value, Class A and B explosives, used household goods in bulk and commodities requiring special equipment) between Greeneville, Tenn., on the one hand, and, on the other, points in Washington, Greene and Sullivan Counties, Tenn., but restricted to transportation of shipments having an immediately prior or subsequent movement by rail in trailer on flat car service, for 180 days. SUPPORTING SHIPPERS: Ray Wall, a Division of Tennessee Plastics, Inc., P.O. Box T, Carroll Reece Branch, Johnson City, Tenn. 37601 and Pharmaseal Laboratories, 4401 Foxdale Avenue, Irwindale, Calif. 91706. SEND PROTESTS TO: Joe J. Tate, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 803–1808 West End Building, Nashville, Tenn. 37203.

By the Commission.

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

[FR Doc.73-25442 Filed 11-29-73;8:45 am]

ENERGY RESEARCH AND DEVELOPMENT ADVISORY COUNCIL

NOTICE OF MEETING

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463, 86 Stat 770), the Energy Policy Office announces the following public advisory committee meeting.

The Energy Research and Development Advisory Council will hold its third meeting on December 10, 1973 at the Headquarters of the National Science Foundation, Room 540, 1800 G Street NW., Washington, D.C. The meeting will commence at 9:00 a.m. local time and last until 4:30 p.m., except for a one-hour break for lunch at 12:30 p.m.

The Advisory Council was established by the President on June 29, 1973 and announced in his Energy Statement of the same date. The objective of the Council is to help ensure the development of comprehensive technological programs to meet the Nation's energy needs. It would do this by providing independent advice to the Energy Policy Office on matters relating to energy R&D.

Members of the public will be admitted on a first-come, first-serve basis up to the limits of the capacity of the meeting room.

Because of the limitation of time, members of the public will not be permitted to participate in the Council's discussions; however, time will be allotted at the meeting for a limited number of comments or questions by members of the public.

Persons wishing to submit written statements on those agenda items may do so by mailing 20 copies thereof, postmarked no later than December 8, to the Executive Secretary of the Energy Research and Development Advisory Council.

WILLIAM T. MCCORMICK, JR.,
Executive Secretary, Energy Research and Development Advisory Council.

NOVEMBER 30, 1973.

[FR Doc.73-25607 Filed 11-29-73;12:25 pm]

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PART II

ENVIRONMENTAL PROTECTION AGENCY

■

NONFERROUS METALS MANUFACTURING POINT SOURCE CATEGORY

Proposed Effluent Limitations Guidelines

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 421]

EFFLUENT LIMITATIONS GUIDELINES

Nonferrous Metals Manufacturing Point Source Category

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 bauxite refining subcategory (Subpart A), the primary aluminum smelting subcategory (Subpart B), and the secondary aluminum smelting subcategory (Subpart C), of the aluminum segment of the nonferrous metals manufacturing 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 Adminfstrator pursuant to section 304(b) of the Act. Section 301(b) also requires the achievement by not later than July 1, 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 bauxite refining subcategory (Subpart A), the primary aluminum smelting subcategory (Subpart B), and the secondary aluminum smelting subcategory (Subpart C), of the nonferrous metals manufacturing 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 nonferrous metals category. The regulations proposed herein set forth the standards of performance applicable to new sources for the bauxite refining subcategory (Subpart A), the primary aluminum smelting subcategory (Subpart B), and the secondary aluminum smelting subcategory (Subpart C), of the nonferrous metals manufacturing 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 421.15, 421.25, and 421.35, proposed below provide pretreatment standards for new sources within the bauxite refining subcategory (Subpart A), the primary aluminum smelting subcategory (Subpart B), and the secondary aluminum smelting subcategory (Subpart C), of the nonferrous metals 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 Documents referred to below provide, 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 water. 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 under Part 128 of 40 CFR. The basis 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 discharge 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, §§ 421.15, 421.25 and 421.35 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 bauxite refining subcategory (Subpart A), the primary aluminum smelting subcategory (Subpart B), and the secondary aluminum smelting subcategory (Subpart C) of the nonferrous metals manufacturing category.

The aluminum industry is a segment of the nonferrous metals manufacturing category of sources. Bauxite refining, primary aluminum smelting, and secondary aluminum smelting are recognized as discrete segments of the aluminum industry and each is characterized by distinctly different raw materials, manufacturing processes, products, and waste water characteristics. For this reason, three subcategories of the aluminum industry were established for the purpose of developing effluent limitations guidelines and standards of performance and three Development Documents were prepared. The regulations proposed herein apply to the aluminum segment of the nonferrous metals manufacturing category of sources as defined by the three subcategories, bauxite refining, primary aluminum smelting, and secondary aluminum smelting.

(i) General description. (1) Subpart A—Bauxite Refining Subcategory: Bauxite refining is the process of extracting alumina from aluminum ore (bauxite) by the Bayer process. The Bayer process dissolves the alumina in a caustic solution to form sodium aluminate. Upon dilution and cooling, the sodium aluminate is hydrolyzed to precipitate aluminum hydroxide. The precipitate is filtered and dried to form alumina, the principal raw material in the production of aluminum metal.

A significant feature of the bauxite refining process is that it produces approximately equal amounts of alumina and red mud wastes. Red mud is the term applied to the voluminous residue remaining after extraction of alumina from bauxite by the Bayer process. It varies in composition according to the ore from which it is derived. In the United States, various companies process bauxites, principally from Jamaica, Surinam, and Arkansas ores. The residue from processing Arkansas bauxite, which is treated by a modification of the Bayer process, is called brown mud or sinter mud.

(2) Subpart B—Primary Aluminum Smelting Subcategory: Primary aluminum smelting is the electrolytic reduction of purified alumina to aluminum metal. The Hall-Heroult reduction process is used by all domestic primary aluminum producers and has remained essentially unchanged since its inception. This process involves the dissolving of alumina in a solution or bath of molten cryolite and other fluoride salts. The bath is less dense than molten aluminum, and is kept molten in a carbon crucible known as a "cell" or "pot". The carbon crucible serves as the cathode, and a carbon block, or blocks, serves as the anode. Electrolysis decomposes the alumina into aluminum and oxygen, and because of its greater density, the aluminum sinks to the bottom of the cell.

The oldest aluminum plants in the United States were built in the 1940's and, except for minor equipment modifications and changes in operating procedures, have been producing aluminum by this classical technology for thirty years. Recently, one producer has announced plans to build a pilot plant for the production of aluminum by the direct reduction of aluminum chloride. In addition to eliminating the use of fluoride, the process would likely require 30 percent less electrical energy than the Hall-Heroult process.

The heart of the production of aluminum is the reduction process. Depending upon the type of reduction cell used and the design of a particular facility, several other major operations such as anode baking or aluminum forming may be conducted at an integrated site. Reduction cells are of three basic types: prebaked cells, which use prebaked carbon anodes, and two types of Soderberg cells, which use large, single anodes continuously baked in place over the bath. Soderberg cells are either vertical stud or horizontal stud. In all cell types, the anode is composed of coke bound with pitch. The Soderberg anodes are baked by the heat released from the cell itself, while prebaked anodes are normally baked in a separate facility. If prebaked anodes are used, a separate facility is necessary to blend the anode components (pitch, coke, etc.) and bake the anodes around copper conductors. The organic emissions from the baking process must be controlled at the baking facility. If Soderberg anodes are used, the baking process occurs in the reduction cell and the anodes are baked in place. Although the need for a separate baking facility is eliminated, the in-place baking volatilizes the pitch components which may subsequently condense in emission control systems and cause operating problems. While the overall pollution potential of a primary aluminum facility is not significantly affected by the anode configuration, the choice of the associated air pollution control systems is closely related to the anode type.

In addition to the anode plant and reduction cell facility or potroom, a primary aluminum smelter has a casthouse. In this facility the molten aluminum metal is formed into basic shapes such as billets or ingots by cooling in molds. The cooling process may be a source of water pollution if water is used to cool the molds. A degassing or fluxing operation also is conducted in the casthouse. Wet scrubbing of the fluxing gas produces additional waste water from the casthouse.

(3) Subpart C—Secondary Aluminum Smelting Subcategory: Secondary aluminum smelting is the process of remelting and purifying aluminum-bearing scrap to produce an alloy of marketable specifications. Generally, the secondary aluminum industry gathers scrap from a number of sources and then uses the aluminum contained in the scrap to produce a variety of products. The secondary aluminum smelters comprise the largest portion of secondary aluminum industry and consume about 70 percent of all aluminum scrap generated in the United States.

The scrap raw material used by secondary smelters can be divided into two categories, solids and residues. The solids are principally metal and include borings and turnings, new clippings and forgings, old castings and sheet, and aluminum containing iron. Residues include (1) dross and skimmings from melting operations at foundries, fabricators and the primary aluminum industry, and (2) slag formed during secondary smelting operations. Secondary aluminum smelters reprocess the scrap so that it can be used for consumer goods. In so doing, they are recycling a moderately priced metal which otherwise would become a solid waste.

Secondary aluminum smelters have been in operation since 1904 with major growth and expansion periods in the 1920's and late 1940's and 1950's. Their numbers have decreased over the last decade. Most of the 85 plants currently producing secondary aluminum metal are located near heavily industrialized areas which give them proximity to a supply of scrap and to their customers. There is no real need for them to be near plentiful supplies of electrical power and water as in the case of primary aluminum smelters.

(ii) Categorization. (1) Subpart A—Bauxite Refining Subcategory: Bauxite refining is a single subcategory for the purpose of establishing effluent limitations guidelines and standards of performance. The consideration of the factors such as the age and size of the plant, processes employed, wastes generated, geographical location, raw materials used, and air pollution control techniques support this conclusion.

(2) Subpart B—Primary Aluminum Smelting Subcategory: Primary aluminum smelting is a single subcategory for the purpose of establishing effluent limitations guidelines and standards of performance. The consideration of the factors such as the age and size of the plant, anode type, raw materials used, and air pollution control techniques employed support this conclusion. However, the guidelines take into account the requirement for wet air pollution control devices used by some existing primary aluminum producers.

(3) Subpart C—Secondary Aluminum Smelting Subcategory: Secondary aluminum smelting is a single subcategory for the purpose of establishing effluent limitations guidelines and standards of performance. However, three principal waste streams resulting from three distinct water uses within a secondary aluminum smelter have been identified and are subject to individual effluent limita-

tions and standards of performance. These are: (i) Waste water from metal cooling, (ii) waste water from fume scrubbing, and (iii) waste water from residue processing. Plants using water for cooling only will be subject to one series of effluent limitations; plants using water for both cooling and fume scrubbing will be subject to two series of effluent limitations, etc. The consideration of such factors as raw materials used, age and size of the plant, products produced, and manufacturing processes employed support the conclusion that effluent limitations should be based on the specific water uses within a plant.

(iii) Waste Characteristics. (1) Subpart A—Bauxite Refining Subcategory: The waste waters from bauxite refining contain various soluble and insoluble materials resulting from the following principal sources: (1) Red mud residue from the alumina extraction process, (2) spent liquor from salting out evaporators, (3) condensates from evaporation operations, (4) barometric condenser cooling water, (5) miscellaneous cooling water streams, and (6) stormwater run-off.

The most significant waste streams from the bauxite refining operation, in terms of volume of waste water generated, are the red mud and barometric condenser cooling water streams.

(2) Subpart B—Primary Aluminum Smelting Subcategory: Most of the waste waters from primary aluminum smelting result from air pollution control devices which employ wet scrubbers to control air emissions. Wet scrubbing can be employed in one or more of three general areas: the anode plant, the potline, and the casthouse. The waste waters from each of these areas will be discussed individually: (1) The anode plant, where the anode materials, pitch (coal tar) and petroleum coke, are received, comminuted, screened, blended, and in some plants, pressed and baked, is a source of dust. The handling of pitch and anthracite (hard coal) for cathode linings also produces carbonaceous dust. In some plants such dusts are collected in dry cyclones and bag filter houses. However, many plants use wet scrubbing systems for air emissions control. The resulting liquor contains acids, hydrocarbon tars and oils, and sulfur oxides from the baking operation as well as carbonaceous particulate material from materials handling. Such a stream is not suitable for processing through a recovery system to the electrolytic cells, and is usually added to other effluent streams, treated to promote settling, and diverted to ponds for subsequent mixing with other plant effluent streams before discharge; (2) The potlines, or rows of reduction cells, frequently have wet scrubbers to collect fumes and dust from the electrolytic process. These wet-scrubbing systems are the source of most of the waste water constituents from primary aluminum plants. Carbon dioxide, carbon monoxide, and hydrogen fluoride are generated in the overall cell reaction. In addition, gaseous and particulate emissions containing alumina, cryolite, and fluorides of calcium and aluminum contribute to the scrubber liquor loading. In those plants using Soderberg anode systems in which the anode paste mix is baked in place at the reduction cell, volatile hydrocarbons and oxides of sulfur also are collected in the scrubber liquor; (3) A third area which may employ wet scrubbing is the casthouse. Molten aluminum from the cells is degassed or fluxed by bubbling with chlorine mixed with nitrogen and, sometimes, carbon monoxide. This batch operation is carried out in gas-fired, holding-alloying furnaces and is adjusted according to specifications of the particular order being cast. As the off-gas from the furnace is scrubbed, an acidic liquor hearing dissolved chlorine, chloride and suspended alumina is developed. The quantities vary with the extent of fluxing and time in the cycle.

In addition to the three plant areas considered above, general housekeeping and the manner of collection and disposal of rain run-off affects the total plant effluent. The run-off from used cathode storage or disposal areas is the source of most of the cyanide in plant effluent. While cyanide is found in some primary aluminum plant effluents, it normally is not present in high concentrations. In addition, liquid and solid spills contain pollutants.

(3) Subpart C—Secondary Aluminum Smelting Subcategory: The waste water from secondary aluminum smelting results from three principal sources: metal cooling, fume scrubbing, and residue processing. Metal cooling waste waters result from spraying the molds to solidify the aluminum and allow its ejection from the mold. In some cases, the molds contain internal cooling lines through which noncontact water is passed. Air cooling of the molds may be used to eliminate cooling water completely. The production of shot requires water from the rapid quenching of the molten aluminum. The molten metal is poured into a vibrating porous container which allows the metal to pass through as droplets. The drops of molten metal fall into a water bath and are quickly solidified. From the water bath they are conveyed to a dry screening operation.

Fume scrubbing waste waters result from a process of removing magnesium from the melt. The aluminum scrap normally charged into the furnace contains a higher percentage of magnesium than is desired for the alloy produced. Therefore, it is necessary to remove a portion of the magnesium from the melt. Magnesium removal, commonly know in the industry as demagging, is normally accomplished either by passing chlorine through the melt, with the formation of magnesium chloride ($MgCl_2$), or by mixing aluminum fluoride (AlF_3) with the melt, with the formation of magnesium fluoride (MgF_2). Heavy fuming results from the demagging of a melt and these fumes often are controlled by passing them through a wet-scrubbing system. The water used for scrubbing thus gains pollutants and becomes a waste water stream. Waste water from AlP, demagging gas scrubbers normally can be recirculated because of the relative insolubility of fluorides. Waste water from the scrubbing of chlorine demagging fumes, however, can be recycled only to a very limited degree because the chloride salts are highly soluble and would soon build up to make the water unusable. Thus, the discharge of the effluent from chlorine demagging is the principal source of waste water from fume scrubbing.

Residue processing by wet methods is another source of waste water from secondary aluminum smelters. The residues used by the secondary aluminum industry include drosses, skimmings, and slag and are generally composed of 10 to 30 percent aluminum, with attached aluminum oxide, fluxing salts (mostly NaCl and KCl), dirt, and various other chlorides, fluorides, and oxides. Separation of the metal from the nonmetals is done by milling and screening and may be done either wet or dry. When done dry, dust collection is necessary to reduce air emissions and can be done either wet or dry. Milling of dross and skimmings will produce a dust that, when scrubbed wet, will contain insoluble solids in suspension such as aluminum oxide and hydrated alumina, and soluble salts from the flux cover residues such as sodium chloride and potassium chloride. Drosses also contain aluminum nitride which hydrolyzes in water to yield ammonia. When slags are milled, the waste water contains more dissolved sodium and potassium chloride and fluoride salts from the cryolite than from drosses or skimmings. Some of the oxides of heavy metals are solubilized in the slag and are leachable from the dust. With wet milling the dust problem is minimized but the operation produces a waste water stream that has a similar composition to the scrubber waters but contains higher concentrations of contaminants. The aluminum and alumina fines are settled rapidly and assist in the settling of other waste water constituents.

(iv) Significant Pollutants. (1) Subpart A–Bauxite Refining Subcategory: The significant pollutants in the waste waters from bauxite refining include alkalinity, pH, total dissolved solids, and suspended solids. Alkalinity is significant because of the alkaline characteristics of the waste water from the Bayer process. The pH of the discharge, in addition to identifying alkalinity, serves to monitor slug discharges of acid cleaning solutions. Total dissolved solids and suspended solids and suspended solids are significant for this subcategory because of the potential for high concentrations of sodium salts and insoluble impurities in the red mud wastes, respectively.

(2) Subpart B—Primary Aluminum Smelting Subcategory: The significant pollutants in the waste waters from this subcategory include fluoride, suspended solids, oil and grease, cyanide, and pH. Fluoride is the major waste water constitutent associated with the primary aluminum smelting subcategory and re-

sults from the wet scrubbing of reduction cell emissions. The reclamation of spent cathodes also may be a source of fluoride. Suspended solids result from wet scrubbing operations in the anode plant and potlines and from miscellaneous sources such as casthouse cooling circuits. Oil and grease may be present in anode plant scrubber effluent, potline scrubber effluent, and casthouse effluent. Cyanide may result from the leaching of spent cathode storage piles. Each of these waste water constituents may be present in the effluent from a primary aluminum smelter in significant quantities and each is amenable to conventional waste water treatment techniques.

(3) Subpart C—Secondary Aluminum Smelting Subcategory: The significant constituents of cooling waste water include suspended solids, lead, manganese, and oil and grease. Each of these waste water constituents may be present in sufficient quantities to warrant their control and treatment.

The significant waste water constituents from fume scrubbing (magnesium removal operations) are pH, suspended solids, oil and grease, and chemical oxygen demand. Each of these waste water constituents may be present in sufficient quantities to warrant their control and treatment.

The significant waste water constituents from residue processing are pH, suspended solids, aluminum, copper, fluoride, ammonia, and chemical oxygen demand. Each of these waste water constituents may be present in sufficient quantities to warrant their control and treatment.

(v) Control and Treatment Technology. (1) Subpart A—Bauxite Refining Subcategory; The only feasible technology for the control of the red and brown mud wastes produced by bauxite refineries is impoundment (controlled land disposals). The muds are impounded in large diked lakes, ranging in size from 40 hectares (100 acres), to 800 hectares (2,000 acres). The impoundment areas or mud lakes are constructed in either of two basic ways. The dikes may be erected to their full height initially, so that the complete lake is available from the beginning, and additional dike construction is not required during the life of the lake; or, a low dike may be constructed initially and continually rebuilt to greater heights as the lake fills with the mud.

In all mud lake construction, care must be taken to insure that the bottom is impervious. Soil tests may be made to evaluate the bottom, and clay may be used to line the bottom if an undesirable porosity is indicated. Depending on the structural characteristics of the underlying soil, the dike also may be keyed in, by excavating a trench down its center line before its construction.

Dike heights will depend upon soil characteristics and upon mud characteristics. Heights of 6–9 meters (20–30 feet) are usual with good underlying soil conditions and a mud which readily solidifies. Arkansas dikes can be as high as 18 meters (60 feet). Typically, a refinery initially constructs a mud lake of 20–40 hectares (50–100 acres) surrounded by a dike on four sides. After this lake is filled, a new one is constructed adjacent to it. By using one side as a common dike, only three new sides need be constructed, thus reducing the capital investment.

Mud lakes are not single-purpose operations, nor is their cost entirely assignable to pollution control. Although they are primarily receptacles for the waste mud residues, they can serve as cooling ponds and water reservoirs. They can also be receptacles for other minor waste streams from the plant, which may include boiler and cooling tower blowdowns, and treated sanitary waste effluents. If soda (sodium) concentrations are not excessively high, they may serve to some extent as an additional mud washing stage. The basic requirement for the disposal of the red mud residue from alumina plants has a direct effect on plant space requirements, plant site arrangement and the initial design of the plant water system.

The mud lake is the central item in any total impoundment waste control program. It will be used for the alkaline mud stream and, possibly, for one or more of the other waste streams. Ancillary waste streams may also utilize the mud lake, or they may utilize other similar clear water or stormwater reservoirs instead. The alternatives for the recycling of the other streams are, in general, flexible enough so that optional solutions are possible. This will include the recycling of barometric condenser cooling water. In some refineries, conventional cooling towers are used in a barometric condenser cooling water circuit. In others, the red mud lake or clearwater lake will be used, with the barometric condenser water combined with the process water.

A critical item in the total impoundment process is the management of the general aqueous wastes from the refinery. A well-designed system will include concrete curbs around all process areas where spills or leaks of process solutions are possible, with the drains all connected to a collection system. The ultimate disposition of such a system generally will be the red mud lake or one of the other lakes in the total recycle circuit. The failure to install curbs or repair cracks and crevices in concrete floors may permit the escape of alkaline process solutions.

(2) Subpart B—Primary Aluminum Smelting Subcategory: The existing technologies for controlling the waste water volume in the primary smelting of aluminum include dry fume scrubbing, and recycle of water to wet scrubbers after precipitation of fluorides. The treatment methods for reducing pollutant concentrations include cryolite precipitation, precipitation by lime or alum, adsorption on activated alumina or hydroxylapatite, and reverse osmosis. Control technology refers to any practice applied to reduce the volume of waste water discharged. In the primary aluminum industry the most significant reduction in discharge volume is obtained by converting wet fume scrubbers to dry fume scrubbers or by treating and recycling the water from wet scrubbers.

The dry scrubbing of pot gas is a system of air pollution control used by primary aluminum smelters for the removal of pollutants from the gases evolved from the electrolytic cell (pot) by contacting the gases with dry alumina to effect the adsorption of pollutants and subsequent collecting particulates by fabric filtration. The system is applicable to gases collected immediately above the pot, i.e., pot gas, having relatively higher concentrations of constituents than does pot room ventilation air. The dry scrubbing system is not applicable to pot room ventilation air.

The outstanding features of the dry system are the adsorption of emitted gases on alumina which is subsequently fed to pots to produce aluminum product, the associated return of fluorine compounds to the pots, and the generally high levels of collection efficiency for both gaseous fluorine compounds and particulates, e.g., greater than 99 percent. The process uses no water and, hence, eliminates the discharge of process waste water pollutants. The associated solid waste handling and disposal problems also are eliminated.

The elements of the dry scrubbing process include hoods and ducts to collect and deliver the gases from the pots to an operating unit, usually located in a courtyard between potline buildings, possibly a cyclone type device to separate coarse particulates, a reactor section in which the gases are contacted with the alumina, and a fabric filtration stage, from which the gases are released to the atmosphere, usually through a stack. Associated equipment includes fans, alumina delivery, storage and removal devices, and baghouse auxiliary equipment.

Three commercial variations of the dry process exist. In one type of dry scrubber, the contacting of gas and alumina is accomplished in a fluidized bed, with the fabric filters, or a baghouse at the top of the same chamber. In another design, the air at relatively high velocity is blown upward through a venturi throat, into which alumina is injected downward. The result is extremely turbulent mixing of the solid and gas in the throat and in the column above the throat. The gases and eluted solids are drawn from the column and then to the baghouse stage. In the third design, the collected gases are drawn at high velocity through a horizontal duct with the alumina being injected downward into the moving gases. Again, turbulent mixing and intimate contact of gases and solids occur, with the gases subsequently drawn through a baghouse. The three variations of the dry scrubbing process have been demonstrated on a commercial scale and one system has been operating for three years. To date, proven applications have been on prebake anode and vertical stud Soderberg anode cells.

The water from wet scrubbers can be treated in various ways to remove im-

purities so that the partially purified water can be continuously recycled to the wet scrubber. In the case of primary potline and secondary potroom wet scrubbers, the fluoride dissolved in the water can be precipitated and settled. This treatment simultaneously reduces the suspended solids and oil and grease content. In general, the method used to remove the soluble fluoride values from the waste water is precipitation either as cryolite or as calcium fluoride. In the first case, sodium aluminate (or NaOH and hydrated alumina) is added; and in the second, a lime slurry (or in one case $CaCl_2$ is used. After precipitation, the thickening of the slurry is accomplished in clarifiers or thickeners.

The treatment of wet scrubber liquors to recover cryolite is a significant practice because it removes a sufficient quantity of fluoride to permit recycle of the treated liquor to the scrubbers, and in the process recovers the fluoride in a form which usually can be returned to the aluminum reduction cells. The value of the cryolite recovered represents a credit to the treatment process. Total recycle cannot be achieved by this treatment because of the presence of sulfates in the liquor. Sulfur impurities in the raw materials, principally in the petroleum coke and pitch used in anode preparation, are converted to sulfur oxides during electrolysis and are collected in the scrubber water as sulfates. If total recycle of the liquor is attempted, the solubility of sodium sulfate would eventually be exceeded. Therefore, a small bleed is maintained from the scrubber liquor circuit to keep the sulfate concentration sufficiently low to prevent the precipitation of sodium sulfate. This bleed stream is relatively low in volume but high in fluoride content and represents the major portion of the fluoride effluent from the entire plant. The recycle system uses the clarified overflow from the thickener tanks as the scrubbing medium.

Degassing is an operation in which dissolved hydrogen and other impurities are removed from molten aluminum just before it is cast into product form. Classical degassing is the bubbling of chlorine gas through the melt to react with and remove the hydrogen as hydrogen chloride gas and the other impurities as chloride salts. Emissions to the air ordinarily have been controlled by alkaline wet scrubbing. The raw waste water stream produced may vary from acid to alkaline, depending on operating conditions, and contains significant amounts of dissolved salts, principally sodium chloride.

There are a variety of degassing procedures which eliminate the use of water during the degassing of molten aluminum. These include: (i) Degassing with mixtures of chlorine and other gases, (ii) degassing with inert gases (nitrogen or argon), and (iii) degassing by filtration. The necessity for degassing varies with product specifications. Products which must be especially pure and free from pin holes caused by gas bubbles (e.g., aluminum foil) require stringent control of metal quality. Certain alloys or melting stock therefore require the elimination of impurities to achieve the specified properties of strength, ductility, electrical conductivity, etc. Each of the degassing procedures noted above is in commercial use in one or more producing plants. Therefore, it is concluded that there are currently available alternative process methods which eliminate cast house waste water from degassing operations.

Numerous treatment techniques are available to primary aluminum smelters to reduce the concentration of pollutants in waste waters before discharge. The treatment of recycled fluoride waste streams is effected by the reaction of the waste stream with calcium chloride or lime to precipitate calcium fluoride. Adequate detention time will also reduce the concentration of suspended solids and oil and grease in the effluent. The treatment of dilute, once-through, fluoride waste streams can be effected by several processes. Although these processes are not in general use by the industry, they are adequately demonstrated in other industrial or municipal applications and are considered practicable treatment technologies. They include: (i) Aluminum sulfate (alum) treatment, (ii) activated alumina adsorption, (iii) hydroxylapatite filtration, and (iv) reverse osmosis. The waste water from anode bake furnace scrubbers may be treated with lime and settled. After settling, oil and grease materials are skimmed from the pond surface.

For water pollution control, a dry scrubbing system is obviously the best, when it can be used. Plants committed to potroom air cleaning, i.e., secondary air scrubbing, cannot use a dry scrubbing system because of the inefficiency of dry systems at low concentrations of emissions. In addition, the use of dry scrubbing on the anode bake plant effluent is not practiced at the present time, although at least one plant achieves the equivalent of a dry system by controlled firing.

There are notable differences between the two wet scrubber systems, once-through and recycle. The recycle system is considerably more effective in the reduction of fluorides, suspended solids and oils and greases. Fluoride quantities are about 5–10 kg/kkg (10–20 lb/ton) of aluminum when a once-through system is used and 0.5 to 1 kg/kkg (1–2 lb/ton) of aluminum when a recycle system is used.

(3) Subpart C—Secondary Aluminum Smelting Subcategory: The amount of waste water generated from metal cooling can be controlled by recirculation and cooling. A waste water discharge can be eliminated by adopting either total consumption through regulated water flow or air cooling. However, these two alternatives are not suited to smelters producing deoxidizer shot. A recirculation system may consist of a cooling tower, a cooling pit, an auxiliary holding tank, associated plumbing, and necessary pumps. The size and cost of these facilities would depend on the production capacity of the smelter. It is possible to reduce flow rates in metal cooling such that the cooling water is totally evaporated by the hot ingots. Specially designed nozzles may be used to give a water mist spray that reduces the steam-to-metal interface and to reduce water consumption. Consumptive cooling may require longer conveyors to assure that the ingots have cooled sufficiently to be handled. Air streams also may be used to cool the ingots. Air cooling is accomplished by conveying the hot ingots through an air tunnel fitted with entrance and exhaust blowers. The conveyors are approximately twice the length of water cooling conveyors. Maintenance is higher on the air-cooled system because of the longer conveyor, the added heat load on the lubricants, and the additional blower motors. In some cases a water mist is added to the air to improve the cooling rate but this water is completely evaporated. The waste water from both once-through and recirculating cooling operations requires treatment to remove the oil and grease and suspended solids before discharge. Since it is more efficient to treat waste water with high levels of pollutants than with low levels, the treatment of the recirculated water is preferable. Specialized skimming devices are available for the removal of oil and grease from water. Grease traps can reduce the levels of oil and grease so that such specialized equipment is not overloaded. The removal of suspended solids from cooling waste water requires settling. The components of the suspended solids are primarily aluminum hydroxide or hydrated oxide which are excellent coagulants. The recirculation of cooling water will build the suspended solids level to concentrations great enough to effect rapid settling between cooling operation cycles. Sludge removal, if required, may be done periodically. The supernatant water may be pumped into a holding tank during sludge removal and then reused. Sludge from the settling tank may be disposed of in an impervious lagoon or an acceptable landfill.

The fumes formed during chemical magnesium removal must be controlled to reduce air emissions to acceptable levels. Numerous wet scrubbing techniques have been employed for this purpose. The discharge from these wet fume scrubbing devices contains most of the volatile metal salts entrained in the gas flow. When chlorine is used for magnesium removal, aluminum chloride and magnesium chloride are the principal waste water constituents. When aluminum fluoride is used for magnesium removal, the principal volatile products may be silicon tetrafluoride and hydrogen fluoride, which are formed from the high temperature hydrolysis of the slightly volatile fluoride salts reacting with moisture in the air. In both types of magnesium removal processes, the air pollutants are transferred into water pollutants. The control of air emissions during magnesium removal can be done either dry or wet. Dry emission control

techniques must contend with rather corrosive gases for both types of magnesium removal. Anhydrous chloride salts hydrolyze to produce hydrogen chloride gas which, in turn, reacts with water vapor to form hydrochloric acid. Hydrogen fluoride and hydrofluoric acid are formed only at high temperatures; however, once formed, they remain present in the gases being scrubbed.

Three processes exist for fume control without major use of water either in the process or in fume control. These are the Derham process, the Alcoa process, and the Teller process. The Derham process includes equipment and techniques for magnesium removal with chlorine from secondary aluminum melts with minimum fume generation and without major use of water in either the process or in fume control. The principal concept is the entrapment of magnesium chloride, the reaction product of magnesium removal with chlorine, in a liquid flux cover, with the flux subsequently being used in the melting operations. The principal components consist of a separate bath of the metal to be treated with its special flux cover, and means to circulate the molten metal to and from that separate bath.

The treatment bath may be integrated with, or separate from, the smelting furnace depending on whether the particular installation is a new or existing facility. The molten metal circulation from the main furnace hearth to the Derham unit is accomplished by pumping (usually with an air-drive siphon) rather than by less direct methods such as mechanical stirring or nitrogen-gas sparging or agitation.

The molten metal brought to the treatment unit is treated in the usual manner with gaseous chlorine to achieve magnesium removal. Molten magnesium chloride is the reaction product. By maintaining a relatively thick cover on the bath in the treatment unit, the emissions of aluminum chloride to the atmosphere usually produced by demagging are nearly completely arrested. As the flux cover becomes saturated with magnesium chloride, it is removed and may be used as a flux in the main melting furnace. The flux is usually cast into cakes. After grinding it may be used as a covering flux at the charging well of the melting furnace. Any gaseous effluents from the treatment unit are blended with the combustion gas effluent and released to the stack. Emission control requirements vary and may be satisfied by the approach of blending the gases. In situations requiring particulate control with baghouses, the chloride emissions, although hygroscopic, are usually dilute enough not to interfere with baghouse operation.

The Alcoa process is a fumeless technique for magnesium removal. It recovers molten magnesium chloride as a product. The unit is installed between the holding furnace and a casting machine and removes magnesium continuously as the metal flows through. The operation uses no flux salts and attains the high chlorine efficiencies through extended gas residence times achieved by employing gas-liquid contractors. For very dirty scrap a short period of prechlorination in the furnace is necessary to improve fluxing. The system has been operated on a commercial scale.

The coated baghouse (Teller) process is a modification of a baghouse operation. Baghouses normally have not been effective in the removal of fumes from demagging operations because blinding occurs during collection of the submicron particulates. These particles enter the interstices of the weave and create a barrier to gas flow. When blinding occurs, the pressure drop rises rapidly and gas flow diminishes. One system has been installed at a secondary aluminum smelter. Basically, the system differs from a normal baghouse in that the bags are precoated with a solid and are designed to absorb effluent gases as well as particulates. Upon saturation, the coating and the collected dust are removed by vibration. A fresh coating then is applied. The collected particulate and spent coating are disposed of in an acceptable landfill. The system is suited for collection of emissions from operations using aluminum fluoride for demagging. A prototype has been installed in such a facility where its performance is being evaluated. The evaluation program also is to establish its effectiveness for the collection of emissions from operations using chlorine for demagging.

Wet scrubbing techniques to remove demagging fumes from the air transfer pollutants to the water. The treatment applied to the waste water prior to its discharge or re-use depends upon the method used for magnesium removal. The water from fume scrubbing operations using chlorine for magnesium removal is highly acidic due to the hydrolysis of aluminum chloride and magnesium chloride. Neutralization to pH of 6–7 will precipitate most of the aluminum and magnesium as hydroxide. The coprecipitation of heavy metal hydroxides also occurs. The effectiveness of neutralization is diminished if too much alkali is added since resolubilization of aluminum hydroxide occurs at about pH 9. Solids removal by settling follows neutralization. The supernatant may be recycled to the scrubber system.

The water from fume scrubbing operations using aluminum fluoride for magnesium removal may be neutralized and recycled continuously. The continuous recycle system scrubs the emissions with a venturi-type scrubber followed by a packed tower and demisting chamber. The waste water is collected in a settling tank where it is treated with 5 percent caustic to neutralize the hydrogen fluoride formed from hydrolysis. The sodium fluoride formed reacts with particulate aluminum fluoride carried with the emission to form insoluble cryolite. The magnesium fluoride, cryolite, and other insolubles are separated in setting tanks and the alkaline supernatant is recycled to the scrubbed system. There is no water discharge except for that removed with the sludge.

Waste water generated during wet milling of residues is treated in settling ponds in which the insoluble materials are removed. Depending on the nature of the residue being milled, the amounts of dissolved solids an insoluble solids in the raw waste water vary. When the residues are slags from secondary smelters, the waste water contains large amounts of dissolved salts. When the residues are drosses or skimmings from primary or foundry sources, the amount of dissolved salts in the waste water is greatly reduced; however, the insoluble solids fraction approaches 70 percent by volume. At most residue milling facilities, both types of residues are handled and both types of raw waste water are generated from the same milling operation. Waste water also is generated from the wet control of dust from a dry milling operation. Wet milling of primary aluminum residues and secondary aluminum slags by a countercurrent process may be the only practical method to recover salts. By using a countercurrent milling and washing approach, two advantages are realized. The final recovered metal is washed with clean water, thereby providing a low-salt feed to the reverberatory furnaces. Also, the waste water with the insolubles removed would be of a concentration suitable for economical salt recovery by evaporation and crystallization. Heat for evaporation could be supplied by the waste heat from the reverberatory furnaces. The process ultimately must dispose of the dirt, trace metals, and insolubles recovered from the chlorine which contain low levels of soluble salts. Such salt recovery installations are operating in England and Switzerland and the salts recovered are credits to the operation, since they are reusable as fluxing salts by the secondary aluminum industry. Such a system has not been operated in the United States, although preliminary research to do so is underway.

The alternative to wet residue milling and the resulting waste water treatment is dry milling of the residues. Impact mills, grinders, and screening operations are used to remove the metallic aluminum values from the nonmetallic values. The high levels of dust formed in these operations are vented to baghouses. The baghouse dust and the nonmetallic fines from the screening constitute the solid waste from the operation. These solids normally are stored on the plant site on the surface of the ground. The runoff should be controlled by containing dissolved salts in drainage ditches which feed to suitable impervious impoundment areas.

(vi) Best Practicable Control Technology Currently Available, Best Available Technology Economically Achievable, and Best Available Demonstrated Control Technology, Processes, Operating Methods, or Other Alternatives.

(1) Subpart A — Bauxite Refining Subcategory: The best practicable control technology currently available for the bauxite refining subcategory is the total impoundment of process waste waters with recycle as required to elimi-

nate the discharge of process waste water pollutants to navigable waters. The corresponding effluent limitation is no discharge of process waste water pollutants. The best available technology economically achievable and the best available demonstrated control technology also is total impoundment of process waste waters. The corresponding effluent limitation and standard of performance is no discharge of process waste water pollutants.

(2) Subpart B—Primary Aluminum Smelting Subcategory: The best practicable control technology currently available for the primary aluminum smelting subcategory is the treatment of wet scrubber water and other fluoride-containing effluents to precipitate the fluoride, followed by settling of the precipitate and recycling of the clarified liquor to the wet scrubbers as a means of controlling the volume of waste water discharged. Two precipitation methods are currently available: Cryolite precipitation, and precipitation with lime. This technology achieves an attendant reduction in the discharge of suspended solids and oil and grease. Alternate technologies for achieving effluent limitations based on the application of the best practicable control technology currently available are dry fume scrubbing and total impoundment (controlled land disposal).

The application of the best practicable control technology currently available results in a relatively low-volume, high-concentration bleed stream. The best available technology economically achievable is the lime treatment of such a bleed stream to further reduce the discharge of fluoride, suspended solids and oil and grease. Alternate technologies for achieving the effluent limitations based on the application of the best available technology economically achievable include dry fume scrubbing and total impoundment (controlled land disposal).

The best available demonstrated control technology for new sources in the primary aluminum smelting subcategory is the use of dry fume scrubbing techniques on the potroom air and the treatment of waste water from anode plant wet scrubbers and the casthouse. Since the primary smelting of the aluminum requires no process water directly, the principal area where the use of water can be minimized in the design of a new plant is the application of dry fume scrubbing systems for air pollution control. Dry fume scrubbing systems exhibit high collection efficiencies. The fluoride values contained in the fumes can be recovered in a form amenable to recycle to the smelting process. Alternate technologies for potroom air cleaning which may be employed in certain circumstances are wet scrubbing with total impoundment of the scrubber water or with recycle of the scrubber water and lime treatment of the bleed stream.

The treatment of the waste water from the anode plant and other fluoride-containing waste streams consists of lime precipitation followed by solids removal and recycle of the clarified liquor to the scrubbing system. Alternate technologies for fluoride removal are identical to the best available technology economically achievable.

The treatment of waste water from the casthouse consists of impoundment of the bleed stream from the cooling water circuit or treatment of the cooling water for solids and oil and grease removal. Alternate technologies for the control of casthouse waste water include air-cooled, solid-state rectifiers, which eliminate the discharge of rectifier cooling water, and a number of alternative methods for molten metal degassing which eliminate the discharge of casthouse scrubber waste water.

(3) Subpart C—Secondary Aluminum Smelting Subcategory: The control and treatment technologies applicable to secondary aluminum smelters are discussed below for waste water generated during (i) metal cooling, (ii) fume scrubbing during magnesium removal, and (iii) wet residue processing.

The best practicable control technology currently available for metal cooling in the secondary aluminum subcategory is the elimination of the discharge of process waste water through the use of the following: (i) Air cooling, or (ii) total consumption of cooling water, or (iii) recycle of cooling water for deoxidizer-shot cooling or ingot cooling. With re-use or recycle of water the need for sludge and oil removal will be dictated by individual plant procedures.

The air cooling method or the total evaporation cooling method (air cooling method with water mist added to assist the air cooling) requires: (i) The addition of ingot molds to the lengthened conveyor line, (ii) the installation of blowers, and (iii) in the case of total evaporation cooling, the addition of special nozzles, flow meters, and controls to existing water lines.

A recycle system for ingot cooling may require: (i) The addition of a cooling tower, holding tanks, and pumps to the existing water cooling facility, (ii) provisions for oil and grease removal, and (iii) provisions for sludge removal, dewatering, and disposal. The effluent limitation associated with the application of the best practicable control technology currently available for metal cooling waste waters is no discharge of process waste water pollutants. The best available technology economically achievable and the best available demonstrated control technology are equivalent to the best practicable control technology currently available for metal cooling.

The best practicable control technology currently available for control of the discharge of pollutants contained in fume scrubber waste water from magnesium removal are the following: (i) When chlorination is used for magnesium removal, adjustment of the scrubber effluent pH to between 6.5 and 8.5 followed by settling for solids removal or, the prior adjustment of the pH of the scrubber liquor so that the resultant effluent from the scrubber is at a pH of 6.5 to 8.5 followed by settling for solids removal, and (ii) when aluminum fluoride is used for magnesium removal, adjustment of the scrubber effluent pH to between 6.5 and 8.5 followed by settling for solids removal. After neutralization and settling, the supernatant is recycled continuously and the solid fluorides are removed continuously to eliminate the discharge of process waste water pollutants. The fume scrubber water from magnesium removal with chlorine, upon pH adjustment, cannot be recycled continuously because of the excessive buildup of sodium chloride. However, partial recycle of the clarified treated effluent to reduce the volume of waste water discharged is considered practicable.

The best available technology economically achievable for the control of waste water from fume scrubbing during magnesium removal is the use of in-process and end-of-process controls and treatment to achieve no discharge of process waste water pollutants. This can be done using one of the following approaches: (i) The use of currently available processes for fumeless chlorine magnesium removal, (ii) the use of aluminum fluoride for magnesium removal and continuous recycling of scrubbing water from emission and effluent control systems, and (iii) the use of aluminum fluoride for magnesium removal and a coated baghouse system for air pollution control.

The best available demonstrated control technology, processes, operating methods, or other alternatives, for fume scrubbing waste water is the use of aluminum fluoride for magnesium removal and continuous recycling of scrubber water from emission and effluent control systems, or the use of chlorine for magnesium removal with wet fume scrubbing and the application of the best practicable control technology currently available (pH adjustment and settling).

The best practicable control technology currently available for control of the discharge of pollutants contained in waste water from residue milling is a settling treatment of three to four stages with partial recycle of the sludge and the clear supernatant from the final stage to the mill. Adjustment of the intake water pH is necessary to reduce ammonia levels in the waste water during milling. When milling is done without pH adjustment of the intake water, ammonia remains in solution. To aid the settling of the milling wastes, a polyelectrolyte may be required to reduce the level of suspended solids. Recirculation of the sludge in the last settling pond to the mill will reduce the overall sludge content of the final pond.

The best available technology economically achievable and the best available demonstrated control technology for the control of waste water from residue milling is the equivalent of totally dry milling methods to eliminate the discharge of process waste water. An alternative to dry milling is the use of countercurrent wet milling techniques with evaporation to reclaim salts from

the process and to eliminate the discharge of process waste water pollutants.

(vii) Costs for the Control and Treatment of Waste Water. (1) Subpart A—Bauxite Refining Subcategory: Increases in operating costs to eliminate the discharge of process waste water pollutants are estimated to range from zero to $0.28/kkg (0–$0.25/ton) of alumina for six of eight U.S. refineries. One producer estimates that the costs incurred to eliminate the discharge of process waste water pollutants would be $6.40 to $7.74/kkg ($5.76 to 6.97/ton). Based on operating costs of $55/kkg of alumina ($50/ton), this would be an increase of 11–14 percent in operating costs for two plants in the industry. Neither of these two plants currently has facilities for impounding process wastes. Every other plant in the subcategory currently practices some form of impoundment.

(2) Subpart B—Primary Aluminum Smelting Subcategory: The costs of reducing the discharge of pollutants from primary aluminum smelting is directly related to the cost of removing fluoride. It is apparent that the cost increases as the amount of fluoride in the effluent stream decreases. The most effective and also the most expensive option to control fluorides is the conversion of a wet scrubbing system on the potline to a dry scrubbing system. A dry scrubbing system, however, may not be feasible for use on potroom secondary air or for horizontal stud Soderberg potlines.

The relatively high capital required for the installation of a dry scrubbing system applies only to those plants which would be converting from a wet system. The initial installation of a wet scrubbing system, including the scrubber, fans, etc., costs about $38/annual ton of aluminum. Thus, the difference in cost between the two systems for a new plant would only be about $2/annual ton based on an average investment cost of $40/annual ton for dry scrubbing.

The recycle mode of scrubbing water control on both potline (primary) gases and potroom (secondary) gases results in fluoride effluents less than 1 kg/kkg of aluminum (2 lb/ton). An average cost for this means of control is about $10/annual ton capital and $4.60/ton operating. This treatment scheme is the model for the best practicable control technology currently available. The use of once-through water in the wet scrubbing system of potlines with lime treatment before discharge results in effluent fluoride levels of about 5 kg/kkg of aluminum (10 lb/ton). Costs associated with this treatment process are $7/annual ton capital and $2.50/ton operating. This treatment scheme is not considered equivalent to the best practicable control technology currently available. The following conclusions can be made regarding the cost effectiveness of fluoride control:

(1) The most cost-effective means of control for new plants with prebake or vertical stud Soderberg anode configuration is the installation of a dry scrubbing system on the potline gaseous effluents. Tight hoods should be provided, and the operation conducted in such a manner as to minimize any potroom contamination.

(2) The most cost-effective means of removing fluoride for those plants with existing wet scrubber systems is the operation of a recycle loop to the scrubber with cryolite precipitation. The difference in cost between this system and the once-through system with lime treatment is relatively low, and the fluoride removal efficiency is considerably better in the recycle system.

The treatment techniques for fluoride removal will tend to remove suspended solids. In the dry system, any suspended solids will be caught in the collection system. Since wet systems for fluoride control involve a settling operation, the suspended solids also will tend to settle. Therefore, conclusions about the cost effectiveness of fluoride removal also apply to suspended solids control.

Oils and greases emitted from the anode consumption in the potline also tend to be removed with the suspended solids and fluoride. At least one plant lagoons scrubber water from the anode bake plant and indicates that the oil and grease content (as well as suspended solids) can be reduced by 60 percent in a pond with a residence time of 21 hours. This residence time is relatively long. However, concentrations of oils and greases are low (less than 10 mg/l with an incoming suspended solids concentration of 100 mg/l. Very likely, further reduction of oil and grease can be effected by longer residence times with proportionately higher costs. Another plant achieves good reduction in oil and grease (95 percent) by using a cooling tower and aerated lagoon treatment of the blowdown from the cooling tower at a cost of $1.60/annual kkg capital and $0.40/kkg operating. The choice of additional schemes for the treatment of scrubber water effluent depends primarily on whether a recycle system or once-through system is in use. In a recycle system, the additional control of fluorides, suspended solids, and oil and grease can be effected by the lime or $CaCl_2$ treatment of the filtrate stream from the cryolite recovery system and the bleed stream from the scrubber. The costs for this treatment are $1.50/annual kkg capital and $0.64/kkg operating. This cost includes a mixing tank for chemical addition, a thickener tank, pumps, piping services, etc. The costs are relatively low compared with other fluoride treatment processes because of the low volume of effluent to be treated, about 120 l/minute (30 gpm), and high concentration of fluoride, about 1,000 mg/l. It is expected that this treatment also will reduce suspended solids and/or grease. The addition of a treatment process to water effluent from the once-through potline and potroom scrubber after lime treatment is more costly than the treatment of recycle effluents. In once-through systems, large volumes of water with low concentrations of fluorides and other pollutants are treated. The conclusions about the cost effectiveness of treatment of potline and potroom effluents are:

(1) The cost difference between a dry system and a recycle plus effluent control is negligible for new plants.

(2) For plants which already have a recycle scrubber operation on their potline or potroom gases, the addition of further treatment of the two effluent streams is both inexpensive and very effective.

(3) For plants using a once-through scrubber system, a conversion to the recycle mode yields the best cost-benefit. Although an activated alumina adsorption process added to the once-through scrubber water costs approximately the same, about ten times the amount of pollutants would be discharged in the water from the activated alumina system.

(3) Subpart C—Secondary Aluminum Smelting Subcategory: The costs for the application of waste water control and treatment technologies for the secondary aluminum smelting subcategory are described for the following operations: (i) Metal cooling, (ii) fume scrubbing, and (iii) residue processing.

A capital cost of approximately $0.43/annual kkg of aluminum is needed to convert an existing once-through water cooling system to a recirculation system. An operating cost of $0.15 per kkg is required, exclusive of savings resulting from decreased water use. The conversion from a water-cooled ingot line to an air-cooled line would require an investment of $9.20/kkg and an operating cost of $2.25/kkg, also exclusive of the water savings credit. The evaporation of the blowdown from the cooling tower in a recirculating system would require a capital cost of $0.30/kkg and an operating cost of $0.05/kkg. The treatment of metal cooling waste water to remove oil and grease would require a capital cost of $0.08/kkg and an operating cost of $0.07/kkg. It is concluded that no discharge of process waste water pollutants from metal cooling can be achieved for an added cost of $0.15 to $1.00/kkg of aluminum produced.

A capital cost of aproximately $2.75/annual kkg of aluminum is required to install a pH adjustment-settling treatment capability to control the discharge of pollutants form chlorine fume scrubber systems. An operating cost of $1.50/kkg is estimated for such an installation with somewhat lesser expenditurer required for plants currently neutralizing the scrubber effluent. Those plants using aluminum fluoride for magnesium removal require, in addition to neutralization and settling, a means to recirculate the scrubber water and remove solids continuously. This requires a capital investment of $9.90/annual kkg and an operating cost of $2.45/kkg. The cost of eliminating the discharge of pollutants from fume emission control systems depends upon which of three available techniques is used. The Derham process for magnesium removal requires a capital expense of $3.40/annual kkg of capacity and an operating cost of $2.60/kkg. The Alcoa process requires a capital

cost of $5.90/kkg and an operating cost of $2.90/kkg, exclusive of a credit for the sale of magnesium chloride recovered. The use of aluminum fluoride for magnesium removal combined with the continuous recirculation of scrubber water requires a capital expenditure of $14.00/annual kkg and an operating cost of $5.40/kkg. The use of a chemically treated baghouse system (Teller system) for the reduction of air emissions from magnesium removal by aluminum fluoride, requires an estimated capital cost of $27.70/annual kkg of capacity and an operating cost of $7.30/kkg.

A capital cost of $8.70 to $15.30/annual kkg of molten aluminum and operating costs of $3.30 to $10.90/kkg are required to treat waste waters from residue processing by settling. The variations in costs result from (i) the amount of water used in milling, and (ii) the solids content of the residue. The cost of eliminating the discharge of pollutants from the milling of residues is estimated to be $130.00/annual kkg of aluminum capacity. This cost is for building a new facility to convert from wet to dry milling. The costs for recovery of salts from residue milling waste waters is dependent upon the type of residue processed. The estimated capital costs for evaporation of low-salt residue waste waters is $16.00/annual kkg and the operating cost is $24.00/kkg. High-salt content residues may require a capital expenditure of as much as $200.00/annual kkg and an operating cost of $124.00/kkg.

(viii) Nonwater Quality Aspects of Pollution Control. (1) Subpart A—Bauxite Refining Subcategory: The energy requirements for the total impoundment of red mud wastes result from pumping and heat exchange. The energy consumed in pumping red mud and other effluents to an impoundment area is considered comparable to that required for pumping to an outfall so the incremental energy usage is nominal. Similarly, the energy required to return the supernatant from a lake to the plant is comparable to that required for pumping freshwater from another source. Depending upon the overall plant design, management of the plant water circuit, and plant location, the evaporation of excess water may be necessary to avoid discharging process waste water pollutants. Thus, the use of fossil fuel in variable quantities may be necessary. However, the water to be evaporated always will be significantly less than the quantity routinely evaporated in the manufacturing process.

The volume of solid wastes, i.e. red mud, generated annually by the bauxite refining industry would occupy 12 million cubic yards. This is equivalent to 7600 acre-feet per year. Assuming a mud lake is filled to a depth of 25 feet, 300 acres would be required. This land requirement for the control of bauxite refining wastes is the only practical disposal alternative available. However, the use of land impoundment for the control of waste waters does not relieve the refiner from the responsibility to avoid contamination of subsurface waters. Impoundment sites should be located and engineered to avoid direct hydraulic continuity with surface or subsurface waters, and any leachate or subsurface flow into the disposal area should be contained within the site unless treatment is provided. Where appropriate, the location of the disposal site should be permanently recorded in the office of legal jurisdiction.

(2) Subpart B—Primary Aluminum Smelting Subcategory: Because the energy requirements of control and treatment methods for primary aluminum smelters represent only a small fraction of the total energy consumed in the primary aluminum industry, it is concluded that energy requirements will not be the deciding factor in the choice of control and treatment technology. The total energy requirement for a cryolite recovery and recycle system which is equivalent to the best practicable control technology currently available is about 1 percent of the energy consumed by the smelting operation itself.

A number of the control and treatment technologies identified produce solid waste. Dry scrubbing does not produce a solid waste but, rather, allows the collected particulates and gases to be returned to the electrolytic cell. Wet scrubbing methods and subsequent waste water treatment produce sludges in amounts ranging from 60 to 123 kg/kkg of aluminum. The calcium fluoride sludge should be disposed of in an acceptable landfill, which means a landfill at which complete long term protection is provided for the quality of surface and subsurface waters, from hazardous substances contained in the wastes deposited therein, and against hazard to the public health and the environment.

(3) Subpart C—Secondary Aluminum Smelting Subcategory: The nonwater quality environmental impact of the control and treatment of cooling waste waters consists of: (i) An incremental addition to the thermal load of the plant by thermal radiation from air cooling of ingots, (ii) added electrical energy requirements of about 11 kwhr per kkg would be needed for air cooling operations, and (iii) negligible impact on air quality from water evaporation either from consumptive water-mist cooling or from sludge drying. Sludges from a recirculating cooling water system should be disposed of in an acceptable landfill. The only significant nonwater quality environmental impact of the control and treatment of waste waters from fume scrubbing during magnesium removal is the potential effect on soil systems due to the reliance upon the land for ultimate disposition of final solid waste from the water treatment. The solid wastes are primarily inorganic and nonleachable. However, the solid waste from fluoride recovery can affect ground waters adversely if not adequately contained. Therefore, the solid wastes should be disposed of in an acceptable landfill to prevent contamination of subsurface waters. The residues resulting from application of the Derham process may be too high in soluble salts for economic processing by residue milling techniques for metal recovery and, therefore, constitute a solid waste. The application of aluminum fluoride with continuous scrubber water recirculation will produce a solid waste. The application of chemically-treated baghouse systems for dry air pollution control also results in a solid waste since the bag coating and the collected dust and fumes may contain fluoride salts.

The application of settling techniques to treat the waste waters from residue milling produces a solid waste. Both dry milling and wet milling of residues generate large quantities of solid wastes, ranging from 2.3 to 9 kkg/kkg of aluminum recovered, depending on the grade of residue. Generally the solid waste from dry milling contains the highly soluble chloride salts which are removed during wet milling. These salts may be leachable to groundwater. Dry milling also generates large quantities of airborne dust. Appropriate collection systems normally are able to control the atmospheric emissions of the dust. The recovery of salts from wet milling operations will require additional consumption of thermal energy of 8.6×10^6 kg cal for the low-salt residue waste water and 176×10^6 kg cal for the high-salt residue waste water per kkg of aluminum recovered.

(ix) Economic Impact Analysis. The proposed effluent limitations guidelines are expected to have only minimal effects on the secondary aluminum subcategory with practically no impact on the primary subcategory. While, in general, similar conclusions have been reached concerning the bauxite refining subcategory, it should be recognized that two plants in this industry (representing about 24 percent of total industry supply) are likely to incur very significant costs in meeting the proposed guidelines.

Within the primary aluminum subcategory, the current trend toward dry scrubbers for air pollution control should minimize, if not eliminate, the problems of water pollution control. Accordingly, there should be only minimal cost in meeting the proposed effluent limitations for 1977 and 1983. No price increases are expected and no plant closings or employment impacts are anticipated. There should be no impacts on the balance of trade or industry growth as a result of water pollution control requirements.

Noticeable price increases are not expected within the secondary aluminum industry as a result of the proposed guidelines. With the exception of the wet dross processing sector (less than 4 percent of secondary capacity) cost increases are expected to be less than 1.1 percent of the sale value of aluminum. Excepting isolated cases of regional monopolies, competition within the industry should prevent these costs from being passed on as price increases. Plant closings are expected only in those plants using wet processes for dross and slag milling. In such plants the combined 1977 and 1983 proposed guidelines could lead to cost increases equal to 6 percent or

more of the sale value of aluminum (1.5¢/lb or more) and equivalent to 100 percent or more of profits. There are four known wet dross plants and two other plants with wet dross departments. These six operations represent approximately 160 employees and less than 1.0 percent of total aluminum production. None of these closures or curtailments should have noticeable community impacts and the impacts of the guidelines on the balance of trade and industry growth should be negligible.

The majority of the costs for meeting the proposed guidelines have already been incurred by seven of the nine plants in the bauxite refining subcategory. Cost increases for these seven plants are expected to range from zero to 1.6 percent of the sale value of alumina depending on the levels of control already in place. Cost increases for the remaining two plants (approximately 24 percent of industry supply) may range from $6.72 to over $9.36 per ton of alumina or an equivalent of 10 percent to 13 percent of the sale value of raw alumina. Due to the low cost increases for the other seven plants and the competitive structure of the industry, it is not likely that the cost to these two plants can be recovered through price increases. While the high percentage of industry capacity represented by these two plants make their closure seem unlikely, it should be recognized that the potential for closure does exist. Their estimated cost for meeting the guidelines are quite high, with investment costs being equal to about 18 percent of replacement cost of an alumina facility and annual cost being equivalent to 30 percent or more of the total profits normally realized on the manufacture of finished aluminum. These high costs in light of some distinct advantages to overseas bauxite refining may cause the owners to give serious consideration to closing these plants. Such actions could result in significant short term disruptions within the aluminum industry. In addition, an estimated 1220 jobs could be lost with potential secondary unemployment for an additional 2,400 people. The balance of trade would be affected by an estimated $950 million dollars per year.

Reports entitled "Development Document for Proposed Effluent Limitations Guidelines and New Source Performance Standards for the Bauxite Refining Subcategory of the Aluminum Segment of the Nonferrous Metals Manufacturing Point Source Category," "Development Document for Proposed Effluent Limitations Guidelines and New Source Performance Standards for the Primary Aluminum Smelting Subcategory of the Aluminum Segment of the Nonferrous Metals Manufacturing Point Source Category," and "Development Document for Proposed Effluent Limitations Guidelines and New Source Performance Standards for the Secondary Aluminum Smelting Subcategory of the Aluminum Segment of the Nonferrous Metals Manufacturing Point Source Category"[1] describe the analysis undertaken in support of the regulations being proposed herein and are 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 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 all 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 the effluent limitations guidelines and standards of performance for the aluminum subcategory. 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) Ohio River Valley Sanitation Commission, (4) New England Interstate Water Pollution Control Commission, (5) Delaware River Basin Commission, (6) Conservation Foundation, (7) Businessmen for the Public Interest, (8) Environmental Defense Fund, Inc., (9) Natural Resources Defense Council, Inc., (10) The American Society of Civil Engineers, (11) Water Pollution Control Federation, (12) National Wildlife Federation, (13) The American Society of Mechanical Engineers, (14) U.S. Department of Health, Education and Welfare, (15) U.S. Department of Commerce, (16) Water Resources Council, (17) U.S. Department of the Interior, (18) The Aluminum Association, and (19) Aluminum Recycling Association.

The following organizations responded with comments: General Counsel of the Department of Commerce, Texas Water Quality Board, Georgia Department of Natural Resources, Reynolds Metals Company, United States Department of the Interior, Office of the Assistant Secretary of Defense, Scientist's Institute for Public Information, Illinois Environmental Protection Agency, Kaiser Aluminum and Chemical Corporation, Arizona State Department of Health, Florida Department of Pollution Control, Aluminum Recycling Association, United States Water Resources Council, Ormet Corporation, Aluminum Company of America, Maine Department of Environmental Protection, New York State Department of Environmental Conservation, Nebraska Department of Environmental Control, Copper and Brass Fabricators Council, Hawaii Department of Health, Colorado Department of Public Health, and California Water Resources Control Board.

The comments were highly variable, but the principal issues raised in the development of the proposed effluent limitations guidelines and standards of performance and the treatment of these issues herein are as follows:

(1) One commentor criticized the treatment of all bauxite refineries in a single subcategory and cited the combination of factors of ore type, net accumulation of rainfall, and soil conditions as circumstances which preclude the achievement of the proposed effluent limitation of no discharge of process waste water pollutants. Each of the eight domestic bauxite refiners was visited. Variations in raw materials (ore type) and geographic location (net accumulation of rainfall and soil conditions) were considered, among other factors, as possible bases for further subcategorization and rejected for the reasons outlined in the Development Document. One plant using the same ore type as the commentor currently achieves no discharge of process waste water pollutants. Six of eight domestic refiners currently practice impoundment of red mud wastes, a major step toward the goal of no discharge of process waste water pollutants.

(2) Several comments were received which questioned the achievement of "no discharge" by the application of the best practicable control technology currently available. The phrase "no discharge" has been modified to be "no discharge of process waste water pollutants."

(3) One commentor stated that cost information provided the EPA contractor was not considered in the development of the guidelines. The subject information has been included in the Development Document and conclusions about the projected costs for the bauxite refining industry to meet effluent limitations have been revised to include the producer's estimates.

(4) Comments were received that the use of controlled firing on anode baking furnaces is not technically feasible for all plants and that totally dry systems for air pollution control are not adequately demonstrated on all potential waste streams from primary aluminum smelters. Further analysis revealed that the standards of performance should be revised to reflect the possible requirement for wet air pollution control devices on the anode bake plant and small discharges of cooling water.

(5) One commentor cited a cost of $120/annual ton for a dry scrubbing system at an operating primary smelter and disagreed with the figure of $40/annual ton. The source(s) of the $40/annual ton figure are cited in the Development Document. It should be noted that the proposed effluent limitations do not imply dry systems for existing sources and that the difference in cost between wet and dry systems for new sources is estimated to be $2/annual ton of aluminum.

[1] Filed as part of the original document.

(6) A comment questioned the ability of the proposed best practicable control technologies currently available for fume scrubbing and residue milling in the secondary aluminum smelting subcategory to achieve the effluent limitations specified. Further analysis revealed that the application of the best practicable control technology currently available would not effect a reduction in dissolved solids. The effluent characteristics and the associated effluent limitations were revised to reflect the additional data analysis.

(7) One comment indicated that the best available demonstrated control technology for secondary aluminum smelters could not achieve the proposed standard of performance of no discharge of process waste water pollutants. The standards of performance were revised to permit new sources to discharge process waste water pollutants from chlorine magnesium removal processes only, after the application of the best practicable control technology currently 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 Documents and economic study referred to above and certain supplementary materials supporting the study of the industry concerned also will 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 31, 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: November 19, 1973.

JOHN QUARLES,
Acting Administrator.

PART 421—EFFLUENT LIMITATIONS GUIDELINES FOR EXISTING SOURCES AND STANDARDS OF PERFORMANCE AND PRETREATMENT STANDARDS FOR NEW SOURCES FOR THE NONFERROUS METALS MANUFACTURING POINT SOURCE CATEGORY

Subpart A—Bauxite Refining Subcategory

Sec.

Subpart B—Primary Aluminum Smelting Subcategory

Subpart C—Secondary Aluminum Smelting Subcategory

Subpart A—Bauxite Refining Subcategory

§ 421.10 Applicability; description of bauxite refining subcategory.

The provisions of this subpart are applicable to discharges resulting from the refining of bauxite to alumina by the Bayer process or by the combination process.

§ 421.11 Specialized definitions.

For the purpose of this subpart:

(a) The term "bauxite" shall mean ore containing alumina monohydrate or alumina trihydrate which serves as the principal raw material for the production of alumina by the Bayer process or by the combination process.

(b) The term "process waste water" shall mean any water which, during the refining process, comes into direct contact with any raw material, intermediate product, by-prdouct or product used in or resulting from the manufacture of alumina from bauxite.

(c) The term "process waste water pollutants" shall mean the pollutants contained in the process waste water.

§ 421.12 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) Subject to the provisions of paragraph (b) of this section, 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: There shall be no discharge of process waste water pollutants to navigable waters.

(b) During any calendar month in which the precipitation exceeds the evaporation in the area in which a process waste water impoundment is located as established by the U.S. National Weather Service (or as otherwise determined if no monthly evaporation data have been established by the National Weather Service for such area), there may be discharged from such impoundment either a volume of process waste water equal to the difference between the precipitation and the evaporation for that month or a volume of process waste water equal to the difference between the mean precipitation and mean evaporation for that month as established by the U.S. National Weather Service for the preceding 10 year period, whichever is greater.

§ 421.13 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

(a) Subject to the provisions of paragraph (b) of this section, 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: there shall be no discharge of process waste water pollutants to navigable waters.

(b) During any calendar month in which the precipitation exceeds the evaporation in the area in which a process waste water impoundment is located as established by the U.S. National Weather Service (or as otherwise determined if no monthly evaporation data have been established by the National Weather Service for such area), there may be discharged from such impoundment either a volume of process waste water equal to the difference between the precipitation and the evaporation for that month or a volume of process waste water equal to the difference between the mean precipitation and mean evaporation for that

month as established by the U.S. National Weather Service for the preceding 10 year period, whichever is greater.

§ 421.14 Standards of performance for new sources.

(a) Subject to the provisions of paragraph (b) of this section, 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: there shall be no discharge of process waste water pollutants to navigable waters.

(b) During any calendar month in which the precipitation exceeds the evaporation in the area in which a process waste water impoundment is located as established by the U.S. National Weather Service (or as otherwise determined if no monthly evaporation data have been established by the National Weather Service for such area), there may be discharged from such impoundment either a volume of process waste water equal to the difference between the precipitation and the evaporation for that month or a volume of process waste water equal to the difference between the mean precipitation and mean evaporation for that month as established by the U.S. National Weather Service for the preceding 10 year period, whichever is greater.

§ 421.15 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act, for a source within the bauxite refining 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 Part 128, 40 CFR, except that for the purposes of this section, § 128.133, 40 CFR shall be amended to read as follows: "In addition to the prohibitions set forth in § 128.131, the 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 § 421.14, 40 CFR, Part 421 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—Primary Aluminum Smelting Subcategory

§ 421.20 Applicability; description of primary aluminum smelting subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of aluminum from alumina by the Hall-Heroult process.

§ 421.21 Specialized definitions.

For the purpose of this subpart:

(a) The term "process waste water" shall mean any water which, during the manufacturing process, comes into direct contact with any raw material, anode material, cathode material, intermediate product, by-product, product, or material used in or resulting from the production of primary aluminum.

(b) The term "process waste water pollutants" shall mean pollutants contained in the process waste water.

(c) The term "product" shall mean hot aluminum metal.

(d) The term "oil and grease" shall mean that component of the waste water amenable to measurement by the method described in *Methods for Chemical Analyses of Water and Wastes*, Environmental Protection Agency, Analytical Quality Control Laboratory, page 217.

(e) The term "cyanide" shall mean those cyanides amenable to chlorination by the method described in *1972 Annual Book ASTM Standards*, 1972, Standard D2036–72, Method B, page 553.

(f) The term "kg" shall mean kilogram(s); The term "kkg" shall mean 1000 kilograms; the term "lb" shall mean pound(s).

§ 421.22 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 the best practicable control technology currently available by a point source subject to the provisions of this subpart:

Effluent characteristic	*Effluent limitation*
Fluoride	Maximum for any one day 2.0 kg/kkg of product (2.0 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days 1.0 kg/kkg of product (1.0 lb/1,000 lb).
Suspended nonfilterable solids, total.	Maximum for any one day 3.0 kg/kkg of product (3.0 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days 1.5 kg/kkg of product (1.5 lb/1,000 lb).
Oil & grease	Maximum for any one day 0.5 kg/kkg of product (0.5 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days 0.25 kg/kkg of product (0.25 lb/1,000 lb).
Cyanide	Maximum for any one day 0.01 kg/kkg of product (0.01 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days 0.006 kg/kkg of product (0.005 lb/1,000 lb).
pH	Within the range 6.0 to 9.0.

§ 421.23 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*
Fluoride	Maximum for any one day 0.1 kg/kkg of product (0.1 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days 0.05 kg/kkg of product (0.05 lb/1,000 lb).
Suspended nonfilterable solids, total.	Maximum for any one day 0.2 kg/kkg of product (0.2 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days 0.1 kg/kkg of product (0.1 lb/1,000 lb).
Oil and grease	Maximum for any one day 0.03 kg/kkg of product (0.03 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days 0.015 kg/kkg of product (0.015 lb/1,000 lb).
Cyanide	Maximum for any one day 0.01 kg/kkg of product (0.01 lb/1,000 lb). Maximum average of daily values for any period of 30 consecudays 0.005 kg/kkg of product (0.005 lb/1,000 lb).
pH	Within the range 6.0 to 9.0

§ 421.24 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 attainable 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*
Fluoride	Maximum for any one day 0.05 kg/kkg of product (0.05 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days 0.025 kg/kkg of product (0.025 lb/1,000 lb).
Suspended nonfilterable solids, total.	Maximum for any one day 0.1 kg/kkg of product (0.1 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days 0.05 kg/kkg of product (0.05 lb/1,000 lb).
Oil and grease	Maximum for any one day 0.03 kg/kkg of product (0.03 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days 0.015 kg/kkg of product (0.015 lb/1,000 lb).
Cyanide	Maximum for any one day 0.01 kg/kkg of product (0.01 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days 0.005 kg/kkg of product (0.005 lb/1,000 lb).
pH	Within the range 6.0 to 9.0.

§ 421.25 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act, for a source within the primary aluminum smelting 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 Part 128, 40 CFR, except that for the purposes of this section, § 128.133, 40 CFR 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 § 421.24, 40 CFR, Part 421, 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—Secondary Aluminum Smelting Subcategory

§ 421.30 Applicability; description of secondary aluminum smelting subcategory.

The provisions of this subpart are applicable to discharges resulting from the recovery, processing, and remelting of aluminum scrap to produce metallic aluminum alloys.

§ 421.31 Specialized definitions.

For the purpose of this subpart:

(a) The term "process waste water" shall include, but not be limited to, any water which is used in the metal cooling process, the magnesium removal process, or the residue milling process.

(b) The term "process waste water pollutants" shall mean pollutants contained in the process waste water.

(c) The term "product" shall mean hot aluminum recovered.

(d) The term "oil and grease" shall mean that measured by the analytical method prescribed in subparagraph (d) of § 421.21.

(e) The term "aluminum" shall mean that component of the waste water amenable to measurement by the method described in *Methods for Chemical Analysis of Water and Wastes*, 1971, Environmental Protection Agency, Analytical Quality Control Laboratory, page 98.

(f) The term "kg" shall mean kilograms(s); The term "kkg" shall mean 1000 kilograms; and the term "lb" shall mean pound(s).

§ 421.32 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) 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 and which uses water for metal cooling: there shall be no discharge of process waste water pollutants to navigable waters.

(b) 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 and which uses aluminum fluoride in its magnesium removal process ("demagging" process): there shall be no discharge of process waste water pollutants to navigable waters.

(c) 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 and which uses chlorine in its magnesium removal process:

Effluent characteristic	Effluent limitation [1]	
	Grams per kilograms magnesium removed	Pounds per pounds magnesium removed
Suspended nonfilterable solids, total	175	0.175
Oil and grease	2.0	0.002
Oxygen demand, chemical	6.5	0.0065
pH	[2]	[2]

[1] Maximum average of daily values for any period of 30 consecutive days.
[2] Within the range 7.5 to 9.0.

(d) 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 the provisions of this subpart and which processes residues by wet methods:

Effluent characteristic	Effluent limitation [1]	
	Kilograms per kilo-kilograms of product	Pounds per 1,000 pounds of product
Suspended nonfilterable solids, total	1.5	1.5
Fluoride	0.4	0.4
Ammonia nitrogen	0.01	0.01
Aluminum	1.0	1.0
Copper	0.003	0.003
Oxygen demand, chemical	1.0	1.0
pH	[2]	[2]

[1] Maximum average of daily values for any period of 30 consecutive days.
[2] Within the range 7.5 to 9.0.

§ 421.33 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: there shall be no discharge of process waste water pollutants to navigable waters.

§ 421.34 Standards of performance for new sources.

(a) 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: there shall be no discharge of process waste water pollutants to navigable waters.

(b) Application of the factors listed in section 306(b) of the Act may require variation from the standard of performance set forth in this section for any point source subject to such standard of performance and which uses chlorine in the magnesium removal process ("demagging" process). If variation is determined to be necessary for any such source, the discharge of process waste water pollutants shall be allowed from the magnesium removal process only, and such source shall be subject to effluent limitations no less stringent than those required by paragraph (c), § 421.32 of this part.

§ 421.35 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act, for a source within the secondary aluminum smelting subcategory which is an industrial user of a publicly owned treatment works (and which would be a new source sub-

ject to section 306 of the Act, if it were to discharge pollutants to navigable waters), shall be the standard set forth in Part 128, 40 CFR, except that for the purposes of this section, § 128.133, 40 CFR 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 § 421.34, 40 CFR, Part 421, 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.73-24804 Filed 11-29-73;8:45 am]

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PART III

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

■

MODIFICATION OF OIL SHALE WITHDRAWAL IN COLORADO, UTAH, WYOMING

Sale of Oil Shale Leases

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5401]

COLORADO, UTAH, WYOMING

Modification of Oil Shale Withdrawal

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), it is ordered as follows:

1. Executive Order No. 5327 of April 15, 1930, withdrawing oil shale deposits and land containing such deposits for classification, is hereby modified to permit, at the discretion of the Secretary, the issuance of leases of oil shale deposits, and the land containing such deposits, so far as it relates to the following described land:

COLORADO

SIXTH PRINCIPAL MERIDIAN

Tract C–a

T. 1 S., R. 99 W.,
Sec. 32, E½, E½W½;
Sec. 33;
Sec. 34, W½, SE¼, W½NE¼, SE¼NE¼.
T. 2 S., R. 99 W.,
Secs. 3 and 4;
Sec. 5, E½, E½W½;
Sec. 8, E½;
Secs. 9 and 10.

Tract C–b

T. 3 S., R. 96 W.,
Sec. 5, W½SE¼, SW¼;
Sec. 6, lots 6 and 7, E½SW¼, SE¼;
Sec. 7, lots 1, 2, 3, 4, E½W½, E½;
Sec. 8, W½NE¼, NW¼, S½;
Sec. 9, SW¼;
Sec. 16, NW¼, W½SW¼;
Sec. 17;
Sec. 18, lots 1, 2, 3, 4, E½W½, E½.
T. 3 S., R. 97 W.,
Sec. 1, S½;
Sec. 2, SE¼;
Sec. 11, E½;
Sec. 12;
Sec. 13, N½;
Sec. 14, N½NE¼.

The two tracts described above contain 10,183.60 acres.

UTAH

SALT LAKE MERIDIAN

Tract U–a

T. 10 S., R. 24 E.,
Sec. 19 E½;
Secs. 20, 21, 22, 27, 28, 29;
Sec. 30, E½;
Sec. 33, N½;
Sec. 34, N½.

Tract U–b

T. 10 S., R. 24 E.,
Sec. 12, S½, S½N½;
Secs. 13, 14, 23, 24;
Sec. 25, W½W½;
Sec. 26.
T. 10 S., R. 25 E.,
Secs. 18 and 19.

The two tracts described above contain 10,240 acres.

WYOMING

SIXTH PRINCIPAL MERIDIAN

Tract W–a

T. 14 N., R. 99 W.,
Secs. 17 and 18;
Sec. 19, NE¼;
Secs. 20, 21, 22, 27, 28;
Sec. 29, N½, SE¼.

Tract W–b

T. 13 N., R. 99 W.,
Sec. 1, S½, S½N½, lots 1, 3, 4;
Secs. 2 and 3;
Sec. 4, lot 1, SE¼NE¼;
Sec. 10, E½, E½NW¼;
Secs. 11 and 12.
T. 14 N., R. 99 W.,
Sec. 33, E½E½;
Secs. 34 and 35.

The two tracts described above contain 10,194.48 acres. The total areas described aggregate approximately 30,618.08 acres.

2. The lands described in paragraph 1 of this order will not be available for lease until a notice of sale of leases is published in the FEDERAL REGISTER announcing the terms and conditions under which leases on these tracts will be offered. Any application to lease not submitted in accordance with the requirements prescribed in that notice of sale will be rejected.

JOHN C. WHITAKER,
Under Secretary of the Interior.

NOVEMBER 26, 1973.

[FR Doc.73-25371 Filed 11-29-73;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

OIL SHALE LEASES

Notice of Sale

Pursuant to the Act of February 25, 1920 (41 Stat. 437), as amended (30 U.S.C. 181–263), the oil shale deposits in six tracts of land (two in Colorado, two in Utah, and two in Wyoming) will be offered for lease through competitive bidding. The six sales will be held sequentially, one every second Tuesday of the month, beginning January 8, 1974, as follows: TRACT C–a in Colorado will be offered for lease on January 8, 1974; TRACT C–b in Colorado will be offered on February 12, 1974; TRACT U–a in Utah will be offered on March 12, 1974; Utah TRACT U–b on April 9, 1974; Wyoming TRACT W–a on May 13, 1974; and Wyoming TRACT W–b on June 11, 1974. These tracts are more particularly described as follows:

COLORADO

TRACT C–a:

T. 1 S., R. 99 W., 6th P.M.,
Sec. 32, E½, E½W½;
Sec. 33, all;
Sec. 34, W½, SE¼, W½NE¼, SE¼NE¼.
T. 2 S., R. 99 W., 6th P.M.,
Sec. 3, all;
Sec. 4, all;
Sec. 5, E½, E½W½ (incl. lots 1, 2, and 3);
Sec. 8, E½;
Sec. 9, all;
Sec. 10, all.

The area described aggregates 5,089.70 acres.

TRACT C–b:

T. 3 S., R. 96 W., 6th P.M.,
Sec. 5, W½SE¼, SW¼;
Sec. 6, lots 6 and 7, E½SW¼, SE¼;
Sec. 7, lots 1, 2, 3, and 4, E½W½, E½;
Sec. 8, W½NE¼, NW¼, S½;
Sec. 9, SW¼;
Sec. 16, NW¼, W½SW¼;
Sec. 17, all;
Sec. 18, lots 1, 2, 3, and 4, E½W½, E½.
T. 3 S., R. 97 W., 6th P.M.,
Sec. 1, S½;
Sec. 2, SE¼;
Sec. 11, E½;
Sec. 12, all;
Sec. 13, N½;
Sec. 14, N½NE¼.

The area described aggregates 5,093.90 acres.

UTAH

TRACT U–a:

T. 10 S., R. 24 E., S.L.M.,
Sec. 19, E½;
Sec. 20, all;
Sec. 21, all;
Sec. 22, all;
Sec. 27, all;
Sec. 28, all;
Sec. 29, all;
Sec. 30, E½;
Sec. 33, N½;
Sec. 34, N½.

The area described aggregates 5,120.00 acres.

TRACT U–b:

T. 10 S., R. 24 E., S.L.M.,
Sec. 12, S½, S½N½;
Sec. 13, all;
Sec. 14, all;
Sec. 23, all;
Sec. 24, all;
Sec. 25, W½W½;
Sec. 26, all.
T. 10 S., R. 25 E., S.L.M.,
Sec. 18, all;
Sec. 19, all.

The area described aggregates 5,120.00 acres.

WYOMING

TRACT W–a:

T. 14 N., R. 99 W., 6th P.M.,
Sec. 17, all;
Sec. 18, all;
Sec. 19, NE¼;
Sec. 20, all;
Sec. 21, all;
Sec. 22, all;
Sec. 27, all;
Sec. 28, all;
Sec. 29, N½, SE¼.

The area described aggregates 5,111.24 acres.

TRACT W–b:

T. 13 N., R. 99 W., 6th P.M.,
Sec. 1, S½, S½N½, lots 1, 3, and 4;
Sec. 2, all;
Sec. 3, all;
Sec. 4, Lot 1, SE¼NE¼;
Sec. 10, E½, E½NW¼;
Sec. 11, all;
Sec. 12, all.
T. 14 N., R. 99 W., 6th P.M.,
Sec. 33, E½E½;
Sec. 34, all;
Sec. 35, all.

The area described aggregates 5,083.24 acres.

Announcement of each sale will be made by publication of a special notice in the FEDERAL REGISTER and in a newspaper of general circulation in the State and county in which the offered lands are located, setting forth the date, time, place, and conditions of the sale. If there is no newspaper in the county in which the lands are situated, then publication of the notice of sale will be made in a newspaper in the general area of the offered lands.

1. *Acreage limitations:* Not more than one lease shall be granted to any one person, association, or corporation.

2. *Lease terms:* The leases will be issued on a form the full text of which is published as Appendix "A" to this notice. The lease will be issued for a period of 20 years and so long thereafter as production is had in commercial quantities, subject to readjustment of terms at the end of each 20-year period. The lessee will be required to pay royalty on production in the amount and manner prescribed in Section 7 of the lease, and to maintain a bond as provided in Section 9.

3. *Minimum Royalty:* Section (7)(e)(1) of the lease form requires the payment of a minimum royalty for the sixth and each succeeding year which shall be based upon a different production rate for each tract and upon different grades of oil shale for certain tracts. The production rates and oil shale grades for each tract are as follows:

Tract	Shale grade gallon/ton	6th year production rate 1,000's ton/year	15th year production rate 1,000's ton/year
Tract C-a..	30	1,130	11,300
Tract C-b..	30	616	6,160
Tract U-a..	30	208	2,080
Tract U-b..	30	227	2,270
Tract W-a..	20	215	2,150
Tract W-b..	20	214	2,140

4. *Bidding procedures:* Leases will be offered competitively through sealed bidding. A lease will be issued only to the qualified bidder submitting the highest amount per acre as a bonus for the privilege of leasing the lands. No specific form of bid is required but all bids must identify the lease sale and must show the total amount bid, the amount bid per acre, and the amount submitted with the bid. No telephonic or telegraphic bids will be accepted, and no oil payment, overriding royalty, logarithmic, or sliding scale bid will be considered. Bids shall not be modified after they have been submitted. Bids must be for the full tract described in the special notice of sale of oil shale lease. Bids must be submitted in sealed envelopes plainly marked "Sealed Bid for Oil Shale Lease. Not to be opened before 10 a.m., M.S.T. on (*date of sale*)." Bids may be mailed or delivered in person to the addressee named in the special notice until 10 a.m., M.S.T. on the date of the sale. Bids received after that time will be returned unopened. Bidders are warned against violation of section 1860 in Title 18 U.S.C. prohibiting unlawful combination or intimidation of bidders.

5. *Payment of bonus and advance rental:* All bids must be accompanied by a certified check, cashier's check, bank draft, money order, or cash for one-fifth of the bonus bid payable to the Bureau of Land Management, which amount shall be returned to the bidder after the lease sale should he be an unsuccessful bidder. If the bidder, after being notified that his bid has been accepted and that he will be awarded a lease, fails to comply with the applicable regulations or the terms of this notice, or if he fails to execute the lease within 15 days after receiving the lease form, his deposit will be forfeited.

Each bid must also be accompanied by a certified check, cashier's check, bank draft, moneyo rder, or cash for the first year's annual rental at the rate of 50¢ per acre or fraction thereof, which amount shall be returned to all unsuccessful bidders after the lease sale.

6. *Evidence of qualifications:* Each bid must be accompanied by a statement over the bidder's signature or that of his authorized agent with respect to his

qualifications. The statement shall contain the following information:

(a) If the bidder is an individual, a statement as to whether native born or naturalized; if an association, it must submit a certified copy of the articles of association and a statement by its members as to their citizenship. If the bidder is a corporation, it must submit statements showing: (i) the State in which it is incorporated; (i) that it is authorized to hold leases for oil shale deposits, and the names of the officers authorized to act in such matters in behalf of the corporation; (iii) the percentage of the corporate voting stock and of all the stock owned by aliens or those having addresses outside the United States; and (iv) the name, address, and citizenship of any stockholder owning or controlling 20 percent or more of the corporate stock of any class. If more than 10 percent of the stock is owned or controlled by or in behalf of aliens, or persons who have addresses outside the United States, the corporation must give their names and addresses, the amount and class of stock held by each, and to the extent known to the corporation or which reasonably can be ascertained by it, the facts as to the citizenship of each. The bid of a corporation also shall be accompanied by a copy either of the minutes of the meeting of the board of directors or of the by-laws indicating that the person signing the bid has authority to do so, or, in lieu of such a copy, a certificate by the Secretary of the corporatiton to that effect, over the corporate seal, or appropriate reference to the record of the Bureau of Land Management in connection with which such aticles and authority have been furnished previously; and

(b) The certification required by 41 CFR 60–1.7(b) and Executive Order No. 11246 of September 24, 1965, as amended by Executive Order No. 11375, on Form 1140–8 (November 1973) and Form 1140–7 (December 1971).

7. *Bid opening:* The bids will be opened at the place, date and time announced in the notice of publication of the respective oil shale lease sales. The opening of bids is for the purpose of publicly announcing and recording bids received and no bids will be accepted or rejected at that time. If the Department is prohibited for any reason from opening any bid before midnight of the day of the sale for which it is submitted, that bid will be returned unopened to the bidder as soon thereafter as possible.

8. *Acceptance or rejection of bids:* No bid for any tract will be accepted and no lease for any tract will be awarded to any bidder unless the bidder has complied with all requirements of the notice, his bid is the highest for the offered tract, and the amount of the bonus bid has been determined to be adequate by the United States. The Government reserves the right to reject any or all bids. Any cash, checks, drafts, or money orders submitted with the bid may be deposited in an unearned escrow account in the Treasury during the period the bids are being considered. Such a deposit does not constitute and shall not be construed as acceptance of any bids on behalf of the United States.

9. *Preliminary Development Plan:* Within forty-eight hours after being informed that his bid has been accepted and that a lease will be issued to him, the successful bidder must transmit a preliminary development plan, in duplicate, to the Officer conducting the lease sale. This plan will be made public upon issuance of the lease, and, therefore, confidential information relative to the lessee's operations should not be included in the submission. Confidential information should be submitted in the same manner, but under separate cover. The submission or acceptance of these plans will not be binding on the lessee or lessor and will not authorize any action by the lessee, but the plan is required for the lessor's guidance in establishing initial supervision of the lessee's activities. The preliminary development plan should include the method of development, the proposed location of on and off-site facilities, the schedule for development, and monitoring programs to determine environmental criteria.

10. *Withdrawal of additional lands:* The Department recognizes that in some situations lands outside the leased tracts may be required under other statutes than the Mineral Leasing Act for roads or other purposes in connection with the prototype oil shale leasing program. Moreover, since this is a prototype rather than a general leasing program, the Department may in the future find it desirable to conduct investigations, studies, and experiments under section 101 of the Public Land Administration Act (43 U.S.C. § 1362), particularly in connection with the disposal of spend shale. In order to facilitate these possible future investigations, studies, and experiments, the Department is withdrawing from all forms of appropriation under the public land laws, including the mining laws, certain lands in the vicinity of the tracts offered for lease.

11. Further information concerning these oil shale lease sales may be obtained from the Oil Shale Coordinator, Room 5623, Interior Building, Washington, D.C. 20240; the Deputy Oil Shale Coordinator, Building 56, Denver Federal Center, Denver, Colorado, the Chief, Division of Upland Minerals, Bureau of Land Management, Room 7146, Interior Building, 18th & C Streets NW., Washington, D.C. 20240; the State Director, Colorado State Office, Bureau of Land Management, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202; the State Director, Utah State Office, Bureau of Land Management, Federal Building, 125 South State, Salt Lake City, Utah 84138; and the State Director, Wyoming State Office, Bureau of Land Management, Joseph C. O'Mahoney Federal Center, 2120 Capital Avenue, Cheyenne, Wyoming 82001.

CURT BERKLUND,
Director,
Bureau of Land Management.

Approved: November 26, 1973.

JOHN C. WHITAKER,
Under Secretary of the Interior.

APPENDIX A

OIL SHALE LEASE

OIL SHALE LEASE ENVIRONMENTAL STIPULATIONS

Sec.
6 Historic and Scientific Values.
(A) Cultural Investigations.
(B) Objects of Historic or Scientific Interest.
7 Oil and Hazardous Materials.
(A) Spill Contingency Plans.
(B) Responsibility.
(C) Reporting of Spills and Discharges.
(D) Storage and Handling.
(E) Pesticides and Herbicides.
8 Pollution—Air.
(A) Air Quality.
(B) Dust.
(C) Burning.
9 Pollution—Water.
(A) Water Quality.
(B) Disturbance of Existing Waters.
(C) Control of Waste Waters.
(D) Cuts and Fills.
(E) Crossings.
(F) Road Surfacing Material.
10 Pollution—Noise.
11 Rehabilitation.
(A) In General.
(B) Management Plan.
(C) Stabilization of Disturbed Areas.
(D) Surface Disturbance on Site.
(E) Areas of Unstable Soils.
(F) Materials.
(G) Slopes of Cut and Fill Areas.
(H) Impoundments.
(I) Flood Plain.
(J) Land Reclamation.
(K) Overburden.
(L) Revegetation.
12 Scenic Values.
(A) Scenic Considerations in General.
(B) Consideration of Aesthetic Values.
(C) Protection of Landscape.
(D) Signs.
13 Vegetation.
(A) In General.
(B) Timber.
(C) Clearing and Stripping.
14 Waste Disposal.
(A) Mine Waste.
(B) Other Disposal Areas.
(C) Disposal of Solid and Liquid Wastes.
(D) Impoundment of Water.
(E) Slurry Waste Disposal.

UNITED STATES DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

Oil Shale Lease

In consideration of the mutual promises, terms and conditions contained herein, and the grant made hereby, this lease is entered into on _____, _____, to be effective on _____, _____, (hereinafter called the "Effective Date"), by the United States of America (hereinafter called the "Lessor"), acting through the Bureau of Land Management (hereinafter called the "Bureau") of the Department of the Interior (hereinafter called the "Department"), and _____ _____ (hereinafter called the "Lessee"), pursuant and subject to the terms and provisions of the Mineral Leasing Act of February 25, 1920 (41 Stat. 437), as amended (30 U.S.C. §§ 181–263) (hereinafter called the "Act"), and to the terms, conditions, and requirements (1) of all regulations promulgated by the Secretary of the Interior (hereinafter called the "Secretary") in existence upon the Effective Date, specifically including, but not limited to, the regulations in 30 CFR Part 231 and 43 CFR Part 23 and Group 3000, all of which are incorporated herein and, by reference, made a part hereof; and (2) of all regulations hereafter promulgated by the Secretary (except those inconsistent with any specific provisions of this lease other than regulations incorporated herein by reference), all of which shall be, upon their effective date, incorporated in and, by reference, made a part of this lease.

Section 1. *Definitions.* As used in this lease:

(a) "Oil Shale" means a fine-grained sedimentary rock containing: (1) organic matter which was derived chiefly from aquatic organisms or waxy spores or pollen grains, which is only slightly soluble in ordinary petroleum solvents, and of which a large proportion is distillable into synthetic petroleum, and (2) inorganic matter which may contain other minerals. This term is applicable to any argillaceous, carbonate, or siliceous sedimentary rock which, through destructive distillation will yield synthetic petroleum. The products of Oil Shale include both shale oil and other minerals;

(b) "Leased Lands" means _____ _____ situated in the County of _____, State of _____ containing _____ acres, more or less;

(c) "Leased Deposits" means all deposits of Oil Shale lying within or under the Leased Lands;

(d) "Anniversary Date" means the anniversary of the Effective Date of this lease; however, if operations under this lease are suspended pursuant to section 39 of the Act (30 U.S.C. § 209), the next Anniversary Date of this lease after the suspension shall follow the previous Anniversary Date by a period of time equal to the sum of one year and the period of suspension, and subsequent Anniversary Dates will be measured from that Anniversary Date;

(e) "Lease Year" means the period of time between two successive Anniversary Dates of this lease;

(f) "Ton" means a measure of weight of 2,000 pounds avoirdupois;

(g) "Mining Supervisor" means the appropriate mining supervisor of the United States Geological Survey (hereinafter called the "Geological Survey"), as defined in 30 CFR 231.2(c); and

(h) "Commercial Quantities" means quantities sufficient to provide a return after all variable costs of production have been met.

Sec. 2. *Grant to lessee.* The Lessee is hereby granted, subject to the terms of this lease, the exclusive right and privilege to prospect for, mine by underground or surface means and process by retorting or by *in situ* methods or otherwise, as he may reasonably choose and in accordance with approved plans, utilize, and dispose of all Leased Deposits together with the right to construct on the Leased Lands all such works, buildings, plants, structures, roads, powerlines, and additional facilities as may be necessary or reasonable convenient for the mining, processing, and preparation of products of the Leased Deposits for market and the housing and welfare of the Lessee's employees, agents, and contractors, and to use so much of the surface of the Leased Lands as may reasonably be required in the exercise of the rights and privileges herein granted.

Sec. 3. *Lessor's reserved interests in the Leased Lands.* The Lessor reserves the following:

(a) The right to lease, sell, or otherwise dispose of the surface of the Leased Lands or of any surface or mineral resource in the Leased Lands (or of any interest therein) under existing laws or laws hereafter enacted, subject to the rights of the Lessee under this lease;

(b) The right, upon such terms as it may determine to be just, to permit for joint or several use, such easements or rights-of-way, including easements in tunnels upon, through, or in the Leased Lands, as may be necessary or appropriate to the working of the Leased Lands or other lands containing mineral deposits subject to the Act, and the treatment and shipment of the products thereof by or under authority of the Lessor, its Lessees, or permittees, and for other public purposes; and

(c) The right to conduct and to authorize geological and other investigations on the Leased Lands which do not interfere with or endanger operations under this lease.

Sec. 4. *Lease Term.* This lease shall be for a period of 20 Lease Years from the Effective Date and so long thereafter as there is production from the Leased Deposits in commercial quantities, subject to the provisions of section 23 with respect to the readjustment of terms and conditions and the right of the parties to terminate the lease.

Sec. 5. *Bonus.* In addition to all other payments required hereunder, the Lessee shall pay to the Lessor the amount of $_____ as a bonus. This bonus shall be due and payable in five installments as follows: Receipt of $_____ at the time of the sale as the first installment is hereby acknowledged by the Lessor; the balance shall be paid in four equal annual installments of $_____ due and payable on each of the first four Anniversary Dates of this lease. In the event the Secretary accepts a surrender or relinquishment of this lease filed by the Lessee at any time prior to the third Anniversary Date, the Lessee shall be released from any obligation to pay the fourth and fifth bonus installments required hereunder. That release shall not relieve the Lessee of the obligation to pay installments which had accrued prior to the filing of the surrender or relinquishment of the lease, but had not been paid prior to the Secretary's acceptance of that surrender or relinquishment. The Lessee may credit against the fourth bonus installment any expenditures prior to the third Anniversary Date directly attributable to operations under this lease on the Leased Lands for the development of the Leased Deposits, but not any expenditures attributable to the preparation of a development plan under section 10 of this lease. Upon the credit of an expenditure, the Lessee shall be relieved of the duty of paying the equivalent amount of the fourth bonus installment. Similarly, the Lessee may credit against the fifth bonus installment any expenditures prior to the fourth Anniversary Date directly attributable to operations under this lease on the Leased Lands for the development of the Leased Deposits and not credited against the fourth bonus installment, but not any expenditures attributable to the preparation of a development plan under section 10. Upon the credit of an expenditure, the Lessee shall be relieved of the duty of paying the equivalent amount of the fifth bonus installment. The Mining Supervisor shall have the duty of determining whether expenditures credited by the Lessee are properly attributable to such operations, and, if the Mining Supervisor determines that any reported expenditure is not attributable to such operations, the Lessee shall not receive credit for that expenditure.

Sec. 6. *Rentals.* The Lessee shall pay the Lessor an annual rental which shall be in the amount of 50 cents for each acre or fraction of an acre of the Leased Lands. The Lessee shall pay the rental for each subsequent Lease Year on or before the first day of that Lease Year. Rentals for any Lease Year shall be credited by the Lessor against any royalty payments for that Lease Year.

Sec. 7. *Royalties.* (a) The Lessee shall pay to the Lessor a royalty on all Oil Shale extracted by the Lessee from the Leased Lands which is either processed or sold by the Lessee. The royalty on Oil Shale shall be computed separately for shale oil and for other minerals as follows:

(1) The royalty on shale oil shall be computed on the basis of the shale oil content of the Oil Shale; the method of computing the royalty shall depend upon whether the Oil Shale is extracted by mining methods or processed by *in situ* methods.

(i) If the Oil Shale is extracted by mining methods, the Lessee shall pay the Lessor a basic royalty rate of 12 cents on every Ton of Oil Shale which the Lessee either processes under this Lease either on or off the Leased Lands or sells prior to processing. This basic royalty rate shall be subject to the following adjustments:

(A) If the shale oil content of the Oil Shale mined is less than 30 gallons per Ton, the basic royalty rate per Ton of Oil Shale shall be reduced by one cent for each gallon or fraction thereof that the shale oil content is less than 30 gallons per Ton, but in no event shall the royalty rate be less than four cents per Ton. If the shale oil content of the Oil Shale mined is more than 30 gallons per Ton, the basic royalty rate per Ton shall be increased by one cent for each gallon or fraction thereof that the shale oil content is more than 30 gallons per Ton.

(B) For the calendar year in which the Effective Date occurs and for each calendar year thereafter, the Secretary shall determine the combined average value per barrel of all crude oil and crude shale oil produced in the States of Colorado, Utah, and Wyoming. The basic royalty rate applicable to the second and each succeeding Lease Year shall be adjusted by an increase or decrease of the same percentage as the percentage of increase or decrease in the combined average value for the calendar year during which that Lease Year begins as compared with the combined average value for the calendar year during which the previous Lease Year began. However, in no event shall the basic royalty rate for shale oil be decreased to less than 4 cents on every Ton of Oil Shale mined under the lease.

(C) The shale oil content of the Oil Shale shall be determined either by the Modified Fischer Assay method or by such other method as the Lessor and the Lessee adopt, and the royalty shall be based on the monthly average of shale oil content of all Oil Shale processed under this lease or transferred from the Leased Lands for processing or sale of the Lessee. Computations of quantities, assays and royalties shall be rounded to the nearest hundredth, or within the limits of the standard deviation for commercial testing equipment as approved by the Mining Supervisor.

(ii) (A) If the Oil Shale is processed by *in situ* methods, royalty shall be paid at a basic royalty rate of 12 cents per Ton. The number of Tons processed shall, for purposes of computing royalty, be determined by: (I) establishing through calorimetric tests designated by the American Society for Testing and Materials as "Standard" or "Tentative," the total gross heat of combustion in BTUs of all oil and gas products at the well head, adjusted downward by the total gross heat of combustion in BTUs of combustible fluids (gases or liquids) injected as heat carriers, but not for fuel purposes, into the formation being processed; (II) dividing the adjusted total gross heat of combustion in BTUs by 152,700 BTUs (shale oil and gas recovered by Modified Fischer Assay of Oil Shales, containing approximately 30 gallons of shale oil per Ton, has a heating value of 152,700 BTUs per gallon of shale oil and associated gas), to arrive at the equivalent number of gallons of shale oil produced; and (III) dividing the equivalent number of gallons of shale oil produced by 30, to arrive at the number of Tons of Oil Shale processed by *in situ* methods.

(B) The basic royalty rate applicable to shale oil from Oil Shale process by *in situ* methods shall be adjusted in the same manner as that provided in paragraph (a) (1) (i) (B) of this section for the adjustment of the basic royalty rate applicable to shall oil processed from Oil Shale extracted by mining methods.

(C) Computations of quantities, assays and royalties relating to tonnage of Oil Shale shall be determined by the same standards as used under Section 7 (a) (1) (i) (C).

(2) The Lessee shall also pay a royalty on all minerals other than shale oil contained in Oil Shale produced from the Leased Deposits which the Lessee processes, either on or off the Leased Lands, or sells. This royalty shall be computed on the basis of the gross value of the other minerals at the point of shipment to market, and shall be at a rate of 3 per centum for the first ten Lease Years, 4 per centum for the eleventh year through the fifteenth Lease Year, and 5 per centum beginning with the sixteenth Lease Year.

(b) The Lessee shall determine accurately, on the Leased Lands, the weight or quantity and quality of all Oil Shale produced from the Leased Deposits by each method used and shall enter the weight or quantity and quality thereof accurately in books which shall be kept and preserved by the Lessee for such purposes.

(c) Payments for royalties due under this lease shall be payable monthly on or before the last day of the calendar month following the calendar month in which the Oil Shale is processed or, if it is not processed, is sold.

(d) If the Lessee shall show that compliance with the requirements for environmental protection prescribed in the detailed development plan (or amended, supplemental, or partial plan) required under section 10 of this lease, and as approved in accordance with the regulations in 43 CFR Part 23 and 30 CFR Part 231, now or hereinafter in force, or imposed by legislation enacted after the effective date of that plan (or of an amendment or supplement to that plan), has engendered or will engender extraordinary costs in an amount which is in excess of those in the contemplation of the parties, as determined by the Lessor, on the effective date of that plan (or amendment or supplement to that plan), and the Secretary, if he deems it desirable, may, in order to offset such costs, adjust the royalties that would otherwise become due and payable thereafter under subsection (a) of this section by allowing a credit against those royalties in such an amount, and for such a time as he determines is warranted in the circumstances.

(e) (1) For the sixth and each succeeding Lease Year the Lessee shall pay a minimum royalty which, to the extent that royalties on production during that Lease Year in that amount have not been previously paid, shall be due and payable on the Anniversary Date at the end of that Lease Year. For the sixth Lease Year, the Lessee's minimum royalty shall be equal to the royalty due on shale oil under subsection (a) (1) (i) of this section on an annual production rate of ——— Tons of Oil Shale containing ——— gallons of shale oil per Ton of Oil Shale. The annual production rate for computing minimum royalty for each subsequent Lease Year up to and including the fifteenth Lease Year shall increase in an amount of ——— Tons of Oil Shale per year for each subsequent Lease Year; for the fifteenth and each subsequent Lease Year the annual rate shall be ——— Tons of Oil Shale. The Secretary may excuse the Lessee from compliance, in whole or in part, with the requirements of this paragraph (1) of subsection (e) during any year in which the Lessee is prevented by circumstances over which he has no control from implementing a development plan submitted under Section 10 of this lease.

(2) The Lessee may credit against any minimum royalty due on the sixth Anniversary Date or any subsequent Anniversary Date up to and including the tenth Anniversary Date the amount of any expenditures which are made between the approval of the development plan under section 10 of this lease and the tenth Anniversary Date and which are directly attributable to operations on the Leased Lands pursuant to that development plan for the development of the Leased Deposits and which were not credited against the fourth and fifth bonus installments. The Mining Supervisor shall have the duty of determining whether expenditures credited by the Lessee are attributable to such operations, and, if the Mining Supervisor determines that any reported expenditure is not attributable to such operations, the Lessee shall not receive credit for the expenditure. Upon the credit of an expenditure against the minimum royalty due, the Lessee will be relieved of the duty of paying the equivalent amount of minimum royalty: *Provided, however,* That, if there is actual production in the sixth or any subsequent Lease Year, the Lessee shall not be permitted to credit expenditures against the first $10,000 of minimum royalty due for that Lease Year.

(f) If the Lessee enters into production prior to the eighth Anniversary Date, and the royalty due in the eighth or any previous Lease Year exceeds the minimum royalty due under subsection (e) (1) of this section for that Lease Year, the Lessee shall be relieved from the payment of one-half of the difference between the actual royalty due for that Lease Year and the figure set in subsection (e) (1) for minimum royalty due for that Lease Year. This relief from the payment of royalty shall be in addition to any crediting of expenditures under subsection (e) (2) of this section, but no crediting of expenditures against minimum royalty shall reduce the figure for minimum royalty used in the preceding sentence.

Sec. 8. *Payments.* All bonus installments shall be paid to the appropriate State Office of the Bureau. All rental payments shall be made to the appropriate State Office of the Bureau until this lease enters a producing status or minimum royalty is required to be paid on it; thereafter the rentals and royalties shall be paid to the appropriate Mining Supervisor with whom all reports (including any reports on expenditures deductible under section 5) concerning operations under the lease shall be filed. All remittances to the Bureau shall be made payable to the Bureau of Land Management; those to the Geological Survey shall be made payable to the United States Geological Survey.

Sec. 9. *Bond.* (a) The Lessee shall file with the appropriate Bureau office and maintain a bond in the amount of $20,000 for the purpose of ensuring compliance with the provisions of this lease, except these provisions for compliance with which a separate bond is required under subsection (b) of this section.

(b) (1) Upon approval of a detailed development plan under section 10 of this lease, the Lessee shall file with the appropriate Bureau office and maintain, in addition to the bond required under subsection (a) of this section, a bond (in an amount determined pursuant to paragraph (2) of this subsection) which shall be conditioned upon the faithful compliance with the regulations in 30 CFR Part 231 and 43 CFR Part 23, the provisions of sections 10 and 11 of this lease, the Oil Shale Lease Environmental Stipulations attached to this lease pursuant to section 11, and any approved development plan (or approved, amended, supplemental or partial plan), to the extent that it relates to the preservation and protection and conservation of resources other than Oil Shale

during the conduct of exploration or mining operations, and the reclamation of lands and waters affected by exploration or mining operations.

(2) During the first three Lease Years after the approval of a detailed development plan under section 10 of this lease, the bond shall be in an amount equal to (i) $2,000 per acre for all portions of the Leased Lands which, pursuant to the plan, will be used for spent shale disposal sites and sites for actual mining operations during that three year period and (ii) $500 per acre for all other portions of the Leased Lands upon which operations will be conducted or which will be directly affected by operations during that three year period under the plan, but the total bond shall in no event be less than $20,000. After the first three Lease Years the bond shall be renewed at intervals of three Lease Years. Each renewed bond shall be for three Lease Years and at such a total figure as shall be determined by the Lessor to be needed to provide for the reclamation and restoration of all portions of the Leased Lands which have been affected by previous operations under this lease or which will be affected by operations under this lease during the ensuing three year period. The amount of the bond shall be increased at any time during the three-year period at the demand of the Lessor if there is a change in the development plan which, in the opinion of the Lessor, increases the possibility of environmental damage. Upon request of the Lessee, the bond may be released as to all or any portion of the Leased Lands affected by exploration or mining operations during the three year period covered by the bond when the Lessor has determined that the Lessee has successfully met the reclamation requirements of the approved development plan and that operations have been carried out and completed with respect to these lands in accordance with the approved plan.

(c) Prior to the approval of any plan for exploratory work under section 10(d) of this lease, the Lessee shall file with the appropriate Bureau office and maintain, in addition to the bond required under subsection (a) of this section, a bond in such an amount as the Mining Supervisor shall require, but in no event less than $20,000, which shall be conditioned upon the faithful compliance with regulations in 30 CFR Part 231 and 43 CFR Part 23, the provisions of sections 10 and 11 of this lease, the Oil Shale Lease Environmental Stipulations attached to this lease pursuant to section 11, and any approved plan for exploratory work, to the extent that it relates to the preservation and protection of the environment (including land, water, and air), the protection and conservation of resources other than Oil Shale during the conduct of exploration operations, and the reclamation of lands and waters affected by exploration operations.

The bond required by this subsection shall apply only to actions taken prior to the date of approval of the development plan under section 10(a) of this lease. However, with the consent of the Mining Supervisor, the Lessee may modify this bond in such a manner as is necessary to meet the requirements of subsection (b) of this section, and the bond so modified may, with the consent of the Mining Supervisor, be maintained as the bond required under subsection (b).

Sec. 10. *Development plan and diligence requirements.* (a) The Lessee shall file with the Mining Supervisor on or before the third Anniversary Date a detailed development plan. This plan shall include: (1) a schedule of the planning, exploratory, development, production, processing, and reclamation operations and all other activities to be conducted under this lease; (2) a detailed description pursuant to 30 CFR Part 231 and 43 CFR Part 23 of the procedures to be followed to assure that the development plan, and lease operations thereunder, will meet and conform to the environmental criteria and controls incorporated in the lease; and (3) a requirement that the Lessee use all due diligence in the orderly development of the Leased Deposits, and, in particular, to attain, at as early a time as is consistent with compliance with all the provisions of this lease, production at a rate at least equal to the rate on which minimum royalty is computed under section 7(e)(1).

Prior to commencing any of the operations under the development plan in the Leased Lands, the Lessee shall obtain the Mining Supervisor's approval of the development plan. The Mining Supervisor shall not delay unnecessarily in the consideration of a development plan, but he shall take time to consider both technical and environmental provisions of the plan thoroughly prior to approval, and shall hold public hearings on the environmental provisions to assist him in his consideration of the detailed development plan. If the development plan submitted by the Lessee is unacceptable, the Mining Supervisor shall inform the Lessee by written notice of the reasons why the development plan is unacceptable and shall give him an opportunity to amend the plan. If an acceptable development plan is not submitted to the Mining Supervisor by the Lessee within one year after the Lessee's receipt of that notice, the Mining Supervisor shall send a second written notice to the Lessee concerning the unacceptability of the development plan. A failure by the Lessee to submit an acceptable plan within one year after his receipt of the second written notice, without reasonable justification for delay, shall be grounds for termination of the lease, if the Lessor so elects.

Upon approval of the plan, the Lessee shall proceed to develop the Leased Deposits in accordance with the approved plan. After the date of approval of the development plan, the Lessee shall conduct no activities upon the Leased Lands except pursuant to that development plan, or except for necessary activities following a relinquishment under section 28 of this lease or for the disposition of property after termination pursuant to section 32 of this lease.

(b) The Lessee must obtain the written approval of the Mining Supervisor of any change in the plan approved under subsection (a).

(c) The Lessee shall file with the Mining Supervisor annual progress reports describing the operations conducted under the development plan required under subsection (a).

(d) Prior to undertaking any exploratory work on the Leased Lands between the Effective Date and the date of approval of the detailed development plan required by subsection (a) of this section, the Lessee shall file with the Mining Supervisor a plan showing the exploratory work which he proposes to undertake and he shall not commence that work until the Mining Supervisor has approved the plan.

Exploratory work, as used in this subsection, shall include, but not be limited to, seismic work, drilling, blasting, research operations, cross-country travel, the construction of roads and trails and other necessary facilities, and the accumulation of baseline data required under section 1(C) of the Oil Shale Lease Environmental Stipulations. Prior to approval of the detailed development plan under subsection (a) of this section, all exploratory work on the Leased Lands shall be conducted pursuant to a plan approved under this subsection.

Sec. 11. *Protection of the environment; additional stipulations.* (a) The Lessee shall conduct all operations under this lease in compliance with all applicable Federal, State and local water pollution control, water quality, air pollution control, air quality, noise control, and land reclamation statutes, regulations, and standards.

(b) The Lessee shall avoid, or, where avoidance is impracticable, minimize and, where practicable, repair damage to the environment, including the land, the water and air.

(c) The Oil Shale Lease Environmental Stipulations are attached to and specifically incorporated in this lease. A breach of any term of these stipulations will be a breach of the terms of this lease and subject to all the provision of this lease with respect to remedies in case of default.

Sec. 12. *Operations on the Leased Lands; Water Rights.* (a) The Lessee shall exercise reasonable diligence, skill, and care in all operations on the Leased Lands. The Lessee's obligations shall include, but not be limited to, the following:

(1) The Lessee shall conduct all operations on the Leased Lands so as to prevent injury to life, health, or property.

(2) The Lessee shall avoid, or, where avoidance is impracticable, minimize and, where practicable, correct hazards to the public health and safety related to his operations on the Leased Lands.

(3) The Lessee shall avoid wasting the mineral deposits, and other resources, including but not limited to, surface resources, which may be found in, upon, or under such lands.

(b) The Lessee shall conduct all operations on the Leased Lands whether they are surface or underground mining operations, and whether they are in lands in which the Lessor owns the surface or those in which the Lessor has disposed of the surface, in accordance with the provisions of 30 CFR Part 231 and 43 CFR Part 23. Both 30 CFR Part 231 and 43 CFR Part 23 are specifically incorporated by reference into the provisions of this section. The provisions of 43 CFR Part 23 are hereby expressly made applicable to the Lessee's underground mining operations with equal force and effect to that given to those provisions in their application to surface mining operations and to operations on lands in which the Lessor owns the surface.

(c) The Lessee shall take such reasonable steps, and shall conduct operations in such a manner, as may be needed to avoid or, where avoidance is impracticable, to minimize and, where practicable, repair damage to: (1) any forage and timber growth on Federal or non-Federal lands in the vicinity of the Leased Lands; (2) crops, including forage, timber, or improvements of a surface owner; or (3) improvements, whether owned by the United States or by its permittees, licensees, or lessees. The Lessor must approve the steps to be taken and the restoration to be made in the event of the occurrence of damage described in this subsection.

(d) All water rights developed by the Lessee through operations on the Leased Lands shall immediately become the property of the Lessor. As long as the lease continues, the Lessee shall have the right to use those water rights free of charge for activities under the lease.

Sec. 13. *Development by in situ methods.* Where *in situ* methods are used for development of Oil Shale, the Lessee shall not place any entry, well, or opening for such operations within 500 feet of the boundary line of the Leased Lands without the permission of, or unless directed by, the Mining Supervisor,

nor shall induced fracturing extend to less than 100 feet from that boundary line.

Sec. 14. *Nuclear fracturing.* No nuclear explosive may be detonated on or in the Leased Lands without the express written approval of the Secretary. The Secretary may approve the detonations of such explosives only after the preparation of an environmental impact statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. § 4332(2)(C)).

Sec. 15. *Inspection and investigation.* The Lessee shall permit any duly authorized officer or representative of the Department at any reasonable time:

(a) to inspect or investigate the Leased Lands and all surface and underground improvements, works, machinery, and equipment, and all books and records pertaining to operations and surveys or investigations under this lease; and

(b) to copy and make extracts from any books and records pertaining to operations under this lease.

Sec. 16. *Reports, maps, etc.* (a) At such times and in such a form as the Lessor may prescribe, the Lessee shall furnish a report with respect to investment and operating costs under this lease. The Lessee shall also submit to the Lessor in such form as the latter may prescribe, not more than 60 days after the end of each quarter of the Lease Year, a report covering that quarter which shall show the amount of each respective mineral or product produced from the Leased Deposits by each method of production used during the quarter, the character and quality thereof, the amount of products and by-products disposed of and price received therefor, and the amount in storage or held for sale. This report shall be certified by the superintendent of the mine, or by some other agency having personal knowledge of the facts who has been designated by the Lessee for that purpose.

(b) The Lessee shall prepare and furnish at such times and in such form as the Lessor may prescribe, maps, photographs, reports, statements and other documents, required by the provisions of 30 CFR Part 231 and 43 CFR Part 23.

Sec. 17. *Notice.* Any notice which is required under this lease shall be given in writing. Where immediate action is required, notice may be given orally or by telegram, but, where this is done, the oral notice shall be confirmed in writing. Wherever this lease requires the Lessee to give notice, notice shall be given to the Mining Supervisor unless this lease requires that notice be given to another officer. The Lessee shall inform the Bureau State Office and the Mining Supervisor of the Lessee's officer to whom notice shall be given.

Sec. 18. *Employment practices.* The Lessee shall pay all wages due persons employed on the Leased Lands at least twice each month in lawful money of the United States. The Lessee shall grant all miners and other employees complete freedom of purchase. The Lessee shall restrict the workday to not more than 8 hours in any one day for underground workers, except in cases of emergency. The Lessee shall employ no person under the age of 16 years in any mine below the surface. If the laws of the State in which the mine is situated prohibit the employment, in a mine below the surface, of persons of an age greater than 16 years, the Lessee shall comply with those laws.

Sec. 19. *Equal Opportunity Clause; certification of non-segregated facilities.* (a) *Equal Opportunity Clause.* During the performance of this lease the Lessee agrees as follows:

(1) The Lessee shall not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The Lessee shall take affirmative action to insure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, or national origin. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Lessee shall post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Lessor setting forth the provisions of this Equal Opportunity clause.

(2) The Lessee shall, in all solicitations or advertisements for employees placed by or on behalf of the Lessee, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, or national origin.

(3) The Lessee shall send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the Lessor, advising the labor union or workers' representative of the Lessee's commitments under this Equal Opportunity clause, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(4) The Lessee will comply with all provisions of Executive Order No. 11246 of September 24, 1965, as amended, and of the rules, regulations and relevant orders of the Secretary of Labor.

(5) The Lessee shall furnish all information and reports required by Executive Order No. 11246 of September 24, 1965, as amended, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the Secretary of the Interior and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(6) In the event of the Lessee's noncompliance with the Equal Opportunity clause of this lease or with any of the said rules, regulations, or orders, this lease may be canceled, terminated or suspended in whole or in part and the lessee may be declared ineligible for further Federal Government contracts or leases in accordance with procedures authorized in Executive Order No. 11246 of September 24, 1965, as amended, and such other sanctions may be imposed and remedies invoked as provided in Executive Order No. 11246 of September 24, 1965, as amended, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

(7) The Lessee shall include the provisions of paragraphs (1) through (7) of this subsection (a) in every contract, subcontract, or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to Section 204 of Executive Order No. 11246 of September 24, 1965, as amended, so that such provisions will be binding upon each contractor, subcontractor or vendor. The Lessee shall take such action with respect to any contract, subcontract or purchase order as the Secretary may direct as a means of enforcing such provisions, including sanctions for noncompliance: *Provided, however,* That in the event the Lessee becomes involved in, or is threatened with, litigation with a contractor, subcontractor or vendor as a result of such direction by the Secretary, the lessee may request the lessor to enter into such litigation to protect the interests of the lessor.

(b) *Certification of non-segregated facilities.* By entering into this lease, the Lessee certifies that Lessee does not and shall not maintain or provide for Lessee's employees any segregated facilities at any of Lessee's establishments, and that Lessee does not and shall not permit Lessee's employees to perform their services at any location, under Lessee's control, where segregated facilities are maintained. The Lessee agrees that a breach of this certification is a violation of the Equal Opportunity clause in this lease. As used in this certification, the term "segregated facilities" means, but is not limited to, any waiting rooms, work areas, rest rooms and wash rooms, restaurants and other eating areas, time clocks, locker rooms and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing facilities provided for employees which are segregated by explicit directive or are in fact segregated on the basis of race, color, religion, or national origin, because of habit, local custom, or otherwise. Lessee further agrees that (except where Lessee has obtained identical certifications from proposed contractors and subcontractors for specific time periods) Lessee shall obtain identical certifications from proposed contractors and subcontractors prior to the award of contracts or subcontracts exceeding $10,000 which are not exempt from the provisions of the Equal Opportunity clause; that Lessee shall retain such cerifications in Lessee's files and shall make them available to the Secretary at his request; and that Lessee shall forward the following notice to such proposed contractors and subcontractors (except where the proposed contractor or subcontractor has submitted identical certifications for specific time periods): Notice to prospective contractors and subcontractors of requirements for certification of non-segregated facilities. A Certification of Non-segregated Facilities, as required by the May 9, 1967, order (32 FR 7439, May 19, 1967) on Elimination of Segregated Facilities, by the Secretary of Labor, must be submitted prior to the award of a contract or subcontract exceeding $10,000 which is not exempt from the provisions of the Equal Opportunity clause. The certification may be submitted either for each contract and subcontract or for all contracts and subcontracts during a period (i.e., quarterly, semi-annually, or annually).

Sec. 20. *Taxes.* The Lessee shall pay, when due, all taxes lawfully assessed and levied under the laws of the State or the United States upon improvements, output of mines, or other rights, property, or assets of the Lessee.

Sec. 21. *Monopoly and fair prices.* The Lessor reserves full authority to promulgate and enforce orders and regulations under the provisions of sections 30 and 32 of the Act (30 U.S.C. §§ 187 and 189) necessary to insure that any sale of the production from the Leased Deposits to the United States or to the public is at reasonable prices, to prevent monopoly, and to safeguard the public welfare, and such regulations shall, upon promulgation, be binding upon the Lessee.

Sec. 22. *Suspension of operations or production.* Any suspension of operations or production under section 39 of the Act (30 U.S.C. § 209) granted with respect to this lease shall take effect as of the first day of the calendar month following the calendar month during which the suspension is approved, except that, in a situation where in the opinion of the Mining Supervisor there is an immediate danger to life, or of irreparable major damage to property or the environment, the Mining Supervisor may grant a suspension effective immediately. The term of any suspension granted pursuant to the Lessee's request with respect to operations or production under this lease shall be in full calendar months. A suspension shall terminate either at the time designated in the suspension order or, if there is no time of

termination in the order, at such time as the Mining Supervisor shall designate in subsequent notice to the Lessee.

Sec. 23. *Readjustment of terms and conditions.* The Lessor may propose the reasonable readjustment of the terms and conditions of this lease (including royalty provisions), the first readjustment to be effective at the twentieth Anniversary Date of this lease and subsequent readjustments to be effective at twenty Lease Year intervals thereafter. At least 120 days before the appropriate Anniversary Date the Lessor shall give notice to the Lessee of any proposed readjustment of the terms and conditions of the lease and the nature thereof, and, unless the Lessee, within 60 days after receipt of such notice, files with the Lessor an objection to the proposed terms or relinquishes the lease as of the appropriate Anniversary Date, the Lessee shall be deemed conclusively to have agreed to such terms and conditions. If the Lessee files objections with the Lessor, and agreement cannot be reached between the Lessor and the Lessee within a period of 60 days after the filing of the objections, the lease may be terminated by either party upon giving 60 days' notice to the other party; however, the Lessor's right to terminate the lease shall be suspended by the Lessee's filing of a notice of appeal pursuant to section 34 of this lease. If the Lessee files objections to the proposed readjusted terms and conditions, the existing terms and conditions (other than those concerning royalties) shall remain in effect until there has been an agreement between the Lessor and the Lessee on the new terms and conditions to be incorporated in the lease, or until the Lessee has exhausted his rights of appeal under section 34 of this lease, or until the lease is terminated; however, the readjusted royalty provisions shall be effective until there is either agreement between the Lessor and the Lessee or until the lease is terminated. If the readjusted royalty provisions are subsequently rescinded or amended, the Lessee shall be permitted to credit any excess royalty payments against royalties subsequently due to the Lessor.

Sec. 24. *Assignment.* With respect to the assignment or transfer of an interest under this lease, the Lessee shall comply with the provisions of 43 CFR Subpart 3506 to the same extent as if that Subpart were specifically applicable to oil shale leases. The Lessor shall have no discretion to refuse to approve an assignment except: (1) where the assignee is not qualified to hold a lease under section 1 of the Act (30 U.S.C. § 181); (2) where the assignee is unable to provide an adequate bond; or (3) where either the assigned or the retained portion of the lease would, in the opinion of the Lessor, be too small to be economically developed.

Sec. 25. *Overriding royalties.* The Lessee shall not create, by assignment or otherwise, an overriding royalty interest in excess of 25 percent of the rate of royalty payable to the United States under this lease or an overriding royalty interest which when added to any other outstanding overriding royalty interest exceeds that percentage, except that, where an interest in the leasehold or in an operating agreement is assigned, the assignor may retain an overriding royalty interest in excess of the above limitation if he shows to the satisfaction of the Department that he has made substantial investments for improvements on the lands covered by the assignment.

Sec. 26. *Heirs and successors in interest.* Each obligation hereunder shall extend to and be binding upon, and every benefit shall inure to, the heirs, executors, administrators, successors, or assigns of the respective parties hereto.

Sec. 27. *Unlawful interest.* No member of, or Delegate to, Congress or Resident Commissioner, after his election or appointment, either before or after he has qualified and during his continuance in office, and no officer, agent, or employee of the Department of the Interior, except as provided in 43 CFR 7.4(a)(1), shall be admitted to any share or part in this lease or derive any benefit that may arise therefrom; and the provisions of Section 3741 of the Revised Statutes of the United States (41 U.S.C. § 22), as amended, and sections 431, 432, and 433, Title 18 of the United States Code, relating to contracts, enter into and form a part of this lease so far as the same may be applicable.

Sec. 28. *Relinquishment of lease.* (a) Upon showing to the satisfaction of the Lessor that he has complied with the terms and conditions of this lease, the Lessee may relinquish the entire lease or any legal subdivision of the Leased Lands.

(b) A relinquishment must be filed, in duplicate, in the proper Bureau State Office. Upon its acceptance it shall be effective as of the date it is filed, subject to the continued obligation of the lessee and his surety, in accordance with the terms and conditions of this lease, (1) to make payment of all accrued bonus payments, rentals, and royalties, except as provided in section 5; (2) to provide for the preservation of any mines, *in situ* production works, underground development works, other permanent improvements, and other property, whether fixtures or personalty, on the Leased Lands; (3) to provide for the reclamation of lands and water affected by exploration or mining operations under this lease; and (4) to comply with all other applicable requirements of this lease.

Sec. 29. *Remedies in case of default.* If the Lessee shall fail to comply with any of the terms and conditions of this lease (including the terms and conditions of any development plan approved under section 10) and that default shall continue for a period of 30 days after service of notice thereof by the Lessor, the Lessor may (1) suspend operations until the required action is taken to correct noncompliance, or (2) institute appropriate proceedings in a court of competent jurisdiction for the forfeiture and cancellation of this lease as provided in section 31 of the Act (30 U.S.C. § 188) and for forfeiture of any applicable bond. If the Lessee fails to take prompt and necessary steps to prevent loss or damage to the mine, property, or premises, or to prevent danger to the employees, or to avoid, or, where avoidance is impracticable, to minimize and, where practicable, repair damage to the environment, or, if immediate action by the Lessor, without waiting for action by the Lessee, is required for any of those purposes, the Lessor may enter on the premises and take such measures as he may deem necessary to prevent such loss, damage, or danger, or to correct the damaging, dangerous, or unsafe condition of the mine or any other facilities upon the Leased Lands, and those measures shall be at the expense of the Lessee.

Sec. 30. *Effect of waiver.* A waiver of any breach of the provisions of this lease shall extend only to that particular breach and shall not limit the rights of the parties with respect to any future breach. A waiver of a particular cause of forfeiture shall not prevent cancellation of this lease for any other cause, or for the same cause occurring at another time.

Sec. 31. *Delivery of premises in case of forfeiture.* In case of the termination of this lease in any manner the Lessee shall deliver to the Lessor, in the condition required by the reclamation requirements of approved exploration and development plans, and subject to the provisions of section 32 of this lease, the Leased Lands, including permanent improvements and other property on the Leased Lands, whether affixed to the ground or movable, and all underground shafts and timbering, well casing, and such other supports and structures as are necessary for the preservation of the Leased Lands, or any mines, other underground development works, or deposits in the Leased Lands.

Sec. 32. *Disposition of property upon termination of lease.* (a) Upon termination of this lease in any manner all underground timbering and any other supports or structures which the Lessor shall inform the Lessee are necessary for the preservation of any mines or other underground development works shall become and remain thereafter a part of the realty without the payment of any compensation to the Lessee. All other structures, equipment, machinery, tools, appliances, and materials on the Leased Lands, whether affixed to the ground or movable, shall remain the property of the Lessee upon the termination of this lease, but the Lessee shall have no right, for a period of six months following the termination, to remove from the Leased Lands any of that property which in the opinion of the Lessor is useful for the protection of the Leased Lands (including any mines in those lands) unless the Lessor shall expressly authorize the removal. During the six-month period the Lessor shall have the right to purchase at the appraised value any or all items of that property required or useful for the protection of the Leased Lands. The appraised value shall be fixed by three disinterested and competent persons (one to be designated by the Lessor, one by the Lessee, and the third by the two so designated), and the appraised value determined by the three or a majority of them shall be conclusive.

(b) At any time within a period of 90 days after either the Lessor has informed the Lessee that he will not purchase the property or the expiration of the 6-month period, the Lessee shall have the right to remove from the premises the property which was not purchased by the Lessor.

(c) Any structures, machinery, equipment, tools, appliances, and materials, subject to removal by the Lessee as provided above, which are allowed to remain on the Leased Lands shall become the property of the Lessor on expiration of the 90-day period or any extension of that period which may be granted by the Lessor because of adverse climatic conditions or other good and sufficient reason, unless the Lessor shall direct the Lessee to remove any or all of such property on expiration of the 90-day period. If the Lessor directs the Lessee to remove such property, the Lessee shall do so at his own expense or, if he fails to do so within a reasonable period, the Lessor may do so at the Lessee's expense.

Sec. 33. *Protection of proprietary information.* (a) This lease, and any activities thereunder, shall not be construed to grant a license, permit or other right of use or ownership to the Lessor, or any other person, of the patented processes, trade secrets, or other confidential or privileged technical information (hereafter in this section called "technical processes") of the Lessee or any other party whose technical processes are embodied in improvements on the Leased Lands or used in connection with the lease. Notwithstanding any other provision of this lease, the Lessor agrees that any technical processes obtained from the Lessee which are designated by the Lessee as confidential shall: (1) not be disclosed to persons other than

employees of the Federal Government having a need for such disclosures; (2) not be copied or reproduced in any manner except as required specifically by the Mining Supervisor; and (3) not be used in any manner that will violate their proprietary nature unless the Mining Supervisor shall make a written determination that such technical processes do not contain trade secrets or are not confidential, or unless such disclosure is required by statute; provided however, that before any such publication or disclosure, except where the overriding national interest demands otherwise, the Mining Supervisor shall notify the Lessee of the proposed disclosure and those to whom the disclosure will be made, provide a copy of the written determination, and allow the Lessee 30 days to submit additional material supporting its claim of confidentiality or otherwise to initiate an appeal from the decision of the Mining Supervisor prior to any disclosure.

(b) In the event the lease is terminated and the Lessor elects pursuant to section 32 to purchase machinery or equipment the use of which would involve technical processes in the operations of the purchased machinery, the Lessor shall have the right to use those technical processes in the operations of the purchased machinery or equipment; provided that (1), with respect to third parties' technical processes which the Lessee has obtained the right to use by contract or agreement, the Lessor shall replace the Lessee as a party to the contract or agreement, and (2) with respect to technical processes owned, developed or controlled by the Lessee itself, the Lessor shall agree to pay the Lessee fair market value for use of the Lessee's technical processes in said operations. Any contract or agreement into which the Lessee shall enter with a third party for the right to use technical processes belonging to that third party shall provide that the Lessor may become a party to that contract or agreement to the extent that those processes may be used for the protection of the Leased Lands. If the Lessee and the Lessor shall not agree as to the fair market value of the Lessee's technical processes, that value shall be determined as provided in section 32(a) for other property acquired by the Lessor upon termination of the lease.

Sec. 34. *Lessee's liability to the Lessor.* (a) The Lessee shall be liable to the United States for any damage suffered by the United States in any way arising from or connected with Lessee's activities and operations conducted pursuant to this lease, except where damage is caused by employees of the United States acting within the scope of their authority.

(b) The Lessee shall indemnify and hold harmless the United States from any and all claims arising from or connected with Lessee's activities and operations under this lease.

(c) In any case where liability without fault is imposed on the Lessee pursuant to this section, and the damages involved were caused by the action of a third party, the rules of subrogation shall apply in accordance with the law of the jurisdiction where the damage occurred.

Sec. 35. *Appeals.* The Lessee shall have the right of appeal (a) under 43 CFR 3000.4 from any action or decision of any official of the Bureau, (b) under 30 CFR 231.74 from any action, order, or decision of any official of the Geological Survey, or (c) under applicable regulation from any action or decision of any other official of the Department, arising in connection with this lease, including any action or decision pursuant to section 23 of this lease with respect to the readjustment of terms and conditions.

Sec. 36. *Interpretation of this lease.* (a) The paragraph headings in this lease are for convenience only, and do not purport to, and shall not be deemed to, define, limit, or extend the scope or intent of the paragraph to which they pertain.

(b) As used in this lease, unless the context clearly indicates otherwise, a word in the masculine or neuter form shall be interpreted as equally applicable to the masculine, feminine, and neuter genders, and words in singular form shall be interpreted as equally applicable to singular and plural numbers.

THE UNITED STATES OF AMERICA
By _____
_____
(Title)

Witnesses to Signature of Lessee(s) _____
(Date)

_____ _____
(Signature of Lessee)

_____ _____
(Signature of Lessee)

_____ _____
(Signature of Lessee)

Oil Shale Lease Environmental Stipulations

Section 1. *General.* (A) *Applicability of Stipulations.* The terms, conditions, requirements and prohibitions imposed upon Lessee by these Stipulations are also imposed upon Lessee's agents, employees, contractors, and sub-contractors, and their employees. Failure or refusal of Lessee's agents, employees, contractors, sub-contractors, or their employees to comply with these Stipulations shall be deemed to be the failure or refusal of the Lessee. Lessee shall require its agents, contractors, and sub-contractors to include these Stipulations in all contracts and subcontracts which are entered into by any of them, together with a provision that the other contracting party, and its agents, employees, contractors and sub-contractors, and the employees of each of them, shall likewise be bound to comply with these stipulations.

(B) *Changes in Conditions.* These Stipulations are based on existing knowledge and technology. They may be revised or amended by mutual consent of the Mining Supervisor, the Bureau District Manager, and the Lessee at any time to adjust to changed conditions or to correct an oversight. The Lessor may amend these stipulations at any time without the consent of the Lessee in order to make these stipulations consistent with any new Federal or State statutes for the protection of the environment upon their enactment and with regulations issued under those statutes. The Lessee, the Mining Supervisor, and the Bureau District Manager shall meet at least once a year to review advances in technology and, in a mutual endeavor, weigh, and decide the feasibility and need of revising or amending existing Stipulations.

The Lessor and the Lessee agree that, in this mutual endeavor to decide upon the feasibility and need for amending the existing Stipulations, they will act in good faith and in a sincere effort to make the Lessee's activities under the lease as free from environmental damage as is practicable. Toward this end, systems which require pollution control devices shall possess sufficient flexibility to adopt improved technology at practicable intervals and shall be constructed with the understanding that continued compliance with changing pollution control laws is required.

(C) *Collection of Environmental Data and Monitoring Program.* (1) The Lessee shall compile data to determine the conditions existing prior to any development operations under the lease and shall, except as provided below, conduct a monitoring program before, during, and subsequent to development operations. The Lessee shall conduct the monitoring program to provide a record of changes from conditions existing prior to development operations, as established by the collection of baseline data, a continuing check on compliance with the provisions of the lease (including these attached Stipulations) and all applicable Federal, State, and local environmental protection and pollution control requirements, timely notice of detrimental effects and conditions requiring correction, and a factual basis for revision or amendment of these Stipulations pursuant to Section 1(B) hereof. Both the types of baseline and subsequent data required and the methods to be used for the collection of the baseline data and the conduct of the monitoring program shall be those set forth in paragraph (2) of this subsection. Once the monitoring program has begun the baseline data shall be collected continuously as long as the Mining Supervisor shall require under paragraph (2) of this subsection. The baseline data shall be conducted for at least one full year prior to the submission of the detailed development plan under section 10(a) of this lease. The plan shall, at the discretion, or with the approval, of the Mining Supervisor, be modified at any time as necessary as a result of study of the baseline data obtained after the submission of the plan. Exploratory operations, as approved by the Mining Supervisor, shall be permitted during the collection of the baseline data. All records of baseline data and subsequent monitoring required by this subsection shall be submitted to the Mining Supervisor at intervals to be prescribed by him.

(2) In collecting baseline data and conducting a monitoring program the Lessee shall adopt the following methods and shall collect the information required below. Wherever the number and placing of testing installations are not given, they shall be as determined by the Lessee, but subject to being changed as required by the Mining Supervisor. The monitoring program shall, thereafter, be conducted until the Mining Supervisor has determined to his satisfaction that environmental conditions have been established after the termination of development operations which are consistent with the requirements of applicable Federal and State statutes and regulations; however, the Mining Supervisor may terminate this requirement at an earlier date where it is in the public interest.

(a) *Surface water.* The Lessee shall construct gauging stations on the major drainages on the Leased Lands and, as required by the Mining Supervisor, upstream and downstream from the Leased Lands. Data collected at the stations shall include continuous streamflow records, continuous water temperature records, periodic analyses for selected inorganic and organic chemical constituents, as directed by the Mining Supervisor, continuous precipitation records, and continuous sediment records. The Lessee shall maintain records of all information obtained under this paragraph (2)(a).

(b) *Ground water.* At each proposed or actual mine site, the Lessee shall drill a test well and shall install an observation well in each water-bearing zone defined by the test well. The Lessee shall collect samples of drill cuttings and shall make borehole geophysical logs as directed by the Mining Supervisor. The lessee shall isolate each water-bearing zone penetrated by the test wells and pump each of the zones for the period required by the Mining Supervisor. During pump tests the Lessee shall record the water-level fluctuations in each of the observation wells, maintain steady, continuous discharge

from the test well, and record the discharge measurements. The Lessee shall maintain records of water level and temperature on each test well and on each observation well pursuant to a measurement schedule specified by the Mining Supervisor. At the initial pump test of each well the Lessee shall determine the water quality of that well by analyzing water samples for organic and inorganic chemical constituents, including, without limitation, trace constituents subject to drinking water standards and water pollution control regulations. The Mining Supervisor may require analysis of samples for such additional constituents as he may deem desirable. After the initial test, the Lessee shall collect water samples from each well at six-month intervals and analyze them for evidence of trends in water quality as determined by comparing the samples with previous analyses.

The Lessee shall complete one observation well upgradient from each spent shale disposal site and at least two observation wells downgradient from the site at depths and locations specified by the Mining Supervisor. The Mining Supervisor may require additional observation wells if there is evidence that they are needed to provide adequate monitoring of the water quality of an aquifer. The Lessee shall record water levels and temperatures in each observation well pursuant to a measurement schedule established by the Mining Supervisor. The Lessee shall determine the water quality of each observation well by analyzing samples for organic and inorganic chemical constituents, including, without limitation, trace constituents subject to drinking water standards and water pollution controls. The Mining Supervisor may require analysis of samples for such additional constituents as he may deem desirable. After the initial test of an observation well the Lessee shall collect water samples from the well at six-month intervals and analyze them for evidence of trends in water quality as determined by comparing the samples with previous analyses.

The Lessee shall maintain records of all information obtained under this paragraph (2)(b).

(c) *Air Quality.* In the collection of baseline data, the Lessee shall monitor air quality over at least 90 percent of each lease year, during which monitoring is required, using four strategically-located stations. One of the stations shall be at the expected point of maximum concentrations, or as close to that expected point of maximum concentration as feasible.

The Lessee shall monitor air quality for sulphur dioxide, hydrogen sulphide, and suspended particulates, using automatic instruments with continuous recorders, when applicable. The Lessee shall also monitor, under the same conditions, hydrocarbons, oxides of nitrogen, and other pollutants, where the Mining Supervisor has determined that such monitoring is necessary to determine baseline air quality or to conduct an effective monitoring program. In addition, the Lessee shall establish a meteorological station in reasonable proximity to each proposed plant site to monitor, at least 95 percent of the time over each lease year during which monitoring is required, wind direction and speed (vane and anemometer) and humidity at three levels, one at least 100 feet above the surface of the plant site, one at approximately 30 feet above the surface of the plant site, and one at ground level, and temperature at two levels, one at least 100 feet above the surface of the plant site, and one at approximately 30 feet above the surface of the plant site. The Lessee shall maintain records of all baseline data collection and monitoring programs.

(d) *Flora and Fauna.* The Lessee shall make studies of the flora and fauna of the leased lands and of all other lands lying within a mile of the leased lands, and of all lands to be used for disposal of residues from mining and processing oil shale and also of the aquatic habitat as far downstream as the Mining Supervisor shall require. These studies will determine the distribution and density of the flora in these areas and periodically determine the condition of such flora. These studies shall also determine the species of fauna, their distribution, and their abundance at bi-monthly intervals. The Lessee shall submit a report to the Mining Supervisor of the baseline data obtained and, during the monitoring program, shall submit semi-annual reports to the Mining Supervisor showing whether or not there has been any change. The Lessee shall also study, and report to the Mining Supervisor on ecological interrelationships including migratory patterns of birds, mammals, and fish, and plant animal relationships. The Lessee shall compile an inventory of natural surface water features, such as springs and seeps.

(e) *Soil Survey and Productivity Assessment.* The Lessee shall conduct a soil survey and productivity assessment of all portions of the Leased Lands proposed to be disturbed under the detailed development plan. This survey must include the preparation of maps, tables, and reports describing soil types, depth of the various layers of soil, but not more than a depth of 50 feet from the surface to be disturbed, strike and dip of the material, slopes, solar exposure, vegetative cover, and erodability.

(3) The environmental monitoring program shall be an integral part of the detailed development plan required in Section 10 of the lease, and at the time of the submission of the plan the Lessee shall provide the Mining Supervisory with a complete compilation of the baseline data collected above and the record of the monitoring program for any period subsequent to the conclusion of that compilation.

(4) Not more than one year after obtaining approval of the detailed mining plan and on each subsequent anniversary date the Lessee shall submit to the Mining Supervisor a report of the baseline data collected and a report of the monitoring programs as a part of the required annual progress reports on the development program. This portion of the annual report will be subject to public review and comment.

(D) *Emergency Decisions.* Any decisions or approvals of the Mining Supervisor required by these Stipulations to be in writing may in emergencies be issued orally, with written confirmation as soon thereafter as possible.

(E) *Environmental Briefing.* During the life of this Lease, Lessee shall provide that such Federal and State employees as may be designated by the Mining Supervisor shall brief personnel on environmental and other pertinent matters. The Lessee shall provide for such briefings upon the request of the Mining Supervisor, but the Mining Supervisor shall request only such briefings as may be reasonably necessary to effectuate the provisions of this Lease. Lessee shall make arrangements for the time, place, and attendance at such briefings. Lessee shall bear all costs of such briefings other than salary, per diem, subsistence and travel costs of Federal and State employees.

(F) *Construction Standards.* The general design of all buildings and structures shall comply with the latest edition of the Uniform Building Code (U.B.C.). Structural steel shall be designed in accordance with the latest edition of the American Institute of Steel Construction "Specifications for Design, Fabrication and Erection of Structural Steel for Buildings." Reinforced concrete shall comply with the latest edition of the American Concrete Institute's Building Code Requirements for Reinforced Concrete." Engineering works for impoundments shall conform to standard engineering practice sufficient to withstand the 100-year flood in the drainage in which installed.

(G) *Housing and Welfare of Employees.* In the exercise of his right under section 2 of the Lease to construct buildings and other facilities for the housing and welfare of his employees, the Lessee shall at all times make certain that these facilities are situated, constructed, operated, and maintained in an orderly manner, satisfactory to the Mining Supervisor. While no general restriction is imposed upon the construction of facilities necessary to the employees' health and well-being, such construction shall be subject to the Mining Supervisor's approval and shall not unreasonably damage the environment of the leased lands.

(H) *Posting of Stipulations and Plans.* The Lessee shall insure that copies of these Stipulations and any approved exploration and development plans are available at the operating sites and for inspection by all on-the-ground operating personnel.

Sec. 2. *Access and Service Plans.* (A) *Transportation Corridor Plans.* The Lessee shall provide corridor plans for roads, pipelines and utilities on the Leased Lands for approval by the Mining Supervisor. Each plan shall include probable major design features and plans for the protection of the environment, prevention of pollution, minimization of erosion, rehabilitation and revegetation of all disturbed areas not required in operation of the transportation system, both during and after construction. The Lessee shall, to the maximum extent practicable, make use of multi-use corridors for roads, pipelines and utilities.

(B) *Regulation of Public Access.* After road construction is completed, the Lessee shall, upon consultation with the Lessor, permit reasonable, free and unrestricted public access to and upon the road and rights-of-way for all lawful and proper purposes except in plant sites, mine sites, disposal areas, and other operational areas which may be closed to the general public. The Lessee shall regulate public access and public vehicular traffic as required to facilitate operations and to protect the public and, to the extent reasonable, livestock and wildlife from hazards associated with construction. For this purpose the Lessee shall provide warnings, flagmen, barricades, and other safety measures as necessary. Whenever the Mining Supervisor shall determine that the Lessee's regulation of access and traffic is unreasonable, or that the Lessee's provision of safety measures is inadequate, he shall so inform the Lessee who shall immediately take corrective measures.

(C) *Existing and Planned Roads and Trails.* Where feasible, the Lessee shall use existing roads and trails. Unless the Mining Supervisor shall direct otherwise, roads and trails shall be located, constructed, maintained, and closed according to the specifications of the Bureau of Land Management and shall include drainage structures where needed.

(D) *Waterbars and Breaks.* The Lessee shall divert runoff from roads and uphill slopes by means of waterbars, waterbreaks, or culverts constructed in accordance with Bureau specifications.

(E) *Pipeline Construction Standards.* In the design and construction of oil pipelines and the choice of materials for them, the Lessee shall follow the standards (wherever they may be made applicable) established by the Department of Transportation and,

if these standards should ever be revised, supplemented, or superseded, shall follow the new standards in new construction. These standards include:

(1) 49 CFR 192, Transportation of Natural and Other Gas by Pipeline; and

(2) 49 CFR 195, Transmission of Liquids by Pipeline.

(F) *Pipeline Safety Standards.* The Lessee shall meet, where applicable, the safety standards and reporting requirements set forth in the following, as now in effect and as hereafter amended, or, if these regulations should be superseded, the regulations or other rules superseding them:

(1) 49 CFR, Part 110, Carriers by Pipeline (Other than Natural Gas and Water);

(2) 49 CFR, Part 192, Transportation of Natural and Other Gas and Water);

(3) 49 CFR, Part 195, Transmission of Liquids by Pipeline;

(G) *Shut-Off Valves.* The Lessee shall insure that oil transportation pipeline designs provide for automatic shut-off valves at each pumping or compressor station and such additional valves as may be necessary in view of:

(1) Terrain and drainage systems traversed;

(2) Population centers;

(3) Wildlife and fishery habitat;

(4) Public water supplies and significant water bodies;

(5) Hazardous geologic areas; and

(6) Scenic Values.

The Lessee shall install any additional valves required by the Mining Supervisor.

(H) *Pipeline Corrosion.* With regard to oil transportation pipelines, the Lessee shall submit detailed plans to the Mining Supervisor for corrosion-resistant design and methods for early detection of pipeline corrosion. These shall include: (1) pipe material and welding techniques to be used and information on their particular suitability for the environment involved; (2) details on the external pipe protection to be provided (coating, wrapping, etc.), including information on variation of the coating process to cope with variations in environmental factors; (3) plans for cathodic protection including details of impressed ground sources and controls to insure continuous maintenance of adequate protection over the entire surface of the pipe; (4) details of plans for monitoring cathodic protection current including spacing of current monitors; and (5) provision of periodic surveys of trouble spots, regular preventive maintenance surveys, regular surveys for external and internal deterioration which may result in failure, and special provisions for abnormal potential patterns resulting from crossings with other pipelines or cables.

(I) *Electric Transmission Facilities.* The Lessee shall design and construct telegraph, telephone, electric powerlines, distribution lines and other transmission facilities in accordance with the guidelines set forth in "Environmental Criteria for Electric Transmission System" (U.S.D.I., U.S.D.A., 1970), as now or in the future amended, or if these guidelines should be superseded, in the guidelines or other rules superseding them. Distribution lines shall be designed and constructed in accordance with REA Bulletin 61–10 (Powerline Contacts by Eagles and other Large Birds), as now or in the future amended, or, if these guidelines should be superseded, in the guidelines or other rules superseding them.

(J) *Natural Barriers.* Where a road or exploratory site cuts a natural barrier used for livestock control, the Lessee shall, at his own expense, close the opening by the use of a fence or other suitable barrier meeting Bureau standards.

(K) *Specifications for fences, and Cattleguards.* Fences and cattleguards constructed by the Lessee shall meet established Bureau specifications and standards.

(L) *Crossings.* The Lessee shall take all steps necessary to make certain that roads constructed under this lease do not prevent or unreasonably disrupt the use of existing roads, foot trails, pipelines, and other rights-of-way or major animal migration routes. This requirement shall include the construction of suitable overhead or underground crossings where they are determined to be necessary by the Mining Supervisor.

(M) *Alternate Routes.* If during construction the Lessee's activities shall interfere with the free use of existing roads and trails used by persons, whether or not recorded, he shall provide such alternate roads and trails as the Mining Supervisor may determine to be needed.

(N) *Off-Road Vehicle Use.* The Lessee shall use off-road vehicles in a manner consistent with applicable regulations.

Sec. 3. *Fire Prevention and Control.* (A) *Instructions of the Mining Supervisor.* (1) The Lessee shall comply with the instructions and directions of the Mining Supervisor concerning the use, prevention and suppression of fires, and shall make every reasonable effort to prevent, control and suppress any fire on land subject to the lease. Uncontrolled fires must be immediately reported to the Mining Supervisor.

(2)(a) The Lessee shall construct fire lines or perform clearing when determined by the Mining Supervisor to be necessary for forest, brush and grass fire prevention.

(b) The Lessee shall comply with the National Fire Codes on handling, transportation, storage, use and disposal of flammable liquids, gases, and solids.

(c) The Lessee shall take all appropriate actions to prevent oil shale outcrop fires.

(B) *Liability of Lessee.* The control and suppression of any fires on the Leased Lands (or on adjoining public lands which have spread from the Leased Lands) caused by the Lessee or his employees, contractors, subcontractors, or agents shall be at the expense of the Lessee. Upon the failure of the Lessee to control and suppress such fires in a manner satisfactory to him, the Mining Supervisor shall take such steps as are necessary to control and suppress the fire, either alone or in conjunction with other Federal, State, and local authorities, and the cost of such control and suppression shall be borne by the Lessee.

Sec. 4. *Fish and Wildlife.* (A) *Management Plan.* The Lessee shall submit for approval by the Mining Supervisor, as part of the exploration and mining plan, a detailed fish and wildlife management plan which shall include the steps which the Lessee shall take to: (1) avoid or, where avoidance is impracticable, minimize damage to fish and wildlife habitat, including water supplies; (2) restore such habitat in the event it is unavoidably destroyed or damaged; (3) provide alternate habitats; and (4) provide controlled access to the public for the enjoyment of the wildlife resources on such lands as may be mutually agreed upon. The plan shall include, but not be limited to, detailed information on activities, time schedule, performance standards, proposed accomplishments, and ways and means of avoiding or minimizing environmental impacts on fish and wildlife.

(B) *Mitigation of Damage.* Wherever destruction or significant disturbance of fish and wildlife habitat is inevitable, the Lessee shall submit, for the Mining Supervisor's approval at least 60 days prior to the destruction or damage of the habitat, those measures which the Lessee proposes to take to comply with the requirement of 30 CFR 231.4(b), as now in effect or as hereafter amended, or, if that regulation should be superseded, the regulations or other rules superseding it, to avoid, or, where avoidance is impracticable, minimize and repair, injury or destruction of fish and wildlife and their habitat. As a general rule, the proposed measures should provide for habitat of similar type and equal in quantity and quality to that destroyed or damaged. The Mining Supervisor shall, within 60 days after the submission of the proposed measures to him, either approve or disapprove them. If he shall approve them, the Lessee shall execute the proposed measures for the mitigation of the destruction or damage of the habitat. If the Mining Supervisor shall disapprove the measures, he shall offer the Lessee an opportunity for consultation at which, whenever possible, he shall inform the Lessee of any changes which will make the measures acceptable.

(C) *Big Game.* The Lessee shall construct big game drift fences when and where necessary to direct big game movements around or away from oil shale development areas.

(D) *Posting of Notices.* The Lessee shall post in reasonable and conspicuous places notices informing its employees, agents, contractors, subcontractors, and their employees of all applicable laws and regulations governing hunting, fishing, and trapping.

Sec. 5. *Health and Safety.* (A) *In General.* The Lessee shall take all measures necessary to protect the health and safety of all persons affected by it activities and operations and shall immediately abate any activity or condition which threatens the life of any person or which threatens any peron with bodily harm.

(B) *Compliance with Federal Health and Safety Laws and Regulations.* The Lessee shall comply with the Federal Metal and Nonmetallic Mine Safety Act of 1966 (30 U.S.C. §§ 721–740), as now in effect or as hereafter amended, or, if it should be superseded, with the statute superseding it, and the Occupational Health and Safety Act of 1970 (29 U.S.C. §§ 651–678), a now in effect, or as hereafter amended, or, if it should be superseded, with the statute superseding it, and all health and safety standards promulgated pursuant thereto.

(C) *Use of Explosives.* The Lessee shall insure that all blasting operations, including the purchase, handling, transportation, storage, use, and destruction of blasting agents are performed in conformance with Public Law 91–452, October 15, 1970 (18 U.S.C. §§ 841–848), as now in effect or as hereafter amended, or if it should be superseded, with the statute superseding it, and the regulations promulgated thereunder which are now in 26 CFR 181.

Sec. 6. *Historic and Scientific Values.* (A) *Cultural Investigations.* The Lessee shall, prior to construction or mining, conduct a thorough and professional investigation of any portion of the Leased Lands to be used, including, but not limited to, those to be used for mining, processing, or disposal operations or roads, for objects of historic or scientific interest, including, but not limited to, Indian ruins, pictographs and other archeological remains. The Lessee shall report the results of these investigations of the Mining Supervisor before commencing construction and mining operations.

(B) *Objects of Historic or Scientific Interest.* The Lessee shall not in any activities under this lease appropriate, remove, injure, deface, or alter any object of antiquity, or of historic, prehistoric, or scientific interest, including, but not limited to, Indian ruins, pictographs, and other archeological remains. Where a question exists as to whether or not an object is of historic, prehistoric, or scientific interest or is an object of antiquity, the Lessee shall report to the Mining Supervisor for a final determination of which he shall inform the Lessee without unnecessary delay.

Sec. 7. *Oil and Hazardous Materials.* (A) *Spill Contingency Plans.* The Lessee agrees to submit spill contingency plans to the Mining Supervisor with the detailed development plan. This plan shall provide for the control of spills of oil or other hazardous substances which for purposes of this Section 7 shall be defined in section 311(a)(14) of the Federal Water Pollution Control Act, as amended (86 Stat. 816, 863), as now in effect or as hereafter amended, or if it should be superseded, the statute superseding it.

The plans shall conform to this Stipulation and the National Oil and Hazardous Substances Pollution Contingency Plan, 36 FR 16215, August 20, 1971, as now in force or as hereafter amended, or, if it shall be superseded, the document superseding it, and shall: (1) include a description of positive spill prevention efforts which the lessee shall make; (2) include provisions for spill control; (3) provide for immediate corrective action including spill control and restoration of the affected resource; (4) provide that the Mining Supervisor shall approve any materials or devices used for spill control and shall approve any disposal sites or techniques selected to handle spilled matter; and (5) include separate and specific techniques and schedules for cleanup of spills on land, rivers and streams. As used in this Stipulation, spill control is defined as including detection, location, confinement, and cleanup of the spill.

(B) *Responsibility.* If, during operations, any oil or other hazardous substance should be discharged, the control, removal, disposal, and cleanup of that substance, wherever found, shall be the responsibility of Lessee. Upon the failure of the Lessee to control, remove, dispose of, or clean up the discharge, or to repair all damages resulting therefrom, the Mining Supervisor may take such measures as he deems necessary to control, remove, dispose of, or clean up the discharge and restore the area, including, where appropriate, the aquatic environment and fish and wildlife habitats, at the full expense of the Lessee. Such action by the Mining Supervisor shall not relieve Lessee of any responsibility as provided in this lease.

(C) *Reporting of Spills and Discharges.* The Lessee shall give immedaite notice of any spills or discharges of oil or other hazardous substances to: (1) the Mining Supervisor and (2) such other Federal and State officials as are required by law to be given such notice. Any oral notice shall be confirmed by the Lessee in writing as soon as possible.

(D) *Storage and Handling.* The Lessee shall store oil, petroleum products, industrial chemicals and similar toxic or volatile materials in durable containers and locate such materials so that any accidental spillage will not drain into water courses, lakes, reservoirs, or ground water. Unless otherwise approved by the Mining Supervisor, the Lessee shall store substantial quantities (more than 500 gallons) of such materials in an area surrounded by impermeable containment structures. The volume of the containment structures shall be at least: (1) one-hundred fifty (150) percent of the total storage volume of storage tanks in the relevant area; plus (2) a volume sufficient for maximum trapped precipitation and run-off which might be impounded at the time of a spill.

(E) *Pesticides and Herbicides.* The Lessee shall not use pesticides and herbicides without the approval of the Mining Supervisor. Pesticides and herbicides shall be considered treatments of last resort, to be used only when reasonable alternatives are not available and where their use is consistent with protection and enhancement of the environment. Where pesticides and herbicides are used, they shall be used only with the approval of the Mining Supervisor and the type, amount, method of application, storage, and disposal shall be in accordance with applicable Federal and State procedures.

Sec. 8. *Pollution—Air.* (A) *Air Quality.* The Lessee shall utilize and operate all facilities and devices in such a way as to avoid, or, where avoidance is impracticable, minimize air pollution. At all times during construction and operation, Lessee shall conduct its activities in accordance with all applicable air quality standards and related plans of implementation adopted pursuant to the Clean Air Act, as amended (40 U.S.C. §§ 1857–1857–1), as now in effect or as hereafter amended, or if it should be superseded, the statute superseding it, and applicable State standards.

(B) *Dust.* The Lessee shall make every reasonable effort to avoid, or, where avoidance is impracticable, minimize dust problems. Where necessary, sprinkling, oiling, or other means of dust control shall be required on roads and trails. The Lessee shall conduct processing operations so as not to create environmental or health problems associated with dust.

(C) *Burning.* The Lessee shall not burn waste, timber, or debris, except when disposal is essential and other methods of disposal would be more harmful to the environment and when authorized by the Mining Supervisor.

Sec. 9. *Pollution—Water.* (A) *Water Quality.* The Lessee shall utilize and operate all facilities and devices in such a way as to avoid or, where avoidance is impracticable, minimize water pollution. At all times during construction and operation, Lessee shall conduct its activities in accordance with all applicable Federal and State water quality standards and related plans of implementation, as then in force. Where applicable Federal and State standards do not exist, the Mining Supervisor may establish reasonable standards to prevent degradation of water, and the Lessee shall comply with those standards. The Lessee shall not discharge waste water into any aquifer deemed by the Mining Supervisor to be a potentially valuable water supply nor into any aquifer which will discharge the waste into a surface stream.

(B) *Disturbance of Existing Waters.* All construction activities, exclusive of actual mining activities, that may cause the creation of new lakes, drainage of existing ponds, diversion of natural drainages, alternation of stream hydraulics, disturbance of areas of stream beds or degradation of land and water quality or adversely affect the environmental integrity of the area are prohibited unless approved in writing by the Mining Supervisor.

(C) *Control of Waste Waters.* In areas where overburden, water, or waste from mines or processing plants might contain toxic or saline materials, the Lessee shall:

(1) Divert surface or ground water so as to avoid the formation of toxic and saline water and its drainage into streams, or, where avoidance is impracticable, to minimize the formation of such waters and drainage, by preventing the entry or reducing the flow of water into the workings, waste piles, or overburden-storage areas;

(2) Dispose of refuse and spent shale from mining and processing in a manner which will avoid the discharge of toxic drainage or saline water into surface or ground water;

(3) Employ, upon termination of operations or use of any mine, processing plant, or waste disposal site, all practicable closing measures consistent with ecological principles and safety requirements in order to avoid the formation and discharge of toxic or saline water;

(4) Dispose of toxic and saline water derived from mining, processing, or refining operations in a manner that does not pollute surface or ground waters;

(5) During mining operations, monitor spoil and refuse for the presence of materials likely to yield unacceptable alkaline, acidic, saline, or toxic solutes; and

(6) Reinject *no* water, except in compliance with Federal and State standards then in effect and where authorized to do so by the Mining Supervisor; if the Lessee does reinject water, he shall establish such monitoring as the Mining Supervisor shall require.

(D) *Cuts and Fills.* The Lessee shall not cut or fill near or in streams which will result in siltation or accumulation of debris unless approved in writing by the Mining Supervisor.

(E) *Crossings.* The location of crossings of perennial streams, lakes and rivers must be approved in writing by the Mining Supervisor. To control erosion, the Lessee shall maintain buffer strips at least 200 feet wide on each side of a stream in their natural and undisturbed state unless otherwise authorized in writing by the Mining Supervisor.

(F) *Road Surfacing Material.* All road surfacing material used by the Lessee must be approved by the Mining Supervisor.

Sec. 10. *Pollution—Noise.* The Lessee shall comply with all applicable Federal and State standards on noise pollution, as now in effect or as hereafter amended, or, if they should be superseded, the standards superseding them. In the absence of specific noise pollution standards, the Lessee shall keep noise at or below levels safe and acceptable for humans, as determined by the Mining Supervisor.

Sec. 11. *Rehabilitation.* (A) *In General.* The Lessee shall, in accordance with approved plans, rehabilitate all affected lands to a usable and productive condition consistent with or equal to pre-existing land uses in the area and compatible with existing, adjacent undisturbed natural areas. Rehabilitation methods include, but are not limited to the following: leveling, backfilling, covering the surface with topsoil, and revegetating the spoil banks and pit areas consistent with sound restoration methods. The Lessee shall leave reclaimed land in a usable, non-hazardous condition such that soil erosion and water pollution are avoided or minimized. The Lessee shall, to the extent practicable, conduct such backfilling, leveling and grading concurrently with the mining operations. Upon removal of property at termination of the Lease pursuant to sections 31 and 32 of the Lease, the Lessee shall, in accordance with approved plans, complete the restoration of affected lands to a usable and productive condition at least equal to pre-existing land uses in the area and compatible with existing adjacent undisturbed natural areas.

(B) *Management Plan.* The Lessee shall submit for approval by the Mining Supervisor an erosion control and surface rehabilitation plan as part of any exploration or development plan. The initial plan shall be submitted not less that 60 days prior to start of mining site preparation and updated each year thereafter before March 15. The plan shall include, but not be limited to, detailed information on activities, areas, time schedules, standards, accomplishments, and methods of eliminating or minimizing oil shale development impacts. The Lessee shall base erosion control plans and procedures on a maximum 100-year precipitation rate characteristic of the area. If a 100-year rate is not

available the Lessee shall use data based on the longest period of reliable information. Procedures and plans shall consider flash flood effects, mud flows, mudslides, landslides, rock falls, and other similar types of material mass movements.

(C) *Stabilization of Disturbed Areas.* The Lessee shall leave all disturbed areas in a stabilized condition. Stabilization practices shall include, as determined by the needs of specific sites: seeding; planting; mulching; and the placement of mat binders, soil binders, rock or gravel blankets or other such structures. Seeding and planting shall be repeated, as often as the Mining Supervisor shall deem reasonable, if prior attempts to revegetate are unsuccessful. All trees, snags, stumps or other vegetative material, not having commercial, ecological, wildlife, or construction value, shall be considered for mechanical chipping and spreading in a manner that will aid seeding establishment and soil stabilization.

(D) *Surface Disturbance On-Site.* The Lessee shall correct surface disturbance which may induce soil movement or water pollution, or both, whether during or after construction or mining, in accordance with the surface rehabilitation plan.

(E) *Areas of Unstable Soils.* The Lessee shall, where possible, avoid areas having soils that are susceptible to slides and slips, excessive settlement, severe erosion and soil creep during construction or operation. When such areas cannot be avoided the Lessee shall design construction to insure maximum stability. The Lessee shall make soil foundation investigations in conjunction with construction activities. The Lessee shall make such data available to the Mining Supervisor upon request.

(F) *Materials.* The Lessee shall, when feasible, utilize waste rock from the mining operations for road beds, fills and other similar construction purposes. When not feasible, gravel and other construction materials shall be purchased in accordance with 43 CFR 3610, as now in effect or as hereafter amended, or, if it shall be superseded, the regulation or rule superseding it, except that the sale of such materials from stream beds and upland soil areas shall be avoided unless otherwise approved by the Bureau District Manager.

(G) *Slopes of Cut and Fill Areas.* To the extent consistent with good mining practice, the Lessee shall maintain all cut and fill slopes in a stable condition for the duration of the Lease.

(H) *Impoundments.* The Lessee shall establish safe access to permanent water impoundments for persons, livestock, and wildlife, but, where consumption of such water would be harmful to humans or the use of such water would be detrimental to animals, he shall take necessary steps to prevent access by those to whom it would be harmful or detrimental.

(I) *Flood Plains.* The Lessee shall not construct improvements or conduct operations in flood plains or stream drainages when it is reasonable to expect risk to human life, pollution damage, or destruction of the existing environment caused by flood damage, without the express permission of the Mining Supervisor and without providing for protection of any such improvements constructed.

(J) *Land Reclamation.* The Lessee shall, unless otherwise directed by the Mining Supervisor, backfill, level, final grade, cover with topsoil and initiate revegetation of each segment of the operation area in accordance with the rehabilitation plan as soon as that segment is no longer needed, but not later than one year after completion of the particular operation unless an alternative schedule has been approved by the Mining Supervisor.

(K) *Overburden.* The Lessee shall, unless otherwise directed by the Mining Supervisor, separate overburden material and stockpile it separately as to topsoil, and rock material for later use as fill and as top dressing for rehabilitation of disturbed areas.

(L) *Revegetation.* (1) The Lessee shall revegetate all portions of the Leased Lands which have been disturbed by his operations as soon as possible after the disturbance has ended in order to prevent, or, if prevention is impracticable, to minimize erosion and related problems. The Lessee shall restore the vegetation of disturbed areas by reestablishing permanent vegetation of a quality which will support fauna of the same kinds and in the same numbers as those existing at the time the base line data was obtained under section 1(C) of these Stipulations. Plans for revegetation, including species, density, and timing, must be submitted to the Mining Supervisor for approval. The Mining Supervisor may require any reasonable methods of revegetation, and, if he deems it desirable, may require the Lessee to fence areas to assist revegetation. However, if the Lessor determines, at the time of submission of the detailed development plan under section 10(a) of this lease, that the Leased Lands will, upon the termination of the lease, be put to a different use from that to which they were devoted immediately prior to the issuance of this lease, the Mining Supervisor may require the Lessee to revegetate the land to meet that objective, except that the Lessee shall not be required to expend more money than that needed to meet the first revegetation standard.

(2) The Lessee shall initiate a revegetation program approved by the Mining Supervisor at the start of production to (1) delineate those parameters necessary to establish vegetation at a specific location and (2) show that successional changes in vegetation are compatible with the requirements under subparagraph (1) above.

(3) The Lessee shall demonstrate at the time of submission of the detailed development plan under section 10(a) of this lease that revegetation technology is available to enable him to provide the revegetation of the disturbed areas which is required under paragraph (1) of this subsection. If, in the opinion of the Mining Supervisor, the Lessee has failed to demonstrate the required technology, he shall be required to submit for approval a program designed to obtain the required technology. If the program to obtain the necessary technology is satisfactory, the Mining Supervisor may approve the Lessee's development plan submitted under section 10(a), but, if the Lessee has not demonstrated the necessary technology by the tenth Anniversary Date after the Lease Year in which the development plan under section 10(a) was approved, the Lessee shall cease all exploratory, development, and production operations under that plan until he has demonstrated that the necessary technology is available to him. The Lessee shall report annually to the Mining Supervisor on the progress of this approved program to obtain the required technology. If the progress appears inadequate at any time, the Mining Supervisor may request the Lessee to amend the program. Whenever the Lessee has demonstrated the necessary technology, the required program shall terminate. Where the Mining Supervisor finds the Lessee has conducted his program to obtain technology, including any requested amendments, in a diligent manner and has expended funds in excess of $500,000 on that program, the Secretary may determine the expenditures in excess of that figure to be extraordinary costs within the terms of section 7(d) of the lease and may credit those excess expenditures against any present or future royalties due the lessor, provided the results of the program are made public.

Sec. 12. *Scenic Values.* (A) *Scenic Considerations in General.* The Lessee shall, except where the Mining Supervisor has approved otherwise, use the following standards in all designing, clearing, earthmoving, and construction:

(1) Contours compatible with the natural environment shall be used to avoid straight lines.

(2) Natural colors consistent with the local environment such as pastels or muted shades of brown, green, reds, or grays shall be used in painting of facilities installed on the lease. Bright or unnatural colors shall be avoided except for use in warning signs or signals.

(3) Small natural openings or the edges of larger opening in the natural environment shall be utilized in construction of facilities, or disturbing the land surface.

(4) During the time when the land is disturbed, the portion of land which is not under revegetation programs shall only be those areas required under the mining plan for mining, storage, processing, or disposal operations.

(5) Contouring of the disturbed areas for reclamation shall simulate natural opening or areas consistent with the surrounding topography.

(B) *Consideration of Aesthetic Values.* The Lessee shall consider existing aesthetic values in all planning, construction, reclamation and mining operations. All operations, including, but not limited to, design and construction of roads, pipelines and transmission lines, shall, where practicable, be performed so as to minimize visual impact, make use of the natural topography, and to achieve harmony with the landscape.

(C) *Protection of Landscape.* The Lessee shall design any structures and facilities built under this Lease so that they will, to the extent practicable, blend with the natural landscape.

(D) *Signs.* The Lessee shall design and construct signs that are rustic in appearance and conform to BLM sign standards.

Sec. 13. *Vegetation.* (A) *In General.* (1) The Lessee shall reserve from cutting and removal all timber and other vegetative material outside the clearing boundaries and all blazed, painted or posted trees which are on or mark the clearing boundaries, with the exception of danger trees or snags designated as such by the Mining Supervisor.

(2) The Lessee shall insure that all trees, snags or other woody material cut in connection with clearing operations are felled into the right-of-way and away from live water courses.

(B) *Timber.* The Lessee shall deal with timber in accordance with the following: clearing and grubbing limits shall be approximately 5 ft. outside of the edge of any cut or fill; where practicable, trees, snags, stumps or other woody material not having wildlife value or value to the Lessee shall be mechanically chipped and spread in a manner that will aid seeding establishment and soil stabilization; clearing boundaries shall be identified on the ground prior to clearing operations.

(C) *Clearing and Stripping.* The Lessee may clear and strip only such land as is necessary for mining, processing, disposal, and other operations under the lease. In connection with such operations the Lessee may clear and strip land necessary for roadbeds, but such roadbed width shall be not more than 25 feet from the centerline unless otherwise specified by the Mining Supervisor.

Sec. 14. *Waste Disposal.* (A) *Mine Waste.* The Lessee shall, in accordance with the detailed development plan under section 10 (a) of this lease, backfill or reclaim excavated material and spent shale and shall compact it thoroughly by machinery to avoid or, where avoidance is impossible, minimize erosion. The Lessee shall design slope faces of waste piles to insure slope stability and shall revegetate slope faces in accordance with the rehabilitation plan.

(B) *Other Disposal Areas.* The term "waste" as used in this subsection (B) means all waste other than mine waste. In accordance with approved plans, the Lessee shall collect, recycle or dispose of waste in sanitary land fills or other disposal areas, and shall use the best practicable portable or permanent waste disposal systems, as approved by the Mining Supervisor. The Lessee shall remove or otherwise dispose of all waste in a manner acceptable to the Mining Supervisor, and in accordance with all applicable standards and guidelines of the State, the United States Public Health Service and the Environmental Protection Agency.

(C) *Disposal of Solid and Liquid Wastes.* The Lessee shall design and construct disposal systems for solid and liquid wastes so as to avoid landslides, control erosion by wind and water, and establish conditions conductive to vegetative growth in the disposal area. The Lessee shall select and prepare disposal sites for wastes so as to avoid downward percolation of leached products and other pollutants into aquifers.

(D) *Impoundment of Water.* No disposal of mine waste, other waste, or the residue from any activity under this Lease shall be disposed of in a manner which could cause an impoundment of water unless plans for spillways and means of diversion and the prevention of both surface and underground water contamination have been prepared by the Lessee and approved by the Mining Supervisor, and the Lessee has complied with those plans.

(E) *Slurry Waste Disposal.* Wherever slurry waste disposal is used the Lessee shall provide impoundments sufficient to contain landslides, mud flows, or waste pile blowouts.

[FR Doc.73-25370 Filed 11-29-73;8:45 am]

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PART IV

DEPARTMENT OF LABOR

Employment Standards Administration

■

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

Modifications and Supersedeas Decisions

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138), and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determinations frequently and in large volume causes these procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR, Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and supersedeas decisions to general wage determination decisions. Modifications and Supersedeas Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138), and of Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and Federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR, Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

New general wage determination decisions. New General Wage Determination Decision No. AQ–4039 for the State of Florida.

Modifications to general wage determination decisions. Modifications to General Wage Determination Decisions for the following States (the numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State):

Alabama:	
AQ–4027	Oct. 19, 1973
California:	
AQ–1007; AQ–1008	Aug. 3, 1973
Massachusetts:	
AQ–3031; AQ–3032	Nov. 2, 1973
AQ–3027	Oct. 19, 1973
Louisiana:	
AQ–4; AQ–5; AQ–6	July 20, 1973
AQ–42	Nov. 2, 1973
Montana:	
AQ–1038	Sept. 21, 1973
AQ–1042	Sept. 28, 1973
Nebraska:	
AP–522	Mar. 30, 1973
New Mexico:	
AQ–35	Oct. 12, 1973
Oklahoma:	
AQ–22	Aug. 31, 1973
Texas:	
AQ–28; AQ–31	Sept. 28, 1973
AQ–34	Oct. 5, 1973
AQ–43	Nov. 9, 1973
AQ–45	Nov. 16, 1973

Supersedeas decisions to general wage determination decisions. Supersedeas Decisions to General Wage Determination Decisions for the following States (the numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State; Supersedeas Decision numbers are in parentheses following the numbers of the decisions being superseded):

Alabama:	
AP–119(AQ–4037); AP–119 (AQ–4038)	Aug. 18, 1972
AP–116 & AP–118(AQ–4038)	Sept. 15, 1972
California:	
AQ–1015(AQ–1058); AQ–1016(AQ–1059)	Aug. 31, 1973
Colorado:	
AQ–1055(AQ–1061)	Nov. 9, 1973
Montana:	
AQ–1020(AQ–1060)	Aug. 31, 1973
Virginia:	
AM–1870(AQ–2032); AM–1873(AQ–2331)	Aug. 20, 1971

Signed at Washington, D.C., this 23d day of November 1973.

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

STATE: Florida
DECISION NUMBER: AQ-4009
DESCRIPTION OF WORK: Highway Construction.

COUNTIES: See below*
DATE: Date of Publication

*Counties: Citrus, Hernando, Levy, Marion, and Sumter.

5-FLA-2/3-A

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Carpenters	$ 3.00					
Cement masons	2.70					
Form setters	2.75					
Laborers:						
Laborers	2.07					
Asphalt rakers	2.75					
Pipelayers	2.38					
Truck drivers	2.10					
Welders	2.88					
Power Equipment Operators:						
Asphalt plant	2.55					
Bulldozers	2.75					
Cranes, derricks, draglines	3.13					
Earthmover operators	2.52					
Front end loaders	2.50					
Gradell	3.00					
Mechanics	3.00					
Mixers, subgrade	2.25					
Motor grader	3.25					
Motor patrol	3.26					
Oilers - Greasers	2.21					
Scrapers	2.75					
Tractors	2.35					

DECISION #AQ-4027 - Mod. #1
(38 FR 29155 - October 19, 1973)
Mobile County, Alabama

MODIFICATIONS P. 1

Alabama -3-Zone #? J

Classes:	Gen. Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Highway, Road, Street and Paving Construction, excluding Airport Construction.						
Bricklayers	$3.65					
Carpenters	4.00					
Carpenters' helpers	3.00					
Concrete finishers	3.60					
Concrete saw operators	2.45					
Electricians	7.90					
Ironworkers:						
Structural	5.70					
Reinforcing	5.70					
Laborers:						
Air tool operators	2.85					
Asphalt rakers	3.30					
Concrete laborers	3.00					
Pipelayers	3.25					
Powderman and blasters	3.05					
Saw operators	3.00					
Side rail or form setters	3.50					
Unskilled	2.35					
Wagon drill operators	2.55					
Painters	5.75					
Piledrivermen	4.25					
Truck drivers:						
Under 1-½ ton	2.50					
Single rear axle	2.75					
Multi-rear axle, or heavy duty, off road, single axle	3.15					
Winch truck and A-frame	3.15					
Welders - Receive rate prescribed for craft performing operation to which welding is incidental.						
Power Equipment Operators:						
Aggregate spreader operator	3.45					
Air compressors	3.15					
Air distributors and asphalt spreaders	3.85					
Asphalt mixers and paving mills and batch plants	3.44					
Asphalt paving machines	3.85					
Asphalt plant driers	3.44					
Bulldozers	3.60					
Bull floats	3.44					
Concrete mixers (3-bags and under)	3.44					
Concrete mixers (over 3-bags)	3.60					
Concrete paving machines	3.60					
Concrete paving finishing machines	3.60					
Concrete paving spreaders	3.60					
Cranes, clamshells, backhoes, derricks draglines or shovels	4.85					
Conveyors	3.13					
Crushing and screening plants	3.44					

DECISION #AQ-4027 (Cont'd)

MODIFICATIONS P. 2

Power Equipment Operators (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Drilling machines	$3.30					
Elevating graders, Gradalls or trenching machines	4.00					
Firemen	3.15					
Form graders	2.70					
Hoists (2-drums or 2-cages or more)	3.60					
Hoists (1-drum)	3.44					
Mechanics	4.40					
Motor patrols	4.30					
Oilers or greasemen	3.20					
Paving subgraders	3.15					
Piledrivers	4.30					
Pumps	2.70					
Pumpcretes	3.15					
Rollers, self-propelled	3.30					
Rollers, self-propelled (on asphalt bases and pavements)	4.00					
Scale operators	2.70					
Scalemen	2.70					
Scrapers	3.60					
Seeding and mulching machines	3.35					
Striping machines (paint)	3.40					
Tractors and loaders (farm rubber tired)	3.35					
Tractors and loaders (80 H.P. or less) (drawbar capacity)	3.40					
Tractors and loaders (over 80 H.P.)	3.60					

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AO-1007 - Mod. #6 (38 FR 21035 - August 3, 1973) Imperial, Inyo, Kern, Los Angeles, Mono, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Counties, California						
Change:						
Plasterers						
Santa Barbara County	$8.69	.70	1.05		.01	
Roofers						
Riverside and San Bernardino Counties	7.05	.55	.40	.50		
DECISION #AO-1008 - Mod. #6 (38 FR 21037 - August 3, 1973) Imperial, Kern, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Counties, California						
Change:						
Plasterers						
Santa Barbara County	$8.69	.70	1.05		.01	
Roofers						
Riverside and San Bernardino Counties	7.05	.55	.40	.50		

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AO-3,031 - Mod. #1 (38 FR 30357 - November 2, 1973) Hampden County, Massachusetts						
Change:						
Bricklayers; Cement masons; Marble setters; Plasterers; Stonemasons; Terrazzo workers; & Tile setters	$9.10	.45	.40		.02	
Piledrivermen	9.15	.50	.30			
Plumbers	8.86	.45	.60	g	.01	
Steamfitters	8.70	.57	.70	f		
Add:						
Footnote:						
g. 1 paid holiday: Independence Day provided the employee has been employed 7 days prior to the holiday for the same employer.						
DECISION #AO-3,032 - Mod. #1 (38 FR 30361 - November 2, 1973) Hampden County, Massachusetts						
Change:						
Bricklayers	$9.10	.45	.40		.02	
Plasterers	9.10	.45	.40		.02	
Plumbers	8.86	.45	.60	c	.01	
Add:						
Footnote:						
c. 1 paid holiday: Independence Day provided the employee has been employed 7 days prior to the holiday for the same employer.						
DECISION #AO-3,027 - Mod. #3 (38 FR 29129 - October 19, 1973) Plymouth County, Massachusetts						
Omit:						
Electricians:						
Mattapoisett, Rochester, & Wareham						
Electrical contracts over $12,000.00	8.63	.25	1%+.25		a	
Electrical contracts under $12,000.00	7.25	.25	1%+.25		a	

MODIFICATIONS P. 5

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AQ-3,027 Cont'd						
Add:						
Electricians:						
Mattapoisett, Rochester, & Wareham	$5.00	.25	1%+.25		a	

MODIFICATIONS P. 6

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AQ-4 - Mod. #6						
(38 FR 19645 - July 20, 1973)						
Calcasieu Parish, Louisiana						
Change:						
Carpenters:						
Millwrights	$7.565				.05	
DECISION #AQ-5 - Mod. #5						
(38 FR 19647 - July 20, 1973)						
Caddo & Bossier Parishes, Louisiana						
Change:						
Cement masons:						
Cement masons	6.25					
Troweling machine operators	6.50					
Ironworkers:						
Structural; Ornamental	7.15	.30	.35		.04	
Reinforcing	7.15	.30	.35		.04	
Sheeters	7.15	.30	.35		.04	
DECISION #AQ-6 - Mod. #5						
(38 FR 19649 - July 20, 1973)						
Caddo & Bossier Parishes, Louisiana						
Change:						
Cement masons:						
Cement masons	6.25					
Troweling machine operators	6.50					
Ironworkers:						
Structural; Ornamental	7.15	.30	.35		.04	
Reinforcing	7.15	.30	.35		.04	
Sheeters	7.15	.30	.35		.04	

MODIFICATIONS P. 7

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AO-42 - Mod. #1 (38 FR 30342 - November 2, 1973) Acadia, Allen, Ascension, Assumption, Beauregard, Calcasieu, Cameron, East Baton Rouge, East Feliciana, Evangeline, Iberia, Iberville, Jefferson, Jefferson Davis, Lafayette, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, St. Bernard, St. Charles, St. Helena, St. James, St. John the Baptist, St. Landry, St. Martin, St. Mary, St. Tammany, Tangipahoa, Terrebonne, Vermilion, Washington, West Baton Rouge & West Feliciana Parishes, Louisiana						
Change:						
Bricklayers-Stonemasons: Assumption, Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Tammany (extending northward to that part of St. Tammany Parish from the Tangipahoa Parish line on the west, along U.S. Highway #190 through the lower limits of Covington, along State Highway #58, through the lower limits of Abita Springs and Talisheek and on a line due east from Talisheek to the Mississippi State line) and Terrebonne Parishes	$7.90	.25	.15		.035	
Carpenters:						
Carpenters: Ascension (south of the Mississippi River), Assumption, Jefferson, Orleans, Plaquemines, St. Bernard, St. Charles, St. James (south of the Mississippi River) and St. John the Baptist Parishes	7.52	.20	.20		.04	

MODIFICATIONS P. 8

DECISION #AO-42 (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Carpenters (Cont'd):						
Carpenters (Cont'd): Iberia (northeast of the Atchafalaya River), Lafourche, St. Martin (southern segment), St. Mary (northeast of the Atchafalaya River), St. Tammany (southern portion) and Terrebonne Parishes	$7.355	.20	.20		.04	
Millwrights: Allen, Beauregard, Calcasieu, Cameron and Jefferson Davis Parishes	7.565				.05	
Ascension (south of the Mississippi River), Assumption, Iberia (northeast of the Atchafalaya River), Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James (south of the Mississippi River), St. John the Baptist, St. Martin (southern segment), St. Mary (northeast of the Atchafalaya River), St. Tammany, Tangipahoa, Terrebonne and Washington Parishes	7.805	.20	.20		.04	
Piledrivermen: Ascension (south of the Mississippi River), Assumption, Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James (south of the Mississippi River), St. John the Baptist, St. Martin (southern segment), St. Mary (northeast of the Atchafalaya River), St. Tammany (southern portion) and Terrebonne Parishes	7.62	.20	.20		.04	
Cement masons: Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist, St. Tammany (southern portion) and Terrebonne Parishes	7.205	.25	.30		.04	

DECISION #AQ-42 (CONT'D)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Ironworkers:						
All of Jefferson, Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist and St. Tammany Parishes; Parts of Lafourche (See Footnote "c"), Livingston (See Footnote "c"), St. James (See Footnote "c"), Tangipahoa (See Footnote "c"), Terrebonne (See Footnote "c"), and Washington (See Footnote "c") Parishes	$7.75	.20	.35		.02	
Laborers:						
Jefferson (except Grand Isle), Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist (on the west bank of the Mississippi River and the portion of St. John the Baptist on the east bank of the Mississippi River as far as the Sycamore Inn Lutcher and north to Blind River and Manchac) and St. Tammany (north as far as Bayou Lacombe, east to the Mississippi State line at Pearlington) Parishes:						
Building laborers	5.46	.10	.10			
Laborers handling steel pans, stone masons helpers, mechanical tool operators, sewermen (bottom men, caulkers, tenders, joint wipers, hot pot, grade carriers, layers and ditchers 4 feet and over), sand blaster (nozzlemen and pot tender), laying non-metallic pipe over 4 feet deep, septic tank diggers and installers over 4 feet deep, gas and oil pipeline laborers and wrappers	5.56	.10	.10			
Gunite tool operators	5.71	.10	.10			
Bricklayers tenders and mason tenders	5.58	.10	.10			
Hod carriers using a prime mover to serve a bricklayer	5.68	.10	.10			
Mortar mixers	5.68	.10	.10			

DECISION #AQ-42 (CONT'D)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Laborers (Cont'd):						
Assumption (north of Napoleonville), Jefferson (Grand Isle), Lafourche, St. James (on the west bank and including the town of Vacherie) and Terrebonne Parishes:						
Common laborers	$5.205	.10	.10			
Jackhammermen, sewermen, mason tenders, plasterer tenders, stone masons helpers, vibratormen	5.355	.10	.10			
Mortar mixers	5.405	.10	.10			
Lathers:						
Assumption (that portion beyond a 40 mile radius of Baton Rouge), Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James (that portion beyond a 40 mile radius of Baton Rouge), St. John the Baptist, St. Mary (that portion beyond a 40 mile radius of Lafayette), St. Tammany, Tangipahoa, Terrebonne and Washington Parishes	7.13	.20	.15		.05	
Marble setters:						
Assumption, Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Tammany (extending northward to that part of St. Tammany Parish from the Tangipahoa Parish line on the west, along U.S. Highway #190 through the lower limits of Covington, along State Highway #58, through the lower limits of Abita Springs and Talisheek and on a line due east from Talisheek to the Mississippi State line) and Terrebonne Parishes	7.90	.25	.15		.035	

DECISION #AQ-42 (CONT'D):

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Plasterers:						
Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist, St. Tammany (Parish line on the west, along U.S. Highway #190, through the lower limits of Covington and Abita Springs along State Highway #435 to Talisheek and on a line due east from Talisheek to the Mississippi State line) and Terrebonne Parishes	$7.05	.30	.20		.03	
Soft floor layers:						
Ascension (south of the Mississippi River), Assumption, Jefferson, Orleans, Plaquemines, St. Bernard, St. Charles, St. James (south of the Mississippi River) and St. John the Baptist Parishes	7.52	.20	.20		.04	
Iberia (northeast of the Atchafalaya River), Lafourche, St. Martin (southern segment), St. Martin (southern segment), St. Mary (northeast of the Atchafalaya River), St. Tammany (southern portion) and Terrebonne Parishes	7.355	.20	.20		.04	
Power Equipment Operators:						
All of Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist, St. Tammany and Terrebonne Parishes; Parts of Assumption (See Footnote "i"), Livingston (See Footnote "i"), St. James (See Footnote "i"), St. Martin (See Footnote "i"), St. Mary (See Footnote "i"), Tangipahoa (See Footnote "i"), and Washington (See Footnote "i") Parishes:						
Master mechanic	8.27	.25	.15			
Assistant master mechanic	8.02	.25	.15			
Batch plant operator	6.21	.25	.15			
Mechanic helpers	6.21	.25	.15			
Oilers (Driver)	6.21	.25	.15			
Oilers	5.88	.25	.15			

DECISION #AQ-42 (CONT'D)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Power Equipment Operators (Cont'd):						
All of Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist, St. Tammany and Terrebonne Parishes; Parts of Assumption (See Footnote "i"), Livingston (See Footnote "i"), St. James (See Footnote "i"), St. Martin (See Footnote "i"), St. Mary (See Footnote "i"), Tangipahoa (See Footnote "i"), and Washington (See Footnote "i") Parishes (Cont'd):						
Heavy Equipment Operators: A-frame truck, when working with Ironworkers and Pipefitters; Bulldozers, D-6 and larger; Cableways; Concrete mixers (over 16-s); Paving machines; Cranes, derricks, draglines & clam shells; Deck winches (2); Gradealls; Hi-Ho and similar type equipment; Hoist, 1 drum 4 stories & over; Hoist, 2 drums or more; Hydro cranes; Mechanic; Motor patrols; Pile drivers; Rollers on brick & asphalt; Rubber tired front end loader, with or without blade attachments, 1 cu. yd. capacity or more; Scrapers; Shovels, backhoes (all types); Side boom cats; Stabilizers, 3 drums or more; Truxcavators; Trenching machines; Unit operator; Welding journeyman; Well point systems (gas, diesel, electric, etc.)	$7.77	.25	.15			

DECISION #AO-42 (CONT'D)

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Power Equipment Operators (Cont'd): All of Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist, St. Tammany and Terrebonne Parishes; Parts of Assumption (See Footnote "i"), Livingston (See Footnote "i"), St. James (See Footnote "i"), St. Martin (See Footnote "i"), St. Mary (See Footnote "i"), Tangipahoa (See Footnote "i"), and Washington (See Footnote "i") Parishes (Cont'd): Light Equipment Operators: A-frame, except when working with Ironworkers or Pipefitters; Air compressor; Asphalt plant engineers; Asphalt finisher, screed man; Blade graders; Boat operator; Bullfloats; Concrete joining machines; Concrete mixers, 16-s and under; Concrete spreader; Crusher operator; Deck winch operator (1); Distributor, asphalt "Ditch Witch" and similar equipment; Electric elevators (inside); Finishing machine; Fireman; Form graders, Fork lifts; Hoist, 1 drum, under 4 stories; Power subgraders; Pugmill operator; Pull tractors; Pump; Pump crete; Rollers except on brick & asphalt; Rubber tired front end loader (with or without blade attachments) less than 1 cu. yd. capacity; Scale operator; Scoopmobile; Snatch cats; Spray machines; Stabilizers, less than 3 drums; Straddlebuggy; Track machines and equivalent machines; Tractors or bulldozers smaller than D-6	$6.685	.25	.15			

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AA-1038 - Mod. #1 (38 Fr 26574 - September 21, 1973) Beaverhead, Deer Lodge, Gallatin, Granite, Jefferson, Madison, Powell, Ravalli and Silver Bow Counties, Montana						
CHANGE:						
Sheet Metal Workers						
Gallatin County	7.05	.32	.20			.02
Beaverhead, Deer Lodge, Granite, Jefferson(Southern area to Boulder City), Madison, Powell and Silver Bow Counties	7.00	.32	.20			
DECISION #AA-1042 Mod. #1 (38 Fr 27178 - September 28, 1973) Statewide Montana						
CHANGE:						
Sheet Metal Workers						
Blaine, Cascade, Chouteau, Glacier, Hill, Judith-Basin, Liberty, Pondera, Teton and Toole Counties	6.81	.32	.10	.50	.01	
Gallatin County	7.05	.32	.20		.02	
Broadwater, Jefferson(½ of the City of Boulder), Lewis and Clark and Meagher Counties	6.64	.32	.20	.50	.04	
Flathead and Lincoln Counties	7.17	.27	.20		.01	
Lake, Mineral, Missoula, Ravalli and Sanders Counties	7.23	.22	.10		.01	
Beaverhead, Deer Lodge, Granite, Jefferson(S½), Madison, Powell and Silver Bow Counties	7.00	.32	.20			
DECISION #AP-522 - Mod. #5 (38 FR 8391 - March 30, 1973) Lancaster County, Nebraska						
Change:						
Bricklayers; Stonemasons	$7.35	.20	.20			
Ironworkers:						
Structural, Ornamental, Reinforcing	7.45	.20	.20	.30		
Painters:						
Brush	6.525	.20	.10			
Spray; Steel; Swing Stage	7.025	.20	.10			
Paperhanger; Taper	6.775	.20	.10			

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AO-35 - Mod. #4 (38 FR 28629 - October 12, 1973) Statewide, New Mexico						
Change:						
General Building and Heavy Engineering Construction						
CARPENTERS (LOS ALAMOS COUNTY)	$7.19	.47	.45		.12	
CARPENTERS (STATEWIDE EXCEPT LOS ALAMOS COUNTY):						
From nearest basing points of the Alamogordo, Albuquerque, Artesia, Bayard, Belen, Carlsbad, Clovis, Deming, Espanola, Eunice, Farmington, Gallup, Grants, Hobbs, Las Cruces, Las Vegas, Lordsburg, Lovington, Portales, Raton, Roswell, Ruidoso, Santa Fe, Santa Rosa, Silver City, Socorro, Taos, and Tucumcari:						
ZONE (1) - 0 to 15 road miles from nearest basing point	6.94	.47	.45		.12	
ZONE (2) - 15 to 35 road miles from nearest basing point	7.69	.47	.45		.12	
ZONE (3) - Over 35 road miles from nearest basing point	7.94	.47	.45		.12	
MILLWRIGHTS & PILEDRIVERMEN (LOS ALAMOS COUNTY)	7.44	.47	.45		.12	
MILLWRIGHTS & PILEDRIVERMEN (STATEWIDE EXCEPT LOS ALAMOS COUNTY):						
From nearest basing points of the following cities or towns: Albuquerque City Limits; Santa Fe City limits; the Main Post Office at Las Cruces and Carlsbad:						
ZONE (1) - 0 to 15 road miles from nearest basing point	7.19	.47	.45		.12	
ZONE (2) - 15 to 35 road miles from nearest basing point	7.94	.47	.45		.12	
ZONE (3) - Over 35 road miles from nearest basing point	8.19	.47	.45		.12	
Lathers (Catron, Grant, Bernalillo, Roosevelt, Union, Sandoval, San Juan, Socorro, Torrance and Valencia Counties)	6.195	.38		.50	.02	

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AO-22 - Mod. #3 (38 FR 23735 - August 31, 1973) Oklahoma, Cleveland, Canadian, Lincoln, and Pottawatomie Counties, Oklahoma						
Change:						
Bricklayers-Stonemasons	$7.67	.40	.35		.05	
Marble masons	6.30		.20			
Terrazzo workers	6.30		.20			
Tile setters	6.30		.20			

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AQ-28 - Mod. #3 (38 FR 27185 - September 28, 1973) Galveston County, Texas						
Change:						
Building Construction:						
Painters:						
Painters	$6.095	.55	.45	.665	.02	
Painters on swinging stage work or using material injurious to the skin	6.345	.55	.45	.665	.02	
DECISION #AQ-31 - Mod. #2 (38 FR 27194 - September 28, 1973) Nueces County, Texas						
Change:						
Building Construction:						
Painters:						
Brush	5.65	.25	.25		2/10%	
Spray	6.05	.25	.25		2/10%	
Sign	5.90	.25	.25		2/10%	
DECISION #AQ-34 - Mod. #3 (38 FR 27741 - October 5, 1973) Bexar County, Texas						
Change:						
Building Construction:						
Marble masons	6.14	.30	.30			
Terrazzo workers	6.14	.30	.30			
Tile setters	6.14	.30	.30			
DECISION #AQ-43 - Mod. #1 (38 FR 31155 - November 9, 1973) El Paso County, Texas						
Change:						
Building Construction:						
Bricklayers; Blocklayers; Rockmasons; Stonemasons	5.83	.38	.10		.06	

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AQ-45 - Mod. #1 (38 FR 31799 - November 16, 1973) Travis County, Texas						
Change:						
Building Construction:						
Glaziers	$5.97		.20			
Power Equipment Operators:						
Oiler	5.185		.40			
Fireman	5.285		.40			
Blade grader, towed; Flex Plane; Form grader; Mixer, less than 14 cu. ft.; Pulsometer; Truck crane driver & oiler, combination man; Gasoline or diesel driven welding machine, 3 to 6; Hoist, single drum; Pump, 2½ in. or larger; Pneumatic roller; High-lifts & loaders, 1/3 cu. yd. or less; Fork-lift, 1500 lbs. capacity or less; Air compressors, anytime there are two (2) or more attachments operating on a 125 cu. ft. air compressor, a light equipment operator shall be employed. One (1) 125 cu. ft. air compressor and one (1) welding machine requires no operator. One (1) 125 cu. ft. air compressor and two (2) welding machines or any two (2) air compressors equivalent to a 125 cu. ft. air compressor requires a light equipment operator	6.26		.40			

DECISION #AQ-45 (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Building Construction:						
Power Equipment Operators (Cont'd):						
Heavy duty mechanic; Blade grader, self-propelled; Bull clam; Back filler; Derricks, power operated (all types); Dragline; Push cat operator; Euclid operator; Bull dozer and all types of cat tractors; Cable-way; Back hoe; Crane, power operated (all types); Elevating grader, self-propelled; Hoist, motor driven, two drums or more; Mix mobile; High-lifts and loaders, over 1/3 cu. yd. capacity; Winch truck; Locomotive; Mixer, 16 cu. ft. or over; Paving mixer (all sizes); Scraper; Trenching machine (all sizes); Gradall; Foundation boring machine; Scoopmobile; Shovel, power operated; Pump crete machine; Clam shell operator; Rock crusher operated on job; Welding machine, 6 to 12; Two 125 cu. ft. compressors; Well points, including installations	$7.13		.40			

SUPERSEDEAS DECISION

AQ-4037 - P. 2

STATE: Alabama
DECISION NUMBER: AQ-4037
Supersedes Decision No. AP-119 dated August 18, 1972 in 36 FR 16733.
DESCRIPTION OF WORK: Highway Construction, excluding Airport Construction.

COUNTY: See Below
DATE: Date of Publication

Alabama -3-Zone #3 0

Counties: Calhoun, Etowah, St. Clair, Shelby, Talladega, Tuscaloosa and Walker.

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Bricklayers	$3.25					
Carpenters	3.85					
Carpenters' helpers	2.90					
Concrete finishers	3.60					
Concrete saw operators	2.40					
Electricians	5.80					
Ironworkers:						
Structural	5.60					
Reinforcing	4.00					
Laborers:						
Air tool operators	2.75					
Asphalt rakers	3.30					
Concrete laborers	2.75					
Pipelayers	3.25					
Powderman and blasters	3.05					
Saw operators	2.50					
Side rail or form setters	3.05					
Unskilled	2.30					
Wagon drill operators	2.55					
Painters	5.50					
Pile drivermen	4.25					
Truck drivers:						
Under 1-½ ton	2.40					
Single rear axle	2.65					
Multi-rear axle, or heavy duty, off road, single axle	2.85					
Winch truck and A-frame	3.15					
Welders - Receive rate prescribed for craft performing operation to which welding is incidental.						
Power Equipment Operators:						
Aggregate spreader operator	3.45					
Air compressors	2.85					
Air distributors and asphalt spreaders	3.60					
Asphalt mixers and paving mills and batch plants	3.30					
Asphalt paving machines	3.60					
Asphalt plant fryers	3.30					
Bulldozers	3.60					
Bull floats	3.15					
Concrete mixers (3-bags and under)	2.70					
Concrete mixers (over 3-bags)	3.30					
Concrete paving machines	3.30					
Concrete paving finishing machines	3.30					
Concrete paving spreaders	3.30					
Cranes, clamshells, backhoes, derricks draglines or shovels	3.95					
Conveyors	2.70					
Crushing and screening plants	3.30					

Power Equipment Operators (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Drilling machines	$3.30					
Elevating graders, Gradalls or trenching machines	3.60					
Firemen	2.70					
Form graders	2.70					
Hoists (2-drums or 2-cages or more)	3.30					
Hoists (1-drum)	3.15					
Mechanics	3.60					
Motor patrols	3.95					
Oilers or greasemen	3.15					
Paving subgraders	3.15					
Pile drivers	3.66					
Pumps	2.70					
Pumpcretes	3.15					
Rollers, self-propelled	3.10					
Rollers, self-propelled (on asphalt bases and pavements)	3.60					
Scale operators	2.70					
Scalemen	2.70					
Scrapers	3.60					
Seeding and mulching machines	2.70					
Striping machines (paint)	3.30					
Tractors and loaders (farm rubber tired)	2.75					
Tractors and loaders (50 H.P. or less) (drawbar capacity)	2.75					
Tractors and loaders (over 50 H.P.)	3.50					

STATE: Alabama
DECISION NUMBER: AG-4038
COUNTY: See Below
DATE: Date of Publication
Supersedes Decisions Nos. AP-116 dated September 15, 1972, in 37 FR 18835;
AP-118 dated September 15, 1972, in 37 FR 18836;
AP-119 dated August 18, 1972, in 37 FR 16733.
DESCRIPTION OF WORK: Highway Construction, excluding Airport Construction. Ala. -3-Zone #4 0

Counties: Autauga, Baldwin, Barbour, Bibb, Blount, Butler, Chambers, Cherokee, Chilton, Choctaw, Clarke, Clay, Cleburne, Coffee, Colbert, Conecuh, Coosa, Covington, Crenshaw, Cullman, Dale, Dallas, DeKalb, Elmore, Escambia, Fayette, Franklin, Geneva, Greene, Hale, Henry, Houston, Jackson, Lamar, Lauderdale, Lawrence, Lee, Limestone, Lowndes, Macon, Madison, Marengo, Marion, Marshall, Monroe, Montgomery, Morgan, Perry, Pickens, Pike, Randolph, Russell, Sumter, Tallapoosa, Washington, Wilcox and Winston, Alabama.	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Bricklayers	$2.80					
Carpenters	3.75					
Carpenters' helpers	2.90					
Concrete finishers	3.60					
Concrete saw operators	2.30					
Electricians	5.80					
Ironworkers:						
Structural	5.60					
Reinforcing	4.00					
Laborers:						
Air tool operators	2.75					
Asphalt rakers	3.10					
Concrete laborers	2.70					
Pipelayers	2.50					
Powderman and blasters	3.05					
Saw operators	2.50					
Side rail or form setters	3.05					
Unskilled	2.25					
Wagon drill operators	2.50					
Painters	5.50					
Piledrivermen	4.25					
Truck drivers:						
Under 1-½ ton	2.30					
Single rear axle	2.55					
Multi-rear axle, or heavy duty, off road, single axle	2.85					
Winch truck and A-frame	3.15					
Welders - Receive rate prescribed for craft performing operation to which welding is incidental.						

Power Equipment Operators:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Aggregate spreader operator	3.45					
Air compressors	2.85					
Air distributors and asphalt spreaders	3.60					
Asphalt mixers and paving mills and batch plants	3.30					
Asphalt paving machines	3.60					
Asphalt plant driers	3.30					
Bulldozers	3.50					
Bull floats	3.15					
Concrete mixers (3-bags and under)	2.70					
Concrete mixers (over 3-bags)	3.30					
Concrete paving machines	3.30					
Concrete paving finishing machines	3.30					
Concrete paving spreaders	3.30					
Cranes, clamshells, backhoes, derricks draglines or shovels	4.15					
Conveyors	2.70					
Crushing and screening plants	3.30					
Drilling machines	3.30					
Elevating graders, Gradalls or trenching machines	3.60					
Firemen	2.70					
Form graders	2.70					
Hoists (2-drums or 2-cages or more)	3.30					
Hoists (1-drum)	3.15					
Mechanics	2.60					
Motor patrols	3.95					
Oilers or greasemen	3.00					
Paving subgraders	3.15					
Piledrivers	3.66					
Pumps	2.70					
Pumpcretes	3.15					
Rollers, self-propelled	3.10					
Rollers, self-propelled (on asphalt bases and pavements)	3.60					
Scale operators	2.70					
Scalemen	2.70					
Scrapers	3.50					
Seeding and mulching machines	2.70					
Striping machines (paint)	3.30					
Tractors and loaders (farm rubber tired)	2.75					
Tractors and loaders (60 H.P. or less) (drawbar capacity)	2.75					
Tractors and loaders (over 60 H.P.)	3.30					

SUPERSEDEAS DECISION

STATE: California

COUNTIES: 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

DECISION NUMBER: AQ-1058

DATE: Date of Publication

Supersedes Decision No. AQ-1015 dated August 31, 1973, in 38 FR 23661.

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction and dredging.

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
ASBESTOS WORKERS	$8.75	.90	.65	1.07	.06	
BOILERMAKERS	7.95	.60	1.00	.50	.02	
BRICKLAYERS; Stonemasons:						
Del Norte, Humboldt, Lake, Marin, Mendocino, Napa, San Francisco, San Mateo, Siskiyou, Solano, Sonoma, and Trinity Counties	8.68	.83	.58	.70		
Alameda and Contra Costa Counties	9.25	.85	.65			
Fresno, Kings, Madera, Mariposa and Merced Counties	8.23	.42	.50			
Butte, Colusa, El Dorado, Glenn, Lassen, Modoc, Nevada, Placer, Plumas, Sacramento, Shasta, Sierra, Sutter, Tehama, Yolo and Yuba Counties	9.13	.65	.60			
Monterey and Santa Cruz Counties	7.71	.78	.65	.75		
San Benito and Santa Clara Counties	8.50	.83	.65	.75	.01	
Amador, Alpine, Calaveras, San Joaquin, Stanislaus and Tuolumne Cos.	7.77	.33	.30	1.00		
Tulare County	7.80	.40	.40	.30	.05	
BRICK TENDERS:						
Alpine, Amador, Eldorado, Nevada, Placer, Sacramento, Sierra and Yolo Counties	6.075	.395	1.15	.50		
Alameda and Contra Costa Counties	7.20	.50	.70		.10	
Marin County	6.60	.60	.40	.65		
Napa County	6.74	.30	.60	.60		
San Benito and Santa Clara Counties	6.58	.45	.40			
Lassen, Modoc, Shasta, Siskiyou, Tehama and Trinity Counties	5.75	.55	1.05	.70		
Stanislaus and Tuolumne Counties	5.80	.55	1.05	.70		
San Francisco and San Mateo Counties	8.05	.50	.65			

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
CARPENTERS:						
Carpenters	$8.25	.60	.80	.75	.02	
Hardwood floor layers; Power saw operator; Saw filers; Shinglers; Steel scaffold erectors and/or steel shoring erectors	8.40	.60	.80	.75	.02	
Millwrights	8.65	.60	.80	.75	.02	
Piledrivermen; Bridge, Wharf and dock builders	8.38	.60	.80	.75	.02	
CEMENT MASONS:						
Cement masons	7.13	.56	.75	.75		
Mastic; Magnesite; All comp. masons	7.38	.56	.75	.75		
Men working from swinging or slip form scaffolds	7.38	.56	.75	.75		
DRYWALL INSTALLERS	8.37	.60	.55	.75	.04	
ELECTRICIANS:						
Alameda County						
Electricians	8.85	.50	4%			
Cable splicers	9.99	.50	4%			
Tunnel:						
Electricians	8.85	.50	4%			
Cable splicers	9.99	.50	4%			
Amador, Colusa, Sacramento, Sutter, Yolo, Yuba and those portions of Alpine, Eldorado, Nevada, Placer and Sierra Counties West of the Main Sierra Mountain Watershed						
Electricians	9.03	.41	1%+.65		.045	
Cable splicers	9.93	.41	1%+.65		.045	
Tunnel:						
Electricians	8.96	.31	1%+.55		.045	
Cable splicers	9.86	.31	1%+.55		.045	
Lake Tahoe Area:						
Electricians	9.84	.53	1%+.25		.03	
Cable splicers	10.82	.53	1%+.25		.03	
Butte, Glenn, Lassen, Modoc, Plumas, Shasta, Siskiyou, Tehama, and Trinity Counties						
Electricians	8.64	.55	1%+.35		.005	
Cable splicers	9.50	.55	1%+.35		.005	
Tunnel:						
Electricians; Cable splicers' helpers	9.00	.42	1%+.30		.005	
Cable splicers	9.90	.42	1%+.30		.005	
Calaveras and San Joaquin Counties						
Electricians; Technicians	9.00	.49	1%		.01	
Cable splicers	10.13	.49	1%		.01	
Contra Costa County						
Electricians	9.60	.60	1%+.50		.02	
Cable splicers	10.85	.60	1%+.50		.02	

ELECTRICIANS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Del Norte and Humboldt Counties						
Electricians	$8.60	.47	1%+.35		.01	
Cable splicers	9.29	.47	1%+.35		.01	
Tunnel:						
Electricians	9.46	.47	1%+.35		.01	
Cable splicers	10.32	.47	1%+.35		.01	
Fresno, Kings, Madera and Tulare Cos.						
Electricians	8.96	.50	1%+.50		.05	
Cable splicers	9.36	.50	1%+.50		.05	
Lake, Marin, Mendocino and Sonoma Cos.						
Electricians	9.45	.40	1%+.20		.02	
Cable splicers	10.35	.40	1%+.20		.02	
Mariposa, Merced, Stanislaus and Tuolumne Counties						
Electricians	9.63	.62	1%		1%	
Cable splicers	10.59	.62	1%		1%	
Monterey County						
Electricians	10.15	.55	1%		.01	
Cable splicers	11.22	.55	1%		.01	
Napa and Solano Counties						
Electricians	9.42	.58	1%+.30		.03	
Cable splicers	9.92	.58	1%+.30		.03	
San Benito and Santa Clara Counties						
Electricians	9.72	.45	1%+.35		.02	
Cable splicers	10.94	.45	1%+.35		.02	
San Francisco County						
Electricians	9.67	.705	1%+.50		.04	
Cable splicers	10.88	.705	1%+.50		.04	
San Mateo County						
Electricians	9.55	.69	1%+.25		.03	
San Cruz County						
Electricians; Technicians	9.23	.20	1%		.02	
Cable splicers	10.38	.20	1%		.02	
ELEVATOR CONSTRUCTORS	9.48	.345	.23	2%+a	.015	
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.345	.23	2%+a	.015	
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
GLAZIERS:						
Alpine, Amador, Butte, Calaveras, El Dorado, Mariposa, Modoc, Nevada, Placer, Sacramento, San Joaquin, Shasta, Sierra, Siskiyou, Stanislaus, Sutter, Tehama, Tuolumne, Yolo, Yuba, and Merced (North of the City of Livingston) Counties	7.77	.25	.55	8%		
Alameda, Contra Costa, Lake, Marin, Mendocino (Southern half of County from North of Ft. Bragg), Monterey, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Santa Cruz, Solano (SW from E. of Fairfield), Sonoma Counties	8.455	.35	.55	.24	.01	

GLAZIERS: (cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Merced (Remainder of County), Fresno, Kings, Madera and Tulare Counties	$7.25	.35	.55	.61	.05	
IRONWORKERS:						
Fence erectors	8.64	.73	.975	.85	.02	
Reinforcing	8.75	.73	.975	.85	.02	
Ornamental; Structural	8.78	.73	.975	.85	.02	
LATHERS:						
Alameda and Contra Costa Counties	7.84	.34	.385		.025	
Butte, Colusa, Glenn, Humboldt, Lake, (That portion of County from Lakeport up to county line), Nevada, Placer, Plumas, Shasta, Sierra, Tehama and Trinity Counties	8.50	.48	.50		.01	
Calaveras and San Joaquin Counties	7.20	.25	.20	.80		
Lake (from City of Lakeport down to county line), Marin, Mendocino and Sonoma Counties	6.71	.37	.45	.91	1/8%	
Monterey and Santa Cruz Counties	7.10	.40	.40	.20	.01	
Napa and Solano Counties	6.83	.60	.40	1.00	.01	
San Francisco County	8.23	.46	.65	1.60	.01	
San Benito and Santa Clara Counties	7.73	.30	.25			
LINE CONSTRUCTION:						
Alameda County						
Groundmen	6.575	.50	4%			
Linemen	8.85	.50	4%			
Cable splicers	9.99	.50	4%			
Amador, Colusa, Sacramento, Sutter, Yolo, Yuba and those portions of Alpine, El Dorado, Nevada, Placer, and Sierra Counties excluding Lake Tahoe Area						
Line Equipment Operators	6.19	.31	1%+.55		.045	
Linemen	6.88	.31	1%+.55		.045	
Cable splicers	7.57	.31	1%+.55		.045	
Remaining portions of Alpine, El Dorado, Nevada, Placer and Sierra Counties (Lake Tahoe Area)						
Groundmen	6.59	.33	1%+.25		.01	
Line Equipment Operator	7.91	.33	1%+.25		.01	
Linemen	8.79	.33	1%+.25		.01	
Cable splicers	9.67	.33	1%+.25		.01	
Contra Costa County						
Groundmen	7.33	.60	1%+.50		.02	
Line equipment operator	8.69	.60	1%+.50		.02	
Linemen	9.60	.60	1%+.50		.02	
Cable splicers	10.85	.60	1%+.50		.02	

AO-1058 P. 5

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LINE CONSTRUCTION: (cont'd)						
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); Powderman; Jackhammerman	6.15	.25	1%	.10	1/2%	
Line equipment man	7.03	.25	1%	.10	1/2%	
Linemen; 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%	
Cable splicer; Leadman pole sprayer	9.03	.25	1%	.10	1/2%	
Fresno, Kings, Madera and Tulare Cos.:						
Line equipment operators	8.96	.50	1%+.50		.05	
Linemen	8.96	.50	1%+.50		.05	
Cable splicers	9.36	.50	1%+.50		.05	
Mariposa, Merced, Stanislaus and Tuolumne Counties						
Linemen	9.14	.62	1%		1%	
Cable splicers	9.98	.62	1%		1%	
Monterey County						
Groundmen	7.62	.55	1%		.01	
Equipment operators; Linemen	10.16	.55	1%		.01	
Cable splicers	11.23	.55	1%		.01	
Napa and Solano Counties						
Groundmen	6.69	.58	1%+.25		.02	
Line equipment operators	8.02	.58	1%+.25		.02	
Linemen	8.92	.58	1%+.25		.02	
Cable splicers	9.42	.58	1%+.25		.02	
Santa Cruz County						
Groundmen	8.09	.20	1%		.02	
Cable splicers	10.38	.20	1%		.02	
Linemen	9.23	.20	1%		.02	
MARBLE SETTERS	8.23	.74	.51	1.03		
PAINTERS:						
Butte, Colusa, Glenn, Lassen (except extreme S. E. corner), Modoc, Plumas, Shasta, Siskiyou, Sutter, Tehama, Trinity and Yuba Counties						
Brush; Roller	5.40	.35	.25	1.05		
Spray; Sandblast; Structural steel; Swingstages; Tapers	5.65	.35	.25	1.03		
Alpine, Amador, Calaveras and San Joaquin Counties						
Brush	6.62	.50	.55	.80		
Spray; Sheetrock taper; Swingstage; Scaffold; Sandblaster; Structural steel	6.92	.50	.55	.80		
Fresno, Kings, Madera, Tulare Cos.						
Brush; Tapers	7.82	.40	.20			
Spray	8.07	.40	.20			
Structural steel	8.07	.40	.20			

AO-1058 P. 6

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
PAINTERS: (cont'd)						
Alameda, Contra Costa, Eldorado, Lake, Marin, Mendocino, Monterey, Napa, Nevada, Placer, Sacramento, San Benito, San Francisco, San Mateo, Santa Clara, Santa Cruz, Sierra, Solano, Sonoma and Yolo Counties (Excluding portions of Counties in the Lake Tahoe Area):						
Brush	$7.77	.64	.65	.80		
Spray	8.02	.64	.65	.80		
Tapers	8.27	.64	.65	.80		
Del Norte, Humboldt Counties						
Brush	6.90	.35	.20			
Paperhangers; Spray; Steel; Tapers	7.15	.35	.20			
Mariposa, Merced, Stanislaus and Tuolumne Counties						
Brush	6.30	.35		.75	.02	
Paperhangers; Spray; Tapers	[illegible].55	.35		.75	.02	
Lake Tahoe Area						
Brush	8.10	.30	.20			
Spray; Structural steel; Tapers	8.35	.30	.20			
PAINTERS:						
Parking Lot Striping Work and/or Highway Markers:						
Fresno, Kings and Tulare Counties						
Traffic delineating device applicator	6.27	.20	.20	b		
Wheel stop installer; Traffic surface sandblaster; Striper; Traffic surface protective coating applicator	5.88	.20	.20	b		
Helper, Traffic surface sandblaster; Wheel stop installer, traffic surface protective coating applicator, striper	5.38	.20	.20	b		
Remaining Counties						
Traffic delineating device applicator; Traffic surface protective coating applicator; Wheel stop installer; Traffic surface sandblaster	6.27	.35	.20	b		
Helper (Traffic surface sandblaster; Wheel stop installer, protective coating applicator)	5.77	.35	.20	b		
Striper	7.37	.35	.20	b		
Helper (Striper)	6.37	.35	.20	b		

AQ-1058 P. 7

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
PLASTERERS:						
Alameda and Contra Costa Counties	$8.24	.575	.45		.01	
Butte, Colusa, Glenn, Lassen (south eastern half of Lassen County), Plumas, Sierra, Sutter, and Yuba Cos.	6.05	.25	.25	.50	.01	
Fresno, Kings, Madera and Tulare Cos.	7.59	.56	.50			
Monterey County	8.03	.46	.35		.01	
El Dorado, Nevada, Placer, Sacramento and Yolo Counties	7.65	.245	.25	.65		
San Benito and Santa Clara Counties	7.63	.59	.50	.80	.01	
San Francisco County	7.27	.48	.85	1.50	.02	
San Mateo County	7.45	.43	.55	1.17		
Del Norte, Humboldt, Lassen (north western half of Lassen Co.), Marin, Modoc, Napa, Shasta, Siskiyou, Solano, Sonoma, Tehama and Trinity Counties	7.55	.53	.35	1.00	.01	
Mariposa, Merced, Stanislaus and Tuolumne Counties	6.30	.65	.80	1.00		
PLASTERERS' TENDERS:						
Alameda and Contra Costa Counties	7.97	.50	.80		.10	
Fresno, Kings, and Madera Counties	5.55	.35	1.05	.70		
Marin County	6.30	.60	.40	1.00		
Napa County	6.65	.35		.80		
Alpine, Amador, El Dorado, Nevada, Placer, Sacramento, Sierra, and Yolo Counties	6.45	.395	1.05	.70		
San Francisco and San Mateo Counties	7.50	.25	.40	.95		
San Benito and Santa Clara Counties	6.00	.60	.55			
Lassen, Modoc, Shasta, Siskiyou, Tehama, and Trinity Counties	5.75	.55	1.05	.70		
Stanislaus and Tuolumne Counties	5.95	.55	1.05	.70		
Monterey and Santa Cruz Counties	6.12	.55	1.05	.46		
PLUMBERS:						
Alameda County	10.23	.70	1.00		.10	
Contra Costa County	10.02	.53	1.00		.16	
PLUMBERS; Steamfitters:						
Del Norte and Humboldt Counties	8.02	.51	1.12	1.06	.05	
Amador (northern half of County), Sacramento, Yolo, El Dorado, Nevada, Placer, and Sierra Counties (excluding Lake Tahoe Area)	8.98	.75	1.05		.11	
Lake Tahoe Area	7.85	.53	.60	1.95	.07	
Marin, Mendocino, San Francisco and Sonoma Counties	8.23	1.47	.705	.755	.135	
San Benito and Santa Clara Counties	8.81	.61	.95	.72	.10	
San Mateo County	8.305	.635	.95	.97	.175	
Alpine, Amador (southern portion of County), Butte, Calaveras, Colusa, Fresno, Glenn, Kings, Lassen, Madera, Mariposa, Merced, Modoc, Monterey, Plumas, San Joaquin, Santa Cruz, Shasta, Sierra, Siskiyou, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, and Yuba Counties	8.39	.77	.79		.03	

AQ-1058 P. 8

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
PLUMBERS; Steamfitters (cont'd)						
Lake, Napa and Solano Counties	$9.40	.60	.58		.07	
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	
Alpine, Calaveras, Mariposa, Merced, San Joaquin, Stanislaus and Tuolumne Counties						
Roofers (slate, tile composition and built up)	6.94	.50	.30	.75		
Felt machine operator	7.19	.50	.30	.75		
Butte, Colusa, Eldorado, Glenn, Lassen, Modoc, Placer, Plumas, Shasta, Sierra, Siskiyou, Sutter, Tehama, Trinity and Yuba Counties						
Roofers	7.54	.50	.40			
Fresno, Kings, Madera, and Tulare Cos.						
Roofers	7.95	.50	.50			
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	
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	
Monterey and Santa Cruz Counties						
Roofers	7.85	.30	.60	1.00		
San Francisco and San Mateo Counties						
Roofers	7.92	.50	.70	.85	.01	
Mastic workers and kettlemen (2 kettles) without pumps	8.17	.50	.70	.85	.01	
Bitumastic; Enamelers; Pipewrappers; Coal tar	8.92	.50	.70	.85	.01	
Napa and Solano Counties						
Roofers	6.88	.35	.55	.62		
Amador, Sacramento and Yolo Counties						
Roofers (slate, tile and composition)	7.12	.58	.50	.85	.01	
Enameler and pitch	7.87	.58	.50	.85	.01	
Santa Benito and Santa Clara Counties						
Roofers; Kettlemen (1 kettle)	8.51	.51	.73			

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
SHEET METAL WORKERS:						
Alameda and Contra Costa Counties	$7.25	.39	.505	10%c	.015	
Alpine, Calaveras, & San Joaquin Cos.	6.375	.36	.30	1.00		
Amador, Butte, Colusa, El Dorado, Glenn, Lassen, Nevada, Placer, Plumas, Sacramento, Shasta, Sierra, Sutter, Tehama, Yolo and Yuba Counties	7.76	.46	1.00	12%	.07	
Del Norte, Humboldt, & Trinity Cos.	8.18	.38	.83			
Fresno, Kings, Madera & Tulare Cos.	8.20	.48	.79		.07	
Lake, Marin, Mendocino, Napa, Sonoma, and Solano Counties	8.55	.36	.44		.15	
Mariposa, Merced, Stanislaus and Tuolumne Counties	8.83	.36	.60		.03	
Monterey, San Benito, Santa Clara, and Santa Cruz Counties	8.10	.38	.81	10%		
San Francisco County	8.48	.38	.55		10%	
San Mateo County	8.35	.38	.62		2%	
SOFT FLOOR LAYERS:						
Alameda, Contra Costa, Napa and Solano Counties	7.50	.36	.30	.92d	.05	
Alpine, Amador, Butte, Calaveras, Colusa, Glenn, Lassen (excluding Honey Lake Area), Merced (east of the San Joaquin River), Plumas, San Joaquin, Shasta, Sacramento, Stanislaus, Sutter, Tehama, Trinity, Tuolumne, Yolo and Yuba Counties and those portions of El Dorado, Nevada, Placer and Sierra Counties (excluding						
Lake Tahoe Area	7.455	.495	.45	1.00	.07	
Honey Lake Area and Lake Tahoe Area	8.35	.30	.20			
Fresno, Kings, Madera, Tulare Cos.	8.80	.20				
Lake, Marin, Mendocino, San Francisco, San Mateo, and Sonoma Counties	7.60	.50	.55	e	.04	
Monterey, San Benito, Santa Clara and Santa Cruz Counties	7.39	.35	.30	.89	.05	
SPRINKLER FITTERS:						
Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, and Sonoma Counties	10.71	.30	.50		.02	
SPRINKLER FITTERS:						
Remaining Counties	11.30	.40	.60		.07	
STEAMFITTERS:						
Alameda and Contra Costa Counties	9.415	.30	.65		.005	

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
TERRAZZO WORKERS:						
Alameda, Contra Costa, Del Norte, Humboldt, Lake, Marin, Mendocino, Napa, San Francisco, San Mateo, Siskiyou, Solano, Sonoma, Trinity Cos.	$7.89	.83	.58	1.00		
Butte, Colusa, El Dorado, Glenn, Lassen, Modoc, Nevada, Placer, Plumas, Sacramento, Shasta, Sierra, Sutter, Tehama, Yolo and Yuba Counties	9.15	.65	.60			
Fresno, Kings, Madera and Tulare Cos.	7.12	.30				
TILE SETTERS:						
Alameda, Contra Costa, Del Norte, Humboldt, Lake, Marin, Mendocino, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Siskiyou, Solano, Sonoma, Trinity, Counties	7.65	.62	.70	.80	.015	
Alpine, Amador, Calaveras, San Joaquin Counties	7.17	.33		.65		
Butte, Colusa, El Dorado, Glenn, Lassen, Modoc, Nevada, Placer, Plumas, Sacramento, Shasta, Sierra, Sutter, Tehama, Yolo and Yuba Counties	7.25	.36	.35	.80	.015	
Fresno, Kings, Madera and Tulare Cos.	7.12	.30				
Monterey and Santa Cruz Counties	8.27	.665	.64			

RIGGERS; WELDERS: Receive rate prescribed for craft performing operation to which rigging or 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 contributes 4% of basic hourly rate for over 5 years' service and 2% of basic hourly rate for 6 months to 5 years as Vacation Pay Credit. 6 Paid Holidays: A through F.

b. Employer contributes $.17 per hour to Holiday Fund plus $.10 per hour to Vacation in 1st year's service, $.20 per hour after 1 year's service but less than 5 years' service, $.30 per hour after 5 years' service but less than 10 years' service, and $.40 per hour after 10 years' service.

c. Four paid holidays: C, D, E, and Washington's Birthday.

d. 1st year employment employer contributes $.14 per hour to Vacation; 2nd thru 5th year $.30 per hour; 6th year and thereafter $.46 per hour.

e. Employer contributes $.75 1st 5 years; $.90 after 5 years to Vacation and Holiday Fund.

LABORERS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
BRIDGE; Brush loaders and piler; Cleanup; Dumpman; General; Landscape; Limbers; Tool room attendant	$ 5.535	.65	1.35	.80	.10	
ASPHALT SPREADERS; Cement dumper; Chipper; Choker setter and rigger; Chucktender; Concrete; Guinea chaser; High pressure nozzleman; Hydraulic mechtor; Nipper; Pneumatic, gas and electric tool operator (not otherwise classified); Sloper; Loading, unloading, handling materials for reinforcing concrete construction	5.635	.65	1.35	.80	.10	
ASPHALT IRONERS AND RAKERS; Bucker; Buggymobile; Chainman; Compactors; Concrete saw and pan work; Cribber and/or shoring; Curb setter; Form raiser; Fuller; Headerboard man; Post hole digger (air, gas, or electric); Jackhammer; Kettleman; Log loader; Magnesite and mastic workers; Pavement breaker; Pipelayers; Pipewrappers; Power broom sweeper; Riprap stonepaver and rockslinger; Rotary scarifier; Rototiller; Sandblaster; Barko, wackers and similar type tampers; Tank cleaners; Tree climber; Vibrator; Vibra-screed bull float	5.785	.65	1.35	.80	.10	
BURNING AND WELDING	5.835	.65	1.35	.80	.10	
BLASTERS; Drills (diamond or wagon); High scaler; Powderman; Tree topper	6.01	.65	1.35	.80	.10	
LABORERS on general construction work on or in bell hole footings and shaft	6.335	.65	1.35	.80	.10	
GUNITE LABORERS:						
NOZZLEMEN, Rodmen; Gunmen; Groundmen	6.245	.65	1.35	.80	.10	
REBOUNDMEN	5.655	.65	1.35	.80	.10	
CONTRA COSTA COUNTY ONLY: PIPELAYERS, Caulkers, Banders	5.985	.65	1.35	.80	.10	

TUNNEL LABORERS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
Diamond Driller; Groundmen; Gunite or shotcrete nozzlemen; Rodmen; Shaft work and raise (below actual or excavated ground level)	$6.94	.65	1.35	.80	.10	
Bit Grinder; Blaster, drillers, powdermen-heading; Cherry pickermen-where car is lifted; Concrete finisher in Tunnel; Concrete screed man; Grout pumpman and potman; Gunite and shotcrete gunman and potmen; Headermen; High pressure nozzleman; Miners-Tunnel, including top and bottom man on shaft and raise work; Nipper nozzleman on slick line; Sandblaster-potman (work assignment interchangeable) Steel form raisers and setters; Timberman, retimberman-wood or steel or substitute materials therefore; Tugger	6.69	.65	1.35	.80	.10	
Cabletender; Chucktender; Powderman-primer house; Vibratorman, pavement breakers	6.54	.65	1.35	.80	.10	
Bull Gang-Muckers, trackmen; Concrete crew-includes rodding and spreading; Dumpmen (any method); Grout crew; Reboundman; Swamper	6.44	.65	1.35	.80	.10	

POWER EQUIPMENT OPERATORS		Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP I						
ASSISTANTS TO ENGINEERS (Brakeman; Fireman; Heavy duty repairman helper; Oiler; Deckhand; Signalman; Switchman; Tar pot fireman); Partsman (Heavy duty repair shop parts room)	AREA 1	$6.53	.80	1.00	.60	.24
	AREA 2	7.76	.80	1.00	.60	.24
GROUP II						
COMPRESSOR OPERATOR; Concrete mixer (up to & incl. 1 yd.); Conveyor belt op. (tunnel); Fireman hot plant; Hydraulic monitor; Mechanical conveyor (handling building materials); Mixer box operator (concrete plant); Pump operator; Spreader boxman (with screeds); Tar pot fireman (power agitated)	AREA 1	6.91	.80	1.00	.60	.24
	AREA 2	8.04	.80	1.00	.60	.24
GROUP III						
BOM OPERATOR (bunker); Locomotive; Motorman; Oiler; Rodman or chainman; Ross carrier(construction job site); Rotorist operator; Screedman (except asphaltic concrete paving); Self-propelled, automatically applied concrete curing machine (on streets, highways, airports and canals); Trenching machine (maximum digging capacity 3 ft. depth); Tugger hoist, single drum	AREA 1	7.08	.80	1.00	.60	.24
	AREA 2	8.21	.80	1.00	.60	.24
GROUP IV						
BALLAST JACK TAMPER; Ballast regulator; ballast ranger multi-purpose; boxman (asphalt plant); Fork lift or lumber stacker (construction job site); Line Master; Lubrication & service engineer (mobile and grease rack); Material hoist (1 drum); Shuttlecar; Tie spacer; Towermobile	AREA 1	7.53	.80	1.00	.60	.24
	AREA 2	8.66	.80	1.00	.60	.24
GROUP V						
COMPRESSOR OPERATOR (2 to 7); Concrete mixers (over 1 yd.); Concrete pumps or pumpcrete guns; Generators (100 K.W. or over); Press-weld (air-operated); Pumps (2 to 7); Welding machines (gasoline or diesel) (2 to 7)	AREA 1	7.70	.80	1.00	.60	.24
	AREA 2	8.83	.80	1.00	.60	.24

POWER EQUIPMENT OPERATORS (Cont'd)		Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Dues
GROUP VI							
BELL LINE ROAD FACTOR or similar; Boom truck or dual purpose A-frame truck; Concrete batch plants (wet or dry); Concrete saws (self-propelled unit) on streets, highways, airports, and canals; Drilling and boring machinery, vertical & horizontal (not to apply to waterliners, wagon drills or jack-hammers); Gradesetter, grade checker (mechanical or otherwise); Highline cableway signalman; Locomotives (steam or over 30 tons) Magimix internal full slab vibrator (on airports, highways, canals & warehouses); Mechanical finishers (concrete) (Clary, Johnson, Bidwell Bridge Deck or similar types); Mechanical berm, curb and/or curb and gutter machine, concrete or asphalt; Portable crushers; Power jumbo operator (setting slip forms, etc. in tunnels); Roller; Screedman (Barber-Greene & similar) (asphaltic concrete paving); Self-propelled compactor (single engine); Self-propelled pipeline wrapping machine (perault, CMC, or similar types); Slip forms pumps (lifting device for concrete forms); Small rubber tired tractors; Surface heater	AREA 1	7.81	.80	1.00	.60	.24	
	AREA 2	8.94	.80	1.00	.60	.24	

POWER EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Apr. Tr.
GROUP VII					
CONCRETE CONVEYOR OR CONCRETE PUMP, Truck or equipment mounted (boom length to apply); Concrete conveyor, building site; Deck engineers; Dual drum mixer; Fuller Kenyon pump and similar types; Instrument man; Material hoist (2 or more drums); Mechanical finishers or spreader machine (asphalt, Barber-Greene and similar; Mine or shaft hoist; Mixer-mobile; Pavement breaker with or without compressor combination; Pavement breaker, Truck mounted with compressor combination; Pipe bending machine (pipe lines only); Pipe cleaning machine (tractor propelled & supported); Pipe wrapping machine (tractor propelled and supported); Refrigeration plant; Self-propelled boom type lifting device; Self-propelled elevating grade plane; Slusher operator; Small tractor (with boom); Soil tester; Truck type loader AREA 1	7.94	.80	1.00	.60	.24
AREA 2	9.07	.80	1.00	.60	.24
GROUP VIII					
ARMOR-COATER (or similar); Asphalt plant engineer; Cast-in-place pipe laying machine; Combination slusher and motor operator; Concrete batch plant (multiple units); Dozer; Heavy duty repairman and/or welders; Kem seal machine (or similar); Kolman loader; Loader (up to 2 yds.); Mechanical shield operator (or similar); Mechanical trench shield; Portable crushing & screening plants; Push cat; Rubber tired earth moving equipment (up to & incl. 45 cu. yds. "struck" m.r.c., euclids, Y-pulls, IW-10,20,21 and similar); Tractor drawn scraper; Self-propelled compactor with dozer; Sheepfoot; Tractor; Trenching machine; Tri-batch paver; Tunnel mole boring machine operator; Welder; Woods-mixer (and other similar pugmill equipment) AREA 1	8.26	.80	1.00	.60	.24
AREA 2	9.39	.80	1.00	.60	.24

POWER EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Apr. Tr.
GROUP IX					
CANAL FINGER DRAIN DIGGER; Chicago boom; Combination mixer & compressor (gunite); Combination Slurry mixer and/or cleaner; Highline cableway (5 tons & under); Lull hi-lift or similar (20 ft. or over); Mucking machine; Tractor (with boom) (D-6 or larger and similar) AREA 1	8.44	.80	1.00	.60	.24
AREA 2	9.57	.80	1.00	.60	.24
GROUP X					
BOOM-TYPE BACKFILLING MACHINE; Bridge crane; Cary-lift (or similar); Chemical grouting machine; Chief of party; Combination backhoe & loader (up to and incl. 1/2 cu. yd. m.r.c.); Derricks (2 operators required when swing engine remote from hoist); Derrick barges (except excavation work); Do-more loader & Adams elegrader; Elevating grader op.; Rubber tired scraper, self-loading (paddle wheels, etc.); Heavy duty rotary drills rigs (incl. caisson foundation work & Robbins type drills); Koehring Skooper (or similar); Lift slab machine (Vagtborg & similar types); Loader (2 yds. up to & incl. 4 yds.); Locomotive (over 100 tons) (single or multiple units); Multiple engine earth-moving machine (euclids, dozers, etc.) (no tandem scraper); Prestress wire wrapping machine; Shuttle car (reclaim station); Soil stabilizer (P & H or equal); Subgrader (gurries or other automatic type); Track laying type-Earth moving machine (single engine with tandem scrapers); Tractor, compressor drill combination; Train loading station; Vacuum cooling plant; Single engine scraper over 45 yds.; Whirley crane (up to & incl. 25 tons) AREA 1	8.60	.80	1.00	.60	.24
AREA 2	9.73	.80	1.00	.60	.24

POWER EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Apprentice Training
GROUP X - A					
BACKHOE (hydraulic) (up to and incl. 1 cu. yd. m.r.c.); Backhoe (cable) (up to and incl. 1 cu. yd. m.r.c.); Combination backhoe and loader over 1/2 cu. yd. m.r.c.); Continuous flight tie back Auger (up to and incl. 1 cu. yd.) (crane attached); Cranes (not over 25 tons, hammerhead & gantry); Grade all (up to and incl. 1 cu. yd.); Power shovels, Clamshells, Draglines, (up to and incl. 1 cu. yd. m.r.c.); Power blade; Self-propelled boom-type lifting device (center mount) (over 10 tons); Self-propelled boom-type lifting device (center mounted) (over 15 tons) AREA 1	8.69	.80	1.00	.60	.24
AREA 2	9.82	.80	1.00	.60	.24
GROUP XI					
AUTOMATIC CONCRETE SLIP FORM PAVER; Automatic railroad car dropper; Canal finger drain backfiller; Canal trimmer; Canal trimmer w/ditching attachments; Cranes (over 25 tons up to and incl. 125 tons); Continuous flight tie back Auger over 1 cu. yd. (incl. crane); Drott travelift 650-A-1 or similar (45 tons or over); Rubber tired earth moving machines (multiple propulsion power units & two or more scrapers) (up to & incl. 75 cu. yds. "struck" m.r.c.); Highline cableway (over 5 tons); Loader (over 4 yds. up to & incl. 12 cu. yds.); Power blades operator (multi-engine); Power shovels, Clamshells, Draglines, Backhoes, Gradalls, (over 1 yd. up to & incl. 7 cu. yds. m.r.c.); Self-propelled compactor (with multiple propulsion power units); Slip form paver (concrete to asphalt); Tandem cats; Tower cranes mobile; Trencher (pulling attached shield); Tower cranes mobile; Single engine rubber tired earth moving machine (with tandem scrapers); Universal Liebher and Tower cranes (and similar types); Wheel excavator (up to & incl. 750 cu yds. per hour); Whirley cranes (over 25 tons) AREA 1	8.83	.80	1.00	.60	.24
AREA 2	9.96	.80	1.00	.60	.24

POWER EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Apprentice Training
GROUP XI - A					
LOADER (over 12 cu. yds. up to & incl. 18 cu. yds.); Rubber tired multi-purpose earth moving machine (2 units) (over 75 cu. yds. "struck" m.r.c.); Power shovels & draglines (over 7 cu. yds. m.r.c.); Band wagons (in conjunction with wheel excavator) Wheel excavator (over 750 yds. per hour); Cranes (over 125 tons) AREA 1	9.70	.80	1.00	.60	.24
AREA 2	10.83	.80	1.00	.60	.24
GROUP XI - B					
LOADER (over 18 cu. yds.) AREA 1	9.92	.80	1.00	.60	.24
AREA 2	11.05	.80	1.00	.60	.24
GROUP XI - C					
OPERATOR OF HELICOPTER (when used in erection work); Remote controlled earth moving equipment AREA 1	10.15	.80	1.00	.60	.24
AREA 2	11.28	.80	1.00	.60	.24

PILEDRIVING	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP I ASSISTANT TO ENGINEER (Fireman, Oiler, Deckhand)	$6.69	.80	1.00	.60	.24
GROUP Ia COMPRESSOR OPERATOR	6.96	.80	1.00	.60	.24
GROUP Ib TRUCK CRANE OILER	7.08	.80	1.00	.60	.24
GROUP IIa TUGGER HOIST (Hoisting material only)	7.59	.80	1.00	.60	.24
GROUP IIb COMPRESSOR OPERATOR (2-7); Generator (100 k.w. or over); Pump (2-7); Welding machine (2-7) powered other than by electricity)	7.76	.80	1.00	.60	.24
GROUP III DECK ENGINEER; Fork lift; A-frame; Self-propelled boom-type lifting device	8.00	.80	1.00	.60	.24
GROUP IIIa HEAVY DUTY REPAIRMAN AND/OR WELDER	8.31	.80	1.00	.60	.24
GROUP IV OPERATING ENGINEER IN LIEU OF ASSISTANT TO ENGINEER TENDING BOILER OR COMPRESSOR ATTACHED TO CRANE PILEDRIVER; Operator of piledriving rigs, skid or floating and derrick barges; Operator of diesel or gasoline powered crane piledriver (w/o boiler) up to & incl. 1 cu. yd.; Truck crane (up to & incl. 25 tons hoisting material only)	8.76	.80	1.00	.60	.24
GROUP V OPERATOR OF DIESEL OR GASOLINE POWERED CRANE PILEDRIVER WITHOUT BOILER, OVER 1 cu. yd.; Operator of crane (w/steam, flash boiler, pump or compressor attached); Operator of steam powered crawler, or Universal type driver (Raymond or similar type); Truck crane (over 25 tons hoisting material or performing piledriving work)	8.88	.80	1.00	.60	.24

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
HYDRAULIC SUCTION DREDGES						
BARGEMEN; Deckhand; Fireman; Leverhand; Oiler	$6.71	.65	1.00	.60	.19	
WINCHMAN (stern winch on dredge)	7.30	.65	1.00	.60	.19	
DECKMATE	7.40	.65	1.00	.60	.19	
WATCH ENGINEER; Welder	7.95	.65	1.00	.60	.19	
LEVERMAN	8.64	.65	1.00	.60	.19	
CLAMSHELL & DIPPER DREDGES						
DECKHAND; Fireman; Oiler	6.71	.65	1.00	.60	.19	
DECK ENGINEER	8.04	.65	1.00	.60	.19	
WELDER; Mechanic welder	8.36	.65	1.00	.60	.19	
CLAMSHELL OP. (up to & incl. 7 cu. yds. m.v.c.)(long boom pay)	8.54	.65	1.00	.60	.19	
CLAMSHELL OP. (over 7 cu. yds. m.v.c) (long boom pay)	9.82	.65	1.00	.60	.19	

AQ-1058 P. 21

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
BULK CEMENT SPREADER (w/wo auger, under 4 yds. water level); Bus or manhaul driver; Concrete pump machine; Concrete pump truck (when flat rack truck is used appropriate flat rack rate shall apply); Dump (under 4 yds. water level); Dump-crete truck (under 4 yds. water level); Dumpster (under 4 yds. water level); Escort or pilot car driver; Hipper truck (when flat rack truck is used appropriate flat rack rate shall apply); Pickups; Skids (debris box, under 4 yds. water level); Team drivers; Trucks (dry pre-batch concrete mix, under 4 yds. water level); Vacuum truck helpers; Warehousemen	$6.075	.765	.50	.75		
BULK CEMENT SPREADER (w/wo auger, 4 yds. and under 6 yds. water level); Dump (4 yds. & under 6 yds. water level); Dump-crete (4 yds. & under 6 yds. water level); Dumpster (4 yds. & under 6 yds. water level); Skids (debris box, 4 yds. & under 6 yds. water level); Single unit flat rack (2 axle unit-industrial lift, mechanical tailgate); Trucks (dry pre-batch concrete mix, 4 yds. & under 6 yds. water level)	6.17	.765	.50	.75		
JETTING TRUCK & WATER TRUCK (under 2,500 gals)	6.185	.765	.50	.75		
LIFT JITNEYS, Fork lift	6.205	.765	.50	.75		
TRANSIT MIX, AGITATOR (under 6 yds.)	6.225	.765	.50	.75		
TRUCK REPAIRMAN HELPER	6.245	.765	.50	.75		
VACUUM TRUCK (under 3,500 gals)	6.255	.765	.50	.75		
SCISSOR TRUCK; Single unit flat rack (3 axle unit-industrial lift truck, mechanical tailgate); Small rubber tired tractor (when used within teamsters' jurisdiction)	6.27	.765	.50	.75		
JETTING TRUCK & WATER TRUCK (2,500 gals under 4,000 gals)	6.285	.765	.50	.75		
COMBINATION WINCH TRUCK WITH HOIST; Transit mix, agitator (6 yds. & under 8 yds.)	6.325	.765	.50	.75		

AQ-1058 P. 22

TRUCK DRIVERS CONT'D	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
VACUUM TRUCK (3,500 gals & under 5,500 gals)	6.335	.765	.50	.75		
RUBBER-TIRED MUCK CAR (not self-loaded)	6.345	.765	.50	.75		
BULK CEMENT SPREADER (w/wo auger, 6 yds. & under 8 yds. water level); Dump (6 yds. & under 8 yds. water level); Dump-crete (6 yds. & under 8 yds. water level); Dumpster (6 yds. & under 8 yds. water level); Skids (debris box, 6 yds. & under 8 yds. water level); Trucks (dry pre-batch concrete mix, 6 yds. & under 8 yds. water level)	6.37	.765	.50	.75		
A-FRAME, WINCH TRUCKS; Buggymobile; Hydro-lift, Swedish crane type (jetting) Jetting & water truck (4,000 gals & under 5,000 gals); Rubber tired jumbo	6.385	.765	.50	.75		
HEAVY DUTY TRANSPORT (high bed)	6.39	.765	.50	.75		
ROSS HYSTER & SIMILAR STRADDLE CARRIER	6.415	.765	.50	.75		
TRANSIT MIX AGITATOR (8 yds. through 10 yds.)	6.425	.765	.50	.75		
VACUUM TRUCK (5,000 gals & under 7,500 gals)	6.435	.765	.50	.75		
JETTING TRUCK & WATER TRUCK (5,000 gals & under 7,000 gals)	6.485	.765	.50	.75		
TRANSIT MIX AGITATOR (over 10 yds. through 12 yds.)	6.525	.765	.50	.75		
HEAVY DUTY TRANSPORT (goosaneck lowbed)	6.62	.765	.50	.75		
BULK CEMENT SPREADER (w/wo auger, 8 yds. & incl. 12 yds. water level); Dump (8 yds. & incl. 12 yds. water level); Dump-crete (8 yds. & incl. 12 yds. water level); Self-propelled street sweeper with self-contained refuse bin; Skids (debris box, 8 yds. & incl. 12 yds. water level); Snow go and/or snow plow; Truck (dry pre-batch concrete mix, 8 yds & incl. 12 yds. water level); Dumpster (8 yds. & incl. 12 yds. water level)	6.61	.765	.50	.75		

TRUCK DRIVERS CONT'D	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
TRANSIT MIX AGITATOR (over 12 yds. through 14 yds.)	6.625	.765	.50	.75		
BULK CEMENT SPREADER (w/wo auger, over 12 yds. & incl. 18 yds. water level); Dump (over 12 yds. & incl. 18 yds. water level); Dumpcrete (over 12 yds. & incl. 18 yds. water level); Dumpster (over 12 yds. & incl. 18 yds. water level); Skids (debris box, over 12 yds. & incl. 18 yds. water level); Trucks (dry pre-batch concrete mix, over 12 yds. & incl. 18 yds. water level)	6.65	.765	.50	.75		
P. B. OR SIMILAR TYPE SELF-LOADING TRUCK	6.71	.765	.50	.75		
TRUCK REPAIRMAN	6.745	.765	.50	.75		
BULK CEMENT SPREADER (w/wo auger, over 18 yds. & incl. 24 yds. water level); Combination dump & dump trailer; Dump (over 18 yds. & incl. 24 yds. water level); Dumpcrete (over 18 yds. & incl. 24 yds. water level); Dumpster (over 18 yds. & incl. 24 yds. water level); Skid (debris box, over 18 yds. & incl. 24 yds. water level); Transit mix agitator (over 14 yds. through 16 yds.); Trucks (dry pre-batch concrete mix, over 17 yds. & incl. 24 yds. water level)	6.735	.765	.50	.75		
BULK CEMENT SPREADER (w/wo auger, over 24 yds. & incl. 35 yds. water level); Dump (over 24 yds. & incl. 35. yds. water level); Dumpcrete (over 24 yds. & incl. 35 yds. water level); Dumpster (over 24 yds. & incl. 35 yds. water level); EW 10's, 20's, 21's & other similar cat type, Terra Cobra, LeTourneaopuls, Tournerocker, Euclid & similar type equipment when pulling Aqua/Pak or water tank trailers & fuel and/or grease tank trailers or other misc. trailers; Skids (debris box, over 24 yds. & incl. 35 yds. water level); Truck (dry pre-batch concrete mix, over 24 yds. & incl. 35 yds. water level)	6.81	.765	.50	.75		

TRUCK DRIVERS CONT'D	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
BULK CEMENT SPREADER (w/wo auger, over 35 yds. & incl. 50 yds. water level); Dump (over 35 yds. & incl. 50 yds. water level); Dumpcrete (over 35 yds. & incl. 50 yds. water level); Dumpster (over 35 yds. & incl. 50 yds. water level); Skids (debris box, over 35 yds. & incl. 50 yds. water level); Trucks (dry pre-batch concrete mix, over 35 yds & incl. 50 yds. water level)	6.96	.765	.50	.75		
BULK CEMENT SPREADER (w/wo auger, over 50 yds. & under 65 yds. water level); Dump (over 50 yds. & under 65 yds. water level); Dumpcrete (over 50 yds. & under 65 yds. water level); Dumpster (over 50 yds. & under 65 yds. water level); Helicopter pilot (when transporting men or materials); Skids (debris box, over 50 yds. & under 65 yds. water level); Trucks (dry pre-batch concrete mix, over 50 yds. & under 65 yds. water level)	7.11	.765	.50	.75		
BULK CEMENT SPREADER (w/wo auger, over 65 yds. & incl. 80 yds. water level); Dump (65 yds. & incl. 80 yds. water level); Dumpcrete (65 yds. & incl. 80 yds. water level); Dumpster (65 yds. & incl. 80 yds. water level); Skids (debris box, 65 yds. & incl. 80 yds. water level); Trucks (dry pre-batch concrete mix, 65 yds. & incl. 80 yds. water level)	7.26	.765	.50	.75		
BULK CEMENT SPREADER (w/wo auger, over 80 yds. & incl. 95 yds. water level); Dump (over 80 yds. & incl. 95 yds. water level); Dumpcrete (over 80 yds. & incl. 95 yds. water level); Dumpster (over 80 yds. & incl. 95 yds. water level); Skids (debris box, over 80 yds. & incl. 95 yds. water level); Trucks (dry pre-batch concrete mix, over 80 yds. & incl. 95 yds. water level)	7.41	.765	.50	.75		

CALIFORNIA
AREA DEFINITIONS for
POWER EQUIPMENT OPERATORS

**AREA 2: All areas not included within Area 1 as defined below.

*AREA 1: All areas included in the description defined below which is based upon township and range lines of Areas 1 and 2.

Commencing in the Pacific Ocean on the extension of the Southerly line of Township 19S.
Thence Easterly along the Southerly line of Township 19S, crossing the Mt. Diablo meridian to the S.W. corner of township 19S, range 6E, Mt. Diablo base line and meridian,
Thence Southerly to the S.W. corner of township 20S, range 6E,
Thence Easterly to the S.W. corner of township 20S, range 13E,
Thence Southerly to the S.W. corner of township 21S, range 13E,
Thence Easterly to the S.W. corner of township 21S, range 17E,
Thence Southerly to the S.W. corner of township 22S, range 17E,
Thence Easterly to the S.E. corner of township 22S, range 17E,
Thence Southerly to the S.W. corner of township 23S, range 16E,
Thence Easterly to the S.E. corner of township 23S, range 18E,
Thence Southerly to the S.W. corner of township 24S, range 19E, falling on the Southerly line of Kings County, thence Easterly along the Southerly boundary of Kings County and the Southerly boundary of Tulare County, to the S.E. corner of township 24S, range 29E,
Thence Northerly to the N.E. corner of township 21S, range 29E,
Thence Westerly to the N.W. corner of township 21S, range 29E,
Thence Northerly to the N.E. corner of township 13S, range 28E,
Thence Westerly to the N.W. corner of township 13S, range 28E,
Thence Northerly to the N.E. corner of township 11S, range 27E,
Thence Westerly to the N.W. corner of township 11S, range 27E,
Thence Northerly to the N.E. corner of township 10S, range 26E,
Thence Westerly to the N.W. corner of township 10S, range 26E,
Thence Northerly to the N.E. corner of township 9S, range 25E,
Thence Westerly to the N.W. corner of township 9S, range 25E,
Thence Northerly to the N.E. corner of township 8S, range 24E,
Thence Westerly to the N.W. corner of township 8S, range 24E,
Thence Northerly to the N.E. corner of township 6S, range 23E,
Thence Westerly to the S.E. corner of township 5S, range 19E,
Thence Northerly to the N.E. corner of township 5S, range 19E,
Thence Westerly to the N.W. corner of township 5S, range 19E,
Thence Northerly to the N.E. corner of township 3S, range 18E,
Thence Westerly to the N.W. corner of township 3S, range 18E,
Thence Northerly to the N.E. corner of township 2S, range 17E,
Thence Westerly to the N.W. corner of township 2S, range 17E,
Thence Northerly crossing the Mt. Diablo baseline to the N.E. corner of township 2N, range 16E,
Thence Westerly to the N.W. corner of township 2N, range 16E,
Thence Northerly to the N.E. corner of township 3N, range 15E,
Thence Westerly to the N.W. corner of township 3N, range 15E,
Thence Northerly to the N.E. corner of township 4N, range 14E,

CALIFORNIA
AREA DEFINITIONS for
POWER EQUIPMENT OPERATORS (cont'd)

*Area 1 (cont'd):
Thence Westerly to the N.W. corner of township 4N, range 14E,
Thence Northerly to the N.E. corner of township 5N, range 13E,
Thence Westerly to the N.W. corner of township 5N, range 13E,
Thence Northerly to the N.E. corner of township 10N, range 12E,
Thence Easterly to the S.E. corner of township 11N, range 14E,
Thence Northerly to the N.E. corner of township 11N, range 14E,
Thence Westerly to the N.E. corner of township 11N, range 10E,
Thence Northerly to the N.E. corner of township 15N, range 10E,
Thence Easterly to the S.E. cotner of township 16N, range 11E,
Thence Northerly to the N.E. corner of township 16N, range 11E,
Thence Easterly to the S.E. corner of township 17N, range 14E,
Thence Southerly to the S.W. corner of township 14N, range 15E,
Thence Easterly to the S.E. corner of township 14N, range 15E,
Thence Southerly to the S.W. corner of township 13N, range 16E,
Thence Easterly to the S.E. corner of township 13N, range 16E,
Thence Southerly to the S.W. corner of township 12N, range 17E,
Thence Easterly along the Southern line of township 12N to the Eastern boundary of the state of California,
Thence Northwesterly, thence Northerly along the Eastern boundary of the state of California to the N.E. corner of township 17N, range 18E,
Thence Westerly to the N.W. corner of township 17N, range 11E,
Thence Northerly to the N.E. corner of township 20N, range 10E,
Thence Westerly to the N.W. corner of township 20N, range 10E,
Thence Northerly to the N.E. corner of township 21N, range 9E,
Thence Westerly to the N.W. corner of township 21N, range 9E,
Thence Northerly to the N.E. corner of township 22N, range 8E,
Thence Westerly to the N.W. corner of township 22N, range 8E,
Thence Northerly to the S.W. corner of township 27N, range 8E,
Thence Easterly to the S.E. corner of township 27N, range 8E,
Thence Northerly to the N.E. corner of township 28N, range 8E,
Thence Westerly to the N.W. corner of township 28N, range 7E,
Thence Northerly to the N.E. corner ot township 30N, range 6E,
Thence Westerly to the N.W. corner of township 30N, range 1E,
Thence Northerly along the Mt. Diablo meridian to the N.E. corner of township 34N, range 1W,
Thence Westerly to the N.W. corner of township 34N, range 6W,
Thence Southerly to the N.E. corner of township 32N, range 7W,
Thence Westerly to the N.W. corner of township 32N, range 7W,
Thence Southerly to the S.W. corner of township 30N, range 7W,
Thence Easterly to the S.E. corner of township 30N, range 7W,
Thence Southerly to the S.W. corner of township 16N, range 6W,
Thence Easterly to the S.E. corner of township 16N, range 6W,
Thence Southerly to the S.W. corner of township 14N, range 3W,
Thence Westerly to the S.E. corner of township 14N, range 7W,
Thence Northerly to the N.E. corner of township 14N, range 7W,
Thence Westerly to the N.W. corner of township 14N, range 7W,
Thence Northerly to the N.E. corner of township 15N, range 8W,

CALIFORNIA
AREA DEFINITIONS for
POWER EQUIPMENT OPERATORS (cont'd)

*Area 1 (cont'd)
Thence Westerly to the S.E. corner of township 16N, range 12W,
Thence Northerly to the N.E. corner of township 16N, range 12W,
Thence Westerly to the N.W. corner of township 16N, range 12W,
Thence Northerly to the N.E. corner of township 18N, range 13W,
Thence Westerly to the N.W. corner of township 18N, range 14W,
Thence Southerly to the S.W. corner of township 18N, range 14W,
Thence Easterly to the S.E. corner of township 18N, range 14W,
Thence Southerly to the S.W. corner of township 16N, range 13W,
Thence Westerly to the N.W. corner of township 15N, range 14W,
Thence Southerly to the S.W. corner of township 14N, range 14W,
Thence Easterly to the S.E. corner of township 14N, range 14W,
Thence Southerly to the S.W. corner of township 13N, range 13W,
Thence Easterly to the S.E. corner of township 13N, range 13W,
Thence Southerly to the S.W. corner of township 11N, range 12W,
Thence Easterly to the S.E. corner of township 11N, range 12W,
Thence Southerly along the Eastern line of range 12W to the Pacific Ocean excluding that portion of Northern California within Santa Clara County included within the following line:
Commencing at the N.W. corner of township 6S, range 3E, Mt. Diablo baseline and Meridian:
Thence in a Southerly direction to the S.W. corner of township 7S, range 3E,
Thence in a Easterly direction to the S.E. corner of township 7S, range 4E,
Thence in a Northerly direction to the N.E. corner of township 6S, range 4E,
Thence in a Westerly direction to the N.W. corner of township 6S, range 3E, to the point of beginning which portion is a part of Area 2.
Area 1 also includes that portion of Northern California within the following lines:
Commencing in the Pacific Ocean on an extension of the Southerly line of township 2N, Humboldt baseline and meridian:
Thence Easterly along the Southerly line of township 2N to the S.W. corner of township 2N, range 1W,
Thence Southerly to the S.W. corner of township 1N, range 1W,
Thence Easterly along the Humboldt baseline to the S.W. corner of township 1N, range 2E,
Thence Southerly to the S.W. corner of township 2S, range 2E,
Thence Easterly to the S.E corner of township 2S, range 2E,
Thence Southerly to the S.W. corner of township 4S, range 3E,
Thence Easterly to the S.E. corner of township 4S, range 3E,
Thence Northerly to the N.E. corner of township 2S, range 3E,
Thence Westerly to the N.W. corner of township 2S, range 3E,
Thence Northerly crossing the Humboldt baseline to the S.W. corner of township 1N, range 3E,
Thence Easterly along the Humboldt baseline to the S.E. corner of township 1N, range 3E,
Thence Northerly to the N.E. corner of township 9N, range 3E,
Thence Westerly to the N.W. corner of township 9N, range 2E,
Thence Northerly to the N.E. corner of township 10N, 1E,

CALIFORNIA
AREA DEFINITIONS for
POWER EQUIPMENT OPERATORS (cont'd)

*Area 1 (cont'd)
Thence Westerly along the Northerly line to township 10N, into the Pacific Ocean.
Area 1 also includes that portion of Northern California included within the following line:
Commencing at the Northerly boundary of the state of California at the N.W. corner of township 48N, range 7W, Mt. Diablo baseline and meridian:
Thence Southerly to the S.W. corner of township 44N, range 7W,
Thence Easterly to the S.E. corner of township 44N, range 7W,
Thence Southerly to the S.W. corner of township 43N, range 6W,
Thence Easterly to the S. E. corner of township 43N, range 5W,
Thence Northerly to the N.E. corner of township 48N, range 5W, on the Northerly boundary of the state of California,
Thence Westerly along the Northerly boundary of the state of California to the point of beginning.

SUPERSEDEAS DECISION

STATE: California

COUNTIES: Alameda, Amador, Calaveras, Contra Costa, Del Norte, Eldorado, Fresno, Humboldt, Lassen, Marin, Mariposa, Merced, Modoc, 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

DECISION NUMBER: AQ-1059

DATE: Date of Publication

Supersedes Decision No. AQ-1016 dated August 31, 1973, in 38 FR 23675.

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
ASBESTOS WORKERS	$8.75	.90	.65	1.07	.06	
BOILERMAKERS	7.95	.60	1.00	.50	.02	
BRICKLAYERS; Stonemasons:						
Del Norte, Humboldt, Marin, Napa, San Francisco, San Mateo, Solano and Sonoma Counties	8.68	.83	.58	.70		
Alameda and Contra Costa Counties	9.25	.85	.65	.70		
Fresno, Mariposa and Merced Counties	8.23	.42	.50			
Eldorado, Lassen, Modoc, Nevada, Placer, Sacramento, Shasta, Sutter, Tehama, Yolo and Yuba Counties	9.15	.65	.60			
Monterey and Santa Cruz Counties	7.71	.78	.65	.75		
San Benito and Santa Clara Counties	8.50	.85	.65	.75	.01	
Amador, Calaveras, San Joaquin and Tuolumne Counties	7.77	.33	.30	1.00		
BRICK TENDERS:						
Alameda and Contra Costa Counties	7.20	.50	.70		.10	
Marin County	6.60	.60	.40	.65		
Napa County	6.74	.50	.60	.60		
San Benito and Santa Clara Counties	6.58	.45	.40			
San Francisco and San Mateo Counties	8.05	.50	.65			
Lassen, Modoc, Shasta and Tehama Cos.	5.73	.55	1.05	.70		
Amador, Eldorado, Nevada, Placer, Sacramento and Yolo Counties	6.075	.395	1.15	.50		
CARPENTERS:						
Carpenters	8.25	.60	.80	.75	.02	
Hardwood floor layers; Power saw operators; Saw filers; Shinglers; Steel scaffold erectors and/or steel shoring erectors	8.40	.60	.80	.75	.02	
Piledrivermen; Bridge, wharf and dock builders	8.38	.60	.80	.75	.02	
Millwrights	8.65	.60	.80	.75	.02	
CEMENT MASONS:						
Cement masons	$7.13	.56	.75	.75		
Mastic; Magnesite; All comp. masons	7.38	.56	.75	.75		
Men working from swinging or slip form scaffolds	7.38	.56	.75	.75		
DRYWALL INSTALLERS	8.37	.60	.55	.75	.04	
ELECTRICIANS:						
Alameda County						
Electricians	8.85	.50	4%			
Cable splicers	9.99	.50	4%			
Tunnel:						
Electricians	8.85	.50	4%			
Cable splicers	9.99	.50	4%			
Amador, Sacramento, Sutter, Yolo, Yuba, and those portions of Eldorado, Nevada, and Placer Counties West of the Main Sierra Mountain Watershed						
Electricians	9.03	.41	1%+.65		.045	
Cable splicers	9.93	.41	1%+.65		.045	
Tunnel:						
Electricians	8.96	.31	1%+.55		.045	
Cable splicers	9.86	.31	1%+.55		.045	
Lake Tahoe Area						
Electricians	9.84	.53	1%+.25		.03	
Cable splicers	10.82	.53	1%+.25		.03	
Lassen, Modoc, Shasta and Tehama Counties						
Electricians	8.64	.55	1%+.35		.005	
Cable splicers	9.50	.55	1%+.35		.005	
Tunnel:						
Electricians; Cable splicers' helpers	9.00	.42	1%+.30		.005	
Cable splicers	9.90	.42	1%+.30		.005	
Calaveras and San Joaquin Counties						
Electricians; Technicians	9.00	.49	1%		.01	
Cable splicers	10.13	.49	1%		.01	
Contra Costa County						
Electricians	9.60	.60	1%+.30		.02	
Cable splicers	10.85	.60	1%+.50		.02	
Del Norte and Humboldt Counties						
Electricians	8.60	.47	1%+.35		.01	
Cable splicers	9.29	.47	1%+.35		.01	
Fresno County						
Electricians	8.96	.50	1%+.50		.05	
Cable splicers	9.36	.50	1%+.50		.05	
Marin and Sonoma Counties						
Electricians	9.45	.40	1%+.20		.02	
Cable splicers	10.35	.40	1%+.20		.02	

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
ELECTRICIANS: (cont'd)						
Mariposa, Merced and Tuolumne Counties						
Electricians	$9.63	.62	1%		1%	
Cable splicers	10.59	.62	1%		1%	
Monterey County						
Electricians	10.15	.55	1%		.01	
Cable splicers	11.22	.55	1%		.01	
Napa and Solano Counties						
Electricians	8.42	.58	1%+.30		.03	
Cable splicers	9.92	.58	1%+.30		.03	
San Benito and Santa Clara Counties						
Electricians	9.72	.45	1%+.35		.02	
Cable splicers	10.94	.45	1%+.35		.02	
San Francisco County						
Electricians	9.67	.705	1%+.35		.04	
Cable splicers	10.88	.705	1%+.35		.04	
San Mateo County						
Electricians	9.55	.69	1%+.25		.03	
Santa Cruz County						
Electricians - Technicians	9.23	.20	1%		.02	
Cable splicers	10.38	.20	1%		.02	
ELEVATOR CONSTRUCTORS	9.48	.345	.23	2%+a	.015	
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.345	.23	2%+a	.015	
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
GLAZIERS:						
Amador, Calaveras, Eldorado, Lassen, Modoc, Nevada, Placer, Sacramento, San Joaquin, Shasta, Sutter, Tehama, Tuolumne, Yolo, Yuba and Merced (North of the City of Livingston), Counties	7.77	.25	.55	8%	.01	
Alameda, Contra Costa, Marin, Monterey, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Santa Cruz, Solano, (SW from E. of Fairfield), Sonoma Cos.	8.455	.35	.55	.24	.01	
Merced (Remainder of County) and Fresno County	7.25	.35	.55	.61	.05	
IRONWORKERS:						
Fence erectors	8.64	.73	.975	.85	.02	
Reinforcing	8.75	.73	.975	.85	.02	
Ornamental; Structural	8.78	.73	.975	.85	.02	
LATHERS:						
Alameda and Contra Costa Counties	7.84	.34	.385		.025	
Humboldt, Nevada, Placer, Shasta and Tehama Counties	8.50	.48	.50		.01	
Calaveras and San Joaquin Counties	7.20	.25	.20	.80		
Marin and Sonoma Counties	6.71	.37	.45	.91	1/8%	
Monterey and Santa Cruz Counties	7.10	.40	.40	.20	.01	
Napa and Solano Counties	6.83	.60	.40	1.00	.01	
San Francisco County	8.23	.46	.65	1.00	.01	
San Benito and Santa Clara Counties	7.73	.30	.25			

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
PAINTERS:						
Lassen (except extreme S. E. corner), Modoc, Shasta, Sutter, Tehama and Yuba Counties:						
Brush; Roller	$5.40	.35	.25	.105		
Spray; Sandblast; Structural steel; Swing stages; Tapers	5.65	.35	.25	.105		
Amador, Calaveras and San Joaquin Cos.:						
Brush	6.62	.50	.55	.80		
Spray; Sheetrock taper, swingstage; Scaffold; Sandblaster; Structural steel	6.92	.50	.55	.80		
Fresno County						
Brush; Tapers	7.82	.40	.20			
Spray; Structural steel	8.07	.40	.20			
Alameda, Contra Costa, Eldorado, Marin, Monterey, Napa, Nevada, Placer, Sacramento, San Benito, San Francisco, San Mateo, Santa Clara, Santa Cruz, Solano, Sonoma and Yolo Counties (excluding portions of Counties in the Lake Tahoe Area)						
Brush	7.77	.64	.65	.80		
Spray	8.02	.64	.65	.80		
Tapers	8.27	.64	.65	.80		
Del Norte and Humboldt Counties						
Brush	6.90	.35	.20			
Paperhangers; Spray; Tapers	7.15	.35	.20			
Mariposa, Merced and Tuolumne Counties						
Brush	6.30	.35		.75		
Paperhangers; Spray; Tapers	6.55	.35		.75		
Lake Tahoe Area						
Brush	8.10	.30	.20			
Spray; Structural steel; Tapers	8.35	.30	.20			
PLASTERERS:						
Alameda and Contra Costa Counties	8.24	.575	.45		.01	
Southeastern half of Lassen County, Sutter and Yuba Counties	6.05	.25	.25	.50	.01	
Fresno County	7.59	.36	.30			
Monterey County	8.03	.46	.35		.01	
Eldorado, Nevada, Placer, Sacramento, and Yolo Counties	7.65	.245	.25	.65		
San Benito and Santa Clara Counties	7.63	.59	.50	.80	.01	
San Francisco County	7.27	.48	.85	1.50	.02	
San Mateo County	7.45	.43	.55	1.17		
Del Norte, Humboldt, Northwestern half of Lassen County, Marin, Modoc, Napa, Shasta, Solano, Sonoma and Tehama Cos.	7.55	.53	.35	1.00	.01	
Mariposa, Merced and Tuolumne Counties	6.50	.65	.80	1.00		

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
PLASTERERS' TENDER:						
Alameda and Contra Costa Counties	$7.97	.50	.80		.10	
Fresno County	5.55	.55	1.05	.70		
Marin County	6.30	.60	.40	1.00		
Napa County	6.65	.55		.80		
Amador, Eldorado, Nevada, Placer, Sacramento, and Yolo Counties	6.45	.395	1.05	.70		
San Francisco and San Mateo Counties	7.50	.25	.40	.95		
San Benito and Santa Clara Counties	8.00	.60	.55			
Monterey and Santa Cruz Counties	6.12	.55	1.05	.46		
Lassen, Modoc, Shasta and Tehama Cos.	5.75	.55	1.05	.70		
Tuolumne County	5.95	.55	1.05	.70		
PLUMBERS:						
Alameda County	10.23	.70	1.00		.10	
Contra Costa County	10.02	.53	1.00		.16	
PLUMBERS; Steamfitters:						
Amador (northern half of County), Eldorado, Sacramento, Yolo, Nevada, Placer (excluding Lake Tahoe Area)	8.98	.75	1.05		.11	
Lake Tahoe Area	7.85	.53	.60	1.95	.07	
Marin, San Francisco, and Sonoma Cos.	8.23	1.47	.705	.755	.135	
San Benito and Santa Clara Counties	8.81	.61	.95	.72	.10	
Del Norte and Humboldt Counties	8.02	.51	1.12	1.06	.05	
San Mateo County	8.305	.635	.95	.97	.175	
Amador (southern portion of County), Calaveras, Fresno, Lassen, Mariposa, Merced, Modoc, Monterey, San Joaquin, Santa Cruz, Shasta, Sutter, Tehama, Tuolumne and Yuba Counties	8.39	.77	.79		.03	
Napa and Solano Counties	9.40	.60	.58		.07	
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	
Calaveras, Mariposa, Merced, San Joaquin and Tuolumne Counties						
Roofers (slate, tile composition and built up)	6.94	.50	.30	.75		
Felt machine operator	7.19	.50	.30	.75		
Eldorado, Lassen, Modoc, Placer, Shasta, Sutter, and Yuba Counties						
Roofers	7.54	.50	.40			
Fresno County						
Roofers	7.95	.50	.50			
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	

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
ROOFERS: (cont'd)						
Marin County						
Roofers	$7.64	.45	.75	1.15	.01	
Mastic workers; Kettlemen (2 kettles without pumps)	7.89	.45	.75	1.15	.01	
Bitumastic; Enamelers; Pipewrappers; Coal tar	8.64	.45	.75	1.15	.01	
Monterey and Santa Cruz Counties						
Roofers	7.85	.30	.60	1.00		
San Francisco and San Mateo Counties						
Roofers	7.92	.50	.70	.85	.01	
Mastic workers and kettlemen (2 kettles) without pumps	8.17	.50	.70	.85	.01	
Bitumastic; Enamelers; Pipewrappers; Coal tar	8.92	.50	.70	.85	.01	
Napa and Solano Counties						
Roofers	6.88	.35	.55	.62		
Amador, Sacramento and Yolo Counties						
Roofers	7.12	.58	.50	.85	.01	
Enameler and pitch	7.87	.50	.50	.85	.01	
San Benito and Santa Clara Counties						
Roofers; Kettlemen (1 kettle)	8.51	.51	.73			
SHEET METAL WORKERS:						
Alameda and Contra Costa Counties	7.25	.39	.505	10%b	.015	
Calaveras and San Joaquin Counties	6.375	.36	.50	1.00		
Amador, Eldorado, Lassen, Modoc, Nevada, Placer, Sacramento, Shasta, Sutter, Tehama, Yolo and Yuba Counties	7.76	.46	1.00	12%	.07	
Fresno County	8.20	.48	.79		.07	
Del Norte and Humboldt Counties	8.18	.38	.83			
Marin, Napa, Sonoma and Solano Cos.	8.55	.36	.44		.15	
Mariposa, Merced and Tuolumne Counties	8.83	.36	.60		.03	
Monterey, San Benito, Santa Clara and Santa Cruz Counties	8.10	.38	.81	10%		
San Francisco County	8.48	.38	.55		10%	
San Mateo County	8.35	.38	.62		.02	
SOFT FLOOR LAYERS:						
Alameda, Calaveras, Contra Costa, Napa, and Solano Counties	7.50	.36	.30	.29c	.05	
Merced (east of the San Joaquin River) San Joaquin, Shasta, Sacramento, Amador, Lassen (except Honey Lake Area), Sutter, Tuolumne, Yolo and Yuba Cos., and those portions of Nevada, Placer, and Eldorado Counties (excluding Lake Tahoe Area)	7.455	.495	.45	1.09	.07	
Honey Lake and Lake Tahoe Areas	8.35	.30	.20			
Fresno County	8.80	.20				
Marin, San Francisco, San Mateo and Sonoma Counties	7.60	.50	.55	d	.04	

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
SOFT FLOOR LAYERS: (cont'd)						
Monterey, San Benito, Santa Clara and Santa Cruz Counties	$7.39	.35	.30	.89	.05	
SPRINKLER FITTERS:						
Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano and Sonoma Counties	10.71	.30	.50		.02	
SPRINKELR FITTERS:						
Remaining Counties	11.30	.40	.60		.07	
STEAMFITTERS:						
Alameda and Contra Costa Counties	10.065	.75	1.25		.12	
TERRAZZO WORKERS:						
Alameda, Contra Costa, Del Norte, Humboldt, Marin, Napa, San Francisco, San Mateo, Solano, Sonoma Counties	7.89	.83	.58	1.00		
Eldorado, Lassen, Modoc, Nevada, Placer, Sacramento, Shasta, Sutter, Tehama, Yolo and Yuba Counties	9.15	.65	.60			
Fresno County	7.12	.30				
TILE SETTERS:						
Alameda, Contra Costa, Del Norte, Humboldt, Marin, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Solano, and Sonoma Counties	7.65	.56	.60	.80	.015	
Amador, Calaveras, San Joaquin Counties	7.17	.33		.65		
Eldorado, Lassen, Modoc, Nevada, Placer, Sacramento, Shasta, Sutter, Tehama, Yolo and Yuba Counties	7.25	.56	.35	.80	.015	
Fresno County	7.12	.30				
Monterey and Santa Cruz County	8.27	.665	.64			
RIGGERS; WELDERS: Receive rate prescribed for craft performing operation to which rigging or 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 contributes 4% of basic hourly rate for over 5 years' service and 2% of basic hourly rate for 6 months to 5 years as Vacation Pay Credit. 6 Paid Holidays: A through F.

b. Four Paid Holidays: C, D, E, and Washington's Birthday.

c. 1st year employment employer contributes $.14 per hour to Vacation; 2nd year thru 5th year $.30 per hour; 6th year and thereafter $.46 per hour.

d. Employer contributes $.75 1st 5 years; $.90 after 5 years to Vacation and Holiday Fund.

LABORERS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	C
BRIDGE; Brush loaders and piler; Cleanup; Dumpman; General; Landscape; Limbers; Tool room attendant	$ 5.535	.65	1.35	.80	.10	
ASPHALT SHOVELERS; Cement dumper; Chipper; Choker setter and rigger; Chucktender; Concrete; Guinea chaser; High pressure nozzleman; Hydraulic monitor; Nipper; Pneumatic, gas and electric tool operator (not otherwise classified); Sloper; Loading, unloading, handling materials for reinforcing concrete construction	5.635	.65	1.35	.80	.10	
ASPHALT IRONERS AND RAKERS; Bucker; Buggymobile; Chainsaw; Compactors; Concrete saw and pan work; Cribber and/or shoring; Curb setter; Form raiser; Puller; Headerboard man; Post hole digger (air, gas, or electric); Jackhammer; Kettlemen; Log loader; Magnesite and mastic workers; Pavement breaker; Pipelayers; Pipewrappers; Power broom sweeper; Riprap stonepaver and rockslinger; Rotary scarifier; Rototiller; Sandblaster; Barko, wackers and similar type tampers; Tank cleaners; Tree climber; Vibrator; Vibra-screed bull float	5.785	.65	1.35	.80	.10	
BURNING AND WELDING	5.835	.65	1.35	.80	.10	
BLASTERS; Drills (diamond or wagon); High scaler; Powderman; Tree topper	6.01	.65	1.35	.80	.10	
LABORERS on general construction work on or in bell hole footings and shaft	6.335	.65	1.35	.80	.10	
GUNITE LABORERS:						
NOZZLEMEN; Rodmen; Gunmen; Groundmen	6.245	.65	1.35	.80	.10	
REBOUNDMEN	5.655	.65	1.35	.80	.10	
CONTRA COSTA COUNTY ONLY: PITTSBURG; Caulkers, Banders	5.985	.65	1.35	.80	.10	

POWER EQUIPMENT OPERATORS		Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP I						
ASSISTANTS TO ENGINEERS (Brakeman; Fireman; Heavy duty repairman helper; Oiler; Deckhand; Signalman; Switchman; Tar pot fireman); Partsman (Heavy duty repair shop parts room)	AREA 1	$6.63	.80	1.00	.60	.24
	AREA 2	7.76	.80	1.00	.60	.24
GROUP II						
COMPRESSOR OPERATOR; Concrete mixer (up to & incl. 1 yd.); Conveyor belt op. (tunnel); Fireman hot plant; Hydraulic monitor; Mechanical conveyor (handling building materials); Mixer box operator (concrete plant); Pump operator; Spreader boxman (with screeds); Tar pot fireman (power agitated)	AREA 1	6.91	.80	1.00	.60	.24
	AREA 2	8.04	.80	1.00	.60	.24
GROUP III						
BOX OPERATOR (bunker); Locomotive; Motorman; Oiler; Rodman or chainman; Ross carrier(construction job site); Rotomist operator; Screedman (except asphaltic concrete paving); Self-propelled, automatically applied concrete curing machine (on streets, highways, airports and canals); Trenching machine (maximum digging capacity 3 ft. depth); Tugger hoist, single drum	AREA 1	7.08	.80	1.00	.60	.24
	AREA 2	8.21	.80	1.00	.60	.24
GROUP IV						
BALLAST JACK TAMPER; Ballast regulator; ballast tamper multi-purpose; boxman (asphalt plant); Fork lift or lumber stacker (construction job site); Line Master; Lubrication & service engineer (mobile and grease rack); Material hoist (1 drum); Shuttlecar; Tie spacer; Towermobile	AREA 1	7.53	.80	1.00	.60	.24
	AREA 2	8.66	.80	1.00	.60	.24
GROUP V						
COMPRESSOR OPERATOR (2 to 7); Concrete mixers (over 1 yd.); Concrete pumps or pumpcrete guns; Generators (100 K.W. or over); Press-weld (air-operated); Pumps (2 to 7); Welding machines (gasoline or diesel) (2 to 7)	AREA 1	7.70	.80	1.00	.60	.24
	AREA 2	8.83	.80	1.00	.60	.24

POWER EQUIPMENT OPERATORS (cont'd)		Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP VI						
BLH LINE ROAD PACTOR or similar; Boom truck or dual purpose A-frame truck; Concrete batch plants (wet or dry); Concrete saws (self-propelled unit) on streets, highways, airports, and canals; Drilling and boring machinery, vertical & horizontal (not to apply to waterliners, wagon drills or jack-hammers); Gradesetter, grade checker (mechanical or otherwise); Highline cableway signalman; Locomotives (steam or over 30 tons) Maginnis internal full slab vibrator (on airports, highways, canals & warehouses); Mechanical finishers (concrete) (Clary, Johnson, Bidwell Bridge Deck or similar types); Mechanical burm, curb and/or curb and gutter machine, concrete or asphalt; Portable crushers; Power jumbo operator (setting slip forms, etc. in tunnels); Roller; Screedman (Barber-Greene & similar) (asphaltic concrete paving); Self-propelled compactor (single engine); Self-propelled pipeline wrapping machine (perault, CRC, or similar types); Slip forms pumps (lifting device for concrete forms); Small rubber tired tractors; Surface heater	AREA 1	7.81	.80	1.00	.60	.24
	AREA 2	8.94	.80	1.00	.60	.24

POWER EQUIPMENT OPERATORS (cont'd)		Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Appr. Tr.
GROUP VII						
CONCRETE CONVEYOR OR CONCRETE PUMP, Truck or equipment mounted (boom length to apply); Concrete conveyor, building site; Deck engineers; Dual drum mixer; Fuller Kenyon pump and similar types; Instrument man; Material hoist (2 or more drums); Mechanical finishers or spreader machine (asphalt, Barber-Greene and similar; Mine or shaft hoist; Mixer-mobile; Pavement breaker with or without compressor combination; Pavement breaker, Truck mounted with compressor combination; Pipe bending machine (pipe lines only); Pipe cleaning machine (tractor propelled & supported); Pipe wrapping machine (tractor propelled and supported); Refrigeration plant; Self-propelled boom type lifting device; Self-propelled elevating grade plane; Slusher operator; Small tractor (with boom); Soil tester; Truck type loader	AREA 1	7.94	.80	1.00	.60	.24
	AREA 2	9.07	.80	1.00	.60	.24
GROUP VIII						
ARMOR-COATER (or similar); Asphalt plant engineer; Cast-in-place pipe laying machine; Combination slusher and motor operator; Concrete batch plant (multiple units); Dozer; Heavy duty repairman and/or welders; Ken seal machine (or similar); Kolman loader; Loader (up to 2 yds.); Mechanical shield operator (or similar); Mechanical trench shield; Portable crushing & screening plants; Push cat; Rubber tired earth moving equipment (up to & incl. 45 cu. yds. "struck" m.r.c., euclids, T-pulls, DW-10,20,21 and similar); Tractor drawn scraper; Self-propelled compactor with dozer; Sheepfoot; Tractor; Trenching machine; Tri-batch paver; Tunnel mole boring machine operator; Welder; Woods-mixer (and other similar pugmill equipment)	AREA 1	8.26	.80	1.00	.60	.24
	AREA 2	9.39	.80	1.00	.60	.24

POWER EQUIPMENT OPERATORS (cont'd)		Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Appr. Tr.
GROUP IX						
CANAL FINGER DRAIN DIGGER; Chicago boom; Combination mixer & compressor (gunite); Combination Slurry mixer and/or cleaner; Highline cableway (5 tons & under); Lull Hi-lift or similar (20 ft. or over); Mucking machine; Tractor (with boom) (D-6 or larger and similar)	AREA 1	8.44	.80	1.00	.60	.24
	AREA 2	9.57	.80	1.00	.60	.24
GROUP X						
HOOK-TYPE BACKFILLING MACHINE; Bridge crane; Cary-lift (or similar); Chemical grouting machine; Chief of party; Combination backhoe & loader (up to and incl. 1/2 cu. yd. m.r.c.); Derricks (2 operators required when swing engine remote from hoist); Derrick barges (except excavation work); Do-more loader & Adams elegrader; Elevating grader op.; Rubber tired scraper, self-loading (paddle wheels, etc.); Heavy duty rotary drills rigs (incl. caisson foundation work & Robbins type drills); Koehring Skooper (or similar); Lift slab machine (Vagtborg & similar types); Loader (2 yds. up to & incl. 4 yds.); Locomotive (over 100 tons) (single or multiple units); Multiple engine earth-moving machine (euclids, dozers, etc.) (no tandem scraper); Prestress wire wrapping machine; Shuttle car (reclaim station); Soil stabilizer (P & H or equal); Subgrader (gurries or other automatic type); Track laying type-Earth moving machine (single engine with tandem scrapers); Tractor, compressor drill combination; Train loading station; Vacuum cooling plant; Single engine scraper over 45 yds.; Whirley crane (up to & incl. 25 tons)	AREA 1	8.60	.80	1.00	.60	.24
	AREA 2	9.73	.80	1.00	.60	.24

POWER EQUIPMENT OPERATORS (cont'd)		Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP X - A						
BACKHOE (hydraulic) (up to and incl. 1 cu. yd. m.r.c.); Backhoe (cable) (up to and incl. 1 cu. yd. m.r.c.); Combination backhoe and loader over 1/2 cu. yd. m.r.c.); Continuous flight tie back Auger (up to and incl. 1 cu. yd.) (crane attached); Cranes (not over 25 tons, bamberhead & gantry); Grade all (up to and incl. 1 cu. yd.); Power shovels, Clamshells, Draglines, (up to and incl. 1 cu. yd. m.r.c.); Power blade; Self-propelled boom-type lifting device (center mount) (over 10 tons); Self-propelled boom-type lifting device (center mounted) (over 15 tons)	AREA 1	8.69	.80	1.00	.60	.24
	AREA 2	9.82	.80	1.00	.60	.24
GROUP XI						
AUTOMATIC CONCRETE SLIP FORM PAVER; Automatic railroad car dumper; Canal finger drain backfiller; Canal trimmer; Canal trimmer w/ditching attachments; Cranes (over 25 tons up to and incl. 125 tons); Continuous flight tie back Auger over 1 cu. yd. (incl. crane); Drott travelift 650-A-1 or similar (45 tons or over); Rubber tired earth moving machines (multiple propulsion power units & two or more scrapers) (up to & incl. 75 cu. yds. "struck" m.r.c.); Highline cableway (over 5 tons); Loader (over 4 yds. up to & incl. 12 cu. yds.); Power blades operator (multi-engine); Power shovels, Clamshells, Draglines, Backhoes, Gradalls, (over 1 yd. up to & incl. 7 cu. yds. m.r.c.); Self-propelled compactor (with multiple propulsion power units); Slip form paver (concrete to asphalt); Tandem cats; Tower cranes mobile; Trencher (pulling attached shield); Tower cranes mobile; Single engine rubber tired earth moving machine (with tandem scrapers); Universal Liebher and Tower cranes (and similar types); Wheel excavator (up to & incl. 750 cu yds. per hour); Whirley cranes (over 25 tons)	AREA 1	8.83	.80	1.00	.60	.24
	AREA 2	9.96	.80	1.00	.60	.24

POWER EQUIPMENT OPERATORS (cont'd)		Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP XI - A						
LOADER (over 12 cu. yds. up to & incl. 18 cu. yds.); Rubber tired multi-purpose earth moving machine (2 units) (over 75 cu. yds. "struck" m.r.c.); Power shovels & draglines (over 7 cu. yds. m.r.c.); Band wagons (in conjunction with wheel excavator) Wheel excavator (over 750 yds. per hour); Cranes (over 125 tons)	AREA 1	9.70	.80	1.00	.60	.24
	AREA 2	10.83	.80	1.00	.60	.24
GROUP XI - B						
LOADER (over 18 cu. yds.)	AREA 1	9.92	.80	1.00	.60	.24
	AREA 2	11.05	.80	1.00	.60	.24
GROUP XI - C						
OPERATOR OF HELICOPTER (when used in erection work); Remote controlled earth moving equipment	AREA 1	10.15	.80	1.00	.60	.24
	AREA 2	11.28	.80	1.00	.60	.24

PILEDRIVING	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
GROUP I ASSISTANT TO ENGINEER (Fireman, Oiler, Deckhand)	$6.69	.80	1.00	.60	.24
GROUP Ia COMPRESSOR OPERATOR	6.96	.80	1.00	.60	.24
GROUP Ib TRUCK CRANE OILER	7.08	.80	1.00	.60	.24
GROUP IIa TUGGER HOIST (Hoisting material only)	7.59	.80	1.00	.60	.24
GROUP IIb COMPRESSOR OPERATOR (2-7); Generator (100 k.w. or over); Pump (2-7); Welding machine (2-7) powered other than by electricity)	7.76	.80	1.00	.60	.24
GROUP III BACK ENGINEER; Fork lift; A-frame; Self-propelled boom-type lifting device	8.00	.80	1.00	.60	.24
GROUP IIIa HEAVY DUTY REPAIRMAN AND/OR WELDER	8.31	.80	1.00	.60	.24
GROUP IV OPERATING ENGINEER IN LIEU OF ASSISTANT TO ENGINEER TENDING BOILER OR COMPRESSOR ATTACHED TO CRANE PILEDRIVER; Operator of piledriving rigs, skid or floating and derrick barges; Operator of diesel or gasoline powered crane piledriver (w/o boiler) up to & incl. 1 cu. yd.; Truck crane (up to & incl. 25 tons hoisting material only)	8.76	.80	1.00	.60	.24
GROUP V OPERATOR OF DIESEL OR GASOLINE POWERED CRANE PILEDRIVER WITHOUT BOILER, OVER 1 cu. yd.; Operator of crane (w/steam, flash boiler, pump or compressor attached); Operator of steam powered crawler, or Universal type driver (Raymond or similar type); Truck crane (over 25 tons hoisting material or performing piledriving work)	8.88	.80	1.00	.60	.24

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
BULK CEMENT SPREADER (w/wo auger, under 4 yds. water level); Bus or manhaul driver; Concrete pump machine; Concrete pump truck(when flat rack truck is used appropriate flat rack rate shall apply); Dump (under 4 yds. water level); Dump-crete truck (under 4 yds. water level); Dumpster (under 4 yds. water level); Escort or pilot car driver; Hipper truck (when flat rack truck is used appropriate flat rack rate shall apply); Pickups; Skids (debris box, under 4 yds. water level); Team drivers; Trucks (dry pre-batch concrete mix, under 4 yds. water level); Vacuum truck helpers; Warehousemen	$6.075	.765	.50	.75
BULK CEMENT SPREADER (w/wo auger, 4 yds. and under 6 yds. water level); Dump (4 yds. & under 6 yds. water level); Dump-crete (4 yds. & under 6 yds. water level); Dumpster (4 yds. & under 6 yds. water level); Skids (debris box, 4 yds. & under 6 yds. water level); Single unit flat rack (2 axle unit-industrial lift, mechanical tailgate); Trucks (dry pre-batch concrete mix, 4 yds. & under 6 yds. water level)	6.17	.765	.50	.75
JETTING TRUCK & WATER TRUCK (under 2,500 gals)	6.185	.765	.50	.75
LIFT JITNEYS, Fork lift	6.205	.765	.50	.75
TRANSIT MIX, AGITATOR (under 6 yds.)	6.225	.765	.50	.75
TRUCK REPAIRMAN HELPER	6.245	.765	.50	.75
VACUUM TRUCK (under 3,500 gals)	6.255	.765	.50	.75
SCISSOR TRUCK; Single unit flat rack (3 axle unit-industrial lift truck, mechanical tailgate); Small rubber tired tractor (when used within teamsters' jurisdiction)	6.27	.765	.50	.75
JETTING TRUCK & WATER TRUCK (2,500 gals under 4,000 gals)	6.285	.765	.50	.75
COMBINATION WINCH TRUCK WITH HOIST; Transit mix, agitator (6 yds.& under 8 yds.)	6.325	.765	.50	.75

TRUCK DRIVERS CONT'D	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
VACUUM TRUCK (3,500 gals & under 5,500 gals)	6.335	.765	.50	.75	
RUBBER-TIRED MUCK CAR (not self-loaded)	6.345	.765	.50	.75	
BULK CEMENT SPREADER (w/wo auger, 6 yds. & under 8 yds. water level); Dump (6 yds. & under 8 yds. water level); Dumpcrete (6 yds. & under 8 yds. water level); Dumpster (6 yds. & under 8 yds. water level); Skids (debris box, 6 yds. & under 8 yds. water level); Trucks (dry pre-batch concrete mix, 6 yds. & under 8 yds. water level)	6.37	.765	.50	.75	
A-FRAME, DERICK TRUCKS; Buggymobile; Hydro-lift, Swedish crane type (jetting) Jetting & water truck (4,000 gals & under 5,000 gals); Rubber tired jetting	6.385	.765	.50	.75	
HEAVY DUTY TRANSPORT (high bed)	6.39	.765	.50	.75	
ROSS HYSTER & SIMILAR STRADDLE CARRIER	6.415	.765	.50	.75	
TRANSIT MIX AGITATOR (8 yds. through 10 yds.)	6.425	.765	.50	.75	
VACUUM TRUCK (5,000 gals & under 7,500 gals)	6.435	.765	.50	.75	
JETTING TRUCK & WATER TRUCK (5,000 gals & under 7,000 gals)	6.485	.765	.50	.75	
TRANSIT MIX AGITATOR (over 10 yds. through 12 yds.)	6.525	.765	.50	.75	
HEAVY DUTY TRANSPORT (gooseneck loubed)	6.62	.765	.50	.75	
BULK CEMENT SPREADER (w/wo auger, 8 yds. & incl. 12 yds. water level); Dump (8 yds. & incl. 12 yds. water level);Dumpcrete (8 yds. & incl. 12 yds. water level); Self-propelled street sweeper with self-contained refuse bin; Skids (debris box, 8 yds. & incl. 12 yds. water level); Snow go and/or snow plow; Truck (dry pre-batch concrete mix, 8 yds & incl. 12 yds. water level); Dumpster (8 yds. & incl. 12 yds. water level)	6.61	.765	.50	.75	

TRUCK DRIVERS CONT'D	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
TRANSIT MIX AGITATOR (over 12 yds. through 14 yds.)	6.625	.765	.50	.75	
BULK CEMENT SPREADER (w/wo auger, over 12 yds. & incl. 18 yds. water level); Dump (over 12 yds. & incl. 18 yds.water level); Dumpcrete (over 12 yds. & incl. 18 yds. water level); Dumpster (over 12 yds. & incl. 18 yds. water level); Skids (debris box, over 12 yds. & incl. 18 yds. water level); Trucks (dry pre-batch concrete mix, over 12 yds. & incl. 18 yds. water level)	6.65	.765	.50	.75	
P. B. OR SIMILAR TYPE SELF-LOADING TRUCK	6.71	.765	.50	.75	
TRUCK REPAIRMAN	6.745	.765	.50	.75	
BULK CEMENT SPREADER (w/wo auger, over 18 yds. & incl. 24 yds. water level); Combination dump & dump trailer; Dump (over 18 yds. & incl. 24 yds. water level); Dumpcrete (over 18 yds. & incl. 24 yds. water level); Dumpster (over 18 yds. & incl. 24 yds. water level); Skid (debris box, over 18 yds. & incl. 24 yds. water level); Transit mix agitator (over 14 yds. through 16 yds.); Trucks (dry pre-batch concrete mix, over 17 yds. & incl. 24 yds. water level)	6.735	.765	.50	.75	
BULK CEMENT SPREADER (w/wo auger, over 24 yds. & incl. 35 yds. water level); Dump (over 24 yds. & incl. 35. yds. water level); Dumpcrete (over 24 yds. & incl. 35 yds. water level); Dumpster (over 24 yds. & incl. 35 yds. water level); DW 10's, 20's, 21's & other similar cat type, Terra Cobra, LeTourneaupuls, Tournorocker, Euclid & similar type equipment when pulling Aqua/Pak or water tank trailers & fuel and/or grease tank trailers or other misc. trailers; Skids (debris box, over 24 yds. & incl. 35 yds. water level); Truck (dry pre-batch concrete mix, over 24 yds. & incl. 35 yds. water level)	6.81	.765	.50	.75	

TRUCK DRIVERS CONT'D	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
BULK CEMENT SPREADER (w/wo auger, over 35 yds. & incl. 50 yds. water level); Dump (over 35 yds. & incl. 50 yds. water level); Dumpcrete (over 35 yds. & incl. 50 yds. water level); Dumpster (over 35 yds. & incl. 50 yds. water level); Skids (debris box, over 35 yds. & incl. 50 yds. water level); Trucks (dry pre-batch concrete mix, over 35 yds & incl. 50 yds. water level)	6.96	.765	.50	.75	
BULK CEMENT SPREADER (w/wo auger, over 50 yds. & under 65 yds. water level); Dump (over 50 yds. & under 65 yds. water level); Dumpcrete (over 50 yds. & under 65 yds. water level); Dumpster (over 50 yds. & under 65 yds. water level); Helicoptor pilot (when transporting men or materials); Skids (debris box, over 50 yds. & under 65 yds. water level); Trucks (dry pre-batch concrete mix, over 50 yds. & under 65 yds. water level)	7.11	.765	.50	.75	
BULK CEMENT SPREADER (w/wo auger, over 65 yds. & incl. 80 yds. water level); Dump (65 yds. & incl. 80 yds. water level); Dumpcrete (65 yds. & incl. 80 yds. water level); Dumpster (65 yds. & incl. 80 yds. water level); Skids (debris box, 65 yds. & incl. 80 yds. water level); Trucks (dry pre-batch concrete mix, 65 yds. & incl. 80 yds. water level)	7.26	.765	.50	.75	
BULK CEMENT SPREADER (w/wo auger, over 80 yds. & incl. 95 yds. water level); Dump (over 80 yds. & incl. 95 yds. water level); Dumpcrete (over 80 yds. & incl. 95 yds. water level); Dumpster (over 80 yds. & incl. 95 yds. water level); Skids (debris box, over 80 yds. & incl. 95 yds. water level); Trucks (dry pre-batch concrete mix, over 80 yds. & incl. 95 yds. water level)	7.41	.765	.50	.75	

CALIFORNIA
AREA DEFINITIONS for
POWER EQUIPMENT OPERATORS

**AREA 2: All areas not included within Area 1 as defined below.

*AREA 1: All areas included in the description defined below which is based upon township and range lines of Areas 1 and 2.

Commencing in the Pacific Ocean on the extension of the Southerly line of Township 19S.
Thence Easterly along the Southerly line of Township 19S, crossing the Mt. Diablo meridian to the S.W. corner of township 19S, range 6E, Mt. Daiblo base line and meridian,
Thence Southerly to the S.W. corner of township 20S, range 6E,
Thence Easterly to the S.W. corner of township 20S, range 13E,
Thence Southerly to the S.W. corner of township 21S, range 13E,
Thence Easterly to the S.W. corner of township 21S, range 17E,
Thence Southerly to the S.W. corner of township 22S, range 17E,
Thence Easterly to the S.E. corner of township 22S, range 17E,
Thence Southerly to the S.W. corner of township 23S, range 18E,
Thence Easterly to the S.E. corner of township 23S, range 18E,
Thence Southerly to the S.W. corner of township 24S, range 19E, falling on the Southerly line of Kings County, thence Easterly along the Southerly boundary of Kings County and the Southerly boundary of Tulare County, to the S.E. corner of township 24S, range 29E,
Thence Northerly to the N.E. corner of township 21S, range 29E,
Thence Westerly to the N.W. corner of township 21S, range 29E,
Thence Northerly to the N.E. corner of township 13S, range 28E,
Thence Westerly to the N.W. corner of township 13S, range 28E,
Thence Northerly to the N.E. corner of township 11S, range 27E,
Thence Westerly to the N.W. corner of township 11S, range 27E,
Thence Northerly to the N.E. corner of township 10S, range 26E,
Thence Westerly to the N.W. corner of township 10S, range 26E,
Thence Northerly to the N.E. corner of township 9S, range 25E,
Thence Westerly to the N.W. corner of township 9S, range 25E,
Thence Northerly to the N.E. corner of township 8S, range 24E,
Thence Westerly to the N.W. corner of township 8S, range 24E,
Thence Northerly to the N.E. corner of township 6S, range 23E,
Thence Westerly to the S.E. corner of township 5S, range 19E,
Thence Northerly to the N.E. corner of township 5S, range 19E,
Thence Westerly to the N.W. corner of township 5S, range 19E,
Thence Northerly to the N.E. corner of township 3S, range 18E,
Thence Westerly to the N.W. corner of township 3S, range 18E,
Thence Northerly to the N.E. corner of township 2S, range 17E,
Thence Westerly to the N.W. corner of township 2S, range 17E,
Thence Northerly crosing the Mt. Diablo baseline to the N.E. corner of township 2N, range 16E,
Thence Westerly to the N.W. corner of township 2N, range 16E,
Thence Northerly to the N.E. corner of township 3N, range 15E,
Thence Westerly to the N.W. corner of township 3N, range 15E,
Thence Northerly to the N.E. corner of township 4N, range 14E,

CALIFORNIA
AREA DEFINITIONS for
POWER EQUIPMENT OPERATORS (cont'd)

*Area 1 (cont'd):
Thence Westerly to the N.W. corner of township 4S, range 14E,
Thence Northerly to the N.E. corner of township 5N, range 13E,
Thence Westerly to the N.W. corner of township 5N, range 13E,
Thence Northerly to the N.E. corner of township 10N, range 12E,
Thence Easterly to the S.E. corner of township 11N, range 14E,
Thence Northerly to the N.E. corner of township 11N, range 14E,
Thence Westerly to the N.E. corner of township 11N, range 10E,
Thence Northerly to the N.E. corner of township 15N, range 10E,
Thence Easterly to the S.E. cotner of township 16N, range 11E,
Thence Northerly to the N.E. corner of township 16N, range 11E,
Thence Easterly to the S.E. corner of township 17N, range 14E,
Thence Southerly to the S.W. corner of township 14N, range 15E,
Thence Easterly to the S.E. corner of township 14N, range 15E,
Thence Southerly to the S.W. corner of township 13N, range 16E,
Thence Easterly to the S.E. corner of township 13N, range 16E,
Thence Southerly to the S.W. corner of township 12N, range 17E,
Thence Easterly along the Southern line of township 12N to the Eastern boundary of the state of California,
Thence Northwesterly, thence Northerly along the Eastern boundary of the state of California to the N.E. corner of township 17N, range 18E,
Thence Westerly to the N.W. corner of township 17N, range 11E,
Thence Northerly to the N.E. corner of township 20N, range 10E,
Thence Westerly to the N.W. corner of township 20N, range 10E,
Thence Northerly to the N.E. corner of township 21N, range 9E,
Thence Westerly to the N.W. corner of township 21N, range 9E,
Thence Northerly to the N.E. corner of township 22N, range 8E,
Thence Westerly to the N.W. corner of township 22N, range 8E,
Thence Northerly to the S.W. corner of township 27N, range 8E,
Thence Easterly to the S.E. corner of township 27N, range 8E,
Thence Northerly to the N.E. corner of township 28N, range 8E,
Thence Westerly to the N.W. corner of township 28N, range 7E,
Thence Northerly to the N.E. corner ot township 30N, range 6E,
Thence Westerly to the N.W. corner of township 30N, range 1E,
Thence Northerly along the Mt. Diablo meridian to the N.E. corner of township 34N, range 1W,
Thence Westerly to the N.W. corner of township 34N, range 6W,
Thence Southerly to the N.E. corner of township 32N, range 7W,
Thence Westerly to the N.W. corner of township 32N, range 7W,
Thence Southerly to the S.W.corner of township 32N, range 7W,
Thence Easterly to the S.E. corner of township 30N, range 7W,
Thence Southerly to the S.W. corner of township 16N, range 6W,
Thence Easterly to the S.E. corner of township 16N, range 6W,
Thence Southerly to the S.W. corner of township 14N, range 5W,
Thence Westerly to the S.E. corner of township 14N, range 7W,
Thence Northerly to the N.E. corner of township 14N, range 7W,
Thence Westerly to the N.W. corner of township 14N, range 7W,
Thence Northerly to the N.E. corner of township 15N, range 6W,

CAL 'ORNIA
AREA .EFINITIONS for
POWER EQUIPMENT OPERATORS (cont'd)

*Area 1 (cont'd)
Thence Westerly to the S.E. corner of township 16N, range 12W,
Thence Northerly to the N.E. corner of township 16N, range 12W,
Thence Westerly to the N.W. corner of township 16N, range 12W,
Thence Northerly to the N.E. corner of township 18N, range 13W,
Thence Westerly to the N.W. corner of township 18N, range 14W,
Thence Southerly to the S.W. corner of township 18N, range 14W,
Thence Easterly to the S.E. corner of township 18N, range 14W,
Thence Southerly to the S.W. corner of township 16N, range 13W,
Thence Westerly to the N.W. corner of township 15N, range 14W,
Thence Southerly to the S.W. corner of township 14N, range 14W,
Thence Easterly to the S.E. corner of township 14N, range 14W,
Thence Southerly to the S.W. corner of township 13N, range 13W,
Thence Easterly to the S.E. corner of township 13N, range 13W,
Thence Southerly to the S.W. corner of township 11N, range 12W,
Thence Easterly to the S.E. corner of township 11N, range 12W,
Thence Southerly along the Eastern line of range 12W to the Pacific Ocean excluding that portion of Northern California within Santa Clara County included within the following line:
Commencing at the N.W. corner of township 6S, range 3E, Mt. Diablo baseline and Meridian:
Thence in a Southerly direction to the S.W. corner of township 7S, range 3E,
Thence in a Easterly direction to the S.E. corner of township 7S, range 4E,
Thence in a Northerly direction to the N.E. corner of township 6S, range 4E,
Thence in a Westerly direction to the N.W. corner of township 6S, range 3E, to the point of beginning which portion is a part of Area 2.
Area 1 also includes that portion of Northern California within the following lines:
Commencing in the Pacific Ocean on an extension of the Southerly line of township 2N, Humboldt baseline and meridian:
Thence Easterly along the Southerly line of township 2N to the S.W. corner of township 2N, range 1W,
Thence Southerly to the S.W. corner of township 1N, range 1W,
Thence Easterly along the Humboldt baseline to the S.W. corner of township 1N, range 2E,
Thence Southerly to the S.W. corner of township 2S, range 2E,
Thence Easterly to the S.E corner of township 2S, range 2E,
Thence Southerly to the S.W. corner of township 4S, range 3E,
Thence Easterly to the S.E. corner of township 4S, range 3E,
Thence Northerly to the N.E. corner of township 2S, range 3E,
Thence Westerly to the N.W. corner of township 2S, range 3E,
Thence Northerly crossing the Humboldt baseline to the S.W. corner of township 1N, range 3E,
Thence Easterly along the Humboldt baseline to the S.E. corner of township 1N, range 3E,
Thence Northerly to the N.E. corner of township 9N, range 3E,
Thence Westerly to the N.W. corner of township 9N, range 2E,
Thence Northerly to the N.E. corner of township 10N, 1E,

*Area 1 (cont'd)
Thence Westerly along the Northerly line to township 10N, into the Pacific Ocean.
Area 1 also includes that portion of Northern California included within the following line:
Commencing at the Northerly boundary of the state of California at the N.W. corner of township 48N, range 7W, Mt. Diablo baseline and meridian:
Thence Southerly to the S.W. corner of township 44N, range 7W,
Thence Easterly to the S.E. corner of township 44N, range 7W,
Thence Southerly to the S.W. corner of township 43N, range 6W,
Thence Easterly to the S. E. corner of township 43N, range 5W,
Thence Northerly to the N.E. corner of township 48N, range 5W, on the Northerly boundary of the state of California,
Thence Westerly along the Northerly boundary of the state of California to the point of beginning.

STATE: Colorado

COUNTIES: Adams, Arapahoe, Boulder, Clear Creek, Denver, Douglas, Eagle, Elbert, Gilpin, Grand, Jefferson, Lake, Larimer, Logan, Morgan, Park, Summit, and Weld

DECISION NUMBER: AQ-1061

DATE: Date of Publication

Supersedes Decision No. AQ-1055 dated November 9, 1973, in 38 FR 31103.

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						
Eagle County	7.45	.45	.60	.25	.05	
Boulder County	7.70	.45	.50		.05	
Elbert, Lake and Park Counties	8.12	.30	.50		.04	
Larimer County	8.10	.50	.45	.25	.05	
Remaining Counties	8.25	.45	.60	.25	.05	
CARPENTERS:						
Adams, Araphoe, Boulder, Clear Creek, Denver, Douglas, Elbert, Grand, Gilpin, Jefferson and Park (Northern area) Cos.						
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), Eagle, Lake, Park (South 40 miles) and Summit Counties						
Zone I (0-30 miles from P. O. in Leadville or Fort Collins	6.87	.45	.45	.30	.04	
Zone II (30-60 miles from P. O. in Leadville or Fort Collins	7.12	.45	.45	.30	.04	
Zone III (all work outisde of the 60 mile radius from P. O. in Leadville or Fort Collins	7.37	.45	.45	.30	.04	
CEMENT MASONS:						
Remaining Counties (including Elbert County, except S. E. corner ¾ of Lake and N½ of Park 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	
Eagle and Summit Counties						
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	
S. E. Corner of Elbert, South½ of Lake and South½ of Park Counties						
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 and Park Counties)	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 and Tile Layers:						
Elbert, Lake and Park Counties	7.14	.30	.50			
Remaining Counties	7.60	.53	.40	.25		
MILLWRIGHTS	7.24	.45	.40	.40	.04	
PAINTERS:						
Remaining Counties						
Brush and roller	7.41	.40	.15		.01	
Drywall finisher; Paperhanger	7.61	.40	.15		.01	
Spray; Swing stage	7.89	.40	.15		.01	
Park County						
Brush and rollers	6.35	.40	.20		.02	
Steel and spray	6.85	.40	.20		.02	
Steel spray	7.35	.40	.20		.02	
PLASTERERS	8.19			.50	.01	

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
PLUMBERS; Pipefitters:						
Remaining Counties (incl. northern portions of Douglas, Elbert and Park Counties)	$8.05	.50	.45	.50	.05	
Southern portions of Douglas, Elbert and Park Counties (See * below)	7.33	.50	.50	1.17	.05	
Boulder County	8.05	.50	.45	.50	.05	
Larimer County	8.05	.50	.45	.50	.05	
ROOFERS:						
Remaining Counties incl. northern portions of Lake, Park, Jefferson, Douglas and Elbert Counties	7.65	.37			.02	
Eagle and southern portions of Lake, Park, Jefferson, Douglas and Elbert Counties (See * below)	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	
TERRAZZO WORKERS	7.60	.53	.40	.25		

*Area south of an east-west line from west border of Lake County to a point 2 miles north of the City of Leadville to a point ½ miles north of the City of Limou at the west border of Lincoln County.

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.

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%

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Area A						
LABORERS:						
Adams, Arapahoe, Boulder, Denver, Larimer & Summit Counties. 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 sand-blasters	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;						
Bellers and stemmers on caisson work	5.30	.37	.40		.05	
Mason tenders, brick and plaster	5.35	.37	.40		.05	
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 sand-blasters	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;						
Bellers and stemmers on caisson work	5.75	.37	.40		.05	
Mason tenders, brick and plaster	5.80	.37	.40		.05	

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
ZONE 3 - 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 nozzleman 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;						
Bellers and stemmers on caisson work	6.20	.37	.40		.05	
Mason tenders, brick and plaster	6.25	.37	.40		.05	
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	4.55	.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 work	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 incl. 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 incl. 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	

A4-1061 P. 9

HEAVY AND HIGHWAY CONSTRUCTION

CO-7 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 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-place 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	

A4-1061 P. 10

CO- LAB-2-3-b

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	

CO-? LAB-2-3-b

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	

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	5.58	.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	

A4-1061 P. 13

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 or block and tackle	5.83	.37	.40		.05	

A4-1061 P. 14

Co. 1 - PEO-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	5.93	.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 6 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; Sandblasting 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	

AG-1063 P. 35

Co.: 1 FBO -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); Mixermobile; 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 hydrocrane; 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	

AG-1063 P. 36

Colo. -PFO-1-2-3-d (3-1)

POWER EQUIPMENT OPERATORS: (For work in Tunnels, Shafts, and Raises)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
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%	

AR-1061 P. 17
CO-1-TD-1-7-3-d (1-2)

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, Roughtuggy, 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		

AR-1061 P. 18
CO-1-TD-1-3-3-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		

SUPERSEDEAS DECISION

STATE: Montana COUNTIES: Deer Lodge, Gallatin and Silver Bow

DECISION NUMBER: AQ-1060 DATE: Date of Publication

Supersedes Decision No. AQ-1020 dated August 31, 1973, in 38 FR 23729.

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:						
Deer Lodge County	$6.35					
Gallatin County	7.10					
Silver Bow County	7.50					
CARPENTERS:						
Deer Lodge County	6.11	.30	.45	.25	.02	
Gallatin County	6.13	.30	.45		.02	
Silver Bow County	6.11	.30	.45	.50	.02	
CEMENT MASONS:						
Deer Lodge and Silver Bow Counties	6.80					
Gallatin County	5.95	.25				
ELECTRICIANS:						
Deer Lodge County	6.95		1%		1/2%	
Gallatin County	6.60	.20	1%		1/2%	
Silver Bow County	7.10	.30	1%		1/2%	
IRONWORKERS:						
Ornamental; Structural & Reinforcing	7.10	.40	.65		.05	
PAINTERS, Brush:						
Silver Bow County	5.56					
PLASTERERS:						
Deer Lodge and Silver Bow Counties	4.90	.30		.60		
Gallatin County	5.80	.25				
PLUMBERS	7.50	.25	.35		.05	
ROOFERS	5.62	.37	.35	.50		
SHEET METAL WORKERS:						
Deer Lodge and Silver Bow Counties	7.00	.32	.20			
Gallatin County	7.05	.32	.20		.02	

Deer Lodge and Silver Bow Counties A-M VI-1AB-1-b (1-2)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
General laborer; Axeman; Carpenter tender; Car and truck loaders, Scissorman; Chuck tender and nipper (above ground); Cosmolene, applying and removing; Fence erector and installer incl. the installation and erection fences, guard rails, median rails, erference posts, guide posts and right-of-way markers); Form stripper; Form setter; Landscape laborer; Nozzleman-air and water, gunnite and place machine; Pilot car; Riprap helper; Scaleman; Sod cutter (hand operated) (General laborer); Stake jumper for equipment; Tool checker, toolhouseman	$5.00	.37	.27	.50	.03	
Riprapper; Sandblaster; Sandblaster tailhouseman; Pot tender	5.07	.37	.27	.50	.03	
Hand faller	5.08	.37	.27	.50	.03	
Post hole digger (power Auger)	5.09	.37	.27	.50	.03	
Concrete or asphalt saws; Tar pot operator	5.10	.37	.27	.50	.03	
Powderman helper	5.12	.37	.27	.50	.03	
Caisson workers (free air); Chocker setter; Pipe wrapper; Power saw (bucking); Spike driver, single or dual or hand	5.16	.37	.27	.50	.03	
Drills, air-tract, self-propelled car or truck mount air operated drills; Jackhammer, pavement breaker, wagon driller, mechanical tamper, vibrating roller hand steered and other power tools	5.17	.37	.27	.50	.03	
Asphalt raker; Dumpman (grademan)	5.18	.37	.27	.50	.03	
High pressure machine nozzleman	5.22	.37	.27	.50	.03	
Pipe layer (all types); Cutting torch operator	5.25	.37	.27	.50	.03	
Powderman	5.27	.37	.27	.50	.03	
Grade setter	5.28	.37	.27	.50	.03	

AW-1060 P.3

4-MONT-IAR-1 - h (2-2)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
High scaler	$5.35	.37	.27	.50	.03	
Dumpman (spotter)	5.38	.37	.27	.50	.03	
Power saw (falling)	5.40	.37	.27	.50	.03	
Rigger	5.50	.37	.27	.50	.03	
Core drill operator	5.60	.37	.27	.50	.03	
Concrete worker, wet or dry; Tending masons when pouring and finishing concrete	5.08	.37	.27	.50	.03	
Vibrator operator; Tending stonesetters, Marble setters, Tile setters, Skagiola and Terrazzo workers; Tending brick masons or brick or stone work; Tending plasterers or stuccoing or plastering; (This does not include rubbing down of foundation or concrete walls), Surekete, Stonehard and Rubberslate; Concrete conveyor swinger operator	5.24	.37	.27	.50	.03	
Power driven concrete buggies	5.12	.37	.27	.50	.03	
Gallatin County						
General laborers	5.19	.37	.27		.03	
Hod carriers; Jackhammer operator; vibrator; Mixer; Concrete pump tender; Sandblaster; Concrete curb machine; Curb form setter	5.44	.37	.27		.03	

AW-1060 P. 4

Gallatin County

MONT-1-PEO-2-3-h (1-4)

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
A-Frame Truck Crane, Winch Truck and similar	$6.86	.45	.45		.03	
Air Compressor, Single	6.55	.45	.45		.03	
Air Compressor, two or more	6.72	.45	.45		.03	
Air Doctor	7.02	.45	.45		.03	
Asphalt Paving Machine	7.02	.45	.45		.03	
Asphalt Paving Machine Screed	7.02	.45	.45		.03	
Automatic Finegrader, Gurries and other similar types	7.15	.45	.45		.03	
Belt Finish Machine	6.72	.45	.45		.03	
Bit Grinder	7.02	.45	.45		.03	
Bituminous Mixer Paving, Travel Plant	7.02	.45	.45		.03	
Boring Machine (small), jeep, pickup or farm tractor mounted	6.61	.45	.45		.03	
Boring Machine (large)	7.02	.45	.45		.03	
Broom, self-propelled	6.69	.45	.45		.03	
Cableway Highline	7.53	.45	.45		.03	
Cement Silo	6.81	.45	.45		.03	
Central Mixing Plants, Concrete dam & stationary	7.27	.45	.45		.03	
Chain Bucket Loader	6.74	.45	.45		.03	
Chip or Gravel Spreader, self-propelled	6.74	.45	.45		.03	
Concrete Batch Plant, one & two mixers	7.02	.45	.45		.03	
Concrete Batch Plant, three and four mixers	7.22	.45	.45		.03	
Concrete Batch Plant, five mixers & over	7.42	.45	.45		.03	
Concrete Batch Plant Oiler, up to & incl. two mixers	6.54	.45	.45		.03	
Concrete Batch Plant Oiler, three mixers and over	6.85	.45	.45		.03	
Concrete Bucket Dispatcher	7.02	.45	.45		.03	
Concrete Curing Machine	7.02	.45	.45		.03	
Concrete Finish Machine Paving	7.02	.45	.45		.03	
Concrete Plant-Spreader	7.02	.45	.45		.03	
Concrete Mixer, three bags & under	6.61	.45	.45		.03	
Concrete Mixer, four bags and over	6.78	.45	.45		.03	
Concrete Power Saw, self-propelled	7.02	.45	.45		.03	
Concrete Travel Batcher	7.02	.45	.45		.03	
Conveyor Loader, up to & incl. 42" belt	6.60	.45	.45		.03	
Conveyor Loader, over 42 inch belt	6.72	.45	.45		.03	
Crane, to & incl. 80' boom with jib	7.18	.45	.45		.03	
Crane, 81' to 130' boom	7.33	.45	.45		.03	

MONT-1-PED-2-3-5 (7-4)

POWER EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	Apr. Tr.	Other
Crane, 131' to 150' boom	$7.38	.45	.45		.03	
Crane, 151' boom & over	7.43	.45	.45		.03	
Crane Oiler	6.59	.45	.45		.03	
Crusher	7.02	.45	.45		.03	
Crusher Oiler & Helper	6.51	.45	.45		.03	
Crusher Conveyor, when required	6.48	.45	.45		.03	
Distributor	7.02	.45	.45		.03	
DW 10, 15, or 20 Tractor pulling roller	6.74	.45	.45		.03	
Electric Overhead Cranes	7.20	.45	.45		.03	
Elevating Grader	7.02	.45	.45		.03	
Farm Type Tractor, up to & incl. 50 HP Engine	6.48	.45	.45		.03	
Farm Type Tractor, over 50HP Engine	6.56	.45	.45		.03	
Field Equipment Serviceman	6.94	.45	.45		.03	
Field Equipment Serviceman Helper	6.51	.45	.45		.03	
Fireman	6.61	.45	.45		.03	
Forklift, on construction job site	6.83	.45	.45		.03	
Form Grader	6.79	.45	.45		.03	
Gradall	7.02	.45	.45		.03	
Grade Setter	6.48	.45	.45		.03	
Heavy Duty Drill, all types	7.02	.45	.45		.03	
Heavy Duty Driller Helper	6.61	.45	.45		.03	
Herman-Nelson Heaters & similar type	6.56	.45	.45		.03	
Hoist, Single drum	6.79	.45	.45		.03	
Hoist, two or more drums	7.02	.45	.45		.03	
Helicopter Hoist	7.52	.45	.45		.03	
Hot Plant	7.02	.45	.45		.03	
Hot Plant Fireman, when in Operation	7.02	.45	.45		.03	
Hot Plant Oiler, 100 ton per hour or over	6.51	.45	.45		.03	
Hydra lift and similar types	6.92	.45	.45		.03	
Industrial Locomotive all classes	7.02	.45	.45		.03	
Mechanic and/or Welder on job	7.12	.45	.45		.03	
Mechanic and/or Welder Helper on job	6.51	.45	.45		.03	
Mixermobile	7.10	.45	.45		.03	
Motor Patrol	7.15	.45	.45		.03	
Mountain Logger or similar type	7.02	.45	.45		.03	
Mucking Machine	7.02	.45	.45		.03	
Oiler-Driver, Rubber Tired Cranes	6.59	.45	.45		.03	
Oilers, other than Shovels & Cranes	6.51	.45	.45		.03	
Oiler, hoist house, dams	6.92	.45	.45		.03	
Pavement Breaker, Esco & similar	7.02	.45	.45		.03	
Paving & Mixing Machine	7.15	.45	.45		.03	
Power Auger, Large Truck or Tractor Mounted	7.02	.45	.45		.03	
Power Mixer, single or double drum	7.02	.45	.45		.03	
Power Saw, Multiple cut, self-propelled	7.02	.45	.45		.03	
Pumpcrete or Grout Machine	7.02	.45	.45		.03	
Pumpman	6.55	.45	.45		.03	

MONT-1-PED-2-3-5 (3-4)

POWER EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	Apr. Tr.	Other
Push Tractor	$7.02	.45	.45		.03	
Quad Cat	7.32	.45	.45		.03	
Refrigerator Plant	7.02	.45	.45		.03	
Retort	6.61	.45	.45		.03	
Roller, on blade or hot mix oil paving	7.02	.45	.45		.03	
Roller, on other blade or hot mix paving	6.72	.45	.45		.03	
Roller, 25 ton or over	7.02	.45	.45		.03	
Ross & similar type carriers, on construction site	7.02	.45	.45		.03	
Rubber-tired Dozer	7.02	.45	.45		.03	
Rubber-tired Front End Loader, 1 yd. & under	6.73	.45	.45		.03	
Rubber-tired Front End Loader, 1 yd. to and incl. 3 yds.	7.02	.45	.45		.03	
Rubber-tired Front End Loader, over 3 yds. to and incl. 5 yds.	..14	.45	.45		.03	
Rubber-tired Front End Loader, over 5 yds. to and incl. 10 yds.	7.24	.45	.45		.03	
Rubber-tired Front End Loader, over 10 yds. to and incl. 15 yds.	7.34	.45	.45		.03	
Rubber-tired Front End Loader, over 15 yds.	7.44	.45	.45		.03	
Scraper, DW 15, 20, 21 & similar type if power unit is not used	7.02	.45	.45		.03	
Scraper, single or twin engine pulling belly dump trailer	7.40	.45	.45		.03	
Scraper, single engine	7.15	.45	.45		.03	
Scraper, twin engine	7.25	.45	.45		.03	
Scraper, tandem engine	7.51	.45	.45		.03	
Self-propelled Sheepfoot and similar type	7.02	.45	.45		.03	
Shovels, incl. all attachments, under 1 cu. yd.	7.02	.45	.45		.03	
Shovels, incl. all attachments, 1 cu. yd. to & incl. 3 cu. yd.	7.20	.45	.45		.03	
Shovels, incl. all attachments, over 3 cu. yd. to & incl. 5 cu. yd.	7.47	.45	.45		.03	
Shovels, incl. all attachments, over 5 cu. yd.	7.60	.45	.45		.03	
Shovel Oiler, 3 yds. & under	6.51	.45	.45		.03	
Shovel Oiler, over 3 cu. yds.	6.92	.45	.45		.03	
Slip form paver	7.15	.45	.45		.03	
Stiff leg derrick & guy derrick	7.47	.45	.45		.03	
Track-type front end loaders; up to & incl. 5 cu. yds.	7.02	.45	.45		.03	
Track-type front end loaders; over 5 cu. yd. to & incl. 10 cu. yd.	7.25	.45	.45		.03	
Track-type front end loaders, over 10 cu. yd. to & incl. 15 cu. yd.	7.35	.45	.45		.03	

1-INT-1-FED-2-1-5 (4-4)

POWER EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Apprn. Tr.	Other
Track-type front end loaders, over 15 cu. yd.	$7.45	.45	.45		.03	
Track-type tractor with or without attachments	7.02	.45	.45		.03	
Track-type tractor, on Euclid Loader	7.20	.45	.45		.03	
Trenching Machine	7.02	.45	.45		.03	
Turnhead Conveyor, or Head Tower on Batch Plant	7.02	.45	.45		.03	
Wagner Roller & similar type	7.02	.45	.45		.03	
Whirley Crane	7.55	.45	.45		.03	
Whirley Crane Oiler	6.92	.45	.45		.03	
Water Pull when used for compaction	7.02	.45	.45		.03	
Washing and Screening Plant	7.02	.45	.45		.03	
Washing and Screening Plant Oiler	6.51	.45	.45		.03	

Deer Lodge and Silver Bow Counties MON-3-PEC-1- f (1-4)

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Apprn. Tr.
A-FRAME TRUCK CRANE	$6.86	.45	.45		.03
AIR COMPRESSOR, single	6.55	.45	.45		.03
AIR COMPRESSOR, 2 or more; Belt finishing; Conveyor loader, over 42" belt; Roller, steel & self-propelled rubber on other than blade or hot-mix oil paving	6.72	.45	.45		.03
AIR DOCTOR; Asphalt paving machine, or screed; Bit grinder; Bituminous mixer, paver; Boring machine, large (for guard rail holes); Bulldozer, rubber-tired or otherwise; Concrete batch plant, 1 & 2 mixers; Concrete bucket dispatcher; Concrete Curing Machine; Concrete finishing machine, paving; Concrete float & spreader; Concrete Power saw, self-propelled; Concrete travel batcher; Crusher and/or screening plant; Distributor; Elevating grader; Gradall; Heavy duty rotary drills (Quarry Master, Joy drills & similar types); Hoist, or air tugger, 2 or more drums; Hot plant; Hot plant; Hot plant fireman (when in operation); Industrial Locomotive, all types; Loaders, rubber-tired, over 1 yd. to & incl. 3 yds.; Loaders, track-type, up to & incl. 5 yds.; Loaders, transacavator & Athey; Loader & Hoe combination, rubber-tired, loader 1 yd. & under, hoe 1 yd. & under; Mountain logger or similar; Mucking Machine; Pavement breaker, Ensco & similar; Power auger, large truck or tractor, mounted & punch; Power mixer, single or double drum; Power saw, self-propelled, multiple cut; Pumperete or grout machine; Push tractor; Refrigerator plant; Roller, steel & self-propelled rubber on Blade on hot-mix oil paving Roller, 25 tons, working weight or over, any type or make; Roller, Wagner & similar; Ross & similar type Carriers (on Constr. site); Scraper DW 30; Scraper, DW 15, 20, 21 & similar if Power unit is not used; Self-propelled sheepsfoot & similar; Shov-					

POWER EQUIPMENT OPERATORS: (Cont)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
els, incl. all attachs, under 1 yd.; Trenching machine; Turnhead conveyor or head tower op. on batch plant; water pull, when used for compaction; Washing & screening plant	7.02	.45	.45		.03
AUTOMATIC FINEGRADER, gurries & similar; Motor patrol; Paving & mixing machine; Scraper, DW 15, 20, 21 & similar if power unit is used; Scraper, single engine; Slip form paver	7.15	.45	.45		.03
BORING MACHINE; Concrete mixer, 3 bags & under; Fireman; Heavy duty rotary drill helper; Retort op.	6.61	.45	.45		.03
BROOM OP., self-propelled	6.69	.45	.45		.03
CABLEWAY OP.	7.53	.45	.45		.03
CEMENT SILO	6.81	.45	.45		.03
CENTRAL MIXING PLANTS, concrete dams & stationary	7.27	.45	.45		.03
CHAIN DUMEY LOADER; Chip-gravel spreader self-propelled; DW 10, 15, 20 tractor pulling roller	6.74	.45	.45		.03
CONCRETE BATCH PLANT OP., 3 & 4 mixers	7.22	.45	.45		.03
CONCRETE BATCH PLANT OP., 5 mixers & over	7.42	.45	.45		.03
CONCRETE BATCH PLANT OILER, up to & incl. 2 mixers	6.54	.45	.45		.03
CONCRETE BATCH PLANT OILER, 3 mixers & over	6.85	.45	.45		.03
CONCRETE MIXER OP., 4 bags & over	6.78	.45	.45		.03
CONVEYOR LOADER, to & incl. 42" belt	6.60	.45	.45		.03
CRANE, to & incl. 80' boom with jib	7.18	.45	.45		.03
CRANE, 81' to 130' boom	7.33	.45	.45		.03
CRANE, 131' to 150' boom	7.38	.45	.45		.03

POWER EQUIPMENT OPERATORS: (Cont)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
CRANE, 151' boom & over	$7.43	.45	.45		.03
CRANE OILER; Oiler driver, rubber-tired cranes	6.59	.45	.45		.03
CRANES, electric overhead; Shovels, incl. all attachs. 1 yd. to & incl. 3 yds.; Track type tractor, on euclid loader	7.20	.45	.45		.03
CRANE, TOWER; Scraper, tandem or (engine)	7.51	.45	.45		.03
CRANE, WHIRLEY	7.55	.45	.45		.03
CRANE, WHIRLEY OILER; Hydralift & similar; Oiler, hoist house, dams; Shovel oiler, over 3 yds.; Winch truck with boom	6.92	.45	.45		.03
CRUSHER AND/OR SCREENING PLANT HELPER, (If over 2 separate units); Crusher oiler; Field equip. service helper; Hot plant oiler, 100 tons per hr. or over; Mechanic and/or welder helper on job; Oilers, other than shovels & cranes; Shovel oiler, 3 yds. & under; Washing and screening plant oiler	6.51	.45	.45		.03
CRUSHER CONVEYOR, when required; Farm type tractor, up to & incl. 50 H.P.; Grade setter	6.48	.45	.45		.03
DRILLING MACHINE (does not include Jackhammer, Wagon drillers or waterlines)	6.93	.45	.45		.03
EUCLID LOADER & similar; Loader & hoe combination, rubber-tired, loader 1 yd. to & incl. 3 yds., hoe over 1 yd.	7.21	.45	.45		.03
FARM TYPE TRACTOR, over 50 H.P.; Heaters, Herman Nelson & similar	6.56	.45	.45		.03
FIELD EQUIPMENT SERVICE MAN	6.94	.45	.45		.03
FORK LIFT (On constr. site)	6.83	.45	.45		.03
HOIST, OR AIR TUGGER, single drum; Farm grader	6.79	.45	.45		.03

POWER EQUIPMENT OPERATORS: (Cont.)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
FULLER KINTON PUMP; Loaders (Barber Green & similar)	$6.67	.45	.45		.03
HELICOPTER HOIST	7.52	.45	.45		.03
LOADERS, RUBBER-TIRED, 1 yd. & under	6.73	.45	.45		.03
LOADERS, RUBBER-TIRED, over 3 yds. to & incl. 5 yds.	7.14	.45	.45		.03
LOADERS, RUBBER-TIRED, 5 yds. to & incl. 10 yds.	7.24	.45	.45		.03
LOADERS, RUBBER-TIRED, over 10 yds. to & incl. 15 yds.	7.34	.45	.45		.03
LOADERS, RUBBER-TIRED, over 15 yds. (factory rating not to incl. side-boards)	7.44	.45	.45		.03
LOADERS, TRACK-TYPE, over 5 yds. to & incl. 10 yds. Scraper, twin engine	7.25	.45	.45		.03
LOADERS, TRACK-TYPE, over 10 yds. to & incl. 15 yds.	7.35	.45	.45		.03
LOADERS, TRACK-TYPE, over 15 yds.	7.45	.45	.45		.03
MECHANIC AND/OR WELDER, on job	7.09	.45	.45		.03
MIXERMOBILE	7.10	.45	.45		.03
PILEDRIVER (when shovel equip. is not used)	6.67	.45	.45		.03
QUAD CAT	7.32	.45	.45		.03
SCRAPER, single or twin engine pulling belly dump trailer	7.40	.45	.45		.03
SHOVELS, incl. all attachs., over 3 yds. to & incl. 5 yds., Stiff-leg derrick & guy derrick	7.47	.45	.45		.03
SHOVELS, incl. all attachs., over 5 yds.	7.60	.45	.45		.03

Gallatin County	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Truck Drivers: Dump, 7 yds, or less; Pickup, hauling materials; Flat, less than 2 ton; Service and A-frame trailers	$4.76	.45	.25			
House movers	4.80	.45	.25			
Flat, 2 - 5 tons	4.91	.45	.25			
Dump, over 7 yds. to and incl. 10 yds.; Flat, 5 - 8 tons; Semi and four wheel trailers	5.01	.45	.25			
Dump, over 10 yds. to and incl. 15 yds.	5.17	.45	.25			
Dump, over 15 yds. to and incl. 20 yds.	5.31	.45	.25			

Deer Lodge and Silver Bow Counties

AG-3060 P. 32
MONT-1-TR-1-2-3-A (1-2)

Truck Drivers	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
COMBINATION Truck; Concrete Mixer and Transit Mixer:						
To and incl. 4 cu. yds.	$6.30	.475	.325			
Over 4 cu. yds. to and incl. 6 cu. yds.	6.38	.475	.325			
Over 6 cu. yds. to and icml. 8 cu. yds.	6.46	.475	.325			
Over 8 cu. yds. to and incl. 10 cu. yds.	6.54	.475	.325			
Over 10 cu. yds. - additional $.08 per hour each additional 2 cu. yds. increment						
DISTRIBUTOR DRIVER AND HELPER	6.23	.475	.325			
DRY BATCH TRUCKS:						
3 Batch or under	6.05	.475	.325			
Over 3 Batch to and incl. 5 Batch	6.18	.475	.325			
Over 5 Batch to and incl. 10 Batch	6.34	.475	.325			
Over 10 Batch to and incl. 15 Batch	6.50	.475	.325			
Over 15 Batch - additional $.15 per hour each additional 5 Batch increment						
DUMPMAN, GRAVEL SPREADER BOX: Pickup Driver, Hauling Materials; Pilot Car Driver, Teamsters and Helpers; Warehousemen, Partsmen, Cardex men, Warehouse Expediter	6.05	.475	.325			
DUMP TRUCKS AND SIMILAR EQUIPMENT WATER LEVEL CAPACITY, INCLUDING SIDEBOARDS:						
7 cu. yds. or less	6.05	.475	.325			
Over 7 cu. yds. to and incl. 10 cu. yds.	6.18	.475	.325			
Over 10 cu. yds. to and incl. 15 cu. yds.	6.34	.475	.325			
Over 15 cu. yds. to and incl. 20 cu. yds.	6.48	.475	.325			
Over 20 cu. yds. to and incl. 25 cu. yds.	6.54	.475	.325			
Over 25 cu. yds. to and incl. 30 cu. yds.	6.60	.475	.325			
Over 30 cu. yds. to and incl. 35 cu. yds.	6.66	.475	.325			
Over 35 cu. yds. to and incl. 40 cu. yds.	6.72	.475	.325			
Over 40 cu. yds. to and incl. 45 cu. yds.	6.78	.475	.325			
Over 45 cu. yds. - additional $.06 per hour each additional 5 cu. yds. increment						
DUMPSTERS	6.18	.475	.325			

AG-3060 P. 34
MONT-1-TR-1-2-3-B (2-2)

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
DW 20, DW 21, or EUCLID TRACTORS, PULLING P.R. 21 or SIMILAR DUMP WAGONS:						
To and incl. 25 cu. yds.	$6.54	.475	.325			
Over 25 cu. yds. to and incl. 30 cu. yds.	6.60	.475	.325			
Over 30 cu. yds. - additional $.06 per hour each additional 5 cu. yds. increment	"					
SERVICEMEN	6.79	.475	.325			
POWDER TRUCK DRIVER (bulk unloader type)	6.23	.475	.325			
FLAT TRUCKS:						
To and incl. 3 Tons	6.05	.475	.325			
Over 3 tons Factory rating	6.40	.475	.325			
FUEL TRUCK; SERVICE TIREMEN	6.52	.475	.325			
LOWBOYS, FOUR-WHEEL TRAILER, FLOAT SEMI-TRAILER	6.40	.475	.325			
LUMBER CARRIERS, LIFT TRUCKS; Power broom	6.14	.475	.325			
WATER TANK DRIVERS, PETROLEUM PRODUCTS DRIVERS:						
2,500 gals. and under	6.05	.475	.325			
Over 2,500 gals. to and incl. 4,500 gals.	6.34	.475	.325			
Over 4,500 gals. to and incl. 6,000 gals.	6.54	.475	.325			
Over 6,000 gals. to and incl. 8,000 gals.	6.60	.475	.325			
Over 8,000 gals. to and incl. 10,000 gals.	6.68	.475	.325			
Over 10,000 gals. - additional $.08 per hour each additional 2,000 gals. increment						
WINCH, A-FRAME, SWEDISH CRANE, HYDRA-LIFT, GROUTCRETE, AND CONSERVATION MULCHING, SEEDING AND FERTILIZING	6.30	.475	.325			
TRUCK MECHANIC	6.79	.475	.325			

SUPERSEDEAS DECISION

STATE: Virginia
DECISION NO. AQ-2031
Supersedes Decision No. AM-1873, dated August 20, 1971, in 36 FR 16341.
Description of work: Highway Construction
DATE: Date of Publication

COUNTY: Caroline, Essex, Gloucester, King George, King & Queen, King William, Lancaster, Mathews, Middlesex, Northumberland, Richmond, Spotsylvania, Stafford and Westmoreland. The City of Fredericksburg.

6-VA-3-A

HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asphalt rakers	$2.88					
Carpenters	3.92					
Cement finishers	3.25					
Laborers:	2.58					
Piledrivermen-leadsman	3.55					
Painters	3.00					
Truck drivers	2.58					
Power Equipment Operators:						
Asphalt paver	2.98					
Backhoe	3.50					
Bulldozer	3.50					
Crane	4.29					
Drill	3.00					
Grader	4.00					
Loader	3.10					
Mechanics	3.50					
Mixer box	3.25					
Oiler	3.00					
Roller	3.00					
Scraper	3.50					
Stone spreader	2.85					

SUPERSEDEAS DECISION

STATE: Virginia
DECISION NO. AQ-2032
Supersedeas Decision No. AR-1870, dated August 20, 1971, in 36 FR 16338.
Description of Work: Highway Construction
DATE: Date of Publication

COUNTY: Pittsylvania, Amherst, Appomattox, Buckingham, Campbell, Charlotte, Cumberland, Halifax, Nelson, and Prince Edward. The Cities of Danville, Lynchburg and South Boston.

3-VA-3-A

HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asphalt raker	$2.55					
Carpenters	3.57					
Cement finishers	3.00					
Ironworkers, reinforcing	3.60					
Laborers	2.36					
Truck drivers	2.36					
Power Equipment Operators:						
Asphalt paver	2.75					
Backhoe	3.95					
Bulldozer	3.00					
Crane	3.85					
Drill	2.75					
Grader	3.75					
Loader	2.99					
Mechanics	3.50					
Oiler	2.88					
Roller	2.62					
Scraper	2.90					
Stone spreader	2.85					

[FR Doc.73-25050 Filed 11-29-73;8:45 am]

AGENCIES WHICH PUBLISHED IN NOVEMBER

This is a list of agencies which published documents in the Federal Register during November 1973. This list appears in the final issue of each month.

CUMULATIVE LISTS OF PARTS AFFECTED—NOVEMBER

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during November.

1 CFR

Page

3 ... 32423
18 ... 31667, 32251

3 CFR

PROCLAMATIONS:

4253 ... 30425
4254 ... 31407
4255 ... 31809

EXECUTIVE ORDERS:

5327 (amended by PLO 5401) ... 33186
11490 (amended by EO 11746) ... 30991
11745 ... 30429
11746 ... 30991
11747 ... 30993

PRESIDENTIAL DOCUMENTS OTHER THAN PROCLAMATIONS AND EXECUTIVE ORDERS:

Determination of Sept. 28, 1973 ... 31811

4 CFR

56 ... 30431
331 ... 30725
351 ... 30728
400 ... 30730
401 ... 30730
402 ... 30730
403 ... 30730
404 ... 30730
405 ... 31813
406 ... 30730

PROPOSED RULES:

331 ... 32583
407 ... 32145

5 CFR

213 ... 30251, 30531, 30865, 31409, 31505, 32123, 32251, 32494, 32781, 32909

6 CFR

102 ... 30531
150 ... 30097, 30266, 30267, 30272, 32360, 32494, 32810, 32811, 32914, 33059
152 ... 32914
501 ... 33030
505 ... 33030
Rulings ... 30099, 30444, 30733, 31165, 31681, 31975, 31976, 32139, 32361, 32573

PROPOSED RULES:

150 ... 30850, 31686, 32497

7 CFR

2 ... 31165
27 ... 30099
46 ... 31953
47 ... 30444
51 ... 32920
53 ... 30995
54 ... 30734
68 ... 32781
70 ... 30734
210 ... 32423
215 ... 20100, 32423

7 CFR—Continued

Page

220 ... 32423
225 ... 32424
250 ... 32424
270 ... 32424
295 ... 32424
354 ... 30274, 31953
401 ... 31953, 31955–31957
404 ... 31958
722 ... 30273, 32424, 32434
725 ... 31813
726 ... 31409
729 ... 32920
730 ... 31409
760 ... 31667
811 ... 31410, 31412
905 ... 31414
906 ... 30995
907 ... 30100, 30865, 31515, 32251, 32921
910 ... 30273, 30995, 31671, 32435, 33060
912 ... 30273, 30996, 32573
913 ... 30274, 30997, 33060
927 ... 30101
945 ... 30532
959 ... 31516
965 ... 30447, 30865
967 ... 32574
971 ... 32435, 33061
966 ... 30448
980 ... 30449
982 ... 30101, 30997
984 ... 32574
987 ... 30734, 32123
989 ... 30734
1136 ... 30533
1421 ... 30275, 31277, 31278, 32435
1464 ... 32123, 32124
1822 ... 30998
1842 ... 32921
1843 ... 30102
1890a ... 30998

PROPOSED RULES:

650 ... 31909
905 ... 31682
907 ... 32140
912 ... 30276
913 ... 31540
926 ... 31540
947 ... 32813
959 ... 31682
967 ... 30563
971 ... 30865, 31541
981 ... 31977
1030 ... 31977
1098 ... 31179
1121 ... 31432
1126 ... 31432
1127 ... 31432
1128 ... 31432
1129 ... 31432
1130 ... 31432
1701 ... 30112, 30451, 30452, 31904
1822 ... 31682
1873 ... 31012, 31447

8 CFR

212 ... 31166
234 ... 33061
238 ... 33062
245 ... 33062
265 ... 33062
299 ... 30735

9 CFR

Page

73 ... 30735, 31671, 32575, 32783, 32915
78 ... 30251, 32783
82 ... 30102, 30735, 32126, 32783
94 ... 31415
102 ... 32916
104 ... 32916
113 ... 31166, 32917
318 ... 31516
350 ... 30736
355 ... 30736

PROPOSED RULES:

318 ... 30886, 32813
381 ... 30886

10 CFR

2 ... 30252
50 ... 30253, 30538, 31279, 32575
70 ... 30533, 30538, 30542, 32784
73 ... 30533, 30538, 32784
100 ... 31279, 32575
170 ... 30254, 31813, 31958, 32575

PROPOSED RULES:

2 ... 30203, 31543, 31842
11 ... 30208
30 ... 30203, 31842
40 ... 30203, 31842
50 ... 30203, 30564, 31842
51 ... 30203, 31842
70 ... 30203, 31842
115 ... 30564

12 CFR

225 ... 32126
266 ... 31672
523 ... 30998, 32127
531 ... 30102
545 ... 30546, 30866, 31285
561 ... 32128
563 ... 30866

PROPOSED RULES:

210 ... 32952
222 ... 32823

13 CFR

107 ... 30736
108 ... 31813
121 ... 30255, 32252
118 ... 30546

14 CFR

23 ... 31816, 32784
39 ... 30255, 30867, 30998, 30999, 31517, 31518, 31683, 31824
71 ... 30103, 30736–30738, 30860, 30999, 31000, 31286–31289, 31518, 31519, 31673–31675, 31825, 31959, 32128, 32252, 32253, 32436, 32437, 32784, 32785
73 ... 31287–31289, 31675, 31825
75 ... 31166, 31676
95 ... 31416
97 ... 30103, 31000, 31676, 32253, 32918
103 ... 30104
241 ... 30256
288 ... 31826, 32919
298 ... 31959, 32437
389 ... 31960
421 ... 33063

FEDERAL REGISTER PAGES AND DATE—NOVEMBER

Pages	*Date*
30091–30243	Nov. 1
30245–30420	2
30421–30524	5
30525–30716	6
30717–30858	7
30859–30984	8
30985–31157	9
31159–31269	Nov. 12
31271–31400	13
31401–31498	14
31499–31660	15
31661–31801	16
31803–31945	19
31947–32113	20
32115–32243	Nov. 21
32245–32415	23
32417–32565	26
32567–32771	27
32773–32902	28
32903–33051	29
33053–33266	30