US GOVERNMENT INFORMATION GPO

federal register

FRIDAY, DECEMBER 21, 1973

WASHINGTON, D.C.

Volume 38 ■ Number 245

Pages 34977–35221

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federal register

Area Code 202 Phone 523–5240

Published daily, Monday through Friday (no publication on Saturdays, Sundays, or on official Federal holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C., Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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Title 3—The President

EXECUTIVE ORDER 11753

Establishing the President's Export Council and For Other Purposes

By virtue of the authority vested in me as President of the United States of America, it is hereby ordered as follows:

SECTION 1. *Establishment of the President's Export Council.* (a) There is hereby established within the Department of Commerce the President's Export Council, hereinafter referred to as the "Export Council," which shall be composed of a Chaiman, a Vice Chairman, and twenty other members representative of business and industry of which eight members shall be selected without regard to geographic considerations and twelve members shall be selected so as to provide appropriate regional representation. The President shall appoint the Chairman, the Vice Chairman, and all other members of the Export Council.

(b) The Export Council shall serve as a national advisory body to the President on export expansion activities.

(c) The Secretary of Commerce (hereinafter referred to as the "Secretary") is directed to insure that the recommendations of the Export Council receive appropriate Governmental consideration.

(d) The Secretary, with the concurrence of the Chairman, shall appoint an Executive Secretary for the Export Council.

SEC. 2. *Functions of the Export Council.* The Export Council shall, through the Secretary, advise the President, the Council on International Economic Policy (CIEP), and the President's Interagency Committee for Export Expansion (PICEE) on matters relating to export trade. In particular, the Export Council may—

(1) Identify and examine problems regarding the effects of industrial practices on export trade and the need for industry to improve its export efforts, and recommend solutions to these problems.

(2) Survey and evaluate export expansion activities which reflect the ideas of the business community.

(3) Provide liaison among members of the business and industrial community on export expansion matters.

(4) Encourage the business and industrial community to enter new foreign markets and to expand existing export programs.

(5) Advise on plans and actions of the Federal Government involving export expansion policies affecting business and industry.

(6) Provide a forum for business and Government on current and emerging problems and issues in the field of export expansion.

SEC. 3. *Subordinate Committees.* The Export Council may establish, with the concurrence of the Secretary, an executive committee and such

other subordinate committees as it considers necessary in the performance of its functions. Subordinate committees shall be headed by a chairman selected from the membership by the Chairman of the Export Council with the concurrence of the Secretary. Members of the subordinate committees shall be selected by the Secretary from representatives of business and industry.

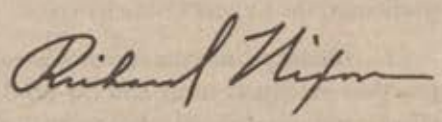
SEC. 4. *Administrative Assistance.* As permitted by law and as necessary to carry out the purposes of this order, the Secretary may provide or arrange for administrative and staff services, support, and facilities for the Export Council, including its executive committee and subordinate committees.

SEC. 5. *Expenses.* Members of the Export Council, including its executive committee and subordinate committees, shall receive no compensation from the United States by reason of their services under this order, but may, to the extent permitted by law, be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 5703) for persons in the Government service employed intermittently.

SEC. 6. *Federal Advisory Committee Act.* The Department of Commerce shall perform such functions with respect to the administration of this order as may be required under the provisions of the Federal Advisory Committee Act (Public Law 92–463; 86 Stat. 770).

SEC. 7. *Construction.* Nothing in this order shall be construed as subjecting any Federal agency, or any function vested by law in, or assigned pursuant to law to, any Federal agency to the authority of any other Federal agency, the Export Council, or its Executive Committee and any of its subordinate committees, or as abrogating or restricting any such function in any manner.

SEC. 8. *Revocation.* The Interagency Committee on Export Expansion is hereby abolished and Executive Order No. 11132 of December 12, 1963, as amended by Executive Order No. 11148 of March 23, 1964, is hereby revoked.



THE WHITE HOUSE,
December 20, 1973.

[FR Doc.73-27085 Filed 12-20-73;11:51 am]

Rules and Regulations

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

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

Title 6—Economic Stabilization

CHAPTER I—COST OF LIVING COUNCIL

PART 150—COST OF LIVING COUNCIL PHASE IV PRICE REGULATIONS

Amendment to Nonferrous Metals Exemption

Section 150.54(v) is amended to clarify the limitations applying to the exemption of nonferrous metals. The Council intended that the exemption would not apply to copper or aluminum in any form, except aluminum scrap. The limitation provisions are amended by this regulation to make that intention more evident. Specifically, subparagraph (1) is deleted and present paragraph (2) is amended to provide that copper and aluminum, except aluminum scrap, are not subject to the exemption. The subparagraphs have been renumbered. The statements of limitation are intended to have the same effect as those formerly used, but the specific reference to copper and aluminum indicates more clearly that the exemption does not apply to these metals.

Section 150.54(v) is further amended to add a definition of "ferroalloys" to clarify the provision limiting the application of the nonferrous metals exemption. For purposes of § 150.54(v) "ferroalloys" means any of the metals described in Schedule 6, Part 2, Subpart B of the Tariff Schedules of the United States, 19 U.S.C. 1202. The metals listed there include the group known as ferroalloys for purposes of the T.S.U.S., plus other metals which are alloys of iron.

The amendment is necessary to resolve confusion over use of the term "ferroalloys" in various sectors of the economy. The Council intended the term to include any metal in combination with iron but to exclude metals used in producing alloys of iron when they appear in their unalloyed form. By referring to the Tariff Schedules, the Council makes this intent clear.

Because the purpose of these amendments is to make technical corrections and to provide immediate guidance and information with respect to the decisions of the Council, the Council finds that publication in accordance with normal rule making procedure is impracticable and that good cause exists for making these amendments effective in less than 30 days. Interested persons may submit written comments regarding these regulations. Communications should be addressed to the Office of the General Counsel, Cost of Living Council, 2000 M Street, NW., Washington, D.C. 20508.

(Economic Stabilization Act of 1970, as amended, Pub. L. 92-210, 85 Stat. 743; Pub. L. 93-28, 87 Stat. 27; E.O. 11695, 38 FR 1473; 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 Regulations is amended as set forth herein, effective December 6, 1973.

Issued in Washington, D.C. on December 18, 1973.

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

Section 150.54(v) is amended to read as follows:

§ 150.54 Certain price adjustments.

* * * * *

(v) *Nonferrous metals except aluminum and copper.* Prices charged for the nonferrous metal content of ores, tailings, and secondary (scrap) metals, and for nonferrous metal waste products, by-products, residues and basic shapes, derived directly from the milling, smelting and refining of ores and nonferrous metals, except as hereinafter specified in this paragraph, are exempt. This paragraph does not apply to:

(1) Gold, silver, copper or aluminum as specified above, except aluminum scrap;

(2) Ferroalloys and nonferrous alloys; or

(3) Any nonferrous metal waste product, by-product, residue or basic shape whose raw material content by value is less than 50 percent of the metals exempted by this section.

The products exempted are generally those described in Group Nos. 103, 106 and 109 and Industry Nos. 3332, 3333, 3339 and 3341 of the Standard Industrial Classification Manual, 1972 Edition. For purposes of this paragraph, "ferroalloys" means the metals described in Schedule 6, Part 2, Subpart B of the Tariff Schedules of the United States, 19 U.S.C. 1202.

[FR Doc.73-27017 Filed 12-19-73;11:59 am]

PART 150—COST OF LIVING COUNCIL PHASE IV PRICE REGULATIONS

Ceiling Price Determination: Domestic Crude Petroleum

The purpose of this amendment is to adjust upward the ceiling price for domestic crude petroleum. This is in furtherance of the policy set out in the preamble to the Phase IV Petroleum Regulations published on August 17, 1973: "the Council will continually monitor the ceiling prices of domestic crude petroleum and intends to make periodic upward adjustments in the ceiling price toward the higher world prices for crude petroleum."

Under the Phase IV petroleum regulations a fixed ceiling price has been established for domestic crude petroleum pumped from oil fields in the United States. This ceiling price is the May 15, 1973 posted price for crude in each U.S. oil field plus 35 cents per barrel. Since current levels of domestic crude production are insufficient to meet demand, Phase IV rules created an incentive to encourage production of additional quantities of domestic crude petroleum. This incentive program operates by releasing from the ceiling prices so-called "new oil"—i.e., oil produced above last years levels—plus an adjustment for the remainder of current production. The new oil is not covered by the price ceiling and may rise to market levels. This structure has established a two-tier pricing system for domestic crude.

At the time the Phase IV petroleum rules were issued, the ceiling price for domestic crude averaged about $1.00 below the world price. Since that time, however, the world price has increased sharply, creating a very wide spread between domestic crude prices and world crude prices.

During the same period the spread between the prices for new oil and old oil under the two tier pricing system has also increased. Initially, the new oil price was quoted at about $1.00 per barrel over the posted price for old oil. At the present time, the spread has increased to about $2.00 per barrel on the average, and there are some quotes at more than $4.00 per barrel over the old oil price.

Spreads of this magnitude are potentially de-stabilizing and cannot long be maintained. Consequently, the Council has determined to increase the ceiling price per barrel for domestic crude by $1.00, which will reduce the spread and move domestic crude prices somewhat closer to world prices. Section 150.353 is amended to accomplish this goal. The increased ceiling price for domestic crude can be expected to generate only marginal increments to crude supply in the short run. Any increase, however small, is of course desirable in the current energy crisis. However, the announced increase will create additional incentive for the petroleum industry to pursue further research and developments efforts, new exploration and new technology to augment our energy resources.

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 procedures 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 immediately.

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

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

1. Section 150.353 is amended by changing the price "35 cents" to read "$1.35".

[FR Doc.73-27051 Filed 12-19-73;5:12 pm]

[Phase IV Price Ruling 1973-23]

APPENDIX—RULINGS

Profit Margin Limitation: Acquisitions

Facts. Firm A has not increased the price of any of the items it sells above its Phase IV base levels. Firm B has legally increased the price of several of the items it sells above its Phase IV base levels. Firm A acquires and consolidates Firm B.

Issue. Is Firm A subject to the profit margin test?

Ruling. Yes. § 150.11(c)(1) states:

(c) *General rule.* (1) except as otherwise provided by this section, a firm which charges a price for any item may not, for the fiscal year in which the price increase is charged, exceed its base period profit margin.

Accordingly, until Firm A purchased Firm B it was not subject to the profit margin limitation. However, when Firm A acquired and consolidated Firm B, because Firm B had increased its prices above base level and even though such increases were made before the acquisition, Firm A is deemed to have raised prices above base level and therefore is subject to the profit margin limitation. However, Firm A may take advantage of the profit margin repurification provisions in Part 155 Subpart K, and thereby avoid a profit margin violation.

WILLIAM N. WALKER,
General Counsel,
Cost of Living Council.

DECEMBER 17, 1973.

[FR Doc.73-27052 Filed 12-19-73;5:12 pm]

Title 7—Agriculture

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

[Orange Reg. 72, Amdt. 4; Grapefruit Reg. 74, Amdt. 4; Tangerine Reg. 45, Amdt. 4; Tangelo Reg. 45, Amdt. 4]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

These amendments change the beginning date of the total limitation of shipment regulations for oranges, grapefruit, tangerines and tangelos from 6 p.m., e.s.t., December 20, 1973, to 6 p.m., e.s.t., December 21, 1973. The ending time would continue to be 12:01 a.m., e.s.t., December 31, 1973. The regulations are designed to avert the accumulation of excessive market supplies of the specified fruits during and immediately following the Christmas holiday period in which, historically, there has been greatly reduced market demand.

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, the limitation of shipments of oranges, grapefruit, tangerines, and tangelos was established for the period beginning at 6 p.m., e.s.t., December 20, 1973, and ending at 12:01 a.m., e.s.t., December 31, 1973.

(2) Information has come to the attention of the Department that rain in Florida on December 7, 8, 14, 15, and 16, 1973, has interfered with the marketing of Florida citrus fruits to the extent that the industry is about 150 carload equivalents behind in filling orders. A delay of 24 hours in the effective date of Orange Regulation 72, amendment 3; Grapefruit Regulation 74, amendment 3; Tangerine Regulation 45, amendment 3; and Tangelo Regulation 45, amendment 3 would permit the industry to make additional shipments of Florida citrus fruits for the Christmas market, and such delay is hereby ordered as hereinafter set forth.

(3) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of these amendments until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that the time intervening between the date when information upon which these amendments are based became available and the time when these amendments must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances for preparation for such effective time; and these amendments relieve restrictions on the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida.

Order. 1. In § 905.550 (Orange Regulation 72; 38 FR 25665, 28063, 31414, 34454), the provisions of paragraph (d) are revised to read as follows:

§ 905.550 Orange Regulation 72.

* * * * *

(d) During the period beginning at 6 p.m., e.s.t., December 21, 1973, and ending at 12:01 a.m., e.s.t., December 31, 1973, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico, any oranges grown in the production area.

2. In § 905.551 (Grapefruit Regulation 74; 38 FR 25665, 28063, 31414, 34454), the provisions of paragraph (d) are revised to read as follows:

§ 905.551 Grapefruit Regulation 74.

* * * * *

(d) During the period beginning at 6 p.m., e.s.t., December 21, 1973, and ending at 12:01 a.m., e.s.t., December 31, 1973, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico, any grapefruit grown in the production area.

3. In § 905.552 (Tangerine Regulation 45; 38 FR 25665, 28063, 31414, 34454), the provisions of paragraph (d) are revised to read as follows:

§ 905.552 Tangerine Regulation 45.

* * * * *

(d) During the period beginning at 6 p.m., e.s.t., December 21, 1973, and ending at 12:01 a.m., e.s.t., December 31, 1973, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico, any tangerines grown in the production area.

4. In § 905.553 (Tangelo Regulation 45; 38 FR 25665, 28063, 31414, 34454), the provisions of paragraph (d) are revised to read as follows:

§ 905.553 Tangelo Regulation 45.

* * * * *

(d) During the period beginning at 6 p.m., e.s.t., December 21, 1973, and ending at 12:01 a.m., e.s.t., December 31, 1973, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico, any tangelos grown in the production area.

(Secs. 1-19, 49 Stat. 31, as amended; 7 U.S.C. 601-674.)

Dated: December 17, 1973.

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

[FR Doc.73-26926 Filed 12-20-73;8:45 am]

PART 909—GRAPEFRUIT GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Expenses, Rate of Assessment, and Carryover of Unexpended Funds

This document authorizes expenses of $112,750 for the California-Arizona Grapefruit Administrative Committee, under Marketing Order No. 909, for the 1973-74 fiscal period and fixes a rate of assessment of two and three-fourths cents ($0.0275) per carton 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 December 4, 1973, notice of proposed rulemaking was published in the FEDERAL REGISTER (38 FR 33400), regarding proposed expenses, the proposed rate of assessment, and the proposed carryover of unexpended assessment funds, for the fiscal period September 1, 1973, through August 31, 1974, pursuant to Marketing Order No. 909, as amended (7 CFR Part 909), regulating the handling of grapefruit grown in Arizona and designated part of California. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). Said notice invited interested persons to file written data, views or arguments in connection with said proposals by December 12. None were filed. After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Administrative Committee (established pursuant to the said amended marketing order), it is hereby found and determined that:

§ 909.212 Expenses, rate of assessment, and carryover of unexpended funds.

(a) *Expenses.* The expenses that are reasonable and likely to be incurred by the Administrative Committee during the period September 1, 1973 through August 31, 1974, will amount to $112,750.

(b) *Rate of assessment.* The rate of assessment for such period, payable by each handler in accordance with § 909.41, is hereby fixed at two and three-fourths cents ($0.0275) per carton, or equivalent quantity of grapefruit.

(c) *Operating reserve.* Unexpended assessment funds, in excess of expenses incurred during such period, shall be carried over as a reserve in accordance with the applicable provisions of § 909.42.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of the current crop of grapefruit grown in the designated production area are now being made; (2) the relevant provisions of said marketing order 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 September 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: December 14, 1973.

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

[FR Doc.73-26927 Filed 12-20-73;8:45 am]

[Lemon Reg. 618]

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. 23–Dec. 29, 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.

§ 910.918 Lemon Regulation 618.

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

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

(i) The committee has submitted its recommendation with respect to the quantity of lemons it deems advisable to be handled during the ensuing week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the demand for lemons is expected to continue strong on Tuesday and Wednesday of this week, then ease off for the balance of the week. Sales volume is expected to increase 10 to 15 percent. Average f.o.b. price was $5.71 per carton the week ended December 15, 1973 compared to $5.65 per carton the previous week. Track and rolling supplies at 170 cars were up 16 cars from last week.

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

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on December 18, 1973.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period December 23, 1973, through December 29, 1973, is hereby fixed at 195,000 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: December 20, 1973.

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

[FR Doc.73-27084 Filed 12-20-73;11:47 am]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[Amdt. 4]

PART 1464—TOBACCO

Subpart A—Tobacco Loan Program

MISCELLANEOUS AMENDMENTS

On October 12, 1973, there was published in the FEDERAL REGISTER (38 FR 28297), a notice of proposed rulemaking concerning an amendment to the tobacco loan program to provide loans on flue-cured and burley tobacco which has been packed and carried from one marketing year to another. Interested persons were offered an opportunity to file data, views and recommendations thereon.

A preponderate proportion of the responses received favored adoption of the proposal and did not suggest any modifications thereto. A few recommended that the proposal not be adopted for various reasons, none of which are considered by CCC to be persuasive. After consideration of all the responses, the proposed amendment is hereby adopted without change. Accordingly, paragraph (e) (2) of § 1464.2 is amended by adding subdivision (iii) as follows as set forth below.

Effective date: December 17, 1973.

Signed at Washington, D.C. on December 17, 1973.

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

§ 1464.2 Availability of price support.

* * * * *

(e) * * *

(2) * * *

(iii) Eligible producers of flue-cured and burley tobacco may, subject to the provisions of this subdivision, obtain price support on eligible tobacco which has been packed for their account by the association and carried over from one marketing year to another to avoid marketing in excess of farm marketing quota. Price support advances obtained on such packed tobacco shall be at the rates in effect at the time of tender for loan, and on the basis of grades and quantities of the tobacco as determined at the time of delivery to the association for packing and carryover. If all the tobacco packed from the tobacco delivered to the association for packing and carryover is not tendered for price support, or if the packed tobacco tendered for price support is commingled tobacco of different producers, the price support advances will be computed as follows: For each packed grade of tobacco, the loan value will be computed on the basis of (*a*) the total pounds of each green grade used in processing the packed grade quantity and (*b*) the grade loan rates applicable to such green grades. Loan advances may be obtained on the quantity of each packed grade tendered for price support in an amount equal to the loan value so determined, multiplied by the percentage which the pounds of the packed grade tendered is of the total packed weight of such grade. An individual producer's share of the loan advance obtained on the tender of any quantity of a packed grade shall be a percentage of such advance equal to the percentage which the loan value of all the tobacco delivered by the producer for packing and carryover is of the loan value of all the tobacco delivered by all producers for packing and carryover. Packed tobacco tendered for price support shall be in sound and merchantable condition and shall have been processed and packed under the standards and specifications which were applied to the tobacco received for price support during the immediately preceding crop year.

Prior to tendering packed tobacco for price support, the association shall determine what percentage of the tobacco which was received for packing and carryover is eligible. The packed tobacco tendered for price support shall not be a greater percentage of the total quantity packed than the percentage so determined.

[FR Doc.73-26980 Filed 12-20-73;8:45 am]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. T]

PART 220—CREDIT BY BROKERS AND DEALERS

Credit in Connection with Investment Contracts

On page 18690 of the FEDERAL REGISTER of July 13, 1973, the Board of Governors proposed, pursuant to authority of section 7 of the Securities Exchange Act of 1934 (15 U.S.C. 78g), to add paragraph (l) to § 220.0 of Regulation T. Interested persons were given 28 days in which to submit written data, views, or arguments concerning the proposal. On page 26009 of the FEDERAL REGISTER of September 17, 1973, such time for comment was extended to September 25, 1973.

This amendment provides uniform treatment, for credit purposes, of every security as an indivisible whole.

This amendment negates previous Board interpretations which stated that broker/dealers would not be deemed to be arranging credit which they could not extend, as prohibited by § 220.7(a), when they sold investment contracts which included credit extended solely on the real estate or chattel part of the contract. The Board has stated its view that a broker/dealer who sells certain programs including an installment feature is arranging for the extension of credit to purchase the programs (12 CFR 120.124 (1973)). That is, the broker/dealer is regarded as having "arranged" credit by the act of selling an investment contract security including a credit feature. Regulation T would not apply, of course, unless the subject of the sale were a security.

Following consideration of all comments received, the amendment is hereby adopted as set forth below:

§ 220.6 Certain technical details.

* * * * *

(l) *Credit related to portion of a security.* Credit for the purpose of purchasing or carrying any part of an investment contract security (for example, but not limited to, the cattle ownership portion of a program to own and feed cattle, or the condominium ownership part of a program to own and rent a unit through a rental pool or otherwise) shall be deemed to be credit on the entire security.

Effective date. This amendment shall become effective on June 21, 1974.

By order of the Board of Governors, December 4, 1973.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.73-26914 Filed 12-20-73;8:45 am]

Title 13—Business Credit and Assistance

CHAPTER I—SMALL BUSINESS ADMINISTRATION

[Rev. 5]

PART 107—SMALL BUSINESS INVESTMENT COMPANIES

Miscellaneous Corrections

In the FEDERAL REGISTER published on November 7, 1973 (38 FR 30836), Revision 5 to Part 107—Small Business Investment Companies—appeared as Part III of that issue. The following editorial corrections should be made thereto:

Table of contents, § 107.1005, line 3, change "portfolio concern" to "Portfolio Concern".

Section 107.2, line 3, change "preparations" to "preparation".

Section 107.3, Definition of "Debtor Licensee", change "have" to "has".

Section 107.202(b)(1), line 3, change "§ 107.302(b)" to "§ 107.302(b)(2)".

Section 107.203 Caption, line 2, change "leverage" to "Leverage".

Section 107.203(b)(1)(ii), line 1, change "of" to "or".

Section 107.203(b)(4)(ii), line 5, change "Assistance" to "assistance".

Section 107.301(c), line 11 change "§§ 107.601 and 107.602" to "§ 107.601".

Section 107.205(e), line 2, change "assistance" to "Assistance".

Section 107.303, line 8, change "portfolio concern" to "Portfolio Concern".

Section 107.501, line 3 from bottom, change "§ 107.1004(b) (1) or (4)" to "§ 107.1004".

Section 107.805(a), line 3 from bottom, change "§ 107.813(d)" to "§ 107.813(c)".

Section 107.1001(c)(2), line 20, change "make" to "makes".

Section 107.1102(b)(1)(iii), beginning with line 4, change "ledgers, and stock transfer registers, such documents etc.

to "ledgers, and stock transfer registers, such documents etc."

Section 107.1102(f), line 5, change "an individual personal" to "a personal".

Dated December 19, 1973.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.73-27035 Filed 12-20-73;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airworthiness Docket No. 73-WE-18-AD; Amdt. 39-1761]

PART 39—AIRWORTHINESS DIRECTIVES

AiResearch Model TPE331 and TSE331 Series Engines

A proposal to amend Part 39 of the Federal Aviation Regulations to include a recurring inspection and lubrication procedure on AiResearch TPE331 and TSE331 Series engines was published in 38 FR 26811.

Interested persons have been afforded an opportunity to participate in the making of the amendment. Numerous comments were received. Additional information has been furnished by the manufacturer. As indicated herein, the adopted rule reflects changes from the notice of proposed rulemaking.

One operator with considerable experience with aircraft with the TPE-311-2-201A engines, expressed a belief that the proposed AD was not necessary, that considerable additional maintenance expenses would be incurred; and that, if the Notice were to be adopted, consideration be given to extending the intervals between inspections to 1,000 hours.

The agency does not concur. The AD is required in the interest of public safety. However, based upon additional data submitted by the manufacturer, the AD, as adopted, classifies the engines into two categories based on model numbers, and provides for an increase in time to 800 hours between inspections for certain listed models.

The Air Transport Association submitted a comment relating the service experience of Wien Air Alaska, which was problem free, and asked that the AD be limited to the type of operation and aircraft that has experienced problems, and that the agency should not make the AD applicable to engines installed on multi-engine aircraft.

The agency does not agree, in that the service experience failures which prompted the issuance of the Notice do not suggest a ready classification as to the type of operation and aircraft. While the engines are generally installed on multi-engine aircraft, and while the event of a dual or multi-engine failure due to wear of the splines is of a relatively low degree of probability, the highest possible degree of safety intended, and required in air transportation operations under the Federal Aviation Act of 1958, as amended (49 U.S.C. 1421(b)), is persuasive.

Another operator recommended inspections of the drive coupling at intervals of at least 1,200 to 1,500 hours, citing its experience in inspections at approximately 700 and 2,600 hours of operation.

The agency, as indicated above, has determined that a limited expansion of the intervals between inspection is warranted. It does not concur in the specific recommendations.

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

AIRESEARCH MANUFACTURING COMPANY OF ARIZONA: Applies to Model TPE331-1, -2, -3, -5, -6, -25, -29, -43, -45, -47, -51, -55, -57, -61, and TSE331-3 Series Engines.

Compliance required as indicated.

To detect abnormal wear of the fuel pump shaft internal drive splines and coupling shaft external splines, accomplish the following:

(a) Model TPE331-3, -5, -6, and TSE 331-3 Series engines.

(1) Clean, visually inspect, and lubricate the pump and coupling shaft drive splines of all engines with more than 200 hours time in service, within the next 25 hours additional time in service, unless previously accomplished within the last 375 hours time in service, and at intervals not to exceed 400 hours time in service thereafter, per the instructions and procedures described in AiResearch Service Bulletin TPE331-72-0027, Revision 4, dated November 30, 1973, or later FAA-approved revisions. If the extent of wear is observed to exceed .003 inch, either replace the shaft with a new P/N 869911-3, or perform the additional dimensional inspection described in the Service Bulletin. If the latter inspection indicates wear beyond .005 inch, the shaft must be replaced prior to further flight. (Note: Drive Couplings P/N 869911-1 or -2 and 895216-1, found in a serviceable condition, may be continued in service.)

(2) For engines with less than 200 hours time in service since new or overhaul, clean, visually inspect and lubricate the engine by the procedures described in (a)(1) above, within 25 hours time in service after the effective date of this AD, or, prior to exceeding 200 hours time in service, whichever occurs later, and at intervals not to exceed 400 hours time in service thereafter. Replace shafts as required by the inspections.

(b) Model TPE331-1, -2, -25, -29, -43, -45, -47, -51, -55, -57, and -61 Series engines.

(1) Clean, visually inspect, and lubricate the pump and coupling shaft drive splines of all engines with more than 200 hours time in service, within the next 25 hours additional time in service, unless previously accomplished within the last 775 hours, and at intervals not to exceed 800 hours time in service thereafter, per the instructions and procedures described in AiResearch Service Bulletin TPE331-72-0027, Revision 4, dated November 30, 1973, or later FAA-approved revisions. If the extent of wear is observed to exceed .003 inch, either replace the shaft with a new P/N 869911-3, or perform the additional dimensional inspection described in the Service Bulletin. If the latter inspection indicates wear beyond .005 inch, the shaft must be replaced prior to further flight. (Note: Drive Couplings, P/N 869911-1 or -2 and 895216-1, found in a serviceable condition, may be continued in service.)

(2) For engines with less than 200 hours time in service since new or overhaul, clean, visually inspect and lubricate the engine by the procedures described in (a)(1) above, within 25 hours time in service after the effective date of this AD, or, prior to exceeding 200 hours time in service, whichever occurs later, and at intervals not to exceed 800 hours time in service thereafter. Replace shafts as required by the inspections.

(c) If either the fuel pump, oil pump, or couplings defined in (a)(1) above are replaced for any reason, a serviceable Drive Coupling, P/N 869911-3, must be installed.

(d) Equivalent procedures may be approved by the Chief, Aircraft Engineering Division, FAA Western Region, upon submission of adequate substantiating data.

This amendment becomes effective January 28, 1974.

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

Issued in Los Angeles, California on December 10, 1973.

ROBERT O. BLANCHARD,
Acting Director, FAA Western Region.

[FR Doc.73-26896 Filed 12-20-73;8:45 am]

[Docket No. 73-NW-13-AD; Amendment 39-1762]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing 727 Series Airplanes

There have been stress corrosion failures of the nose landing gear release mechanism torsion shaft (Part No. 65-18949-1) which have resulted in nose gear-up landings. These failures have occurred only in shafts that have been reworked by methods other than those specified herein. Since this condition is likely to exist or develop in other Model 727 airplanes of the same type design, an airworthiness directive is being issued to require: (1) inspection for cracks at a relatively early time (within 750 landings), and (2) rework or replacement of torsion shafts which have accumulated 8,000 landings since inadequate rework, or within 3,000 landings after the effective date hereof, whichever occurs later. Service experience has shown these shafts are highly susceptible to corrosion and for this reason, replacement of these shafts is necessary. The replacement time is based on service experience of torsion shafts which have failed.

Prior to the issuance of this rule, an informal comment was received suggesting that the replacement requirement be separately stated in a Notice of Proposed Rule Making (NPRM). This is not considered appropriate as it would be confusing to separate the inspection and replacement requirements. Further, it would serve no practical purpose and could possibly result in a greater burden on some operators in as much as compliance times would necessarily be diminished.

Since a situation exists that requires immediate adoption of this regulation, it

is found that notice and public procedures hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

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

BOEING: Applies to all Model 727 airplanes, certificated in all categories, listed in Boeing Service Bulletin 727-32-203, Revision 3, dated November 21, 1973, or later FAA approved revisions.

A. For reworked torsion shafts which were not plated in a manner to provide corrosion protection as specified in Boeing Service Bulletin 727-32-203, Revision 3, dated November 21, 1973, within the next 750 landings after the effective date of this AD, unless already accomplished within the last 750 landings, and thereafter at intervals not to exceed 1,500 landings since the last such inspection, inspect the shafts for cracks in accordance with such service bulletin or later FAA approved revisions. Shafts found cracked are to be replaced prior to further flight with one of the following, any one of which is terminating action.

(1) A shaft P/N 65-18949-1 which has never been reworked; or

(2) A shaft P/N 65-18949-1 which has been reworked in accordance with Boeing Service Bulletin 727-32-203, Revision 3, dated November 21, 1973, or later FAA approved revisions; or

(3) A shaft (P/N 65-18949-1) which has been reworked in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region; or

(4) A newly designed shaft as specified in and installed in accordance with Boeing Service Bulletin 727-32-205, dated March 14, 1973, or later FAA approved revisions.

B. Prior to accumulation of 8,000 landings on a reworked torsion shaft which was not plated in a manner to provide corrosion protection, as specified in Boeing Service Bulletin 727-32-203, Revision 3, dated November 21, 1973, or within the next 3,000 landings time in service after the effective date of this AD, whichever occurs later, replace the shaft with one of those described in A(1), A(2), A(3), or A(4).

C. For the purpose of this AD, when conclusive records are not available to show the number of landings accumulated by a particular shaft, the number of landings may be computed by dividing the airplane time in service since the shaft was installed in the airplane by the operator's fleet average time per flight for his Model 727 airplanes.

D. Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering & Manufacturing Branch, FAA Northwest Region, may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator, if the request contains substantiating data to justify the increase for that operator.

This amendment becomes effective on December 21, 1973.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herewith and made a part hereof, pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents may obtain copies upon request to The Boeing Company, P.O. Box 3707, Seattle, Washington 98124. These documents may also be examined at FAA Northwest Region, Boeing Field, Seattle, Washington.

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

Issued in Seattle, Washington on December 11, 1973.

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

[FR Doc.73-26895 Filed 12-20-73;8:45 am]

[Airspace Docket No. 73-SW-19]

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

Realignment of VOR Federal Airways

On July 10, 1973, FR Doc. 73-13875 was published in the FEDERAL REGISTER (38 FR 18363), amending Part 71 of the Federal Aviation Regulations, effective 0901 G.m.t., November 8, 1973, by realigning several VOR Federal Airways in the vicinity of Monroe, La., simultaneously with the relocation of the Monroe VORTAC. On September 27, 1973, FR Doc. 73-20592 was published in the FEDERAL REGISTER (38 FR 26906), and changed the effective date of the amendment from November 8, 1973, to February 28, 1974. Additional technical problems have been encountered in the relocation and commissioning of the Monroe VORTAC, and the effective date of the amendment is therefore delayed herein until May 23, 1974.

The realignment of the airways is dependent upon the operation of the Monroe VORTAC in its new location. As the location of the VORTAC is an administrative matter within the authority of the FAA, notice and public procedure on this amendment to FR Doc. 73-13875 is unnecessary, and for that reason it may become effective immediately.

In consideration of the foregoing, effective on December 21, 1973, FR Doc. 73-13875 is amended, as hereinafter set forth: "effective 0901 G.m.t., February 28, 1974" is deleted and "effective 0901 G.m.t., May 23, 1974" is substituted therefor.

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

Issued in Washington, D.C., on December 14, 1973.

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

[FR Doc.73-26897 Filed 12-20-73;8:45 am]

[Airspace Docket No. 73-WA-5]

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

Designation of Terminal Control Area at Denver, Colorado

On July 16, 1973, a notice of proposed rulemaking (NPRM) was published in the FEDERAL REGISTER (38 FR 18904), stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a Group II Terminal Control Area (TCA) for Denver, Colo.

Interested persons were afforded an opportunity to participate in the proposed rulemaking through the submission of comments. Two comments were received in response to the NPRM, one reply was a general statement of concurrence with the proposal, while the other objected to a portion of the proposed airspace configuration. The sole objection was from an airport manager whose airport lies beneath the proposed TCA. He recommended that the airspace within a 2-mile radius of his airport be excluded from the TCA to accommodate parachute operations. He stated that the vast majority of the jumps are made from an altitude of 13,500 feet MSL.

Designation of the proposed TCA will not affect the parachute jumping activity described in the comment. Since the airspace in question is now controlled airspace and would remain so when the TCA is designated, the jump activity could be continued in accordance with those provisions of FAR 105 which pertain to controlled airspace.

In consideration of the foregoing and for reasons stated in Docket No. 9880 (35 FR 7782), Part 71 of the Federal Aviation Regulations is amended, effective 0901, G.m.t., March 28, 1974, by adding the following to § 71.401(b) (39 FR 636), Group II Terminal Control Areas.

DENVER, COLORADO, TERMINAL CONTROL AREA

Primary Airport. *Denver-Stapleton International* (Lat. 39°45'55" N., Long. 104°52'46" W.).

BOUNDARIES

1. *Area A.* That airspace extending upward from the surface to and including 11,000 feet MSL within an area bounded by a line beginning at the Denver VORTAC (Lat. 39°51'39" N., Long. 104°45'08" W.), thence south via the Denver VORTAC 180° radial to and counterclockwise along the western boundary of Area B to and west along Colfax Avenue to and south along a line 2.5 miles east of and parallel to the extended centerline of Stapleton International Airport Runway 17R/35L to and clockwise along a 9-mile radius-arc of the Stapleton International Airport to and south along the 360° radial of the Denver VORTAC to the point of beginning and that airspace north of Denver between the 9- and 11-mile-radius arcs of Stapleton International Airport bounded on the east by the Denver VORTAC 360° radial and on the west by a line 6 miles west of and parallel to the extended centerline of Stapleton International Airport Runway 17R/35L, excluding Prohibited Area P-26.

2. *Area B.* That airspace extending upward from 6,400 feet MSL to and including 11,000 feet MSL within a 2-mile-radius circle centered at latitude 39°46'30" N., Longitude 104°44'40" W., excluding that area south of Colfax Avenue.

3. *Area C.* That airspace extending upward from 8,000 feet MSL to and including 11,000 feet MSL within a 15-mile radius of Stapleton International Airport excluding Areas A, B, and D.

4. *Area D.* That airspace extending upward from 7,000 feet MSL to and including 11,000 feet MSL bounded on the north by the Denver VORTAC 093° radial, on the west by Den-

ver VORTAC 180° radial, on the south by Colfax Avenue, on the east by a 15-mile radius arc of Stapleton International Airport, excluding that airspace within Area B.

5. *Area E.* That airspace extending upward from 10,000 feet MSL to and including 11,000 feet MSL between the 15-mile and 20-mile radius circles centered on Stapleton International Airport, excluding Area F.

6. *Area F.* That airspace extending upward from 9,000 feet MSL to and including 11,000 feet MSL between the 15-mile and 20-mile radius circles centered on Stapleton International Airport bounded on the north by the Denver VORTAC 093° radial and on the south by Interstate Highway 70.

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

Issued in Washington, D.C., on December 13, 1973.

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

[FR Doc.73-26900 Filed 12-20-73;8:45 am]

[Airspace Docket No. 73-WA-10]

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

Designation of Terminal Control Area at Minneapolis, Minnesota

On August 17, 1973, a notice of proposed rulemaking (NPRM) was published in the FEDERAL REGISTER (38 FR 22243), stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a Group II Terminal Control Area (TCA) for Minneapolis, Minn.

Interested persons were afforded an opportunity to participate in the proposed rulemaking through the submission of comments. Four comments were received.

The Air Transport Association endorsed the TCA as proposed, while three other commenters opposed it. The opposition was based primarily on the belief that the establishment of a TCA at Minneapolis was not justified.

The issue concerning the establishment of a Group II TCA at Minneapolis was contained in Notice 69-41, published in the FEDERAL REGISTER on September 30, 1969 (34 FR 15252), and Notice 69-41B, published in the FEDERAL REGISTER on March 13, 1970 (35 FR 4519), which delineated the locations of the 22 hub areas where Group I and Group II TCAs were proposed. The FAA has maintained a monitor of the activities at the proposed TCA areas and has determined that Minneapolis still warrants the establishment of a Group II TCA. It may be noted, as an example, that as a result of monitoring the activity at the 22 hub locations, Cincinnati has been deleted as a proposed Group II TCA location.

Two objectors also expressed concern that the cost of transponder equipment would cause undue financial hardship on small aircraft and that uncontrolled traffic would have to know exactly which layered area they were operating within to be at the correct altitude. Additionally, objection was raised to the establishment of a 3,000-foot floor over the antenna site located 12 miles northeast of Minneapolis-St. Paul International Airport.

The requirements for the improved transponder equipment have been under development for many years. Regulatory proposals issued in 1965, 1969, and 1972 discussed the requirement for this equipment within the National Airspace System. Numerous members of the aviation community responded to these various proposals with constructive suggestions concerning the problem and many of their suggestions were reflected in the final regulation.

There are many reasons for requiring altitude reporting transponders. This equipment eliminates much of the conversation that would otherwise be required between pilot and controller on busy voice communication frequencies. It also furnishes vital altitude information to controllers in situations where the pilot is not in radio communication with the ground system. In effect, with the use of automatic altitude reporting transponder equipment the present two-dimensional radar becomes three-dimensional. The result of this is a more efficient and safer air traffic control system.

Establishing the TCA will require a pilot to know his location and to fly at the correct altitude. However, VFR terminal area charts, produced for each Group I and II TCA location, will enable the pilot to continually pinpoint his location using either pilotage or available radio aids. The 1:250,000 scale of these charts is ideal for this type of precise navigation and these charts will help the pilot in determining his position in relation to the TCA floors.

The two commenters who objected to the 3,000-foot TCA floor over the antenna site offered no alternate proposal. It is assumed that the aircraft primarily affected by establishing the floors as proposed would be those operating easterly from the Crystal Airport, since those operating to and from Minneapolis-St. Paul International would be participating in the TCA. Ample airspace is available for nonparticipating Crystal aircraft to circumnavigate the antennae by deviating slightly to the north. The congested area of Metropolitan Minneapolis located immediately south of the antenna would lead us to expect that most aircraft are presently avoiding the antenna by flying north of the site, rather than over Metropolitan Minneapolis.

In consideration of the foregoing and for reasons stated in Docket No. 9880 (35 FR 7782), Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., February 28, 1974, by adding the following to § 71.401(b) (39 FR 636), Group II Terminal Control Areas.

MINNEAPOLIS, MINN., TERMINAL CONTROL AREA

Primary Airport. Minneapolis-St. Paul International Airport (Lat. 44°53'03" N., Long. 93°12'54" W.).

BOUNDARIES

Area A

That airspace extending upward from the surface to and including 8,000 feet MSL within a 6-mile radius of Minneapolis-St. Paul International Airport Distance Measuring Equipment (DME) Antenna (Lat. 44°52'28" N., Long. 93°12'21" W.).

Area B

That airspace extending upward from 2,300 feet MSL to and including 8,000 feet MSL within an 8.5-mile radius of Minneapolis-St. Paul International Airport DME antenna excluding Area A previously described.

Area C

That airspace extending upward from 3,000 feet MSL to and including 8,000 feet MSL within a 12-mile radius of Minneapolis-St. Paul International Airport DME antenna excluding Areas A and B previously described.

Area D

That airspace extending upward from 4,000 feet MSL to and including 8,000 feet MSL within a 20-mile radius of Minneapolis-St. Paul International Airport DME antenna excluding Areas A, B, and C previously described.

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

Issued in Washington, D.C., on December 13, 1973.

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

[FR Doc.73-26899 Filed 12-20-73;8:45 am]

[Airspace Docket No. 73-WA-45]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Amendment to Jet Route Segment

On November 16, 1973, FR Doc. 73-24444 was published in the Federal Register (38 FR 31676), amending a segment of Jet Route No. 104 and Jet Route No. 4 between Los Angeles, Calif., and Twentynine Palms, Calif.

This amendment becomes effective January 3, 1974. However, the FAA has determined that sufficient time was not allowed for the appropriate changes to be made on aeronautical charts. Action is taken herein to change the effective date for Airspace Docket No. 73-WA-45.

Since this amendment is a minor editorial change on which the public would have no particular reason to comment, notice and public procedure thereon are unnecessary. However, since sufficient time must be allowed to make appropriate changes on aeronautical charts, FR Doc. 73-24444 will become effective more than 30 days after publication.

In consideration of the foregoing, effective December 20, 1973, FR Doc. 73-24444 (38 FR 31676), is amended as hereinafter set forth.

The effective date, "0901 G.m.t., January 3, 1974," is deleted and "0901 G.m.t., January 31, 1974," is substituted therefor.

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

Issued in Washington, D.C., on December 14, 1973.

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

[FR Doc.73-26898 Filed 12-20-73;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

SUBCHAPTER B—GUIDES AND TRADE PRACTICE RULES

PART 250—GUIDES FOR THE HOUSEHOLD FURNITURE INDUSTRY

Guides for the Household Furniture Industry as hereinafter set forth were adopted by the Commission to afford guidance as to the legal requirements applicable to the practices of this industry in the interest of protecting the public and effecting more widespread and equitable observance of the laws administered by the Commission.

Proceedings to establish these Guides were instituted by the Commission. Proposed Guides were released to afford interested or affected parties an opportunity to present to the Commission their views, suggestions, objections or other information concerning the proposed Guides. After full consideration of all comments received, and other pertinent information, the Commission adopted the Guides in their present form.

These Guides constitute a revision of, and supersede, the Trade Practice Rules for the Household Furniture Industry promulgated December 18, 1963 (16 CFR Part 75). Numerous changes embodying clarifications of applicable provisions of laws administered by the Commission have been made.

While it is not practicable to give an all-inclusive list of situations when affirmative disclosures may be required in advertising and labeling of industry products, and while it is not feasible to give a complete list of unobjectionable references or representations with respect to construction, composition or appearance of the industry products, an effort has been made to provide members of the industry with a sufficient number of examples to afford them meaningful guidance in the conduct of their affairs so they may avoid legal difficulties.

Provisions of these Guides which pertain to the use of certain terminology to describe industry products or materials used should not be construed as approval of claims made for any product or material, or as an expression or implication of the Commission's opinion respecting the comparative merits of industry products, methods of concerning it in advertising, labeling or struction or materials used. These provisions of the Guides are intended to insure that the prospective purchaser is not misled by the appearance of the product, or by descriptions, depictions, designations or representations con- other promotional materials, into thinking that the product is different from that which is actually offered. Also, these Guides provide that representations concerning (1) tests made on, and (2) performance characteristics of upholstery fabrics have a "reasonable basis" in fact; and the Commission may require documentation from advertisers to substantiate such representations (see § 250.5 (d) and (e) and the note thereafter).

While the Guides are interpretive of laws administered by the Commission, and thus are advisory in nature, proceedings to enforce the requirements of law as explained in the Guides may be brought under the Federal Trade Commission Act (15 U.S.C. Secs. 41-58) which, briefly stated, makes it illegal for one to engage in "unfair methods of competition in commerce and unfair or deceptive acts or practices in commerce," as "commerce" is defined therein.

Provisions of outstanding Cease and Desist Orders, Stipulations or Assurances of Voluntary Compliance pertaining to subject matter covered by these Guides will not be construed by the Commission as prohibiting or requiring more than the applicable provisions of these Guides.

The Guides become effective March 21, 1974.

Inquiries and requests for copies of the Guides should be directed to the Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580.

Sec.

250.0 Definitions.
250.1 Avoiding deception and making disclosures.
250.2 Describing wood and wood imitations.
250.3 Identity of woods.
250.4 Leather and leather imitations.
250.5 Outer coverings.
250.6 Stuffing (including filling, padding, etc.).
250.7 Origin and style of furniture.
250.8 Deception as to being "new".
250.9 Misuse of the terms "floor sample", "discontinued model", etc.
250.10 Passing off through imitation or simulation of trademarks, trade names, etc.
250.11 Misrepresentation as to character of business.
250.12 Commercial bribery.
250.13 Other parts in this Title 16 applicable to this industry.

AUTHORITY: 38 Stat. 717, as amended (15 U.S.C. 41-58).

§ 250.0 Definitions.

(a) *Industry member.* Any person, firm, corporation or organization engaged in the manufacture, offering for sale, sale or distribution of industry products as such products are hereinafter defined.

(b) *Industry products.* Articles of utility, convenience or decoration which are suitable for use as furniture in a house, apartment, or other dwelling place. Such articles include, but are not limited to, all kinds and types of chairs, tables, cabinets, desks, sofas, bedsteads, chests and mirror frames. The following products, covered by sets of trade practice rules heretofore promulgated, are not to be considered as coming within the purview of this definition: bed mattresses, bedsprings, metal cots, cedar chests, mirror glass, musical instruments, radio and television receiving sets and venetian blinds. Also excluded from the purview of this part are pictures, lamps, clocks, rugs, draperies as well as appliances and fixtures such as refrigerators and air conditioners.

(c) *Exposed surfaces.* Those parts and surfaces exposed to view when furniture is placed in the generally accepted position for use. Included in this definition are visible backs of such items of furniture as open bookcases, hutches, etc.

§ 250.1 Avoiding deception and making disclosures.

(a) *In general.* Industry members should not sell, offer for sale, or distribute any industry product under any representation or circumstance, including failure to disclose material facts, that has the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers with respect to its utility, construction, composition, durability, design, style, quality, quantity or number of items, model, origin, manufacture, price, grade, or in any other material respect.

(b) *Affirmative disclosures.* Material facts concerning merchandise which, if know to prospective purchasers, would influence their decision of whether or not to purchase should be disclosed. This includes situations where deception may result from the appearance alone which, in the absence of affirmative disclosures, could have the capacity and tendency or effect of misleading or deceiving. For example, veneered construction, use of plastic with simulated wood appearance, use of materials or products that simulate other materials or products used in the manufacture of furniture, or use of simulated finish or grain design, are considered to be material facts and a failure to disclose such information may be an unfair trade practice violative of section 5 of the Federal Trade Commission Act.

(1) *Where disclosures should be made.* Unless otherwise provided, any affirmative disclosure which should be made under this part, should be on the industry product, or on a tag or label prominently attached thereto, and should be of such permanency as to remain on or attached to the product until consummation of sale to the consumer. Also, affirmative disclosures should appear in all advertising relating to industry products, irrespective of the media used, whenever statements, representations or depictions are used which could create an impression that the furniture is of a certain construction or composition and which, in the absence of such disclosures, could have the capacity to mislead purchasers or prospective purchasers.

(2) *The manner of disclosure.* In all cases in which the disclosure is necessary, it should be made in *close conjunction* with the representation or depiction to be qualified and should be of sufficient

clarity, conspicuousness, and audibility (when spoken), as to be noted by prospective purchasers. The number of times a disclosure should be made will depend entirely upon the format and context in which it apears. As a general proposition, in catalogs and brochures advertising a suite or line of furniture it will be sufficient to make appropriately conspicuous disclosures once at the outset; however, additional disclosures should be made on any page where additional descriptive words are used which should be qualified under this part.

(3) *The form of disclosure with respect to composition.* Whenever an affirmative disclosure regarding composition should be made under this part, it may be accomplished by either describing the true composition of the product or parts thereof ("plastic", "vinyl", "marble particles with binder") or by stating that the material is not what it appears to be ("simulated wood", "imitation leather", "simulated marble"). Terms such as "molded components", "walnut plastic" or "carved effect" will not suffice to disclose that exposed surfaces are plastic, or that they are not wood.

(4) (i) *Trade names, coined names, trademarks, etc. suggestive of composition.* Any trade name, coined name, trademark, depiction, symbol or other word or term which is susceptible of more than one interpretation, one or more of which could be misleading, should be immediately qualified to remove clearly and conspicuously the misleading implication(s). For instance, a trade name such as "Durahyde", if used to describe a fabric-backed vinyl upholstery covering which simulates leather, should be immediately qualified to disclose (1) the true composition of the product (*e.g.*, "fabric-backed vinyl") or (2) that the product is not leather (*e.g.*, "simulated leather", "not leather" or "imitation leather").

(ii) Trade designations or other representations which cannot be qualified without the qualification amounting to a contradiction should not be used. A trade designation consisting in whole or in part of a word which denotes a kind or type of material of which the product is not in fact composed should not be used. For example, the words "hide", "skin" and "leather" should not be used in trade names denoting nonleather products, although homophones of those words such as "hyde" may be used if qualified as provided above. Similarly, the word "wood" should not be used in a trade name of a product which does not contain wood.

(iii) Also, ambiguous or imprecise trade designations will not be sufficient to satisfy the disclosure provisions of this part. For example, the coined name "Hardiclad" used to describe molded plastic drawer fronts having the appearance of wood, is not sufficient to disclose that such parts are plastic or that they are not wood.

(c) *Illustrative examples of affirmative disclosure of composition or appearance.* The following examples are among those which, if factually correct, will meet the provisions of this section with respect to affirmative disclosures:

(1) *Disclosure of veneered construction.* "Veneered construction", "[wood name] solids and veneers", "[wood name] veneered tops, fronts and end panels" or "[wood name] veneered 5-ply construction with solid parts of [wood name]";

(2) *Disclosure of the use of plastics or other materials having the appearance of wood.* "High impact polystryene", "door panels of polystryene", "legs of rigid polyurethane", "walnut grained plastic tops", "parts of the exposed surfaces are of simulated wood" (to describe minor parts of the exposed surfaces of furniture), "imitation wood", "carved effects of simulated wood", "simulated wood components", "wood grained vinyl veneer", "walnut grained hardboard" or "simulated wood effect on plastic";

(3) *Simulated leather, slate, or marble.* "Vinyl", "leather look on vinyl", "simulated leather", "slate effect on plastic tops", "simulated slate", "simulated marble" or "marble dust and polyester binder";

(4) *Simulated wood grain design.* "Simulated wood grain design", "cherry grained maple", "simulated mahogany crotch on mahogany veneer", "Simulated Carpathian Elm burl" or "engraved cathedral walnut grain on hardboard";

(5) *Simulated carvings.* "Carved effect in plastic", "simulated wood carvings" or "molded polystyrene with carved look";

(6) *Hang tags or labels disclosing the use of veneers, plastic simulating wood, or simulated wood grain.* "Veneered construction, heat and stain resistant plastic tops, drawer fronts and decorative parts of rigid polyurethane", or "This furniture is made of selected hardwoods and veneers with matching plastic tops and decorative carved effects of polystyrene in dark oak finish", or "This suite is constructed of selected walnut veneers and solid pecan, and has simulated wood panels on drawers, doors, and headboards", or "Walnut veneer end panels and tops, polystyrene drawer and door fronts, and selected solid hardwood", or "This furniture is constructed of selected hardwood solids and veneers, with certain veneered surfaces having simulated grain finish to enhance their appearance" or "Solid and veneered hardwoods with carved effects in simulated wood and simulated grain design on veneered tops in matching pecan finish".

(d) *Removal of tags or labels.* Members of the industry should not: (1) Remove, obliterate, deface, change, alter, conceal, or make illegible any information this part provides be disclosed on industry products, such as on tags or labels attached thereto, without replacing the same with a proper disclosure meeting the provisions of this part before offering for sale, sale, or distribution; or

(2) Sell, resell, distribute or offer for sale an industry product without it being marked, tagged or labeled and described in accordance with the provisions of this part. (Guide 1)

§ 250.2 Describing wood and wood imitations.

(a) *Solid wood construction.* Industry members should not use unqualified wood names to describe furniture unless all of the exposed surfaces are constructed of solid wood of the type named. If more than one type of solid wood is used and one of the woods is named, then all of the principal woods should be disclosed, or the extent of the use of the wood named should be indicated. In lieu of naming the specific woods, a general designation of the type of wood, such as "hardwood" or "softwood" may be used. For example, the following representations, if factually correct, will be acceptable: "solid maple", "solid African mahogany", "walnut and pecan", "solid oak fronts", "walnut", "maple and other selected hardwoods", "fine hardwoods" and "selected hardwoods".

(b) *Wood veneers.* (1) When the exposed surfaces of furniture are of veneered and solid construction, and wood names are used to describe such furniture, the wood names should be qualified to disclose the fact of veneered construction. For example, "walnut solids and veneers" or "mahogany veneered construction" may be used when all the exposed surfaces of furniture are constructed of solid and veneered wood of the type named. When such terms as "walnut veneered construction" or "oak veneered construction" are used, it is understood that the exposed solid parts are composed of the same wood.

(2) When solid parts of furniture are of woods other than those used in veneered surfaces, either the use of such other woods should be disclosed or the location of the veneers stated. Examples: "walnut veneers and pecan solids", "mahogany veneers and African mahogany solids", "walnut veneered tops, fronts and end panels", "table tops of mahogany veneers" or "cherry veneers and selected solid hardwoods".

(c) *Wood products.* Wood names or names suggesting wood should not be used to refer to materials which, while produced from wood particles or fibers, do not possess a natural wood growth structure. Such materials, however, may be referred to by their generally accepted names, if otherwise nondeceptive, such as "hardboard", "particleboard", "chipcore" or 'fiberboard", or may be referred to as "wood products".

(d) *Color or grain design finish.* When wood names are used merely to describe a color of a stain finish and/or grain design or other simulated finish applied to the exposed surfaces of furniture that is composed of something other than solid wood of the types named, *it must be made clear* that the wood names are merely descriptive of the color and/or grain design or other simulated finish. Terms such as "walnut finish" or "fruitwood finish" will not suffice. However, terms such as "walnut color", "fruitwood stain finish", "maple finish on birch solids and veneers", "walnut finish on walnut veneers and selected solid hardwoods", "cherry grained maple drawer

fronts", "walnut finish plastic top" or "maple stained hardwoods" will be considered acceptable when factually correct and in contexts otherwise nondeceptive.

(e) *Materials simulating wood.* No wood names should be used to describe any materials simulating wood without disclosures making it clear that the wood names used are merely descriptive of the color and/or grain design or other simulated finish; nor should any trade names or coined names be employed which may suggest that such materials are some kind of wood. [Guide 2]

§ 250.3 Identity of woods.

Industry members should not use any direct or indirect representation concerning the identity of the wood in industry products that is false or likely to mislead purchasers as to the actual wood composition.

(a) *Walnut.* The unqualified term "walnut" should not be used to describe wood other than genuine solid walnut (genus Juglans). The term "black walnut" should be applied only to the species Juglans nigra.

(b) *Mahogany.* (1) The unqualified term "mahogany" should not be used to describe wood other than genuine solid mahogany (genus Swietenia of the Meliaceae family). The woods of genus Swietenia may be described by the term "mahogany" with or without a prefix designating the country or region of its origin, such as "Honduras mahogany", "Costa Rican mahogany", "Brazilian mahogany" or "Mexican mahogany".

(2) The term "mahogany" may be used to describe solid wood of the genus Khaya of the Meliaceae family, *but only* when prefixed by the word "African" (e.g., "African mahogany desk").

(3) In naming or designating the seven non-mahogany Philippine woods Tanguile, Red Lauan, White Lauan, Tiaong, Almon, Mayapis, and Bagtikan, the term "mahogany" may be used *but only* when prefixed by the word "Philippine" (e.g., "Philippine mahogany table"), due to the long standing usage of that term. Examples of improper use of the term "mahogany" include reference to Red Lauan as "Lauan mahogany" or to White Lauan as "Blond Lauan mahogany". Such woods, however, may be described as "Red Lauan" or "Lauan" or "White Lauan", respectively. The term "Philippine mahogany" will be accepted as a name or designation of the seven woods named above. Such term shall not be applied to any other wood, whether or not grown on the Philippine Islands.

(4) The term "mahogany", with or without qualifications, should not be used to describe any other wood except as provided above. This applies also to any of the woods belonging to the Meliaceae family, other than genera Swietenia and Khaya.

(c) *Maple.* The terms "hard maple", "rock maple", "bird's-eye maple", "Northern maple" or other terms of similar nature should not be used to describe woods other than those known under the lumber trade names of Black Maple (Acer nigrum) and Sugar Maple (Acer saccharum).

(NOTE.—Nothing in this section should be construed as prohibiting the nondeceptive use of wood names to describe the color, stain, simulated finish or appearance of industry products, provided that appropriate qualifications are made in accordance with provisions in § 250.2(d).) [Guide 3]

§ 250.4 Leather and leather imitations.

(a) Members of the industry should not make any direct or indirect representation concerning furniture or parts thereof covered with leather, or other material which simulates leather, which is false or misleading.

(b) Practices which should not be used under this section include, but are not limited to, the use of any trade name, coined name, trademark,[1] or other word or term, or any depiction or device, which could have the capacity and tendency or effect of misleading prospective purchasers into believing that furniture is covered in whole or in part with the skin or hide of an animal, or that the covering of furniture is leather, top grain leather, or split leather, when such is not the case. When a furniture covering is made from ground, shredded, pulverized or powdered leather, industry members should affirmatively disclose, in a manner provided for under § 250.1, either the true composition thereof, or the fact that it is not leather.

(c) In the case of non-leather material having the appearance of leather, industry members should conspicuously disclose facts concerning the composition thereof either by identifying the composition of the product (*e.g.*, "vinyl covering", "fabric-backed vinyl", "upholstered in plastic") or by a disclosure that the product is not leather (*e.g.*, "imitation leather", "not leather"), as provided for under § 250.1. [Guide 4]

§ 250.5 Outer coverings.[2]

(a) In connection with the sale of furniture, members of the industry should not use any direct or indirect representation concerning the outer covering thereof which:

(1) Is false (e.g., using the term "Mohair" to describe a fabric not produced from fibers derived from the angora goat); or

(2) Has the capacity and tendency or effect of deceiving furniture purchasers (e.g., by telling a half-truth, such as using the unqualified word "Nylon" to describe a blend of nylon and other fibers).

(b) When (if) any identifying reference is made in *advertising* to an outer covering made of a mixture of different kinds of fibers, each constituent fiber present in substantial quantity (at least 5 percent) should be designated in the order of its predominance by weight (e.g., "cotton and nylon") in a manner provided for in § 250.1. If a fiber so designated is not present in a substantial quantity (less than 5 percent) the percentage thereof should be stated (e.g., "cotton, rayon, 3 percent nylon").

(c) When (if) any identifying reference is made on a tag or label to an outer covering made of a mixture of different kinds of fibers; each and every kind of fiber present in such outer covering should be identified by showing the fiber content with percentages of the respective fibers in order of their predominance by weight (e.g., "55 percent Cotton, 45 percent Rayon"). In the case of pile fabrics, identification of the fiber content should be made on a tag or label by stating:

(1) The fiber content of the face or pile and of the back or base, with percentages of the respective fibers in order of their predominance by weight and the respective percentages of the face and back showing the ratio between face and back (e.g., "Face 60 percent Rayon, 40 percent Nylon—Back 100 percent Cotton; Back constitutes 80 percent of fabric and face 20 percent"); or

(2) The percentages of the fibers of the face or pile and the back or base in relation to the total weight of the fabric (e.g., "40 percent Cotton, 40 percent Rayon, 20 percent Nylon" to describe a fabric having an all nylon pile constituting 20 percent of the total weight backed by a 50 percent—50 percent blend of cotton and rayon).

(d) No representation should be made, directly or by implification, that an upholstery fabric has been tested unless:

(1) Actual tests have been conducted by persons qualified to perform and evaluate tests on upholstery fabrics;

(2) Such tests were devised and conducted so as to constitute a reasonable basis for evaluating the fabric for use as a furniture covering; and

(3) Such representation is accompanied by a conspicuous and accurate statement, in layman's language, of the actual test results. (See Note following paragraph (e) of this section.)

(e) No direct or indirect representation should be made concerning any performance characteristic of any upholstery fabric unless at the time such representation is made the advertiser has in his possession a reasonable basis therefor, which may consist of competent scientific tests and/or other appropriate substantiating materials.

(NOTE: On demand by the Commission, any advertiser who makes representations concerning tests or performance characteristics of fabrics should submit documentation of such tests, studies, and other data (as he had in his possession prior to the time the claims were made), which purport to substantiate the truth of such representations. Accurate records of all such documentation should be maintained for three years from the date such representations were last disseminated.) [Guide 5]

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[1] See § 250.1(b)(4).

[2] Section 12(a)(2) of the Textile Fiber Products Identification Act (72 Stat. 1717; 15 U.S.C. 70) specifically exempts "outer coverings of furniture" from the application of the Act. Section 14 of the same Act provides that the Act "shall be held to be in addition to, and not in substitution for or limitation of, the provisions of any other Act of the United States." Therefore, corrective action involving deceptive practices in the sale of furniture would be initiated under the authority of Section 5 of the Federal Trade Commission Act which prohibits "unfair methods of competition in commerce and unfair or deceptive acts or practices in commerce."

§ 250.6 Stuffing (including filling, padding, etc.).

Members of the industry should not make any direct or indirect representation relating to the stuffing of furniture which:

(a) Is false (*e.g.*, describing cotton stuffing as "wool", or urethane foam as "latex foam rubber"); or

(b) Has the capacity and tendency or effect of deceiving or misleading (*e.g.*, by telling a half-truth, such as describing shredded or flaked foam rubber stuffing as "foam rubber" without disclosing, in a manner provided for under § 250.1, that it is shredded or flaked, or describing any non-latex foam cushion as "foam" without disclosing the kind of foam used, such as "urethane foam").

(1) The unqualified terms "Foam", "Latex" or "Latex Foam Rubber" or other terms of similar import, should not be used as descriptive of any part of the filling of an upholstery which does not consist of one or more homogeneous pads of latex foam rubber.

(2) When an upholstered industry product contains filling material consisting of a top layer of homogeneous latex foam rubber, or of other type of stuffing which is of substantial thickness, and another layer or layers of other material, terms such as "latex foam rubber", "polyurethane foam" or other terms which accurately describe the composition of such top layer may be used as descriptive thereof, *provided, however,* That in immediate conjunction therewith, nondeceptive disclosure is made of the fact that only a part of such filling material is of latex foam rubber or such other type of designated stuffing.

(3) When the filling is composed, in whole or in part, of latex foam rubber, polyurethane foam, or other type of stuffing which has been shredded, flaked, or ground, full and nondeceptive disclosure should be made of such fact in immediate conjunction with any such term irrespective of whether the pieces or shreds of latex foam rubber, polyurethane foam, or other type of stuffing are in loose form or are held together by glue or some other adhesive agent.

(NOTE.—This section is promulgated under the Federal Trade Commission Act for the purposes of interpreting requirements of such Act and to assist in the general enforcement of the Act. The section is not to be construed as relieving industry members from full compliance with applicable State and local legal requirements.) [Guide 6]

§ 250.7 Origin and style of furniture.

(a) Industry members should not make any direct or indirect representation which is false or likely to deceive prospective purchasers of furniture as to its origin, either domestic or foreign. For example:

(1) Furniture manufactured in the United States should not be unqualifiedly described as "Danish", "Spanish", "Italian", "English", or by any other unqualified terms suggesting foreign origin, unless the fact that such furniture was manufactured in the United States is clearly and conspicuously disclosed in advertising and on the furniture by means of such statements as "Made in U.S.A." or "manufactured by" followed by the name and address of the domestic manufacturer.

(2) When appropriate, furniture may be described by such terms as "Danish Style", "Italian Design", "Spanish Influence", "English Tradition" or by any other terms accurately descriptive of a generally recognized furniture style.

(3) Because of general understanding by the furniture buying public, terms such as "French Provincial", "Italian Provincial", "Chinese Chippendale" and "Mediterranean" are considered to have acquired a secondary meaning as descriptive of the styles of furniture so described. Thus, unqualified use of such terminology, when appropriate, would not be considered deceptive.

(4) Furniture should not be represented by trade name or otherwise as being manufactured in the Grand Rapids (Michigan) area, or in any other furniture producing area, when such is not the fact.

(b) In connection with the sale of furniture of foreign manufacture, members of the industry should clearly and conspicuously disclose the foreign country of origin, when the failure to make such disclosure has the capacity and tendency or effect of deceiving purchasers of such products. The disclosure of foreign origin, when required, should be in the form of a legible marking, stamping, or labeling on the outside of the furniture, and shall be of such size, conspicuousness and degree of permanency, as to be and remain noticeable and legible upon casual inspection until consumer purchase. [Guide 7]

§ 250.8 Deception as to being "new".

(a) Industry members should not make any direct or indirect representation that an industry product is new unless such product has not been used and is composed entirely of unused materials and parts.

(b) In connection with the sale of furniture which has the appearance of being new but which contains used materials or parts, such as springs, latex foam rubber stuffing, or hardware, members of the industry should conspicuously disclose, in a manner provided for in § 250.1, such fact (*e.g.*, "cushions made from reused shredded latex foam rubber").

(NOTE: See also § 250.9.) [Guide 8]

§ 250.9 Misuse of the terms "floor sample", "discontinued model", etc.

(a) Representations that furniture is a "floor sample", "demonstration piece", etc., should not be used to describe "trade-in", repossessed, rented, or any furniture except that displayed for inspection by prospective purchasers at the place of sale for the purpose of determining their preference and its suitability for their use.

(b) Furniture should not be described as "discontinued" or "discontinued model" unless the manufacturer has in fact discontinued its manufacture or the industry member offering it for sale will discontinue offering it entirely after clearance of his existing inventories of furniture so described. [Guide 9]

§ 250.10 Passing off through imitation or simulation of trademarks, trade names, etc.

Members of the industry should not mislead or deceive purchasers by passing off the products of one industry member as and for those of another through the imitation or simulation of trademarks, trade names, brands, or labels. [Guide 10]

§ 250.11 Misrepresentation as to character of business.

Members of the industry should not represent, directly or by implication, in advertising or otherwise, that they produce or manufacture products of the industry, or that they own or control a factory making such products, when such is not the fact, or that they are a manufacturer, wholesale distributor or a wholesaler when such is not the fact, or in any other manner misrepresent the character, extent, or type of their business. [Guide 11]

§ 250.12 Commercial bribery.

Members of the industry should not give, or offer to give, or permit or cause to be given, directly or indirectly, money or anything of value to agents, employees, or representatives of customers or prospective customers, or to agents, employees, or representatives of competitors' customers or prospective customers, without the knowledge of their employers or principals, as an inducement to influence their employers or principals to purchase or contract to purchase products manufactured or sold by such industry member or the maker of such gift or offer, or to influence such employers or principals to refrain from dealing in the products of competitors or from dealing or contracting to deal with competitors. [Guide 12]

§ 250.13 Other parts in this Title 16 applicable to this industry.

The Commission has adopted Guides Against Deceptive Pricing, Part 233, Guides Against Deceptive Advertising of Guarantees, Part 239, and Guides Against Bait Advertising, Part 238, all of which have general application and furnish additional guidance for members of the Household Furniture Industry. Members of this industry should comply with those parts.

Promulgated by the Federal Trade Commission December 21, 1973.

Effective March 21, 1974.

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

[FR Doc.73-26888 Filed 12-20-73;8:45 am]

Title 19—Customs Duties

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

[T.D. 74-3]

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

Egypt Added to List

In accordance with section 309(d), 46 Stat. 690, as amended (19 U.S.C. 1309(d)), the Secretary of Commerce has found and under date of July 5, 1973, has advised the Secretary of the Treasury that, with respect to aircraft fuels and lubricants, Egypt allows privileges substantially reciprocal to those provided for in sections 309 and 317, 46 Stat. 690, as amended, 696, as amended (19 U.S.C. 1309, 1317), to aircraft registered in the United States and engaged in foreign trade. Corresponding privileges are accordingly extended to aircraft registered in Egypt and engaged in foreign trade effective as of the date of such notification.

Accordingly, paragraph (f) of § 10.59, Customs regulations, is amended by the insertion of "Egypt" in appropriate alphabetical order, the number of this Treasury Decision in the opposite column headed "Treasury Decision(s)" and the wording "Applicable only as to aircraft fuels and lubricants" opposite "Egypt" in the column headed "Exceptions, if any, as noted" in the list of nations in that paragraph.

(Secs. 309, 317, 624, 46 Stat. 690, as amended, 696, as amended, 759; 19 U.S.C. 1309, 1317, 1624.)

As there is a statutory basis for the exemption from Customs duties on withdrawal of supplies by aircraft when reciprocity has been established, notice and public procedure thereon are found to be unnecessary and good cause exists for dispensing with a delayed effective date under the provisions of 5 U.S.C. 553.

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

Approved: December 12, 1973.

EDWARD L. MORGAN,
Assistant Secretary of the Treasury.

[FR Doc.73-26962 Filed 12-20-73;8:45 am]

TITLE 21—FOOD AND DRUGS

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

SUBCHAPTER C—DRUGS

AMPROLIUM

The Commissioner of Food and Drugs has evaluated supplemental new animal drug applications (12-350V and 13-149V), filed by Merck & Co., Inc., Rahway, NJ 07065, proposing safe and effective use of amprolium in feed, in drinking water, and as a drench for the treatment of calves. The supplemental applications are approved.

The Commissioner concludes that an appropriate amendment to Part 135g of the regulations should be made to provide for a negligible tolerance of amprolium in food resulting from use of the drug.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)), and under authority delegated to the Commissioner (21 CFR 2.120), Chapter I, Title 21 of the Code of Federal Regulations is amended as follows:

PART 135c—NEW ANIMAL DRUGS IN ORAL DOSAGE FORMS

1. In § 135c.3(d) by designating the existing table as table 1 and adding thereto new items 2 and 3, and by adding a new table 2, as follows:

§ 135c.3 **Amprolium.**

* * * * *

(d) * * *

TABLE 1—IN DRINKING WATER

Amount	Limitations	Indications for use
1. Amprolium... * * *	* * *	* * *
2. Amprolium... 9.6% solution...	For calves: add 16 fluid ounces of the 9.6% solution to each 100 gallons of drinking water; at the usual rate of water consumption, this will provide an intake of approximately 10 milligrams per kilogram (2.2 lb) of body weight; offer this solution as the only source of water for 5 days; for a satisfactory diagnosis, a microscopic examination of the feces should be done by a veterinarian or diagnostic laboratory before treatment; when treating outbreaks, the drug should be administered promptly after diagnosis is determined; withdraw 24 hours before slaughter.	As an aid in the treatment of coccidiosis caused by *Eimeria bovis* and *E. zurnii*.
3. Amprolium.....do.....	For calves; add 8 fluid ounces of the 9.6% solution to each consumption, this will provide an intake of approximately 5 milligrams per kilogram (2.21b) of body weight; offer this solution as the only source of water for 21 days during periods of exposure or when experience indicates coccidiosis is likely to be a hazard: withdraw 24 hours before slaughter.	As an aid in the prevention of coccidiosis caused by *Eimeria bovis* and *E. zurnii*.

TABLE 2—AS A DRENCH

Amount	Limitations	Indications for use
1. Amprolium... 9.6% solution...	For calves; add 3 fluid ounces of the 9.6% solution to 1 pint of water and with a dose syringe administer 1 fluid ounce of this solution for each 100 pounds of body weight; this will provide a dose of approximately 10 milligrams per kilogram (2.2 lb) of body weight; administer daily for 5 days; for a satisfactory diagnosis, a microscopic examination of the feces should be done by a veterinarian or diagnostic laboratory before treatment; when treating outbreaks, the drug should be administered promptly after diagnosis is determined; withdraw 24 hours before slaughter.	As an aid in the treatment of coccidiosis caused by *Eimeria bovis* and *E. zurnii*.
2. Amprolium.....do.....	For calves; add 1½ fluid ounces of the 9.6% solution to 1 pint of water and with a dose syringe administer 1 fluid ounce of this solution for each 100 pounds of body weight; this will provide a dose of approximately 5 milligrams per kilogram (2.2 lb) of body weight; administer daily for 21 days during periods of exposure or when experience indicates that coccidiosis is likely to be a hazard; withdraw 24 hours before slaughter.	As an aid in the prevention of coccidiosis caused by *Eimeria bovis* and *E. zurnii*.

PART 135e—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

2. In Part 135e by adding a new section as follows:

§ 135e.6 **Amprolium.**

(a) *Chemical name.* 1-(4-Amino-2-*n*-propyl-5-pyrimidinylmethyl)-2-picolinium chloride hydrochloride.

(b) *Approvals.* Premix level 25 percent granted to code No. 023 in § 135.501(c) of this chapter.

(c) *Assay limits.* Finished feed 80–120 percent of labeled amount.

(d) [Reserved].

(e) *Related tolerances.* See § 135g.9 of this chapter.

(f) *Conditions of use.* It is used as follows:

Amount	Limitations	Indications for use
	Mg. per 100 lb. body weight per day	
1. Amprolium.	227 For calves; administer from a supplement containing from 0.05% to 0.5% amprolium with the usual amount of feed consumed in one day to provide 227 milligrams of amprolium per 100 pounds (5 milligrams per kilogram) of body weight per day for 21 days during periods of exposure or when experience indicates that coccidiosis is likely to be a hazard; withdraw 24 hours before slaughter.	As an aid in the prevention of coccidiosis caused by *Eimeria bovis* and *E. zurnii*.
2. Amprolium.	454 For calves; administer from a supplement containing from 0.05% to 0.05% amprolium with the usual amount of feed consumed in one day to provide 454 milligrams of amprolium per 100 pounds (10 milligrams per kilogram) of body weight per day for 5 days; for a satisfactory diagnosis, a microscopic examination of the feces should be done by a veterinarian or diagnostic laboratory before treatment; when treating outbreaks, the drug should be administered promptly after diagnosis is determined; withdraw 24 hours before slaughter.	As an aid in the treatment of coccidiosis caused by *Eimeria bovis* and *E. zurnii*.

PART 135g—TOLERANCES FOR RESIDUES OF NEW ANIMAL DRUGS IN FOOD

3. In Part 135g by revising § 135g.9 to read as follows:

§ 135g.9 Amprolium.

Tolerances are established as follows for residues of amprolium (1-(4-amino-2-*n*-propyl - 5 - pyrimidinylmethyl)-2-picolinium chloride hydrochloride):

(a) In the edible tissues and in eggs of chickens and turkeys:

(1) 1 part per million in uncooked liver and kidney.

(2) 0.5 part per million in uncooked muscle tissue.

(3) In eggs:

(i) 8 parts per million in egg yolks.

(ii) 4 parts per million in whole eggs.

(b) In the edible tissues of calves:

(1) 2.0 parts per million in uncooked fat.

(2) 0.5 part per million in uncooked muscle tissue, liver, and kidney.

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

Effective date. This order shall be effective December 21, 1973.

Dated: December 13, 1973.

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

[FR Doc.73-26948 Filed 12-20-73;8:45 am]

PART 135c—NEW ANIMAL DRUGS IN ORAL DOSAGE FORMS

Thiabendazole

The Commissioner of Food and Drugs has evaluated new animal drug applications (49-461V and 48-487V), filed by Merck Sharp & Dohme Research Laboratories, Division of Merck & Co., Rahway, NJ 07065, proposing the safe and effective use of thiabendazole in paste form for the control of gastrointestinal worms in cattle. The applications are approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)), and under authority delegated to the Commissioner (21 CFR 2.120), Part 135c is amended in § 135c.7 by revising paragraph (c)(2) and adding a new paragraph (e)(5) as follows:

§ 135c.7 Thiabendazole.

* * * * *

(c) * * *

(2) See code No. 023 in § 135.501(c) of this chapter for the sponsor of the usages provided for by paragraph (e)(2), (3) and (5) of this section.

* * * * *

(e) * * *

(5) It is administered to cattle orally in paste form using a dosing gun designed for the product as follows:

(i) The dosage is proportional to body weight and also depends on the severity of infection. The routine dose of thiabendazole for *Trichostrongylus spp., Haemonchus spp., Neamtodirus spp., Ostertagia spp.,* and *Oesophagostomum radiatum* is 3 grams per 100 pounds body weight. For *Cooperia spp.* or severe infections with the other species, give 5 grams per 100 pounds of body weight. For most effective results, severely parasitized animals or those constantly exposed to helminth infection should be retreated every 2 to 3 weeks.

(ii) Milk taken from treated animals within 96 hours (8 milkings) after the latest treatment must not be used for food.

(iii) Do not treat cattle within 3 days of slaughter.

(iv) For a satisfactory diagnosis, a microscopic fecal examination should be performed prior to worming.

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

Effective date. This order shall be effective December 21, 1973.

Dated: December 13, 1973.

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

[FR Doc.73-26947 Filed 12-20-73;8:45 am]

PART 135c—NEW ANIMAL DRUGS IN ORAL DOSAGE FORMS

Tylosin

The Commissioner of Food and Drugs has evaluated supplemental new animal drug applications (13-029V) filed by Elanco Products Co., a division of Eli Lilly & Co., Indianapolis, IN 46206, proposing revised indications for use and dosage for tylosin in drinking water for swine. The supplemental applications are approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)), and under authority delegated to the Commissioner (21 CFR 2.120), Part 135c is amended in the table in § 135c4(e) by revising the text in the "Limitations" and the "Indications for use" columns for item 3 as follows:

§ 135c.4 Tylosin.

* * * * *

(e) * * *

Principal ingredient	Grams per gallon	Limitations	Indications for use
*	*	*	*
3. Tylosin.....	0.25	For sivine; give as only source of drinking water for 3 to 10 days, depending on the severity of the condition being treated; mix fresh solution daily; present as tylosin base; medication must be withheld from animals 48 hours prior to slaughter.	For the control and treatment of swine dysentery (bloody scours) caused by pathogens sensitive to tylosin.

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

Effective date. This order shall be effective December 21, 1973.

Dated: December 13, 1973.

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

[FR Doc.73-26949 Filed 12-20-73;8:45 am]

PART 135e—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Tylosin

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (12-491V) filed by Elanco Products Co., P.O. Box 1750, Indianapolis, IN 46206, proposing safe and effective use of tylosin in feed for the treatment of beef cattle. The supplemental application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)), and under authority delegated to the Commissioner (21 CFR 2.120), § 135e.10 is amended by adding a new paragraph (d)(3) and by adding a new heading and a new item 11 to the table in paragraph (f)(1) as follows:

§ 135e.10 Tylosin.

* * * * *

(d) * * *

(3) Finished cattle feed processed from feed supplements that contain up to 360 grams per ton of tylosin and that comply with the requirements of paragraph (f)(1), item 11, of this section is not required to comply with the provisions of section 512(m) of the Federal Food, Drug, and Cosmetic Act.

* * * * *

(f) * * *

TYLOSIN IN ANIMAL FEED

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
*	*	*		*	*
11. Tylosin.....	8-10	.....		For beef cattle; as tylosin phosphate; each animal must receive not more than 90 milligrams per day and not less than 60 milligrams per day; feed continuously as sole ration.	For reduction of incidence of liver abscesses in beef cattle caused by *Sphaerophorus necrophorus* and *Corynebacterium pyogenes.*

* * * * * * *

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

Effective date. This order shall be effective December 21, 1973.

Dated: December 13, 1973.

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

[FR Doc.73-26946 Filed 12-20-73;8:45 am]

SUBCHAPTER D—COSMETICS

PART 174—VOLUNTARY FILING OF COSMETIC PRODUCT EXPERIENCES

Filing of Information

Correction

In FR Doc. 73-21919 appearing at page 28914 in the issue of Wednesday, October 17, 1973, the following change should be made in § 174.5(a)(9): In the sixth line the word "substituting" should read "submitting".

CHAPTER II—DRUG ENFORCEMENT ADMINISTRATION, DEPARTMENT OF JUSTICE

PART 1304—RECORDS AND REPORT OF REGISTRANTS

ARCOS Reporting Requirements

A notice published in the FEDERAL REGISTER on December 29, 1972 (37 FR 28713), by the Director, Bureau of Narcotics and Dangerous Drugs (now the Administrator, Drug Enforcement Administration) announced the gradual implementation during 1973 of a new reporting system designed to fulfill the Administration's responsibility for monitoring the production and distribution of controlled substances in the United States, and for establishing quotas on the quantities of controlled substances listed in Schedules I and II of the Comprehensive Drug Abuse Prevention and Control Act of 1970.

The Drug Enforcement Administration has developed a computerized system which provides an audit of the transactions of wholesale distributors and manufacturers throughout the drug industry. The system is called the Automation of Reports and Consummated Orders System (ARCOS). The objective of ARCOS is to create a government capability to maintain an inventory of selected controlled substances from point of import or manufacture to point of sale, distribution or disposition to the dispensing level.

The new system will require reports from manufacturers regarding production, distributions, and annual inventories of controlled substances listed in Schedules I and II and narcotic controlled substances in Schedules III and V, and reports from repackers, relabelers, importers, exporters, and distributors regarding receipts, distributions, and annual inventories of controlled substances in Schedules I and II and narcotic controlled substances in Schedule III. The Administrator finds that reports on each sale, delivery, or other disposal made by a manufacturer of any controlled substance may be required under section 307(d) of the Act (21 U.S.C. 826(d)); at this time, however, the Administrator finds that the Administration cannot process data on such transactions on nonnarcotic controlled substances in Schedules III, IV, and V. The Administrator finds that reports on each sale, delivery, or other disposal of any narcotic controlled substance made by a distributor may be required under section 307(d) of the Act (21 U.S.C. 827(d)) but that such transactions involving Schedule V narcotics are not necessary at this time. The Administrator further finds that reports by manufacturers regarding production and annual inventories of controlled substances in Schedules I and II (and narcotic substances in Schedules III and V) and reports by distributors regarding sales, deliveries and other disposals of nonnarcotic controlled substances listed in Schedules I and II and regarding receipts and annual inventories of all controlled substances in Schedules I and II and narcotic substances in Schedule III, are necessary and appropriate for the efficient execution of his function under the Act in establishing quotas on the future production of these substances, in filing annual statistical returns regarding narcotic substances required under the Article 20(1) of the Single Convention on Narcotic Drugs 1961, and in filing annual statistical reports required under Article 16(4) of the Convention on Psychotropic Substances, 1971 (which the United States has agreed to submit voluntarily in advance of ratification), and may therefore be required under section 501(b) of the Act (21 U.S.C. 871(b)). The Administrator also finds that reports from importers and exporters regarding imports, exports, receipts, distributions, and annual inventories of controlled substances in Schedules I and II and narcotic controlled substances in Schedule III are similarly necessary and appropriate and may be required under Sections 1008(d), 1051, and 501(b) of the Act (21 U.S.C. 959(d), 965, and 871(b)).

In order to fully implement the ARCOS reporting system, all inventory reports must be submitted as of the close of business on December 31 of each year and these reports must be filed no later than January 15 of the following year.

Therefore, under the authority vested in the Attorney General pursuant to sections 307(d), 501(b), 1008(d), and 1015 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 827(d), 871(b), 958(d), and 965), and delegated to the Administrator, Drug Enforcement Administration by § 0.100 of Title 28 of the Code of Federal Regulations (see 38 FR 18380, July 10, 1973), the Administrator hereby orders that Part 1304 of Title 21 of the Code of Federal Regulations be amended as follows:

1. Part 1304 of Title 21 of the Code of Federal Regulations be amended by revising paragraph (c) of § 1304.39 to read as follows:

§ 1304.39 Reports from packagers and labelers.

* * * * *

(c) *Inventories reported.* Reports shall provide data on the stocks of each reported controlled substance on hand as of the close of business on December 31 of each year. These reports shall be filed no later than January 15 of the following year.

* * * * *

2. Section 1304.40 of Title 21 of the CFR is amended by revising paragraph (c) to read as follows:

§ 1304.40 Reports from importers and exporters.

* * * * *

(c) *Inventories reported.* Reports shall provide data on the stocks of each reported controlled substance on hand as of the close of business on December 31 of each year. These reports shall be filed no later than January 15 of the following year.

3. Section 1304.41 of Title 21 of the CFR is amended by revising paragraph (c) to read as follows:

§ 1304.41 Reports from distributors.

* * * * *

(c) *Inventories reported.* Reports shall provide data on the stocks of each reported controlled substance on hand as of the close of business on December 31 of each year. These reports shall be filed no later than January 15 of the following year.

* * * * *

Effective date. Because every registrant affected by the changes ordered above has previously been given notice of the changes and permitted to comment, because the implementation of the system commenced January 1, 1973, and because implementation will be completed on December 31, 1973, this order shall be effective on December 31, 1973. Therefore, the Administrator finds that waiver of the usual period for comments and objections is consistent with the public health and safety, with the interests of affected persons, and with the need to provide a codified set of regulations to all registrants.

If any interested person desires to comment on or object to any of the changes made in this order, the Administrator will consider such comments and objections for purposes of amending or revoking any of these changes. All interested persons are invited to submit their comments and objections in writing with five copies to the Office of Chief Counsel, Drug Enforcement Administration, Department of Justice, Room 611, 1405 I Street, NW., Washington, D.C. 20537.

Dated: December 14, 1973.

JOHN R. BARTELS, Jr.
Administrator, Drug Enforcement Administration, U.S. Department of Justice.

[FR Doc.73-26966 Filed 12-20-73;8:45 am]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-271]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the last column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 **Status of participating communities.**

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
*	*	*	*	*	*	*
Georgia	Ben Hill	Fitzgerald, City of				Dec. 26, 1973, Emergency.
Do	Brooks	Quitman, City of				Do.
Do	Berrien	Ray City, Town of				Do.
Do	Cook	Sparks, Town of				Do.
Missouri	Pike	Clarksville, City of				Do.
Do	St. Louis	Des Perrs, City of				Do.
Mississippi	Warren	Unincorporated areas.				Dec. 21, 1973, Emergency.
New York	Erie	Alden, Town of				Dec. 26, 1973, Emergency.
Do	Orange	Port Jervis, City of				Do.
Do	Westchester	Mt. Pleasant, Town of.				Do.
Ohio	Franklin	Canal Winchester, Village of.				Do.
Pennsylvania	Berks	Leesport, Borough of.				Do.
Do	Tioga	Wellsboro, Borough of.				Do.
Do	Westmoreland	Unity, Township of.				Do.
South Carolina	Laurens	Laurens, City of				Do.
Texas	Bexar	Shavano Park, Town of				Do.
Virginia	Smyth	Unincorporated areas				Do.

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

Issued: December 17, 1973.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.73-26967 Filed 12-20-73;8:45 am]

[Docket No. FI-272]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the last column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
*	*	*	*	*	*	*
California	San Bernardino	Rialto, City of				Dec. 17, 1973, Emergency.
Delaware	New Castle	Delaware, City of				Do.
Illinois	Iroquois	Unincorporated Areas.				Do.
Georgia	Cook	Adel, City of				Do.
Do	De Kalb	Chamblee, City of				Do.
Do	Cobb	Smyrna, City of				Do.
Do	Thomas	Thomasville, City of.				Do.
Do	Lowndes	Valdosta, City of				Do.
Maine	York	Old Orchard Beach, Town of.				Do.
Missouri	Buchanan	Unincorporated Areas.				Do.
New Jersey	Ocean	Union, Township of.				Do.
New York	Niagara	Lockport, City of				Do.
Do	Franklin	Malone, Village of				Do.
Do	Watkins Glen	Watkins Glen, City of.				Do.
Pennsylvania	York	Felton, Borough of				Do.
Do	Lancaster	Lescock, Township of.				Do.
Do	Columbia	Locust, Township of.				Do.
Do	Northumberland	Mount Carmel, Borough of.				Do.
Do	Luzerne	Sugarloaf, Township of.				Do.
Do	Montgomery	Upper Merion, Township of.				Do.
Do	Northampton	Williams, Township of.				Do.
South Carolina	Aiken	Aiken, City of				Do.
Tennessee	Loudon	Loudon, City of				Do.
Texas	Orange	Bridge City, City of.				Do.
Washington	Snohomish	Everette, City of				Do.

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

Issued: December 10, 1973.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.73-26968 Filed 12-20-73;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

PART 87—CONTROL OF AIR POLLUTION FROM AIRCRAFT AND AIRCRAFT ENGINES

Temporary Exemptions From Aircraft Emission Standards (Fuel Venting and Smoke)

On July 17, 1973, the Environmental Protection Agency promulgated Part 87 establishing aircraft emission standards and test procedures. (38 FR 19088) Two provisions of Part 87 applicable to in-use equipment are effective January 1, 1974. They are the prohibition against fuel venting in § 87.11 and the smoke standard applicable to the JT8D engine in §87.31.

On November 1, 1973, the Federal Aviation Administration proposed regulations to implement the fuel venting and smoke standards applicable on and after January 1, 1974. Section 9 of the proposed regulationsp rovides that "all petitions for rulemaking or exemption involving either the substance of an emission standard or test procedure prescribed by EPA * * * or the compliance date for such standard or procedure, must be submitted to EPA."

EPA has received letters from owners of Gulfstream II and BAC 1-11 aircraft requesting a sixty-day exemption from the fuel venting standard. The letters state that procurement and installation of equipment to prevent fuel venting from the Spey engines used in these aircraft has been delayed due to circumstances beyond the owners' control.

The FAA has advised EPA that some carriers using JT8D equipment may not have completed modification of the JT8D engine to comply with the smoke standard effective January 1, 1974. Compliance requires the installation of a new combustor can. EPA has received no requests for temporary exemption from carriers operating JT8D equipment, but such requests may be received in the future.

It is not the policy of EPA to grant blanket exemptions from established standards. An applicant for temporary exemption is expected to make a showing that all good faith efforts have been made to comply with the standard and to establish specific timetables for compliance at the earliest feasible date. Procedures for application for temporary exemption and information requirements are set forth in an amendment to Part 87 promulgated today. These procedures should be followed by all applicants for temporary exemption from the fuel venting or smoke standards which are effective January 1, 1974.

EPA will act promptly on requests for temporary exemption submitted in accordance with these procedures. Copies have been transmitted to all applicants of record and to operators of JT8D equipment whose compliance with the standard is not known to EPA. Due to probable communications delays associated with the holidays, however, it is doubtful that sufficient time remains before the January 1, 1974 effective date to enable aircraft operatorst o apply for exemptions and for EPA to act on their requests. Accordingly, the amendment to the regulations provides a 30-day exemption for aircraft operators not in compliance to enable them to submit requests for further exemption and compliance schedules.

The regulation also provides for publication of grants of exemptions in the FEDERAL REGISTER. This provision will afford notice to all interested parties that particular standards are not applicable to the recipients of exemptions during the period of the exemption.

Because thef uel venting and smoke standards for in-use aircraft become effective in less than thirty days, the Administrator finds that there is good cause to make these regulations effective on December 21, 1913 but comments are invited until January 21, 1974, and will be considered in making amendments to the regulations.

(42 U.S.C. 1857(f), 1857(g)().)

Dated: December 18, 1973.

JOHN QUARLES,
Acting Administrator.

Part 87, Chapter I of Title 40 of the Code of Federal Regulations is amended as follows:

1. A new Subpart J is added:

Subpart J—Temporary Exemption from Aircraft Emission Standards (Fuel Venting and Smoke)

§ 87.101 Application for Temporary Exemption.

(a) The Administrator of the Environmental Protection Agency may grant to any aircraft or aircraft engine temporary exemption from any applicable standard under § 87.11(a) or § 87.31(a), provided that the owner or operator of such aircraft or aircraft engine demonstrates:

(1) All good faith efforts to achieve compliance with such standard,

(2) Inability to comply with such standard due to circumstances beyond his control, and

(3) A plan by which he will achieve such compliance in the shortest time which is feasible.

(b) Applications for temporary exemption from the requirements of § 87.31(a) shall be submitted in duplicate to the Administrator of the Environmental Protection Agency and shall contain the following information:

(1) The name and address of the applicant,

(2) The standard or requirement from which temporary exemption is requested,

(3) The number of aircraft or aircraft engines subject to the requirement for which a temporary exemption is requested,

(4) The efforts made by the applicant to accomplish compliance, including ordering of equipment and scheduling of maintenance work, and the dates of these efforts,

(5) A detailed statement of reasons why the applicant will not be in compliance when the standard or requirement becomes effective,

(6) The name of the equipment supplier and/or the name of the firm retained to perform the maintenance work,

(8) The applicant's proposed timetable for installation of equipment and obtaining necessary approvals for each aircraft or aircraft engine for which temporary exemption is requested, and

(9) The name of the person responsible for accomplishing compliance according to the timetable proposed by the applicant.

(c) Prior to taking action on an application for temporary exemption, the Administrator shall consult with the Secretary of Transportation. A copy of the applicant's request should be submitted by the applicant to the Secretary of Transportation.

(d) The Administrator shall publish in the FEDERAL REGISTER the name of the owner or operator to whom a temporary exemption is granted and the period of such exemption.

(e) No state or political subdivision thereof may attempt to enforce a standard respecting fuel venting or smoke emissions from an aircraft or engine if such aircraft or engine has been granted an exemption from such standard.

§ 87.102 Thirty-day suspension of fuel venting and smoke standards.

(a) The applicability of the standards of § 87.11(a) and § 87.31(a) to aircraft subject to such standards is suspended until February 1, 1974.

(b) Application for temporary exemption from the standards of § 87.11(a) and § 87.31(a) for aircraft which will not be in compliance by February 1, 1974, must be submitted in accordance with the procedures of § 87.101.

[FR Doc.73-27077 Filed 12-20-73;10:39 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Amdt. No. 1 to Fifth Rev. S.O. 1043]

PART 1033—CAR SERVICE

Regulations for Return of Hopper Cars

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 11th day of December 1973.

Upon further consideration of Fifth Revised Service Order No. 1043 (38 FR 18659), and good cause appearing therefor:

It is ordered, That: § 1033.1043 *Service Order No. 1043* (Regulations for return of hopper cars) be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., June 30, 1974, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., December 31, 1973.

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

It is further ordered, That copies 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.73-26969 Filed 12-20-73;8:45 am]

[Amdt. No. 1 to S.O. 1160]

PART 1033—CAR SERVICE

Substitution of Refrigerator Cars for Boxcars

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 11th day of December 1973.

Upon further consideration of Service Order No. 1160 (38 FR 31176), and good cause appearing therefor:

It is ordered, That: § 1033.1160 Service Order No. 1160 (Substitution of refrigerator cars for boxcars) be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* This order shall expire at 11:59 p.m., February 28, 1974, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., December 15, 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 copies 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.73-26970 Filed 12-20-73;8:45 am]

[Amdt. No. 1 to S.O. 1161]

PART 1033—CAR SERVICE

St. Louis-San Francisco Railway Co.

At a session of the Interstate Commerce Commission, Railroad Service, Board, held in Washington, D.C., on the 11th day of December 1973.

Upon further consideration of Service Order No. 1161 (38 FR 31309), and good cause appearing therefor:

It is ordered, That: § 1033.1161 Service Order No. 1161 (St. Louis-San Francisco Railway Company authorized to operate over tracks of the Atchison, Topeka and Santa Fe Railway Company) be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., March 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., December 15, 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.73-26971 Filed 12-20-73;8:45 am]

[Amdt. No. 1 to S.O. 1156]

PART 1033—CAR SERVICE

Chicago, Rock Island and Pacific Railroad Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 11th day of December 1973.

Upon further consideration of Service Order No. 1156 (38 FR 29220), and good cause appearing therefor:

It is ordered, That: § 1033.1156 Service Order No. 1156 (Chicago, Rock Island and Pacific Railroad Company authorized to operate over tracks of Missouri Pacific Railroad Company) be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., June 30, 1974, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., December 15, 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, Railroads Service Board.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-26972 Filed 12-20-73;8:45 am]

[Rev. S. O. 995; Amdt. 4]

PART 1033—CAR SERVICE

Appointment of Embargo Agents

At a session of the Interstate Commerce Commission, Division 3, held in Washington, D.C., on the 11th day of December 1973.

Upon further consideration of Revised Service Order No. 995 (35 FR 7016; 36 FR 23726; 37 FR 28301) and good cause appearing therefor:

It is ordered, That:

§ 1033.995 Service Order No. 995 (Appointment of embargo agents) be, and it is hereby amended by substituting the following paragraph (f) for paragraph (f) thereof:

(f) *Expiration date.* This order shall expire at 11:59 p.m., December 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., December 31, 1973.

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

It is further ordered, That copies of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of the 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 order shall 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, Division 3.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-27031 Filed 12-20-73;8:45 am]

[Rev. S.O. 1002; Amdt. 4]

PART 1033—CAR SERVICE

Car Distribution Directions—Appointment of Agents

At a session of the Interstate Commerce Commission, Division 3, held in Washington, D.C., on the 11th day of December 1973.

Upon further consideration of Revised Service Order No. 1002 (35 FR 7016; 36 FR 23803; 37 FR 28301), as amended, and good cause appearing therefor:

It is ordered, That:

§ 1033.1002 Revised Car Service Order No. 1002 (Car Distribution Directions—Appointment of Agents) 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., December 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., December 31, 1973.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies Secs. 1(10–17), 15(4), 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 copies of this amendment shall be served upon the association of American Railroads, Car Service Division, as agent of the 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 order shall 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, Division 3.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-27029 Filed 12-20-73;8:45 am]

[Rev. S.O. 994; Amdt. 4]

PART 1034—ROUTING OF TRAFFIC

Rerouting of Traffic—Appointment of Agents

At a session of the Interstate Commerce Commission, Division 3, held in

Washington, D.C., on the 11th day of December 1973.

Upon further consideration of Revised Service Order No. 994 (35 FR 7017; 36 FR 23726; 37 FR 28301) and good cause appearing therefor:

It is ordered, That:

§ 1034.994 Revised Service Order No. 994 (Rerouting of traffic—Appointment of Agents) 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., December 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., December 31, 1973.

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

It is further ordered, That copies of this amendment shall be served upon the association of American Railroads, Car Service Division, as agent of the 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 order shall 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, Division 3.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-27030 Filed 12-20-73;8:45 am]

Proposed Rules

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 946]

IRISH POTATOES GROWN IN WASHINGTON

Proposed Shipment, Inspection, and Reporting Requirements

Consideration is being given to the amendment of the rules and regulations (Subpart—Rules and Regulations, 7 CFR 946.100–946.123) as hereinafter set forth pursuant to Marketing Agreement No. 113, as amended, and Order No. 946, as amended (37 FR 10915), regulating the handling of Irish potatoes grown in the State of Washington. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601 et seq.).

All persons who desire to submit written data, views, or arguments in connection with this proposal may file the same in quadruplicate with the Hearing Clerk, Room 112–A, United States Department of Agriculture, Washington, D.C. 20250, not later than December 28, 1973. All written submissions made pursuant to this notice will be available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

It is proposed that § 946.103 and § 946.10 through § 946.114 be deleted because the authority for such rules was terminated when the order was amended June 5, 1972 (37 FR 10915). Sections 946.120–946.123 would be revised to provide for safeguards on shipments of potatoes to prepeeling and certain other outlets pursuant to §§ 946.54 and 946.55 of the amended order. These safeguards are necessary to insure that such potatoes do not enter unauthorized channels. The new proposed sections 946.130 through 946.133 would establish a procedure for modifying inspection requirements for handlers in certain outlying portions of the production area who are caused an undue hardship by normal inspection requirements. Shipments of uninspected potatoes to adjacent States were authorized by the aforesaid amendment of the order and the procedures regulating such shipments are included in §§ 946.120 through 946.123. Certain reporting requirements must be applied to potatoes for processing into products to insure that such potatoes do not reach fresh market channels. Such requirements are contained in § 946.140.

The specific proposal is as follows:

1. Section 946.100 would be revised to read as follows:

§ 946.100 Order.

"Order" means Order No. 946 (§§ 946.1 to 946.78), as amended, regulating the handling of Irish potatoes grown in the State of Washington.

2. Section 946.101 would be revised to read as follows:

§ 946.101 Marketing agreement.

"Marketing agreement" means Marketing Agreement No. 113, as amended.

§ 946.103 [Deleted]

3. Section 946.103 would be deleted.

§ 946.110–946.114 [Deleted]

4. Sections 946.110 through 946.114 inclusive would be deleted.

5. Section 946.120 would be revised as follows:

§ 946.120 Application.

(a) Whenever shipments for special purposes pursuant to § 946.54 are relieved in whole or in part from regulations issued under § 946.52, each handler desiring to make shipments of potatoes for the following purposes shall obtain from the committee, prior to initiating such shipments, a special purpose certificate permitting such shipments:

(1) Charity;

(2) Export;

(3) Prepeeling outside the district where grown; and

(4) Grading or storing at any specified location in Morrow or Umatilla Counties in the State of Oregon.

(b) Applications for special purpose shipment certificates shall be made on forms furnished by the committee. Such application shall contain the name and address of the handler, and such other information that the committee may require such as the estimated amount of potatoes to be shipped, the grades and sizes of potatoes to be shipped (when applicable), expected consignees and destinations, certification by applicant that statements are correct and that he will comply with disposition stated therein, and other information or documents as the committee may require in safeguarding against entry of such potatoes into trade channels other than those for which the special purpose certificate was granted.

6. Section 946.121 would be revised as follows:

§ 946.121 Issuance.

The committee, or its duly authorized agents, shall give prompt consideration to each applicant for a special purpose certificate. Upon approval of the application, a special purpose certificate shall be issued authorizing the applicant named therein to ship potatoes for a specified purpose for a specified period of time.

7. Section 946.122 would be revised as follows:

§ 946.122 Reports.

Each handler shipping potatoes under and pursuant to a special purpose certificate shall supply to the committee, upon request, a report thereon showing the name and address of the shipper, car or truck number, Federal-State Inspection Certificate number (if such inspection is required by regulations in effect at the time of such shipment), loading point, destination and consignee.

8. Section 946.123 would be revised as follows:

§ 946.123 Denial and appeals.

The committee may rescind a special purpose certificate issued to a handler for the purposes specified in § 946.120(a), or deny such special purpose certificates to a handler, upon proof satisfactory to the committee that such handler has shipped potatoes contrary to those provisions. Such committee action denying or rescinding a special purpose certificate shall apply to and not exceed a reasonable period of time as determined by the committee. Any handler who has been denied a special purpose certificate or who has had a special purpose certificate rescinded may appeal to the committee for reconsideration. Such appeal shall be in writing.

9. A new § 946.130 would be added as follows:

MODIFICATION OF INSPECTION REQUIREMENTS

§ 946.130 Application.

Any handler whose packing facilities are located in an area where a Washington State Department of Agriculture, Plant Industry Division Office or Federal-State Inspector is not readily available to perform the inspection required by this part may, pursuant to § 946.60(a), apply to the committee for a permit authorizing modification of inspection requirements. Applications shall be made on forms furnished by the committee and shall contain such information as the committee, with approval of the Secretary, may find necessary in making a determination regarding the issuance of such permit.

10. A new § 946.131 would be added as follows:

§ 946.131 Issuance.

The committee, or its duly authorized agents, shall give prompt consideration to each application for an inspection modification permit. Approval of an application shall be evidenced by the issuance of an applicable permit.

11. A new § 946.132 would be added as follows:

§ 946.132 Reports.

Each handler shipping potatoes pursuant to an inspection modification permit shall report periodically as specified by the committee on forms furnished by the committee the following information on each shipment: quantity of potatoes, variety or varieties, grade, minimum size, type of container(s), date of shipment, carrier, destination, and name and address of receiver.

12. A new § 946.133 would be added as follows:

§ 946.133 Cancellation.

Whenever the committee finds that shipments of potatoes pursuant to an inspection modification permit are not in accordance with the application provisions of the order, such inspection modification permit may be cancelled.

13. A new § 946.140 would be added as follows:

§ 946.140 Handling potatoes for commercial processing into products.

Pursuant to § 946.54(a)(6), shipments of potatoes for commercial processing into products may be made only in accordance with paragraphs (a) or (b) of this section.

(a) Shipments may be made to persons whose names are on the State of Washington Potato Committee's list of manufacturers of potato products.

(1) Persons desiring to have their name placed on the committee's list shall apply to the committee. Such application shall contain the following:

(i) Name and address of applicant;

(ii) Location and description of facilities for commercial processing into products;

(iii) Expected source of potatoes for commercial processing into products.

(iv) Such other information as the committee, with approval of the Secretary, may deem necessary.

(2) Upon receipt of an application for such listing, the State of Washington Potato Committee shall make such investigation as it deems necessary, and if it appears that the applicant may reasonably be expected to use potatoes covered by the application in accordance with and to comply with, the requirements of this section, it shall place the applicant's name on the State of Washington Potato Committee's list of manufacturers of potato products.

(b) For each shipment to a person whose name is not on the committee's list, the handler must provide evidence to the committee prior to shipment that the potatoes will be used only for processing into products.

Dated: December 17, 1973.

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

[FR Doc.73-26925 Filed 12-20-73;8:45 am]

[7 CFR Part 958]

ONIONS GROWN IN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY OREGON

Proposed Redistricting

This proposal would redistrict the Idaho-Malheur County, Oregon, onion production area to provide for more equal committee representation based upon acreage.

Consideration is being given to the approval of proposed redistricting which was recommended unanimously by the Idaho-Eastern Oregon Onion Committee, established pursuant to Marketing Agreement No. 130 and Order No. 958, both as amended (7 CFR Part 958). This marketing order program regulates the handling of onions grown in certain designated counties in Idaho and Malheur County, Oregon, and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*).

Statement of consideration. The order provides in § 958.27(b) that upon recommendation of the committee, the Secretary may reestablish districts within the production area.

For the past several years, the committee has had difficulty securing nominees for committee member and alternate from District No. 6. The subcommittee appointed to study the situation reported that during the 1973 crop year District No. 6 had approximately 43 acres of onions while the other five districts had one thousand or more acres of onions each.

The committee recommended dividing present District No. 5 (Canyon County) along a generally north-south line along fairly well known roads so that approximately 1,549 acres would be contained in the westerly portion of Canyon County to be known as District No. 5 and approximately 1,407 acres would be contained in the easterly portion, which along with all the counties in the Idaho production area not included in District No. 1 would be known as District No. 6.

Such a change would provide for more equal representation on the basis of acreage and should enable the committee to secure the required nominees for committee member and alternate from District No. 6, and would improve the efficiency of administering the marketing order.

All persons who desire to submit written data, views, or arguments in connection with this proposal shall file the same with the Hearing Clerk, Room 112-A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than January 3,fl 1974. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal is as follows:

§ 958.160 Reestablishment of Districts.

(a) Pursuant to § 958.27(b) the following districts are reestablished, effective June 1, 1974:

(1) District No. 5 (Parma-Wilder area): That portion of Canyon County lying west and north of a line commencing at the junction of the north boundary of Canyon County and Range 4, Township 12 east, thence south along this line to Soeck Road, thence west along Soeck Road one-fourth mile to Notus Road, thence south along Notus Road to Highway 19, thence west one mile along Highway 19 to Friends Road, thence south along Friends Road to Boundary Road, thence east one-half mile along Boundary Road to Plum Road, thence south along Plum Road to Homedale Road, thence west along Homedale Road to the western boundary of Canyon County.

(2) District No. 6 (Caldwell-Nampa-Homedale and southern Idaho area): That portion of Canyon County not included in District No. 5 and all of the counties in the Idaho portion of the production area not included in District No. 1.

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

Dated: December 17, 1973.

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

[FR Doc.73-26924 Filed 12-20-73; 8:45 am]

[7 CFR Part 1030]

MILK IN THE CHICAGO REGIONAL MARKETING AREA

Notice of Proposed Temporary Revision of Shipping Percentage

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the provisions of § 1030.11(b)(6) of the order, the temporary revision of a certain provision of the order regulating the handling of milk in the Chicago Regional marketing area is being considered for the month of January 1974.

All persons who desire to submit written data, views, or arguments in connection with the proposed revision should file the same with the Hearing Clerk, Room 112-A, Administration Building, United States Department of Agriculture, Washington, D.C. 20250, not later than December 24, 1973. All documents filed should be in quadruplicate.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The provision proposed to be revised is the supply plant shipping percentage

of 20 percent set forth in § 1030.11(b)(4) that is applicable during the months of January, February and March to a plant that was a pool plant during each of the percentages set forth in § 1030.11(b)(4) December. Pursuant to the provisions of § 1030.11(b)(6) the supply plant shipping percentages set worth in §1030.11(b)(4) shall be increased or decreased by up to 10 percentage points during the months of August–March, if necessary to obtain needed shipments or to prevent uneconomic shipments.

Associated Milk Producers Incorporated (AMPI), a large regional cooperative association representing a substantial proportion of the producers supplying the Chicago Regional market, requested that the Director of the Dairy Division investigate the need to increase the supply plant shipping percentage for the month of January 1974. AMPI states that an upward revision (from 20 to 25) in the supply plant shipping percentage will be necessary to assure that fluid milk bottling plants in the Chicago metropolitan area will obtain needed shipments to fulfill their bottling requirements.

To fulfill their fluid milk requirements, distributing plants obtain a major portion of their milk supplies from supply plants, since about 80 percent of the market's milk supply is assembled at supply plants. In September 1973, for example, receipts of producer milk totaled 465 million pounds at supply plants and 115 million pounds at distributing plants. Shipments of milk from pool supply plants to pool distributing plants amounted to 217 million pounds during September or 46.7 percent of total receipts at supply plants.

Total milk supplies on the market have been declining since November 1972. Each month since then milk production has been significantly below the corresponding month in the previous year. In October 1973, 590 million pounds of milk were pooled under the order compared to 619 million pounds in October 1972, a reduction of 29 million pounds or 4.6 percent from the same month the previous year.

Shipments from supply plants to distributing plants have been greater in recent months than during corresponding months in 1972. In August, September, and October 1972, shipments of supply plant milk totaled 193, 209, and 220 million pounds, respectively. In August, September, and October 1973, shipments amounted to 208, 217, and 237 million pounds, respectively. The percentage of supply plant milk shipped to distributing plants is also up from last year. In August 1973, 41.2 percent of receipts were shipped compared to 36.7 percent in August 1972; during September 1973, shipments from supply plants represented 46.7 percent of plant receipts compared to 43.4 percent in September 1972; and in October 1973, shipments from supply plants equaled 50.2 percent of plant receipts compared to 45.9 in October 1972.

In the month of December the average supply plant shipment percentage amounted to 42.2 in 1972, 42.7 in 1971, and 43.1 in 1970.

It is expected that the percentage of supply plant milk needed to be shipped to distributing plants during December 1973 will be in excess of 40 percent, since shipments in recent months have been at a higher percentage than in corresponding months the previous year. In response to a requested increase in the shipping percentage for the month of December, an upward increase of 5 percent (from 30 to 35) was authorized by the Acting Director of the Dairy Division on November 30, 1973 (38 FR 33455).

It is expected that a similar 5 percent increase may be needed for the month of January. Shipments of supply plant milk to pool distributing plants averaged 33.7 percent of total supply plant receipts in January 1972 and increased to 34.1 percent in January 1973.

A comparison of actual supply plant shipments as a percentage of plant receipts with the minimum shipping percentage provided in the order indicates that actual shipments have exceeded the percentage specified in the order by an average of 9.4 percent during the months of August through October of 1973. An increase of 5 percentage points in the minimum shipping percentage to 25 percent of plant receipts for January would provide a comparable 9 percent margin between the minimum level for pool qualification and the expected actual marketwide average percentage of supply plant milk needed to be shipped.

In the production area for the Chicago Regional market, which primarily consists of the State of Wisconsin, there is extensive competition for milk supplies for use in cheese. Prices paid for milk by cheese plant operators have been advancing sharply in recent months. This circumstance threatens to attract milk supplies away from the Grade A milk market. Therefore, it may be appropriate to increase the pool supply plant shipping percentage for the month of January 1974 to obtain needed shipments.

Signed at Washington, D.C., on December 17, 1973.

JOHN R. HANSON,
Acting Director, Dairy Division.

[FR Doc.73-26923 Filed 12-20-73;8:45 am]

[7 CFR Parts 1004, 1002]

[Docket Nos. AO-160-A50, AO-71-A67]

MILK IN THE MIDDLE ATLANTIC AND NEW YORK-NEW JERSEY MARKETING AREAS

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

Notice is hereby given of a public hearing to be held at the Holiday Inn West, Route 22 at junction of Route 309 (1 mile east of Lehigh Valley Interchange of the Pennsylvania Turnpike, N.E. extension) Allentown, Pennsylvania, beginning at 9:30 a.m., local time on January 23, 1974, with respect to proposed amendments to the tentative marketing agreements and to the orders, regulating the handling of milk in the Middle Atlantic and New York-New Jersey marketing areas.

In the event the hearing is not completed within the week, it will be reconvened Monday morning, January 28, at the Downingtown Inn, junction of U.S. Route 30 and Pennsylvania Route 100, Downingtown, Pennsylvania, beginning at 10:00 a.m., local time.

The hearing is called pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

The purpose of the hearing is to receive evidence with respect to the economic and marketing conditions in each of the aforesaid specified marketing areas which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreements and to the orders.

The proposals relative to redefinition of the marketing areas raise the issue whether the provisions of the present orders would tend to effectuate the declared policy of the Act, if applied to the marketing areas as proposed to be redefined and, if not, what modifications of such provisions of the orders would be appropriate.

In addition, the proposal to amend the Middle Atlantic milk order to provide for the payment of interest charges on overdue accounts necessarily raises the issue of whether the sequences of dates prescribed by the order for the performance of specific actions by handlers and the market administrator starting with the filing of reports and culminating with payments to producers are appropriate under current marketing conditions and if not, what changes are needed.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

PROPOSED BY MILK DISTRIBUTORS ASSOCIATION OF THE PHILADELPHIA AREA

PROPOSAL NO. 1

Amend § 1004.2(e) to read as follows:

§ 1004.2 Middle Atlantic marketing area.

* * * * *

(e) In the State of Pennsylvania:

(1) The counties of:

Berks	Lehigh
Bucks	Montgomery
Chester	Northampton
Delaware	Philadelphia

* * * * *

PROPOSED BY PENNMARVA DAIRYMEN'S COOPERATIVE FEDERATION, INC.

PROPOSAL NO. 2

Amend § 1004.2 to add the following territory to the marketing area:

(a) In the State of Maryland: All of Washington County.

(b) In the State of Pennsylvania:

(1) The remainder of the Counties of Bucks and Montgomery and the additional counties of:

Adams	Juniata
Berks	Lancaster
Chester	Lebanon
Cumberland	Lehigh
Dauphin	Northampton
Franklin	Perry
Fulton	York

PROPOSED BY LEHIGH VALLEY COOPERATIVE FARMERS

PROPOSAL NO. 3

Further enlarge the marketing area of Order No. 4 to include the Pennsylvania counties of:

Bradford	Pike
Carbon	Schuylkill
Columbia	Snyder
Lackawanna	Sullivan
Luzerne	Susquehanna
Lycoming	Tioga
Monroe	Wayne
Montour	Wyoming
Northumberland	

PROPOSED BY TUSCAN DAIRY FARMS, INC.

PROPOSAL NO. 4

Remove from the marketing area of the New York-New Jersey milk order No. 2 and add to the marketing area of the Middle Atlantic milk order No. 4 all of the territory of northern New Jersey (now under Order No. 2).

PROPOSED BY DAIRYLEA COOPERATIVE, INC. AND NORTHEAST DAIRY COOPERATIVE FEDERATION, INC. (NEDCO)

PROPOSAL NO. 5

Expand the New York-New Jersey marketing area to include the presently defined Pennsylvania Milk Marketing Board milk marketing areas 3 and 5 plus Monroe County, Pennsylvania.

PROPOSED BY DAIRYLEA COOPERATIVE, INC.

PROPOSAL NO. 6

Amend § 1004.7 *Pool plant*, to further provide that:

(1) No plant shall become a pool plant in the January through July period if the handler operating that plant caused any pool plant to become nonpool in the preceding August through December period.

(2) Any plant that becomes a pool plant in the January through July period shall be a pool plant in the following August through December period and any handler that causes a plant to become a pool plant in the January through July period may not cause any plant to become nonpool until after the following December.

(3) A plant shall be a pool plant for any month of September through February in which it is one of a group of plants which meets the conditions specified in this paragraph.

(*a*) The handler's written request for continuation of pool supply plant status, which the plant held under his operation in the preceding month, is received by the market administrator on or before the 16th day of the month.

(*b*) The plant does not qualify for pool plant status under another Federal order on the basis of shipments of fluid milk products to distributing plants under the other order which exceed those made to pool distributing plants under this order, and the group of plants, considered as a unit, meets the shipping requirements specified in paragraph (b) of this section.

(*c*) To qualify as a pool supply plant under this paragraph in February of any year, the plant, considered individually, shall have met the shipping requirements specified in paragraph (b) of this section in one of the months of the preceding September through January period.

(*d*) For the purposes of this paragraph, any supply plant operated by a cooperative which is also a handler under § 1004.9(c) may be considered as one of a group of plants. In that event, the group's total receipts of milk from dairy farmers' farms shall be the total of such receipts by the association other than at any of its plants which is not one of the group; and the group's qualifying shipments shall consist of the qualifying shipments from the plants in the group plus the quantity of milk moved from farms of its members to other handlers' pool distributing plants by the association in its capacity as a handler under § 1004.9(c).

PROPOSAL NO. 7

Amend § 1004.7(d) to also include producers whose milk is received throughout the month at a plant that is qualified as one of a group of plants as contained in Proposal No. 6.

PROPOSAL NO. 8

Amend paragraph (e) of § 1004.7 providing for automatic pooling status in the March through August period for a supply plant qualified pursuant to paragraph (b) in the immediately preceding months of September through February to similarly apply to plants qualified as a part of a group of plants.

PROPOSED BY PENNMARVA DAIRYMEN'S COOPERATIVE FEDERATION, INC.

PROPOSAL NO. 9

Amend § 1004.7(d) by adding a further proviso to require that the Class I utilization of all milk pooled under Order 4 of any cooperative association delivering milk to such plant be not less than: (i) 50 percent of any month of September through February; and (ii) 40 percent for any month of March through August.

PROPOSED BY MICHAELS DAIRIES, INC.

PROPOSAL NO. 10

Amend § 1004.12(c)(2) by substituting "15 days" in place of "10 days."

PROPOSED BY PENNMARVA DAIRYMEN'S COOPERATIVE FEDERATION, INC.

PROPOSAL NO. 11

Remove § 1004.19 *Certified Milk*, and any reference to certified milk in § 1004.44.

PROPOSAL NO. 12

Amend § 1004.44 as follows:

A. Remove the reference to § 1004.9(c) where it appears the second time in the opening paragraph and substitute the words "§ 1004.9 (b) and (c) assigned."

B. In § 1004.44(a)(6)(ii)(*b*) remove the reference to § 1004.9(c) and substitute "§ 1004.9 (b) and (c)."

C. In § 1004.44(a)(10) add after the word "products" the following words "pursuant to § 1004.9(b) and."

D. Eliminate from § 1004.44(a)(4) the reference to Orders 3 and 16.

PROPOSAL NO. 13

Amend § 1004.50(b) to provide that the basic formula price plus 10 cents per hundredweight shall be the applicable Class II price for all Class II products except butter and nonfat dry milk powder. The price for milk used in butter and nonfat dry milk powder will be the lesser of the basic formula price or the current butter powder formula price with the seasonal differentials as provided in § 1004.50(b).

PROPOSAL NO. 14

Add a new § 1004.55:

"Credit on direct delivery milk disposed of for Class II use," as follows:

"For producer milk received at a pool plant located within 25 miles of City Hall in Philadelphia, Pa., or Trenton, New Jersey, and disposed of in Class II use by the handler operating such plant, the handler may deduct 4 cents per hundredweight from payments due pursuant to § 1004.60."

PROPOSAL NO. 15

Add a new § 1004.60(f) as follows:

"Deduct any credit applicable pursuant to § 1004.55."

PROPOSAL NO. 16

Add a new § 1004.78 *Adjustment for late payments.*

"Any unpaid obligation of a handler pursuant to §§ 1004.71, 1004.73, 1004.79, 1004.85 or 1004.86 shall be increased 1 percent for each month or portion thereof that such payment is overdue."

PROPOSAL NO. 17

Amend § 1004.79 as follows:

"For producer milk, the handler in making payments to producers and cooperative association handlers pursuant to § 1004.9(c), in addition to any amounts required by other provisions of this part, shall pay 10 cents per hundredweight for such milk received at a plant located within 25 miles of City Hall in Philadelphia, Pa., or Trenton, New Jersey, and shall pay 6 cents per hundredweight so received at plants located within 60 miles but more than 25 miles of City Hall in Philadelphia, Pa., or Trenton, New Jersey."

PROPOSAL NO. 18

Add to § 1004.93(d) the following proviso:

"Provided, that if he combines such farms and herds into one dairy farm, he may combine the separate bases into one base."

PROPOSED BY DAIRYLEA COOPERATIVE, INC.

PROPOSAL NO. 19

Amend § 1004.29 to provide, if the marketing area of Order No. 4 is expanded, that new producers coming

under the regulation will be assigned bases by their deliveries, regardless of location, during the previous base forming period, and provided further that new producers during the first three months of the expanded order shall similarly have bases assigned according to their deliveries during the previous base forming period.

PROPOSAL NO. 20

Amend § 1004.92(d) so that the reference to § 1004.7(a) is expanded to include dairy farmers that become producers pursuant to paragraphs (b) and (d) and the proposed additional paragraph for a group of plants in Proposal No. 6.

PROPOSED BY UPPER CHESAPEAKE INDEPENDENT MILK PRODUCERS COOPERATIVE, INC.

PROPOSAL NO. 21

Revise § 1004.92(e) to read as follows:

§ 1004.92 Computation of base for each producer.

* * * * *

(e) Any producer who made no qualifying milk deliveries during the base-forming period or who relinquishes his established base pursuant to § 1004.94 shall have a base reflecting the percentage of his average daily deliveries of producer milk each month as follows: 50 percent March through June.

PROPOSAL NO. 22

In § 1004.93 revise paragraphs (a) and (b) to read as follows:

§ 1004.93 Base rules.

* * * * *

(a) A base computed pursuant to paragraphs (a) through (d) of § 1004.92 except as provided in paragraph (e) of said section shall be effective for the subsequent months of March through June inclusive;

(b) A base computed pursuant to paragraphs (a) through (d) of § 1004.92 may be transferred only in its entirety to another dairy farmer only by the purchase of the entire herd of the base holder, or the acquisition of the premises where the base was produced.

* * * * *

PROPOSAL NO. 23

Change the date in § 1004.94 from "March 1" to "July 1."

PROPOSED BY EASTERN MILK PRODUCERS COOPERATIVE ASSOCIATION, INC.

PROPOSAL NO. 24

Amend § 1004.93(a) to read as follows:

§ 1004.93 Base rules.

* * * * *

(a) A base computed pursuant to paragraph (a) through (d) of § 1004.92 (except as provided in paragraph (e) of said section) shall be effective for the subsequent months of March through February, inclusive; *Provided*, That for each of the months of August through February, inclusive, said base shall be adjusted by an amount equivalent to any increase in deliveries to a pool plant(s) from the quantity for the corresponding month of the previous year on which said base was determined; and *Provided further*, That any such adjustment shall not exceed 110 percent of said deliveries during the corresponding month of the previous year.

* * * * *

PROPOSED BY THE DAIRY DIVISION, AGRICULTURAL MARKETING SERVICE

PROPOSAL NO. 25

Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrators, Edward L. St. Clair, 300 North Lee Street, No. 320, Alexandria, Virginia 22314 and Thomas A. Wilson, 205 East 42nd Street, New York, New York 10017, or from the Hearing Clerk, Room 112–A, Administration Building, United States Department of Agriculture, Washington, D.C. 20250 or may be there inspected.

Signed at Washington, D.C., on December 19, 1973.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[FR Doc.73-27008 Filed 12-20-73;8:45 am]

Agricultural Stabilization and Conservation Service

[7 CFR Part 723]

TOBACCO

Proposed Determinations on Marketing Quotas for 1974–75, 1975–76 and 1976–77 Marketing Years

Pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 *et seq.*, hereinafter referred to as the "Act"), consideration is being given to proclaiming national marketing quotas for Maryland and cigar-filler (type 41) tobacco for the 1974–75, 1975–76, and 1976–77 marketing years. Within 30 days after the proclamation of such national marketing quotas referenda will be conducted of farmers engaged in the 1973 production of each of such kinds of tobacco to determine whether they favor or oppose marketing quotas for such years. A national marketing quota, national acreage allotment, national factor for apportioning the national acreage allotment (less reserve) to old farms, and the amount of the national reserve and parts thereof available for new farms and for making corrections and adjusting inequities in old farm allotments will be determined and announced for each of these kinds of tobacco for the 1974–75 marketing year.

The Act (7 U.S.C. 1312(a)) provides that the Secretary shall proclaim not later than February 1 of any marketing year, with respect to these kinds of tobacco, a national marketing quota for each of the next three succeeding marketing years whenever he determines with respect to such kind of tobacco—

(1) That a national marketing quota has not previously been proclaimed and the total supply as of the beginning of such marketing year exceeds the reserve supply level therefor;

(2) That such marketing year is the last year of three consecutive years for which marketing quotas previously proclaimed will be in effect;

(3) That amendments have been made in provisions for establishing farm acreage allotments which will cause material revision of such allotments before the end of the period for which quotas are in effect; or

(4) That a marketing quota previously proclaimed for such marketing year is not in effect because of disapproval by producers: *Provided*, That if such producers have disapproved national marketing quotas for three successive years subsequent to 1952, thereafter a national marketing quota shall not be proclaimed hereunder which would be in effect for any marketing year within the three-year period for which national marketing quotas previously proclaimed were disapproved by producers, unless prior to November 10 of the marketing year one-fourth or more of the farmers engaged in the production of the crop of tobacco harvested in the calendar year in which such marketing year begins petition the Secretary, in accordance with such regulations as he may prescribe, to proclaim a national marketing quota for each of the next three succeeding marketing years.

Producers of both Maryland and cigar-filler (type 41) tobacco have disapproved national marketing quotas for three successive years subsequent to 1952. Quotas for these kinds of tobacco were last proclaimed for the 1971–72, 1972–73 and 1973–74 marketing years (36 FR 2395). Producers of both Maryland and cigar-filler (type 41) tobacco disapproved marketing quotas in separate referenda held during the period February 22–26, 1971 (36 FR 6733).

Section 301(b)(15) of the Act (7 U.S.C. 1301(b)(15)) defines "tobacco" as each one of the kinds of tobacco listed below comprising the types specified as classified in Service and Regulatory Announcement Numbered 118 (Part 30 of this title) of the former Bureau of Agricultural Economics of the Department:

Flue-cured tobacco, comprising types 11, 12, 13, and 14;
Fire-cured tobacco, comprising type 21;
Fire-cured tobacco, comprising types 22, 23, and 24;
Dark air-cured tobacco, comprising types 35 and 36;
Virginia sun-cured tobacco, comprising type 37;
Burley tobacco, comprising type 31;
Maryland tobacco, comprising type 32;
Cigar-filler and cigar-binder tobacco, comprising types 42, 43, 44, 45, 46, 51, 52, 53, 54, and 55; and
Cigar-filler tobacco, comprising type 41.

Section 312(b) of the Act (7 U.S.C. 1312(b)) provides that the Secretary shall determine and announce, not later than the first day of February 1974 with respect to the kinds of tobacco covered by this notice, the amount of the national

marketing quota which will be in effect for the 1974–75 marketing year in terms of the total quantity of tobacco which may be marketed which will make available during such marketing year a supply of each kind of tobacco equal to the reserve supply level. Section 312(b) provides further that the amount of the 1974–75 national marketing quota (determined pursuant to such section) may, not later than March 1, 1974, be increased by not more than 20 percent if the Secretary determines that such increase is necessary in order to meet market demands or to avoid undue restrictions of marketings in adjusting the total supply to the reserve supply level.

The Act (7 U.S.C. 1301(b)) defines the "total supply" of tobacco for any marketing year as the carry-over at the beginning of the marketing year (on January 1 of such marketing year in the case of Maryland tobacco), plus the estimated production in the United States during the calendar year in which such marketing year begins. "Reserve supply level" is defined as the normal supply plus 5 percent thereof. "Normal supply" is defined as a normal year's domestic consumption and exports, plus 175 per centum of a normal year's domestic consumption and 65 percent of a normal year's exports. A "normal year's domestic consumption" is defined as the yearly average quantity produced in the United States and consumed in the United States during the 10 marketing years immediately preceding the marketing year in which such consumption is determined, adjusted for current trends in such consumption. A "normal year's exports" is defined as the yearly average quantity produced in the United States which was exported from the United States during the 10 marketing years immediately preceding the marketing year in which such exports are determined, adjusted for current trends in such exports.

The Act (7 U.S.C. 1312(c)) requires that within 30 days after national marketing quotas are proclaimed under section 312(a) of the Act for a kind of tobacco, the Secretary shall conduct a referendum of farmers engaged in the production of the crop of such kind of tobacco harvested immediately prior to the holding of the referendum to determine whether such farmers are in favor of or opposed to quotas for the next three succeeding marketing years. If more than one-third of the farmers voting in a referendum for a kind of tobacco oppose quotas, such results shall be proclaimed by the Secretary and the national marketing quotas so proclaimed shall not be in effect but such results shall in no way affect or limit the subsequent submission to a referendum, as otherwise provided in section 312 of the Act (7 U.S.C. 1312), of national marketing quotas.

The Act (7 U.S.C. 1313(g)) authorizes the Secretary to convert the national marketing quota into a national acreage allotment on the basis of the national average yield for the five years immediately preceding the year in which the national marketing quota is proclaimed, and to apportion the national acreage allotment (less a reserve of not to exceed 1 percent thereof for new farms and for making corrections and adjusting inequities in old farm allotments) among old farms.

The Act (7 U.S.C. 1313(g)) also provides that any acreage of tobacco harvested in excess of the farm acreage allotment for the year 1955 or any subsequent crop shall not be taken into account in establishing * * * farm acreage allotments.

The subjects and issues involved in making the determinations described in this notice are:

1. The amount of the national marketing quota for each kind of tobacco for the 1974–75 marketing year.

2. The conversion of the national marketing quotas into national acreage allotments and apportionment of same, less reserve of not to exceed 1 percent, among old farms.

3. The amounts of the national acreage allotments to be reserved for new farms, and for making corrections and adjusting inequities in old farm allotments.

4. The date(s) or period(s) of the two referenda on quotas for the 1974–75, 1975–76, and 1976–77 marketing years for Maryland and cigar-filler (type 41) tobacco, and whether either or both of the referenda should be conducted at polling places rather than by mail ballot (31 FR 12011).

Consideration will be given to data, views and recommendations pertaining to the proposed determinations covered by this notice which are submitted in writing to the Director, Tobacco and Peanut Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, Washington, D.C. 20250. All written submissions made pursuant to the notice will be made available for public inspection from 8:15 a.m. to 4:45 p.m. Monday through Friday, in Room 6741, South Building, 14th and Independence Avenue, SW., Washington, D.C. All submissions must, in order to be sure of consideration, be postmarked not later than January 10, 1974.

Signed at Washington, D.C., on: December 11, 1973.

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

[FR Doc. 73-26981 Filed 12-20-73;8:45 am]

[7 CFR Part 724]

TOBACCO

Proposed Determinations on Marketing Quotas for 1974–75, 1975–76, and 1976–77 Marketing Years

Pursuant to and in accordance with the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 *et seq.*, hereinafter referred to as the "Act"), consideration is being given, with respect to Virginia sun-cured (type 37) tobacco, to proclaiming national marketing quotas for the 1974–75, 1975–76, and 1976–77 marketing years. Within 30 days after the proclamation a referendum will be conducted of farmers engaged in the 1973 production of Virginia sun-cured tobacco to determine whether they favor or oppose marketing quotas for such years. For fire-cured (type 21), fire-cured (types 22–24), dark air-cured, Virginia sun-cured, cigar-binder (types 51 & 52), and cigar-filler and binder (types 42–44, 53–55) tobacco, each national marketing quota, each national acreage allotment, each national factor for apportioning the national allotment (less reserves) to old farms, and the amount of each national reserve and parts thereof available for (a) new farms and (b) making corrections and adjusting inequities in old farm allotments will be determined and announced for the 1974–75 marketing year.

The Act (7 U.S.C. 1312(a)) requires marketing quotas to be proclaimed not later than February 1, 1974, for Virginia sun-cured tobacco for the three marketing years beginning October 1, 1974, because the 1973–74 marketing year is the last year of the three consecutive years for which marketing quotas previously proclaimed will be in effect.

Quotas were previously proclaimed and referenda conducted for the various kinds of tobacco with results as follows: fire-cured for the 1973–74, 1974–75, and 1975–76 marketing years, approved by growers (38 FR 9219); dark air-cured for the 1973–74, 1974–75, and 1975–76 marketing years, approved by growers (38 FR 9219); Virginia sun-cured for the 1971–72, 1972–73, and 1973–74 marketing years, approved by growers (36 FR 6734); cigar binder (types 51 & 52) for the 1972–73, 1973–74, and 1974–75 marketing years, approved by growers (37 FR 3422); and cigar-filler and binder (types 42–44, 53–55) for the 1972–73, 1973–74, and 1974–75 marketing years, approved by growers (37 FR 3422).

Section 301(b)(15) of the Act (7 U.S.C. 1301(b)(15)) defines "tobacco" as each one of the kinds of tobacco listed below comprising the types specified as classified in Service and Regulatory Announcement Numbered 118 (Part 30 of this title) of the former Bureau of Agricultural Economics of the Department:

Flue-cured tobacco, comprising types 11, 12, 13, & 14;
Fire-cured tobacco, comprising type 21;
Fire-cured tobacco, comprising types 22, 23, & 24;
Dark air-cured tobacco, comprising types 35 & 36;
Virginia sun-cured tobacco, comprising type 37;
Burley tobacco, comprising type 31;
Maryland tobacco, comprising type 32;
Cigar-filler and cigar-binder tobacco, comprising types 42, 43, 44, 45, 46, 51, 52, 53, 54 & 55; and
Cigar-filler tobacco, comprising type 41.

Section 301(b)(15) also provides that any one or more of the types comprising any such kind of tobacco shall be treated as a "kind of tobacco" for the purposes of the Act if the Secretary finds that there is a difference in supply and demand conditions as among such types of tobacco which results in a difference in

the adjustments needed in the marketings thereof in order to maintain supplies in line with demand. Pursuant to this authority, the Secretary has determined (15 FR 8214) that type 46 tobacco shall be treated as a separate kind of tobacco for purposes of marketing quotas and price supports. Pursuant to such authority, the Secretary has also determined (22 FR 367) that cigar-binder (types 51 and 52) tobacco, beginning with the 1957–58 marketing year, shall be treated as a separate kind of tobacco for purposes of marketing quotas and price supports. Type 45 tobacco is no longer grown. No further action under this subsection is contemplated at this time.

Section 312(b) of the Act (7 U.S.C. 1312(b)) provides that the Secretary shall determine and announce, not later than the first day of February 1974 with respect to the kinds of tobacco covered by this notice, the amount of the national marketing quota which will be in effect for the 1974–75 marketing year in terms of the total quantity of tobacco which may be marketed which will make available during such marketing year a supply of each kind of tobacco equal to the reserve supply level. Section 312(b) provides further that the amount of the 1974–75 national marketing quota (determined pursuant to such section) may, not later than March 1, 1974, be increased by not more than 20 per centum if the Secretary determines that such increase is necessary in order to meet market demands or to avoid undue restrictions of marketings in adjusting the total supply to the reserve supply level.

The Act (7 U.S.C. 1301(b)) defines the "total supply" of tobacco for any marketing year as the carry-over at the beginning of the marketing year (on January 1 of such marketing year in the case of Maryland tobacco), plus the estimated production in the United States during the calendar year in which such marketing year begins. "Reserve supply level" is defined as the normal supply plus 5 per centum thereof. "Normal supply" is defined as a normal year's domestic consumption and exports, plus 175 per centum of a normal year's domestic consumption and 65 per centum of a normal year's exports. A "normal year's domestic consumption" is defined as the yearly average quantity produced in the United States and consumed in the United States during the 10 marketing years immediately preceding the marketing year in which such consumption is determined, adjusted for current trends in such consumption. A "normal year's exports" is defined as the yearly average quantity produced in the United States which was exported from the United States during the 10 marketing years immediately preceding the marketing year in which such exports are determined, adjusted for current trends in such exports.

The Act (7 U.S.C. 1312(c)) requires that within 30 days after national marketing quotas are proclaimed under section 312(a) of the Act for a kind of tobacco, a referendum shall be conducted of farmers engaged in the production of the crop of such kind of tobacco harvested immediately prior to the holding of the referendum to determine whether such farmers are in favor of or opposed to quotas for the next three succeeding marketing years. If more than one-third of the farmers voting in a referendum for a kind of tobacco oppose the quotas, such results shall be proclaimed by the Secretary and the national marketing quotas so proclaimed shall not be in effect but such results shall in no way affect or limit the subsequent submission to a referendum, as otherwise provided in section 312 of the Act (7 U.S.C. 1312), of national marketing quotas.

The Act (7 U.S.C. 1313(g)) authorizes the national marketing quota to be converted into a national acreage allotment on the basis of the national average yield for the five years immediately preceding the year in which the national marketing quota is proclaimed, and the national acreage allotment (less a reserve of not to exceed 1 per centum thereof for new farms and for making corrections and adjusting inequities in old farm allotments) to be apportioned among old farms.

The subjects and issues involved in making the determinations described in this notice are:

1. The amount of the reserve supply level for fire-cured (type 21), fire-cured (types 22–24), dark air-cured, sun-cured, cigar binder (types 51 & 52) and cigar filler and binder (types 42–44, 53–55) tobacco.

2. The amount of the national marketing quota for each of these kinds of tobacco for the 1974–75 marketing year.

3. The national factors for apportioning national acreage allotments to old farms.

4. The amounts of the national acreage allotments to be reserved for new farms, and for making corrections and adjusting inequities in old farm allotments.

5. The date or period of the referendum on quotas for the 1974–75, 1975–76, and 1976–77 marketing years for Virginia sun-cured tobacco, and whether the referendum should be conducted at polling places rather than by mail ballot (31 FR 12011).

Consideration will be given to data, views and recommendations pertaining to the proposed determinations covered by this notice which are submitted in writing to the Director, Tobacco and Peanut Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, Washington, D.C. 20250.

All written submissions made pursuant to the notice will be made available for public inspection from 8:15 a.m. to 4:45 p.m., Monday through Friday, in Room 6741-South Building, 14th and Independence Avenue, S.W., Washington, D.C. All submissions must, in order to be sure of consideration, be postmarked not later than January 10, 1974.

Signed at Washington, D.C., on: December 11, 1973.

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

[FR Doc.73-26982 Filed 12-20-73;8:45 am]

Agricultural Marketing Service

[7 CFR Parts 1050, 1063]

[Docket Nos. AO-355-A14, AO-105-A37]

MILK IN THE CENTRAL ILLINOIS AND QUAD CITIES-DUBUQUE MARKETING AREAS

Notice of Recommended Decision and Opportunity to File Written Exceptions on Proposed Amendments to Tentative Marketing Agreements and to Orders

Notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreements and orders regulating the handling of milk in the Central Illinois and Quad Cities-Dubuque marketing areas.

Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D.C. 20250, by the 15th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The above notice of filing of the decision and of opportunity to file exceptions thereto is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

PRELIMINARY STATEMENT

The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreements and to the orders as amended, were formulated, was conducted at Moline, Illinois, on September 5, 1973, pursuant to notice thereof which was issued on August 22, 1973 (38 FR 22965).

The material issues on the record of the hearing relate to:

With respect to Order No. 63:

1. Pooling standards for distributing plants.
2. Location adjustments.
3. Diversion of producer milk.

With respect to Order No. 50:

4. Basis for determining under which order a plant should be regulated.
5. Whether an emergency exists to warrant the omission of a recommended decision with respect to issue number 4.

FINDINGS AND CONCLUSIONS

The following findings and conclusions on the material issues are based on evi-

dence presented at the hearing and the record thereof:

1. *Pooling standards for distributing plants.* The pooling standards for distributing plants under the Quad Cities-Dubuque order should be relaxed during the months of February through August. Specifically, the percent of Grade A fluid milk products received at a distributing plant that must be disposed of as Class I packaged fluid milk products, for the plant to pool, should be reduced from 45 to 40 during these months. Also, the 15 percent in-area route disposition requirement should be reduced to 10 February through August for any distributing plant that met the 15 percent in-area route disposition requirement during each of the preceding months of September through January.

The proponent cooperative association testified that its primary purpose in proposing this amendment was to facilitate maintaining year-round pool status for regulated distributing plants. Proponent contended that this would stabilize distribution of proceeds from Class I sales in the market among producers and thereby provide greater certainty of market conditions in planning marketing objectives. No opposition to, or modification of, the proposal was offered.

At the present time, a major plant on the market is regulated in some months of the year under the Quad Cities-Dubuque order and in other months under the North Central Iowa order (No. 78). In 1970, this plant was regulated under Order 78 during the months of May through July; in 1971, during May through August; in 1972, during March through July; and in 1973, in June and July. During the other months of these years, it has been regulated under Order 63.

During the months when this plant fails to qualify as a pool plant under Order 63, it has no difficulty in meeting the less stringent pooling standards of the North Central Iowa order. (Under Order 78, an individual-handler pool order, a distributing plant can qualify as a pool plant if it has in-area route disposition of 1,000 pounds or more per day.) Even when it fails to qualify under Order 63, however, it has more Class I disposition in the Order 63 marketing area than it does in the North Central Iowa marketing area or any other Federal order marking area.

The shift in regulation of the plant in question is not because of any change in the plant's Class I business in the market or any other market. Proponent witness stated that the reason the plant has shifted regulation is that it fails to meet the minimum Class I disposition percentages under Order 63 during flush production months when milk receipts at the plant increase while the volume of Class I disposition from the plant is essentially constant. Consequently, the percentage of its total receipts of milk disposed of as Class I declines during seasonally high production months.

The pooling standards for distributing plants under the Quad Cities-Dubuque order should appropriately reflect the seasonal nature of production. Most of the distributing plants in this market are in close proximity to the milk production area and, thus, tend to obtain milk supplies directly from producers. In this circumstance, total plant receipts normally will increase with the seasonal rise in production. In June 1973, average daily deliveries per farm increased 31 percent from the prior seasonally lowest production month, November 1972. Since total population in the market is relatively stable, Class I sales in the market are also relatively constant.

Even though a plant's Class I association with the market may be relatively constant throughout the year, the percentage of its Class I sales to its total receipts almost always will be lower during the flush months of the year as plant receipts increase. It is appropriate, therefore, to reduce during the spring and summer months the percentage of plant receipts required to be disposed of as Class I.

February through August are months of lower Class I utilization compared to other months of the year. During such 7-month period in 1971 Class I utilization averaged 49 percent; in 1972, 38 percent; and in 1973, 47 percent of producer receipts. Class I utilization decreased below 45 percent in May and June 1971, March through July 1972, and May, June and July 1973. Such monthly Class I utilization percentages were lower than the present minimum (45 percent) Class I disposition requirement. If the minimum requirement for pooling were not reduced, some distributing plants that are substantially engaged in distributing Class I fluid milk products in the marketing area could be excluded from pooling.

The minimum total Class I disposition percentage requirement for a distributing plant should be maintained, however, at a level that will insure that plants essentially engaged in processing milk for manufacturing use do not qualify for pooling. If such a plant were to pool, it would have the benefit of the marketwide uniform price to attract milk supplies in competition with other distributing plants in the market that may require such milk for Class I use, thus adding to their procurement problems. This potential situation should not occur under the proposed 40 percent minimum Class I disposition requirement for pooling during the months of February through August.

As a corollary change, the in-area route disposition requirement (presently 15 percent of total receipts) should be reduced to 10 percent during the months of February through August for a plant that was pooled during each of the prior months of September through January. This reduction will further insure continued pooling status during February through August for any plant that was associated with the Quad Cities-Dubuque market in the prior September–January period of seasonally low production.

2. *Location adjustments.* The location adjustment provisions of the Quad Cities-Dubuque order (Order 63) should be modified with respect to their application to minimum prices at plants located within the Central Illinois (Order 50) Federal milk marketing area. The Quad Cities-Dubuque order Class I price at any plant located in the Central Illinois marketing area should be adjusted to equal the Central Illinois order Class I price level applicable at the location of such plant. Conforming changes should be made in the location adjustments applicable to the uniform price to producers.

Presently, the Quad Cities-Dubuque order provides no location adjustments at Illinois locations south of U.S. Highway No. 80, an area that includes the entire Central Illinois marketing area with the exception of the northernmost parts of Bureau, La Salle, and Grundy counties. The Order 63 Class I prices applicable within Zones I and II of the Central Illinois marketing area, therefore, are 6 cents and 1 cent, respectively, below the corresponding prices of Order 50. In parts of Bureau, La Salle and Grundy counties, where minus location adjustments apply, the Order 50 price exceeds the Order 63 price by more than 10 cents per hundredweight.

A producer cooperative proposed that plus location adjustments be incorporated into the order equal to the difference between the Order 50 Class I price and the Order 63 Class I price at any location in the Central Illinois marketing area in excess of 70 miles of Rock Island, Illinois, and at other locations in excess of 70 miles of Rock Island or West Liberty, Iowa, and south of U.S. Highway No. 80. The proposal was endorsed by two other cooperatives in the market, but was opposed by a major handler under the Central Illinois order.

At the present time, the latter's plant at Pekin, Illinois, has nearly equal sales in both the Central Illinois and the Quad Cities-Dubuque orders. In this circumstance, with a relatively small change in sales volumes, regulation of the plant could shift from one order to the other.

The Quad Cities-Dubuque Class I price at Pekin, Illinois, currently is 6 cents under the Central Illinois order Class I price at that location. Hence, a small shift in sales could have a significant effect on the minimum Class I prices required to be paid by this handler.

Shifts in regulation of plants between Federal milk orders in Illinois and Iowa have not been uncommon in recent years as handlers have centralized processing facilities and expanded their sales areas. A shift in regulation often results in abrupt changes in minimum prices to dairy farmers who supply the plant when the applicable Class I prices differ at such plant location among the orders. It also may disrupt competitive Class I price relationships among handlers even when they may be similarly located.

A producer spokesman testified that the shift in regulation of the Pekin plant would result in an economic loss to producers supplying the plant and could create problems for the handler in acquiring milk supplies. He stated that, if the cooperative were not able to continue supplying the Pekin plant, the handler in all likelihood would have to attract

supplies from Minnesota and Wisconsin, an area, along with Iowa, that is a regular source of supply for the Central Illinois market. Production of milk in Illinois, he noted, has been diminishing over the past several years.

Location adjustments basically reflect the cost associated with distance in moving milk from outlying supply plants to the central market for fluid processing and disposition. In some instances, however, the economic value of the milk to the producer at a particular location will be affected not only by transportation cost to move the milk to a regulated plant under one order, but also by the price he can obtain by shipping to an alternative market. Unless the latter is taken into account, the milk so located may not be available to the former market.

The milk supply area for the Quad Cities-Dubuque market consists of the territory in Iowa and Illinois in the immediate vicinity of the marketing area and territory to the north of the marketing area in northeastern Iowa. On the basis of December 1972 data, approximately 78 percent of the milk supply for the market is produced on farms in the six eastern Iowa counties of Delaware, Dubuque, Jackson, Clinton, Scott, and Muscatine; and the three northwestern Illinois counties of Jo Daviess, Carroll, and Whiteside. These nine counties also supplied about 42 percent of the producer deliveries to the Central Illinois order for December 1972. This overlapping of supply areas between Quad Cities plants and Central Illinois plants is extensive primarily because the aforementioned plant at Pekin obtains a substantial portion of its milk supplies from the eastern Iowa counties.

Under the Central Illinois order, the minimum Class I price reflects the cost of attracting and maintaining supplies for such market location in competition with other neighboring markets and the cost of obtaining milk from alternative sources as needed. The present price level at Pekin takes into account the level of the Class I prices of the Quad Cities and Chicago markets to the north (which draw from a principal production area in the country) and the higher prices needed to attract the necessary supplies for markets east and south of Central Illinois, such as Indiana, Southern Illinois and St. Louis. These markets are in position to compete strongly for the dwindling supplies available in Illinois. Minimum prices in all such markets are established under common price standards as set forth in the Agricultural Marketing Agreement Act.

Should a Central Illinois plant located at Pekin become regulated under Order 63, however, the Class I price at such plant, under the present terms of the order, would be 6 cents below the Class I price for other plants at the same location regulated under the Central Illinois order. It would not be reasonable to price milk to a Quad Cities regulated plant at Pekin or at any other location in the Central Illinois marketing area at a minimum Class I price lower than the Class I price applicable to a Central Illinois regulated plant at the same location. Appropriately, the price level under the Central Illinois order should be maintained for milk delivered to a plant so located in order to assure that milk will continue to be delivered there in competition with other plants located in that market and plants in the neighboring markets to the east and south. Otherwise, the Quad Cities plant at such location would be on a different minimum price basis than immediate competitors in attempting to hold a milk supply. Orderly marketing is promoted by having similar minimum prices for all plants similarly located.

A handler spokesman testified in opposition to the imposition of a plus location adjustment under the Quad Cities order at the Pekin location on the ground that such an action would put his company's plant at a competitive disadvantage with its competitors for Class I sales in Quad Cities. However, the continued application of the Central Illinois order Class I price level to the handler's Pekin plant, even though he were regulated under the Quad Cities order, would not change such handler's current competitive position with respect to sales in the Quad Cities market or in any other market.

Such handler has increased his sales substantially in the Quad Cities marketing area while paying such Class I price under the Central Illinois order and the producer milk he receives has no less value delivered to the plant simply because of the area in which the handler makes his sales. In any case, the handler's resale area is not relevant in the determination of the appropriate price to producers for milk they deliver to the Pekin location. The central consideration must focus on the value of milk delivered by producers to the particular location. In other words, the fact that a handler may sell a portion of his Class I milk in a lower priced market has little bearing on the problem of insuring a supply of milk to his plant to cover all his Class I sales. It is not unusual for handlers to sell in lower-priced markets, as well as in higher-priced markets; that is the handler's business decision, but the fact that he does so does not mean that he can afford to pay producers less than their milk is worth considering the cost they incur in delivering to him at the plant location of his choice.

There is no basis for restricting such location adjustments to location in excess of 70 miles of Rock Island, Illinois, or West Liberty, Iowa, as specified in proponent's proposal, or for extending such location adjustments to locations outside the Central Illinois marketing area. A portion of the Central Illinois marketing area is within 70 miles of Rock Island and the higher Central Illinois price should be made applicable in such territory as well as at any plant located in the remaining portion of the Central Illinois marketing area. The record evidence does not deal with possible revision of location adjustments for Quad Cities order plants at locations other than inside the Central Illinois marketing area.

3. *Diversion of producer milk.* The months during which a handler may divert producer milk without limit to a nonpool plant should be extended to include July and August. Also, producer milk diverted to a nonpool plant 70 miles or more from a diverting pool plant should be priced at the location of the plant to which diverted.

Diverted producer milk is now priced at the location of the plant from which diverted and unlimited diversions may be made in the months of February through June. During other months, a producer's milk may not be diverted on more days of the month than the number of days his milk was delivered to a pool plant.

(a) *Diversion limits.* Producer proponent testified that during the months of July and August Class I sales are reduced because schools are closed and many people are on vacation. Thus, the same diversion privileges should be provided during these months as for other months of seasonally low Class I utilization percentage. There was no opposition to this proposal.

The diversion privilege is intended primarily to promote efficient disposition of milk not needed at pool distributing plants for fluid purposes. When milk is not needed at pool distributing plants, it is more efficient to divert it to manufacturing plants located near farms of producers rather than receive it at bottling plants and subsequently move it to outlying manufacturing plants.

During the months of February through June, those months when diversions are presently without limit, the Class I utilization percentage in the Quad Cities-Dubuque market reaches its seasonal low. In 1972, the proportion of total producer milk receipts used in Class I during these months averaged 36.3 percent. During these same months in 1973, average Class I utilization was 46.0 percent.

The months of July and August are also months of comparatively low Class I utilization. In 1972, average Class I utilization during these months was 41.8 percent. In 1973, it was 48.4 percent. By contrast, during the months of September 1972 through January 1973, average monthly Class I utilization was 63.5 percent.

To accommodate the efficient disposition of surplus milk during the months of July and August, the diversion limitations during these months have been suspended during each of the past five years. In the most recent suspension order, issued July 12, 1973 (38 FR 19012), official notice of which is taken, it was found that "without the suspension much of the reserve milk on the market would have to be moved from farms to pool plants and then reshipped to manufacturing plants in order to remain pooled instead of being moved directly from farms to manufacturing plants. The additional labor and hauling costs involved with such milk movements would adversely affect the economic handling of

milk in excess of fluid requirements." When diversion limits are not applicable in July and August, it enables moving the more distant supplies of milk associated with the market to nonpool manufacturing plants during these months and results in savings of transportation costs that otherwise would be incurred.

In view of the recurring nature of this problem and the demonstrated need to suspend the diversion limitations on a regular basis, the order should be amended to provide for unlimited diversion of producer milk during the months of February through August.

(b) *Pricing of diverted milk.* A cooperative spokesman testified that, with adoption of their proposal to provide plus location adjustments in the Central Illinois marketing area, a problem would be created on applying such adjustments to diverted milk. If such milk were priced at the plant from which diverted, as is now provided under the Quad Cities-Dubuque order, the blend price to producers would be computed at a plus 6-cent adjustment when diverted from a plant located in Zone I of the Central Illinois marketing area and a plus 1-cent adjustment if diverted from a plant located in Zone II of such marketing area.

Proponent pointed out that milk supplied by the cooperative to a major handler at Pekin, Illinois (Zone I) is moved mainly from farms that are close to manufacturing plants in eastern Iowa and northwestern Illinois where either no location adjustment or minus location adjustments apply under the Quad Cities order. When the milk is not needed at the Pekin plant, it is diverted to such nearby manufacturing plants.

If such diverted milk were priced at the plant from which diverted, the producer would receive the plus 6-cent location adjustment to the uniform price applicable to milk delivered to Pekin even though he had not incurred the extra transportation cost to Pekin. Consequently, proponent proposed that, when milk is diverted from a plant regulated under the Quad Cities-Dubuque order but located in the Central Illinois marketing area, such milk should be priced at the location of the plant to which diverted.

With respect to pool plants not located in the Central Illinois marketing area proponent proposed that milk diverted from such plants continue to be priced at the location of the pool plant from which diverted. In support proponent stated that in most other cases its producers do not realize any reduction in hauling cost when their milk is diverted to a nonpool plant since such plant will be about the same distance from the farm as the pool plant from which the milk is diverted. Proponent witness claimed that a change in the point of pricing would result in a price incentive for many producers to change their present market outlet for diverted milk since the nonpool plant to which their milk is diverted often is in a different price zone from the pool plant from which diverted.

Under the Quad Cities order a minus 10-cent location adjustment applies to Class I and uniform prices at plants within that portion of the marketing area comprised of Dubuque and Jackson Counties, Iowa, and the city of East Dubuque, Illinois, about 80 miles from Rock Island, Illinois. Also, outside the marketing area and north of U.S. Highway No. 80, the Class I and uniform prices at any plant 70 miles or more from the nearer of Rock Island, Illinois, or West Liberty, Iowa, are reduced 10 cents, plus 1.5 cents for each 10 miles or fraction thereof that such plant distance exceeds 80 miles from such basing point.

Four of the 11 plants pooled under the order in July 1973 are located in Dubuque and Jackson Counties where the minus 10-cent location adjustment applies. The other 7 plants are located within 70 miles of the basing points of Rock Island or West Liberty, in which zone no location adjustment is applicable.

During the period January through July 1973 reserve supplies of milk pooled under the Quad Cities order were moved to 28 different nonpool plants. Thirteen such plants are located in territory where no location adjustment is applicable under the order. Another 13 are located where minus location adjustments apply and 2 are located in the Des Moines, Iowa, marketing area where a plus 7-cent location adjustment applies.

Nearly all such nonpool plants are located well within the principal production area for the market, which largely consists of the territory encompassed by the marketing area plus those counties situated close thereto. Based on December 1972 production, 60 percent of the market's milk supply actually is produced within the confines of the marketing area and an additional 30 percent is produced in those counties bordering on the marketing area.

The majority of the market's milk supply is produced in territory where minus plant location adjustments are applicable. Production within the marketing area counties of Dubuque and Jackson (minus 10 cents) accounts for 50 percent of the total milk supply on the market. An additional 25 percent of the market's supply is produced in Delaware and Clayton Counties, Iowa, which border on Dubuque County.

Several of the nonpool manufacturing plants to which the market's reserve supplies of milk are moved are located within or near the abovementioned four counties. Such plants, however, are located at varying distances from the nearer of the basing points employed for location adjustment purposes. Consequently, varying adjustments to the uniform price would apply to milk diverted to such plants if diverted milk were priced at the plant to which diverted as compared to pricing the same milk at the location of the plant from which diverted.

Reserve milk produced in the abovementioned four counties that customarily is associated with pool plants in Dubuque, Iowa, has been and can be expected again to be diverted to any of the seven nonpool plants located within 70 miles of Dubuque. Two such plants, at Maquoketa and Preston, are located about 40 miles south of Dubuque in the southern part of Jackson County. A minus 10-cent location adjustment applies at such plant locations.

Two other nonpool plants are located about 50 miles southwest of Dubuque at Hopkinton and Ryan in the southern portion of Delaware County. These plants are within 70 miles of the West Liberty, Iowa, basing point and, accordingly, no location adjustment would apply at such plants.

Northwest of Dubuque the nearest nonpool manufacturing plants are at Elkadar, Arlington, and Luana, all within a range of 60 to 70 miles from Dubuque. The plants at Elkadar and Arlington are about 105 miles from the nearest specified basing point and a minus 14.5-cent location adjustment is applicable. The location adjustment at the Luana plant is minus 19 cents.

If pricing of diverted milk at the nonpool plant to which diverted were adopted in all instances in this market, there would be a price incentive to shift much of the market's diverted reserve supplies from nonpool plants located nearest to producer farms to more distant nonpool plants located in higher-priced areas. For example, the nonpool plants located nearest to the farms of many producers in the southern half of Clayton County (next to Dubuque County) are at Arlington and Elkadar (minus 14.5 cents). When the milk produced in this area is not needed at pool plants in Dubuque there would be a price incentive to divert it to plants located south of Clayton County in higher-priced zones, such as at Ryan and Hopkinton in Delaware County, at which no location adjustment applies.

To better facilitate the handling of reserve milk, provision should be made to permit diversion of milk a limited distance to a plant in a lower-price location than the pool plant from which diverted without applying an adjustment to the uniform price to the producers whose milk is diverted.

In the abovementioned example of producers in Clayton County whose milk is most likely to be associated with pool plants at Dubuque (minus 10 cents), there are two nonpool manufacturing plants near such producers' farms in the minus 14.5-cent price zone. However, there is a nonpool plant at Independence, 80 miles west of Dubuque, at which a minus 10-cent location adjustment would be applicable (the same as at Dubuque). This plant is located about the same distance from farms in Clayton County as is the pool plant at Dubuque.

In this circumstance, such producers would be able to move their milk to the nonpool plant at Independence with no adjustment to their hauling cost or uniform price while there are nonpool plants, equally as close to producer farms, at Arlington and Elkadar, at which a minus 14.5-cent location adjustment is applicable. Also, as previously indicated, there is a nonpool plant at Luana on the northern edge of Clayton County where a minus 19-cent location adjustment is applicable. Such plant

also is as near or nearer to most of the farms in the southern half of Clayton County as the plant at Independence. Such producers in Clayton County are not apt to realize any lower hauling rate on milk diverted to the nonpool plants at Arlington, Elkadar, and Luana than when it is received at a pool plant in Dubuque. Most hauling routes on such milk would not extend beyond a range of 20–50 miles from any of these plants. It seems evident that most of the costs for such hauling routes are accounted for in fixed overhead, picking the milk up at farms, and unloading the milk at the plant. The costs that could be attributed to the difference in distance driven by the hauler when the milk is diverted to such nonpool plants compared to delivering it to the pool plant would be a relatively minor factor in the total cost and thus would not be very significant in the hauling rate charged such producers.

The hauling cost situation faced by producers in other parts of the milkshed can be expected to be similar in cases where hauling routes extend relatively short distances from pool plants. Milk produced in Dubuque County and normally delivered to pool plants located in the county must be moved fully as far from producers' farms when diverted since there are no manufacturing plants located within the county. The nearest nonpool manufacturing plants are those referred to above in the adjacent counties of Jackson, Delaware and Clayton.

The opportunity for realizing some savings in hauling cost on diverted milk tends to increase with the distance that the pool plant is located from producers' farms. For example, the milk supply for the plant at Pekin, Illinois, is picked up at farms in Iowa and northern Illinois and is reloaded in the production area from the farm bulk tank trucks into larger over-the-road tank trucks that move the milk an additional distance of about 100 miles to Pekin. On days that the milk associated with the Pekin plant is not needed there it is diverted to nonpool manufacturing plants in the production area. The added cost of transporting the milk some 100 miles in the larger over-the-road tank trucks to Pekin is not incurred with respect to the diverted milk.

Like handling is practiced with respect to milk produced in the more distant areas of the production area for the main consumption centers of the Quad Cities market. When such milk is not needed at pool plants it is diverted to manufacturing plants located close to the producer farms.

There is potential for milk produced in a distant lower priced area such as Minnesota to be associated with a pool plant located within the market. Such milk could be diverted to a plant in such area on a continuous basis during the period that diversion limits are not applicable.

It is concluded, therefore, that only that milk diverted to a nonpool plant located more than 70 miles from the pool plant should be priced at the location of the nonpool plant since hauling costs identified with the additional distance to the pool plant compared to the nonpool plant are not incurred. On the other hand, in the case of milk on short hauling routes, disposal of the market's reserve supplies will be facilitated by pricing such diverted milk at the location of the plant from which diverted, since there is little, if any, reduction in hauling rates to the producer and such pricing will make it feasible to divert milk to nearby plants in any direction from the farm rather than just toward the market center.

In addition, the order should not provide for pricing diverted milk at a higher level than is applicable at the plant from which diverted since it would tend to defeat the intent of the diversion privilege and outlets are available in lower-priced zones. If milk were first received at a pool plant before transferring it to a nonpool plant for manufacturing use, all such milk would be priced at the pool plant. The transferred producer milk would be classified in Class II use, on which class no location adjustment is applicable. The diversion privilege is intended only to facilitate more economic handling of such milk by according it continued pooling status when moved directly from the farm to a nonpool plant, but should not be a means of increasing returns on it for the producers involved at the expense of other producers.

In light of the foregoing considerations, it is concluded that milk diverted to a nonpool plant should be priced at the location of the plant to which diverted only in circumstances where the nonpool plant is located 70 or more miles from the pool plant with the proviso that the uniform price applicable to diverted milk shall not be higher than the uniform price applicable at the plant from which diverted.

In amending the order to accommodate the changes adopted above, the "producer" and "producer milk" sections were rewritten. Although the format of these two sections has been altered slightly, there are no substantive changes to these sections other than as described above.

4. *Plants subject to other Federal orders.* No change should be made in the present provisions of the Central Illinois order concerning where a distributing plant should be regulated when it meets the pooling standards of two or more orders. The Central Illinois order now excludes from regulation a plant that has greater Class I route disposition in another marketing area, unless the plant has been regulated under the Central Illinois order in the prior month and the other order does not require regulation of the plant.

A cooperative in the market proposed that such determination be based on total Class I disposition of fluid milk products (except filled milk), a concept that would include bulk and packaged transfers to other plants in the marketing area as well as route disposition.

Proponent supplies milk to a major handler in the Central Illinois market. The handler's plant at Pekin, Illinois, earlier mentioned, has been regulated under Order 50 for a number of years. Recently, however, sales from this plant have extended over a much wider area than in the past because of the closings of plants of the company at Rock Island, Illinois, and Des Moines, Iowa, and the shifting to the Pekin plant of the sales of these plants made in the Quad Cities-Dubuque marketing area. Also, until June 1973, a plant of the company at Woodstock, Illinois (under Chicago Regional order) had served some sales accounts in the Quad Cities-Dubuque market that are now served from its Pekin plant. As a result, since June 1973 the route disposition from the plant in the Quad Cities-Dubuque marketing area (Order 63) at times has exceeded such disposition in the Central Illinois marketing area (Order 50).

Proponent spokesman testified that removal of this plant from the Central Illinois pool, particularly at this time of year (when supplies are seasonally short), would substantially reduce the blend price to producers, and thereby make it more difficult for other handlers in the market to attract a milk supply. In addition, as explained earlier, the Class I price on milk supplied to the plant would be reduced significantly should the plant become regulated under the Quad Cities-Dubuque market at this time.

Proponent did not substantiate the need for any basic revision of the provision relating to a plant that meets the minimum pooling standards under more than one order. Although, as noted by proponent, adoption of a total Class I disposition concept would put Order 50 on the same standard as Order 63, such action would have the opposite effect with respect to certain other neighboring markets that, like Order 50, use only route disposition as the basis for determining the order under which a plant should be regulated. Thus, adoption of the proposal could create a potential problem in pooling a plant as between Central Illinois and these other markets while attempting to provide uniformity with respect to the Quad Cities order.

On October 24, 1973, a suspension order was issued that, in effect, allows the plant to remain pooled under the Central Illinois order at least through the end of the year. Official notice of such suspension order is taken. (An earlier, similar suspension kept the plant regulated under Order 50 for the months of August through October.) This action precludes for the immediate future any possibility of disruption to orderly marketing as contemplated in proponent's testimony. A longer-term solution to this problem, through adoption of location adjustments under the Quad Cities-Dubuque order at Central Illinois locations, is provided for as discussed above under Issue 3.

It is concluded, therefore, that adoption of this proposal is not supported on the basis of this hearing record.

5. *Request for emergency action.* At the hearings, proponents urged that a recommended decision be omitted with respect to Issue 4 and that a decision be rendered and made effective no later than November 1, 1973. The suspension action taken on October 24, 1973, on this issue removed, however, the need for omission of a recommended decision. The request for omission of a recommended decision therefore is denied.

RULINGS ON PROPOSED FINDINGS AND CONCLUSIONS

A brief and proposed findings and conclusions were filed on behalf of certain interested parties. The brief, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

GENERAL FINDINGS

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

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

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

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

RECOMMENDED MARKETING AGREEMENT AND ORDER AMENDING THE ORDER

The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in amended. The following order amending the order, as amended, regulating the the order, as amended, regulating the handling of milk in the Quad Cities-Dubuque marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out:

PART 1063—MILK IN THE QUAD CITIES-DUBUQUE MARKETING AREA

1. Section 1063.7 is revised to read as follows:

§ 1063.7 Producer.

"Producer" means any person who produces milk in compliance with the Grade A inspection requirements of a duly constituted health authority, which milk is received at a pool plan or diverted to a nonpool plant pursuant to § 1063.14 (b), except:

(a) A producer handler as defined in any order (including this part) issued pursuant to the Act;

(b) Any person with respect to milk produced by him that is diverted to a pool plant from an other order plant if the other order designates such person as a producer under that order and such milk is allocated to Class II utilization; and

(c) Any person with respect to milk produced by him that is diverted from a pool plant to an other order plant if the other order designates such person as a producer under that order with respect to such milk.

2. In § 1063.10, paragraph (a) is revised to read as follows:

§ 1063.10 Pool plant.

* * * * *

(a) A distributing plant from which:

(1) The volume of Class I packaged fluid milk products, except filled milk, disposed of during the month either on routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets or moved to other plants, less receipts of packaged fluid milk products, other than filled milk, from other pool distributing plants, is not less than 45 percent (40 percent during each of the months of February through August) of the total Grade A fluid milk products, except filled milk, received at such plant, exclusive of receipts of packaged fluid milk products from other pool distributing plants and receipts from other order plants assigned pursuant to §1063.46(a)(4)(ii) and the corresponding step of § 1063.46(b); and

(2) Not less than 15 percent of net receipts specified in subparagraph (1) of this paragraph is so disposed of during the month in the marketing area on routes, except that a plant that meets such minimum requirement under this subparagraph during each of the months of September through January need dispose of only 10 percent or more of such receipts in the marketing area on routes during each of the following months of February through August.

* * * * *

3. Section 1063.14 is revised to read as follows:

§ 1063.14 Producer milk.

"Producer milk" means the skim milk and butterfat contained in milk from a producer that is:

(a) Received at a pool plant; or

(b) Diverted by the operator of a pool plant or by a cooperative association to a nonpool plant other than a producer-handler plant, subject to the following conditions:

(1) For pricing purposes under this part such milk shall be accounted for as received by the diverting handler at the location of the plant to which diverted: *Provided*, That milk diverted to a plant located less than 70 miles (by the shortest highway distance as determined by the market administrator) from the pool plant from which diverted or to a plant at which a higher uniform price would be applicable, shall be deemed to be received by the diverting handler at the location of the plant from which diverted; and

(2) In any of the months of September through January, milk diverted from the farm of a producer on days in excess of the number of days that milk was delivered to a pool plant from such farm during the month shall not be producer milk.

4. In § 1063.52(a), the words "subparagraph (3)" are changed to "subparagraphs (3) and (4)" and the last word "and" is deleted in subparagraph (2), the period is changed to a semicolon followed by the word "and" in subparagraph (3), and a new subparagraph (4) is added as follows:

§ 1063.52 Location adjustments to handlers.

(a) * * *

(4) At a plant located within the Central Illinois marketing area as specified in Part 1050, add any amount by which the price specified in § 1063.50(b) is exceeded by the applicable Class I price at the same location pursuant to Part 1050 regulating the handling of milk in the Central Illinois marketing area.

* * * * *

Signed at Washington, D.C., on December 18, 1973.

JOHN C. BLUM,
Deputy Administrator
Regulatory Programs.

[FR Doc.73-26983 Filed 12-20-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 73-GL-55]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Fostoria, Ohio.

Interested persons may participate in the proposed rule making by submitting

such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received January 21, 1974 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

An instrument approach procedure has been developed for the Fostoria, Ohio Metropolitan Airport. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this new approach procedure by designating a transition area at Fostoria, Ohio. The new procedure will become effective concurrently with the designation of the transition area.

In consideration of the foregoing, the Federal Aviation Administration proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

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

FOSTORIA, OH.

That airspace extending upward from 700 feet above the surface within a 6.5 mile radius of the Fostoria Metropolitan Airport (41°11'30" N., 83°23'50" W.) excluding that portion that overlies the Tiffin, Ohio transition area.

This amendment is proposed under the authority of section 307(a) of The Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)].

Issued in Des Plaines, Illinois on December 3, 1973.

JOHN M. CYROCKI,
Director, Great Lakes Region.

[FR Doc.73-26903 Filed 12-20-73;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 73-GL-52]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at North Vernon, Indiana.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received by January 21, 1974 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

An instrument approach procedure has been established for the North Vernon, Indiana Municipal Airport, based on a non-federal NDB. Consequently, it is necessary to provide controlled airspace for aircraft executing this new approach procedure by designating a transition area at North Vernon, Indiana. The new procedure will become effective concurrently with the designation of the transition area.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

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

NORTH VERNON, IND.

That airspace extending upward from 700 feet above the surface within a 5 mile radius of the North Vernon Municipal Airport (latitude 39°02'30" N., longitude 85°36'45" W.) and within 3.5 miles either side of a 220° bearing from the airport extending from the 5 mile radius area to 7.5 miles SW of the airport.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)].

Issued in Des Plaines, Illinois on November 30, 1973.

JOHN M. CYROCKI,
Director, Great Lakes Region.

[FR Doc.73-26901 Filed 12-20-73;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 73-NE-31]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Rutland, Vermont, 700-foot Transition Area (38 FR 569).

A new localizer instrument approach will be established for Runway 19 at Rutland Airport, Rutland, Vermont. This will require alteration of the Rutland, Vermont, 700-foot transition area so as to provide controlled airspace for aircraft executing the procedure for this new approach.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, New England Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803. All communications received by January 21, 1974 will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Operations, Procedures and Airspace Branch, New England Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Rutland, Vermont, proposes the airspace action hereinafter set forth:

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Rutland, Vermont, 700-foot transition area and insert the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within an 11-mile radius of the Center, Lat. 43°31'46" N., Long. 72°56'54" W., of the Rutland State Airport, Rutland, Vermont, and an area bounded by a line beginning at Lat. 43°30'00" N., Long. 73°10'00" W., to Lat. 43°53'00" N., Long. 73°10'00" W., to Lat. 43°53'00" N., Long. 73°-50'00" W., to Lat. 43°30'00" N., Long. 72°-50'00" W., to point of beginning.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958, 72 Stat. 749 (49 U.S.C. 1348), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Burlington, Massachusetts, on December 6, 1973.

FERRIS J. HOWLAND,
Director, New England Region.

[FR Doc.73-26983 Filed 12-20-73;8:45 am]

[14 CFR Part 107]

[Docket No. 13396; Notice No. 73-30]

AIRPORT SECURITY EQUIPMENT

Proposed Security Program and Plan

The Federal Aviation Administration is considering amending Part 107 of the

Federal Aviation Regulations to require that items of security equipment necessary to carry out a master security plan be identified and listed in the approved plan. Security equipment required of airport sponsors by rule or regulation would be eligible for Federal funding in accordance with the Airport and Airway Development Act of 1970 (AADA) (as amended by the Airport Development Acceleration Act of 1973) and Part 152 of the Federal Aviation Regulations (Airport Aid Program).

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket and notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue SW., Washington, D.C. 20591. All communications received on or before February 15, 1974, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Part 107 of the Federal Aviation Regulations was issued in 1972, to provide aviation security rules for operators of airports regularly serving scheduled air carriers holding certificates of public convenience and necessity issued by the Civil Aeronautics Board and commercial operators engaging in intrastate common carriage covered by § 121.7 of Part 121 of the Federal Aviation Regulations operating large aircraft other than helicopters.

Section 107.3 of Part 107 requires the airport operator to prepare and submit for approval a security program and master security plan showing the means and procedures it uses or intends to use to implement the program and plan. Section 107.7 requires each airport operator to carry out the plan for improving or establishing protection against unauthorized access to air operations areas in the manner set forth in its master security plan included in its security program.

The Airport Development Acceleration Act of 1973 (Pub. L. 93-44) amended the Airport and Airway Development Act of 1970 (Pub. L. 91-258) to include "security equipment required of the sponsor by the Secretary by rule or regulation for the safety and security of persons and property on the airport" within the meaning of "airport development," and to provide that to the extent that the project cost of an approved project for airport development represents the cost of security equipment required by the Secretary by rule or regulation, the United States share of the allowable cost thereof may not exceed 82 per centum of the allowable cost thereof with respect to airport development project grant agreements entered into after September 28, 1971.

For the purpose of implementing the Airport Development Acceleration Act of 1973, it is proposed to amend § 107.3 to require that security equipment necessary to carry out the master security plan be separately identified and listed in the plan. On approval of the plan in accordance with § 107.3, the security equipment identified and listed therein would be required by § 107.7 to carry out the plan. Many master security plans previously have been approved which include security equipment items in excess of or differing from those required for approval of the plan. The FAA will examine applications for funding such security equipment under the Airport and Airway Development Act of 1970, as amended by Pub. L. 93-44 (which includes a provision for retroactive funding at not to exceed 82 percent of the allowable cost of required security equipment) to determine eligibility and extent of funding in accordance with Part 152 of the Federal Aviation Regulations. Necessary amendments to Part 152 are currently being processed.

No attempt has been made to include a complete or exclusive listing of "security equipment" in § 107.3. It is recognized that security equipment requirements may differ between airports and that some flexibility must be provided for. Accordingly, it is proposed that an appendix be added to Part 107 with a representative or exemplary listing of security equipment considered necessary. The following is a tentative listing proposed for inclusion in the appendix; comments and recommendations for a more definite or comprehensive listing are invited:

1. Fencing, gates, barriers, and signs.
2. Locking devices for doors and gates.
3. Alarm systems for secure buildings or air operations areas.
4. Communications equipment.
5. Surveillance equipment.
6. Lighting equipment.
7. Identification equipment for persons and vehicles.
8. Security vehicles.
9. Police equipment for security personnel (firearms, uniforms, badges).
10. Auxiliary power equipment for emergency operation of security systems.

These amendments are proposed under the authority of sections 313(a), 601, 606, and 901 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1426, 1471), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend Part 107 of the Federal Aviation Regulations as follows:

1. By amending division (i) of § 107.3 (a)(2) by adding a new subdivision (e) to read as follows:

§ 107.3 Security procedures and facilities and security program.

(a) * * *
(2) * * *
(i) * * *

(e) Identifies separately each item of security equipment necessary to carry out the plan.

* * * * *

2. By adding an Appendix A listing typical security equipment considered necessary to carry out master security plans.

Issued in Washington, D.C., on December 12, 1973.

[SEAL] JAMES T. MURPHY,
Director of Air Transportation Security.

[FR Doc.73-26893 Filed 12-20-73;8:45 am]

[14 CFR Part 139]

[Docket No. 13397; Notice No. 73-31]

CERTIFICATION AND OPERATIONS: LAND AIRPORTS SERVING CAB-CERTIFICATED AIR CARRIERS

Proposal Regarding Airport Operations Manual

The Federal Aviation Administration is considering amending Part 139 of the Federal Aviation Regulations to require that firefighting and rescue equipment and other safety equipment required for certification be described and listed in the airport operations manual. Safety equipment required of airport sponsors by rule or regulation for certification would be eligible for Federal funding in accordance with the Airport and Airway Development Act of 1970 (as amended by the Airport Development Acceleration Act of 1973) and Part 152 of the Federal Aviation Regulations.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue, SW., Washington, D.C. 20591. All communications received on or before February 15, 1974, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this Notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Part 139 of the Federal Aviation Regulations prescribes rules governing the certification and operation of land airports serving air carriers that hold certificates of public convenience and necessity issued by the Civil Aeronautics Board and operate aircraft into those airports.

Sections 139.31 and 139.33 of Part 139 require the airport operator to prepare and submit an airport operations manual which includes all of the information necessary to show compliance and the means and procedures used to comply with each certification rule prescribed by the Part, including a description of

the airport firefighting and rescue equipment and service for the airport. Section 139.3 prohibits operation of an airport to which the Part is applicable without or in violation of an airport operating certificate for that airport, or in violation of the Part or the approved airport operations manual for that airport.

The Airport Development Acceleration Act of 1973 (Pub. L. 93-44) amended the Airport and Airway Development Act of 1970 (Pub. L. 91-258) to provide that to the extent that the project cost of an approved project for airport development represents the cost of safety equipment required by rule or regulation for certification of an airport under section 612 of the Federal Aviation Act of 1958 the United States share may not exceed 82 per centum of the allowable cost thereof with respect to airport development project grant agreements entered into after May 10, 1971. Generally, such safety equipment had previously been eligible under the Act at 50 per centum of the allowable project costs.

For the purpose of implementing the Airport Development Acceleration Act of 1973, it is proposed to amend § 139.33 to require that safety equipment necessary for certification under Part 139 be listed in detail, and that firefighting and rescue equipment and service required by the Index appropriate to the airport under § 139.49 or the minimum equipment and service required by the next higher Index be described, in the airport operations manual. On approval by the Administrator the airport operations manual would contain a listing of safety equipment, including firefighting and rescue equipment, required for certification. Many airport operations manuals previously have been approved which include safety equipment items in excess of or differing from those required for certification. The FAA will examine applications for funding such safety equipment under the Airport and Airway Development Act of 1970, as amended by Pub. L. 93-44 (which includes a provision for retroactive funding at not to exceed 82 percent of the allowable cost for safety equipment required for certification) to determine eligibility and extent of funding in accordance with Part 152 of the Federal Aviation Regulations. Necessary amendments to Part 152 are currently being processed.

No attempt has been made to include a complete or exclusive listing of "safety equipment" in § 139.33. It is recognized that safety equipment requirements may differ between airports and that some flexibility must be provided for. Accordingly, it is proposed that an appendix be added to Part 139 with a representative or exemplary listing of safety equipment considered necessary for certification. The following is a tentative listing proposed for inclusion in the appendix; comments and recommendations for a more definite or comprehensive listing are invited:

1. Firefighting and rescue vehicles described in § 139.49.
2. Protective apparel and equipment for firefighting personnel.
3. Rescue equipment (such as air masks, forcible-entry tools, hydraulic rescue jacks, metal-cutting saws, emergency lighting systems, first aid kits).
4. Communication equipment for communication with required ground vehicles.
5. Traffic and wind direction indicators.
6. Fencing, gates, barriers, and signs.
7. Snow removal equipment (such as snow plows, snow blowers, brooms).
8. Bird hazard elimination equipment (such as carbide cannons, tape deck and speaker with distress call tapes, shot gun with shell-cracker cartridges, shot gun with bird shells).
9. Fire and rescue alarm systems.
10. Equipment for ensuring quick-response capability for firefighting and rescue vehicles.
11. Equipment for handling and storage of hazardous materials (when operator is materials handling agent).
12. Safety inspection vehicles.

These amendments are proposed under the authority of sections 313(a), 609, 610(a), and 612 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1429, 1430(a), and 1432) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend Part 139 of the Federal Aviation Regulations as follows:

1. By amending paragraph (a)(1) of § 139.33 to read as follows:

§ 139.33 Contents.

* * * * *

(a) Include all of the information necessary to show—

(1) Compliance and the means and procedures, in detail, used to comply with each certification rule prescribed by Subpart D or F of this Part, as applicable, including a description of the airport firefighting and rescue equipment and service required by the Index appropriate to the airport under § 139.49 of this Part (but not exceeding the minimum equipment and service required by the next higher Index, if any), and a detailed listing of each item of safety equipment necessary for certification of the airport; and

* * * * *

2. By adding an Appendix A listing typical safety equipment considered necessary for airport certifications.

Issued in Washington, D.C., on December 12, 1973.

[SEAL] CLYDE W. PACE, JR.,
Director, Airport Service.

[FR Doc.73-26894 Filed 12-20-73;8:45 am]

National Highway Traffic Safety Administration

[49 CFR Part 520]

[Docket No. 73-32; Notice 1]

PREPARATION OF ENVIRONMENTAL IMPACT STATEMENTS

Proposed Procedures

The National Highway Traffic Safety Administration hereby proposes to amend Title 49 of the Code of Federal Regulations by adding a new Part 520 concerning the preparation of environmental impact statements. Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (Pub. L. 91-190, 42 U.S.C. 4332(2)(C)), Executive Order 11514 (35 FR 4247), and guidelines of the Council on Environmental Quality (CEQ) (38 FR 20549) for the preparation of environmental impact statements, the NHTSA is required to prepare such statements in connection with its proposals for legislation and other major Federal actions significantly affecting the quality of the human environment.

In addition to the National Environmental Policy Act, other laws which, as appropriate, require the NHTSA to consider the environmental effects of its actions are listed in the preamble to DOT Draft Order 5610.1B published on November 1, 1973 (38 FR 30215). These proposed procedures for the preparation of environmental impact statements also provide for the requirements of these other laws applicable to the NHTSA.

In fulfilling its statutory responsibilities, the NHTSA's proposals for legislation and other major actions will not ordinarily be of the type that could have a significant effect on the quality of the human environment. Irrespective of this limited potential for involvement in actions which may have an environmental significance, environmental assessments will be made for certain categories of actions enumerated in these procedures. Such assessments will either conclude by recommending that a draft environmental impact statement be prepared to determine the environmental impact involved, or by declaring that the proposed action would not have a significant effect on the quality of the environment. An assessment report that concludes with a "negative declaration" is not required to go through the extensive review and comment process provided for the draft environmental impact statement, but it will be retained by the NHTSA and made available to the public upon request.

Once an Associate Administrator determines that a proposed action within his jurisdiction requires the preparation of a draft environmental impact statement (DEIS), he will, as soon as is practicable, transmit a "notice of intent" to prepare the DEIS to the appropriate Federal, State, and local agencies and cause the same to be published in the Federal Register. In addition, a schedule of procedures and review will be developed in each case to assure completion of the DEIS prior to the first significant point of decision in the project or program development process. Once the DEIS is circulated for review and comment, not less than 45 days in any case will be allowed for comment. A public hearing on a DEIS shall be held when appropriate, and notice of the hearing will be issued in the Federal Register at least 15 days before the hearing. Final environmental impact statements (FEIS) will be prepared and distributed as soon as practicable after the expiration of the comment and hearing process.

Although not set forth in these proposed procedures, Appendices II, III, and IV of the CEQ Guidelines (40 CFR Part 1500) and Attachment 2 of the DOT Order 5610.1B (38 FR 30215) have direct bearing on the preparation of impact statements and will be followed by this agency.

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

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

Comment closing date: February 4, 1974.

Proposed effective date: March 1, 1974.

(Secs. 102(2)(A), 102(2)(C), Pub. L. 91-190, 83 Stat. 853 (42 U.S.C. 4332); secs. 2(b), 4(f), Pub. L. 89-670, 80 Stat. 931 (49 U.S.C. 1651(b), 1653(f)); Executive Order 11514, 35 FR 4247; 40 CFR Part 1500; delegations of authority at 49 CFR 1.45, 1.51.)

Issued on December 14, 1973.

JAMES B. GREGORY,
Administrator.

PART 520—ENVIRONMENTAL IMPACT STATEMENTS

Subpart A—General

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Subpart A—General

§ 520.1 Scope.

This part specifies National Highway Traffic Safety Administration (NHTSA) procedures for the preparation of environmental assessments and environmental impact statements on proposals for legislation and other major agency actions significantly affecting the quality of the human environment.

§ 520.2 Policy.

In the execution of its statutory responsibilities, the NHTSA normally will not be involved in actions that have a significant effect on the environment. The agency will, however, strive to carry out the full intent and purpose of the Environmental Policy Act of 1969 and related orders and statutes, and take positive steps to avoid any action which could adversely affect the quality of the human environment.

§ 520.3 Definitions.

(a) "Environmental assessment" means an internal evaluation process to ensure that environmental values are considered as early as possible in the decision-making process and to determine whether a proposed NHTSA action is expected to have a significant impact on the environment and therefore requires the preparation of a draft environmental impact statement.

(b) "Draft environmental impact statement" (DEIS) means a preliminary statement on the environmental impact of a proposed action which is circulated for comment and review within and outside NHTSA.

(c) "Final environmental impact statement" (FEIS) means a detailed statement which, pursuant to section 102(2)(C) of the National Environmental Policy Act, identifies and analyzes the anticipated environmental impact of a proposed NHTSA action.

(d) "Negative declaration" means a statement prepared subsequent to an environmental assessment, which states that a proposed NHTSA action will have no potential significant environmental impact and therefore does not require a draft or final environmental impact statement.

§ 520.4 Applicability.

(a) This part applies to all elements of NHTSA, including the Regional Offices.

(b) This part applies to the following agency actions and such actions and proposals that may be sponsored jointly with another agency:

(1) Program plans, budget proposals, directives, legislative proposals by the agency, requests for appropriations, favorable reports on legislation initiated elsewhere, where the agency has primary responsibility for the subject matter involved, and any renewals or reapprovals of the foregoing;

(2) Research, development, and demonstration projects, formal approvals of work plans, and associated contracts;

(3) Rulemaking and regulatory actions, including Notices of Proposed Rulemaking (NPRM), requests for procurement (RFP), requests for grants (Annual Work Programs) and contracts;

(4) All grants, loans or other financial assistance for use in State and community projects;

(5) Annual State Highway Safety Work Programs;

(6) Construction, leases, purchases, and operation of Federal facilities; and

(7) Any other activity, project, or action likely to have a significant effect on the environment.

(c) This part applies to any incremental actions having a significant environmental effect enumerated in paragraph (b) of this section; even though such incremental actions arise from projects or programs initiated prior to enactment of the National Environmental Policy Act on January 1, 1970.

(d) An environmental assessment is not required for the following agency actions:

(1) Assistance in the form of general revenue sharing funds, distributed under the State and Local Fiscal Assistance Act of 1972, 31 U.S.C. 1221, with no control by the NHTSA over the subsequent use of such funds;

(2) Personnel actions;

(3) Administrative procurements (e.g., general supplies) and contracts for personal services;

(4) Legislative proposals originating in another agency and not relating to matters within NHTSA's primary areas of responsibility;

(5) Project amendments (e.g., increases in costs) which do not alter the environmental impact of the action;

(6) Reports to Congress setting forth policy to be followed by proposed legislation; and

(7) Minor agency actions that are determined by the responsible Associate Administrator to be of such limited scope that they clearly will not have a significant effect on the quality of the human environment.

§ 520.5 Guidelines for identifying major actions significantly affecting the environment.

(a) *General guidelines.* The phrase, "major Federal actions significantly affecting the quality of the human environment", as used in this part, shall be construed with a view to the overall, cumulative impact of the actions, other Federal projects or actions in the area, and any further contemplated or anticipated actions. Although any such actions may be localized in their impact, a statement must be prepared if the environment potentially may be significantly affected. Any proposed action that is likely to be highly controversial on environmental grounds will require an impact statement. Where the environmental consequences of a proposed action are unclear but potentially significant, a statement should also be prepared.

(b) *Specific guidelines.* While a precise definition of environmental significance that is valid in all contexts is not possible, any of the following actions should ordinarily be considered as significantly affecting the quality of the human environment:

(1) Any matter falling under section 4(f) of the Department of Transportation Act (49 U.S.C. 1653(f)) and (23 U.S.C. 138), requiring protection of publicly-owned land from a public park, recreation area, or wildlife and waterfowl refuge of National, State, or local significance;

(2) Any matter falling under section 106 of the National Hostoric Preservation Act of 1966 (16 U.S.C. 470(f)), requiring consideration of the effect of the proposed action on any building included in the National Register of Historic Preservation and reasonable opportunity for the Advisory Council on Historic Preservation to comment on such action;

(3) Any action that is likely to affect the preservation and enhancement of sites of historical, architectural, or archaeological significance;

(4) Any action that is likely to be highly controversial regarding relocation housing;

(5) Any action that (i) divides or disrupts an established community, disrupts orderly, planned development, or is inconsistent with plans or goals that have been adopted by the community in which the project is located; or (ii) causes increased congestion;

(6) Any action that (i) involves inconsistency with any Federal, State, or local law or administrative determination relating to the environment; (ii) has a significantly detrimental impact on air or water quality or on ambient noise levels for adjoining areas; (iii) involves a possibility of contamination of a public water supply system; or (iv) affects ground water, flooding, erosion, or sedimentation; and

(7) Other action that causes significant environmental impact by directly or indirectly affecting human beings through adverse impacts on the environment.

(c) *Research activities.* (1) Agency officials engaging in major technology research and development programs shall develop procedures for periodic evaluation to determine when an environmental statement is required for such programs. Factors to be considered in making this determination include:

(i) The magnitude of Federal investment in the program;

(ii) The likelihood of widespread application of the technology;

(iii) The degree of environmental impact which would occur if the technology were widely applied; and

(iv) The extent to which continued investment in the new technology is likely to restrict future alternatives.

(2) Statements must be written late enough in the development process to contain meaningful information, but early enough so that this information can practically serve as an input in the decision-making process. Where it is anticipated that a statement may ultimately be required but that its preparation is still premature, the office shall prepare a publicly available record briefly setting forth the reasons for its determination that a statement is not yet necessary. This record shall be updated at least quarterly, or as may be necessary when significant new information becomes available concerning the potential environmental impact of the program. In any case, a statement must be prepared before research activities have reached a state of investment or commitment to implementation likely to determine subsequent development or restrict later alternatives. Statements on technology research and development programs shall include an analysis not only of alternative forms of the same technology that might reduce any adverse environmental impacts but also of alternative technologies that would serve the same function as the technology under consideration. Efforts shall be made to involve other Federal agencies and interested groups with relevant expertise in the preparation of such statements because the impacts and alternatives to be considered are likely to be less well defined than in other types of statements.

Subpart B—Procedures

§ 520.21 Preparation of environmental assessments, negative declarations, and notices of intent.

(a) *General responsibilities.* (1) Each Associate Administrator is responsible for determining whether the projects and activities under his jurisdiction require an environmental assessment, and for the preparation of all such assessments.

(2) Each Regional Administrator, in consultation with the Governor's Representative, is responsible for determining whether proposed State activities in his Region, as stated in Annual Work Programs, require an environmental assessment. These determinations will be transmitted for review to the Associate Administrator for Traffic Safety Programs. The Associate Administrator for Traffic Safety Programs, in consultation with the Associate Administrator for Planning and Programming, will issue guidelines to Regional Administrators on the specific instructions for implementing their Annual Work Program environmental assessment procedures no later than March 1, 1974.

(3) The Associate Administrator for Planning and Programming may request that the appropriate Associate Administrator or Regional Administrator prepare an environmental assessment for any proposed or continuing agency action. If there is any doubt as to the requirement for any assessment, the Associate Administrator for Planning and Programming should be requested to provide a decision.

(4) Within the scope of activities listed in § 520.4(b), any person(s) outside the agency submitting program or project proposals shall prepare environmental assessments of such proposed actions to be included in their submissions to the agency.

(b) *Coordination.* Coordination with appropriate local, State and Federal agencies should be accomplished during the early stages to assist in identifying natural and cultural areas of significance and agency concern. Existing procedures, including those established under the Office of Management and Budget (OMB) Circular A-95, should be used to the greatest extent practicable to accomplish this early coordination.

(c) *Assessment report.* The environmental assessment shall culminate in a brief written report that describes the proposed action and its proximate environment, and answers the following questions, furnishing descriptions where the answer is affirmative:

(1) Are there any known conflicts with State, regional, or local environmental plans or programs?

(2) Does the action entail any major commitments of scarce resources?

(3) Based on the available information, do there appear to be any significant potential environmental effects of the action?

(d) *Negative declarations.* (1) If the Associate Administrator responsible for determining whether a proposed action under his direction or supervision judges that its environmental impact will *not* significantly affect the quality of the human environment, the following declaration will be included in the proposal:

> It is the judgment of this agency, based on available information, that no significant environmental impact will result from execution of this action.

(2) If the proposed action requires assessment by the Office of Contracts and Procurement (OCP) (N48-30), the Associate Administrator responsible for the proposed action will include his negative declaration in a transmittal memorandum to OCP. OCP will include the required statement as a part of the material to be issued.

(3) A copy of the negative declaration shall be retained by the Associate Administrator under whose jurisdiction it was prepared and shall be made available for public inspection upon request.

(e) *Notice of intent to prepare draft environmental impact statement.* If the Associate Administrator under whose jurisdiction an environmental assessment is prepared determines that the proposed action could have a potentially significant effect on the quality of the environment, he shall, in coordination with the Associate Administrator for Planning and Programming, transmit to appropriate Federal, State and local agencies and have published in the FEDERAL REGISTER a notice of intent to prepare an environmental statement as soon as is practicable after the determination to prepare such a statement.

§ 520.22 Preparation of draft environmental impact statements (DEIS).

(a) When a DEIS is to be prepared, the respective Associate Administrator, as appropriate, shall promptly initiate its preparation and develop a schedule in consultation with the Associate Administrator for Planning and Programming.

to assure completion prior to the first significant point of decision in the program or project development process.

(b) Attachment 2 of DOT Order 5610.1B (38 FR 30215) prescribes the form and content requirements to be followed for each draft and final environmental impact statement. The DEIS must fulfill and satisfy, to the fullest extent possible at the time it is prepared, the requirements established for final statements.

(c) CEQ guidelines provide that when more than one Federal agency (1) directly sponsors an action, or is directly involved in an action through funding, licenses, or permits, or (2) is involved in a group of actions directly related to each other because of their functional interdependence and geographical proximity, consideration should be given to preparing one statement for all the Federal actions involved. Agencies in such cases should consider the designation of a single "lead agency" to assume supervisory responsibility for preparation of a joint statement. Where a lead agency prepares the statement, the other agencies involved should provide assistance with respect to their areas of jurisdiction and expertise. The statement should contain an evaluation of the full range of Federal actions involved, should reflect the views of all participating agencies, and should be prepared before major or irreversible actions have been taken by any of the participating agencies. Some relevant factors in determining an appropriate lead agency are: the time sequence in which the agencies become involved, the magnitude of their respective involvement, and their relative expertise with respect to the project's environmental effects.

(d) Where the agency relies on an applicant for a grant, loan, permit, or other agency approval for a program or project, and the agency relies on such an applicant to submit initial environmental information, the cognizant Associate Administrator will be responsible for (1) assisting the applicant by outlining the information required, and (2) in all cases make his own evaluation of the environmental issues involved and take responsibility for the scope and content of draft and final environmental statements.

§ 520.23 Maintenance of lists of actions.

(a) The Associate Administrator for Planning and Programming shall be responsible for the preparation and maintenance of a list of actions for which draft or final environmental impact statements have been or are to be prepared. This list shall be on file with the Associate Administrator for Planning and Programming and shall be available for public inspection upon request. A copy of the initial list and its updatings at the end of each calendar quarter shall be transmitted by the Associate Administrator for Planning and Programming to the CEQ.

(b) If a determination is made that an environmental statement is not necessary for a proposed action (1) which has been identified as normally requiring preparation of a statement, (2) which is similar to actions for which a significant number of statements have been prepared, (3) which the agency has previously announced would be the subject of a statement, or (4) for which the Associate Administrator responsible for such proposal has made a negative determination in response to a request from the CEQ, a record briefly setting forth the decision and the reasons for that determination shall be prepared by the responsible Associate Administrator. Such a record of negative determinations and any evaluations made pursuant to § 520.21 which conclude that preparation of a statement is not yet timely shall be prepared by the cognizant Associate Administrator, submitted to the Associate Administrator for Planning and Programming, and made available in the same manner as provided in paragraph (a) of this section for lists of statements under preparation.

§ 520.24 Internal review of draft environmental impact statement (DEIS).

(a) Each DEIS shall be prepared for transmittal to the Assistant Secretary for Environment, Safety and Consumer Affairs (TES–1) and the Council on Environmental Quality (CEQ). Prior to such transmittal, the DEIS shall be coordinated with the Associate Administrator for Planning and Programming and the Chief Counsel for review.

(b) Upon completion of this review, the Associate Administrator responsible for the DEIS shall prepare a report for review by the Administrator which shall—

(1) Set forth the basis on which it was determined that a potentially significant environmental effect exists;

(2) Attach the DEIS;

(3) Identify the Federal, State, and local agencies from which comments on the DEIS are proposed to be solicited; and

(4) Include a recommendation on whether a public hearing on the proposed action should be held.

(c) The Administrator's approval of the DEIS must be given before its issuance.

§ 520.25 External review of draft environmental impact statement (DEIS).

(a) *Requirements.* The Associate Administrator responsible for the DEIS shall—

(1) Transmit 10 copies of the DEIS to the CEQ and 3 copies to TES–1;

(2) Solicit comments from all Federal, State, and local agencies which have jurisdiction by law or special expertise with respect to the possible environmental impact involved, and from the public; and

(3) Inform the public of the availability of the DEIS and provide copies as appropriate.

(b) *Procedures*—(1) *Federal and Federal-State agency review.* (i) The DEIS shall be circulated for review to the Federal and Federal-State agencies with special expertise or jurisdiction by law with regard to the potential environmental impact involved, allowing not less than 45 days for comment. These agencies and their relevant areas of expertise are identified in Appendices II and III of the CEQ Guidelines (40 CFR Part 1500).

(ii) For actions within the jurisdiction of the Environmental Protection Agency (air or water quality, solid wastes, pesticides, radiation standards, noise), the DEIS shall be referred to EPA, allowing not less than 45 days for review and comment.

(iii) For actions which would affect any property that is included in the National Register of Historic Preservation, the DEIS should be referred to the Advisory Council on Historic Preservation through the regional office of the National Park Service and the State Liaison Officer for Historic Preservation, allowing not less than 45 days for review and comment.

(2) *State or local review.* Where a review of the proposed action by State and local agencies authorized to develop and enforce environmental standards is relevant, comments may be solicited directly from such agencies with known responsibilities in environmental matters, allowing not less than 45 days for comment. Copies of the DEIS should in all cases be mailed together with the proposal in accordance with OMB Circular A–95 procedures through the appropriate clearinghouses, unless the Governor of the appropriate State has designated some other point for obtaining this review. Instructions for obtaining the views of such agencies are contained in the joint OMB–CEQ memorandum attached to the CEQ Guidelines (40 CFR Part 1500) as Appendix IV. A DEIS on legislative proposals is not generally subject to State and local review. Similarly, budget proposals may be excluded from such review.

(3) *Public review.* (i) Public availability of the DEIS for comment and review shall be announced by notice in the Federal Register and by local news media advising where the DEIS is available and how copies may be obtained. When appropriate the agency shall maintain a list of groups, including relevant conservation commissions, known to be interested in the agency's activities, and directly notify such groups of the availability of the DEIS or send them a copy as soon as it has been prepared. A comment period of 45 days from the date of publication of the notice of the availability in the Federal Register will be applicable, unless a longer period is specified in the notice covering the proposed action, or an extension upon request is granted.

(ii) A DEIS should be available to the public at least 30 days prior to the time of a public hearing on the DEIS.

(iii) Copies of the DEIS will be made available at appropriate NHTSA offices, at appropriate State, regional and metropolitan clearinghouses as listed in the Federal Register notice, and furnished to public and private organizations and individuals with special expertise with respect to the potential environmental impact involved, and to those with an

interest in the action who request an opportunity to comment. Copies to be made available to the public shall be provided without charge to the extent practicable, or at a fee which is not more than the actual cost of reproducing copies required to be sent to other Federal agencies, including the CEQ.

(iv) A copy of the DEIS should in all cases be sent to any applicant whose project is the subject of the statement.

(v) Comments received under Federal, State, or local review shall accompany the DEIS through the normal internal project or review process.

(vi) A DEIS may be changed to a negative declaration if the review process and public hearing, if held, indicate that the proposal will not have a significant effect upon the environment. All agencies and individuals that received copies and/or commented on the DEIS must be informed that a negative declaration was substituted for the DEIS and given a brief explanation of the reason for such substitution.

§ 520.26 Public hearings.

(a) A public hearing on a proposed action covered by a DEIS shall be held upon the determination by the Associate Administrator responsible for such an action, in consultation with the Associate Administrator for Planning and Programming, that a public hearing would be appropriate and in the public interest. In deciding whether a public hearing is appropriate, the Associate Administrator should consider—

(1) The magnitude of the proposal in terms of economic costs, the geographic area involved, and the uniqueness or size of the commitment of the resources involved;

(2) The degree of interest in the proposal, as evidenced by requests from the public and from Federal, State, and local authorities that a hearing be held;

(3) The likelihood that information will be presented at the hearing which will be of assistance to the agency in fulfilling its responsibilities under the NEPA; and

(4) The extent to which public involvement already has been achieved through other means, such as earlier public hearings, meetings with citizen representatives, and/or written comments on the proposed action.

(b) If it is determined that a public hearing is to be held in accordance with paragraph (a) of this section, The Associate Administrator responsible for the proposed action will cause a notice to be issued in the FEDERAL REGISTER at least 15 days prior to the time of such hearing—

(1) Identifying the subject matter of the hearing;

(2) Announcing the date, time, and place of the hearing and the procedures to be followed; and

(3) Announcing the availability of the DEIS and any other information, as appropriate, for public inspection at one or more locations in the area in which the proposed action will be located.

§ 520.27 Legislative actions.

(a) A DEIS on legislative proposals will be cleared with the Office of the Assistant Secretary for Environment, Safety and Consumer Affairs, filed with CEQ, and submitted to the Office of Management and Budget through the normal DOT and NHTSA legislative process.

(b) Negative declarations on legislative proposals will not be submitted for clearance, but will accompany the proposal through its normal process.

(c) A DEIS and any comments that have been received should be available to the Congress and to the public for consideration in connection with the proposed legislation or report on proposed legislation. In cases where the scheduling of Congressional hearings on recommendations or reports on proposals for legislation which the Department has forwarded to the Congress does not allow adequate time for the completion of a FEIS, a DEIS may be furnished to the Congress and made available to the public pending transmittal of the comments as received and the final text.

§ 520.28 Preparation of final environmental impact statement (FEIS).

(a) As soon as practicable after the expiration of the comment period and hearing process, if any, the Associate Administrator responsible for the action shall prepare a final environmental impact statement (FEIS), taking into account all comments received and issues raised during such period and process.

(b) The last section of the FEIS should summarize the comments received and the issues raised with respect to the DEIS, and should describe their disposition.

(c) The FEIS shall then be submitted to the Chief Counsel by the Associate Administrator responsible for the action, for determination of legal sufficiency.

§ 520.29 Internal review of final environmental impact statement (FEIS).

(a) Upon completion of the review for legal sufficiency of the FEIS, the Chief Counsel shall transmit the FEIS to the Administrator for approval.

(b) Upon approval by the Administrator, the Associate Administrator for Planning and Programming shall submit 3 copies to TES–1 for concurrence, together with all comments received on the draft. Unless other notification is provided within 2 weeks, the statement will be considered concurred in by TES.

§ 520.30 Availability of final environmental impact statement (FEIS).

(a) The Associate Administrator for Planning and Programming will send 10 copies of the approved FEIS to the CEQ, and individual copies to the EPA and all Federal, State, and local agencies and members of the public who submitted comments on the DEIS.

(b) The Associate Administrator responsible for the action shall—

(1) Provide notice of the availability of copies of the FEIS in the Federal Register; and

(2) Make a copy of the FEIS and of any substantive comments received on the DEIS available upon request.

§ 520.31 Amendments or supplements.

A DEIS or FEIS may be amended at any time. Supplements or amendments should be considered when substantial changes are made in the proposed action that will introduce a new or changed environmental effect of significance to the quality of the environment, or significant new information becomes available concerning its environmental aspects. In such cases, the supplement or amendment shall be processed in consultation with TES–1 in the same manner as a new environmental statement.

§ 520.32 Emergency action procedures.

The CEQ Guidelines allow modification of requirements in case of a national emergency, a disaster or similar great urgency. The processing times may be reduced, or if the emergency situation warrants, preparation and processing of a DEIS, FEIS, or negative declaration may be abbreviated. Such procedural changes, however, should be requested only for those projects where the need for immediate action requires processing in other than the normal manner.

§ 520.33 Timing of proposed NHTSA actions.

To the maximum extent practicable, no administrative action (i.e., any proposed action to be taken by the agency other than agency proposals for legislation to Congress, budget proposals, or agency reports on legislation) subject to this part and covered by an environmental impact statement shall be taken sooner than 90 days after a DEIS has been circulated for comment, furnished to the CEQ, and made public. Neither shall such administrative action be taken sooner than 30 days after the FEIS (together with comments) has been made available to the CEQ, commenting agencies and the public. If the FEIS has been circulated for comment, furnished to the CEQ and made public, the 30-day period and 90-day period may run concurrently to the extent that they overlap. The time periods are measured from the date of publication in the FEDERAL REGISTER of the weekly filings with the CEQ.

[FR Doc.73-26979 Filed 12-20-73;8:45 am]

FEDERAL MARITIME COMMISSION

[46 CFR Part 538]

[General Order 19; Docket No. 73–53]

INCREASES IN CONTRACT RATES

Enlargement of Time To File Reply to Comments

In the matter of rules governing the filing of increases in contract rates on less than statutory notice in the event of tariff currency depreciation.

Upon request of Hearing Counsel and good cause appearing, time within which

reply to comments may be filed in this proceeding is enlarged to and including January 14, 1974. Answers to Hearing Counsel may be filed on or before January 29, 1974.

By the Commission.

[SEAL] FRANCIS C. HURNEY, *Secretary.*

[FR Doc.73-26965 Filed 12-20-73;8:45 am]

VETERANS ADMINISTRATION

[38 CFR Part 1]

DISCLOSURE OF LOAN GUARANTY INFORMATION

Notice of Proposed Rulemaking

The Veterans Administration is considering amending § 1.512, Title 38 of the Code of Federal Regulations to authorize the release of appraisal reports and certificates of reasonable value to any party requesting such information.

The proposed amendment is issued pursuant to the authority of section 210 (c), title 38, United States Code and section 552(a)(3), title 5 of the United States Code.

Interested perasons are invited to submit written comments, suggestions, or objections regarding the proposal to the Administrator of Veterans' Affairs (27H), Veterans Administration Central Office, 810 Vermont Avenue, NW., Washington, DC 20420. All relevant material received before January 21, 1974 will be considered. All written comments received will be available for public inspection at the above address only between the hours of 8 a.m. and 4:30 p.m. Monday through Friday (except holidays) during the mentioned 30-day period and for 10 days thereafter. Any person visiting central office for the purpose of inspecting any such comments will be received by the Central Office Veterans Assistance Unit in room 132. Such visitors to any VA field station will be informed that the records are available for inspection only in Central Office and furnished the address and the above room number.

Notice is also given that it is proposed to make any regulation that is adopted effective upon final approval by the Administrator.

Section 1.512 would read as follows:

§ 1.512 Disclosure of loan guaranty information.

In general, the facts in loan guaranty files will be made available to any party privy to a loan guaranteed, insured or made by the Veterans Administration if deemed proper by a Loan Guaranty Officer or Chief Attorney. Appraisal reports, however, and certificates of reasonable value shall be made available, upon request, to any party whether or not there is privity to the transactions. Information in the claims folder, insurance or other file, will be released to lenders or prospective lenders only in accord with §§ 1.501 through 1.526: *Provided,* That the fact of adjudication of incompetency by court or rating board may be made known in appropriate circumstances to a lender or prospective lender.

Approved: December 13, 1973.

By the direction of the Administrator.

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

[FR Doc.73-26930 Filed 12-20-73;8:45 am]

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

[12 CFR Part 7]

NATIONAL BANKS AS TRAVEL AGENTS

Interpretation of Term "Full-Scale Travel Agency"

Notice is hereby given that the Comptroller of the Currency pursuant to the authority contained in R. S. 324, *et seq.*, as amended; 12 U.S.C. 1, *et seq.*, as amended, and in particular, in paragraph Seventh of R. S. 5136; 12 U.S.C. 24, is considering the adoption of a revision of § 7.7475 of Part 7, an interpretive ruling entitled "national banks acting as travel agents."

The Comptroller of the Currency has been requested by the American Society of Travel Agents, Inc., and also by several national banks to publish a revision of Interpretive Ruling I.R. 7.7475 dealing with the subject of the sale of travel services by national banks. On December 13, 1972, the First Circuit U.S. Court of Appeals in the case of *Arnold Tours, Inc.* v. *Camp,* held that I.R. 7.7475 was "invalid to the extent that it is construed by the Comptroller as authorizing a national bank to operate a full-scale travel agency." On March 13, 1973, the Comptroller announced that no appeal would be sought of the court's ruling because in his view its impact on national banks would in all likelihood be "inconsequential," but that an "appropriate revision" of I.R. 7.7475 would be published in the near future. This publication has been delayed because of an unforeseen difficulty in defining the term "full-scale travel agency." The court decision contains no definition of the term other than to indicate that the travel services being marketed by the defendant South Shore National Bank did constitute a "full-scale travel agency." Additionally, there is some indication that the court defined "full-scale travel agency" in terms of a separate clientele looking to the bank not as a source of general financial advice and support, but as a travel management center. In view of the controversy engendered by this matter, the Comptroller believes that rather than make a unilateral determination, he should solicit the views of both sides as to the proper definition of the term "full-scale travel agency."

Accordingly, the views of all interested parties are hereby solicited as to the meaning to be ascribed by this office to the term "full-scale travel agency," in a revision of I.R. 7.7475. Commentators should consider and comment on:

(a) Specific travel services.

(1) Furnishing travel information free of charge;

(2) Obtaining railroad, steamship or airline tickets for customers, without charge to the customers;

(3) Acting as collection agent for a steamship, railroad or airline company with the sole duty of delivering tickets to customers and placing the amount collected to the credit of the company, with or without deducting a commission;

(4) Holding membership in carrier conferences;

(5) Sponsoring a travel club with or without the cooperation of an independent travel vendor; and

(6) Other travel services.

(b) What aggregation of such services

(1) Would amount to full-scale travel services?

(2) Would not amount to full-scale travel services?

(c) Is membership in a trade association of travel agents and the receipt of compensation from carriers and hotels a significant characteristic of a full-scale travel agency?

(d) What limitation of clientele would not amount to full-scale travel services?

(1) How may prospective customers be solicited?

(2) Would limitations on clientele be consistent with the antitrust laws?

Interested persons should submit relevant data, views or arguments in writing to Robert Bloom, Chief Counsel, Office of the Comptroller of the Currency, Washington, D.C. 20220, to be received not later than January 31, 1974. Such material will be made available for inspection and copying upon request except as provided in § 4.16(a)(2) of the Comptroller's rules regarding availability of information.

Dated: December 14, 1973.

[SEAL] JAMES E. SMITH, *Comptroller of the Currency.*

[FR Doc.73-26928 Filed 12-20-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 130, 146]

NEW DRUGS AND ANTIBIOTICS

Proposed Requirements for Notice of Opportunity for Hearing and Appearance

On June 18, 1973, the Supreme Court handed down decisions in four landmark cases interpreting the authority of the Commissioner of Food and Drugs to implement the new drug provisions of the Federal Food, Drug, and Cosmetic Act, as amended by the Drug Amendments of 1962 (*Weinberger* v. *Hynson, Westcott & Dunning, Inc.*, *CIBA Corp.* v. *Weinberger*, *USV Pharmaceutical Corp.* v. *Weinberger*, and *Weinberger* v. *Bentex Pharmaceuticals, Inc.*). The opinions in these cases establish the following legal principles.

1. The Commissioner has lawfully established in § 130.12(a)(5)(ii) (21 CFR 130.12(a)(5)(ii)) the requirements of an adequate and well-controlled clinical investigation, upon the basis of which it can be determined whether there is substantial evidence that a drug is effective.

2. Upon publication of a notice of opportunity for hearing as to whether approval of a new drug application should be revoked, the Commissioner may lawfully place upon the applicant (or other interested person) the burden of coming forward with sufficient evidence to justify a hearing. If the person requesting a hearing fails to carry this burden, the hearing may properly be denied.

3. A hearing may lawfully be denied when it appears conclusively from the data and information submitted in support of the request for the hearing that the person requesting the hearing has not submitted any evidence which, on its face, meets the statutory standard of adequate and well-controlled clinical investigations showing effectiveness, as particularized by § 130.12(a)(5)(ii), and thus that he could not succeed in the event of a hearing.

4. The Commissioner has jurisdiction to decide with administrative finality, subject to judicial review, the "new drug" and "grandfather" status of drugs. Those issues are properly resolved in the Commissioner's determination withdrawing approval of a new drug application, and may not later be relitigated.

5. The same quantity and quality of scientific and medical evidence is necessary to show that a drug is generally recognized as safe and/or effective as is necessary to prove that a drug is in fact safe and effective, and in addition the drug must be marketed to a material extent or for a material time before it may be determined to be no longer a new drug pursuant to section 201(p) of the act.

6. The effectiveness requirements imposed upon new drugs pursuant to the Drug Amendments of 1962 are applicable to all drugs for which a new drug application became effective prior to October 10, 1962, including all related, similar, or identical drug products. Thus, every drug product is subject to a pertinent notice of opportunity for hearing on withdrawal of approval of a new drug application for a related, similar, or identical drug, regardless whether it was ever the subject of a specific new drug application itself.

The Commissioner has concluded that § 130.14 and related provisions of the new drug regulations, and the corresponding requirements for antibiotic regulations in § 146.1(d) (21 CFR 146.1(d)), should be revised in order clearly to set forth these principles established by the Supreme Court decisions. Additional proposals will also be issued at a later date to establish procedures by which prescription drugs may be determined to be generally recognized as safe and effective and to be not misbranded, and to revise and supplement the procedural provisions of the new drug and antibiotic regulations.

The factual analysis submitted under §§ 130.14 and 146.1(d) to support a hearing request is of key importance to both the person requesting the hearing and the Food and Drug Administration. A factual analysis which has been well made will readily reveal whether or not there is an issue of fact which justifies a hearing, or even facts which show the drug to be effective. It has been the experience of the Food and Drug Administration that the required factual analysis of all of the information submitted is often entirely absent, confusing, or grossly inadequate. In such cases, review of the data to elicit the facts needed as a basis for judgment is unnecessarily complex and time consuming, and results in substantial delays. It is therefore not only the responsibility of the person requesting the hearing, but in his own best interests, to set forth clearly in his analysis just how each study or other information relied upon does or does not accord with each of the elements of an adequate and well-controlled clinical investigation and, where applicable, the requirements established for combination drugs in § 3.86 (21 CFR 3.86). If a given study does not measure up to a particular essential element, such facts should be explained, giving reasons for waiving it in support of the drug. Similarly, where safety is at issue a well-organized analysis is also important. Accordingly, it is proposed that §§ 130.14 and 146.1 be amended to define the "well-organized and full factual analysis" which is required to accompany data submitted in support of a request for hearing.

The Commissioner recognizes that 30 days may be insufficient to submit such an analysis. Accordingly, it is proposed that a request for hearing be filed within 30 days, and the data and analysis within 60 days, of the FEDERAL REGISTER notice of opportunity for a hearing.

The present requirements for taking action on an NDA filed over protest within 30 days often cannot be met. The Commissioner is therefore proposing that § 130.5(d) (21 CFR 130.5(d)) be amended to state that, when an NDA is filed over protest, the Commissioner will rule on the matter within 60 days of the request to file unless a longer time is agreed upon by the parties.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 505, 507, 701(a), 52 Stat. 1052-1053 as amended, 1055, 59 Stat. 463, as amended; 21 U.S.C. 355, 357, 371(a)) and under authority delegated to him (21 CFR 2.120), the Commissioner of Food and Drugs proposes to amend Part 130 and Part 146 of Title 21 of the Code of Federal Regulations as follows:

1. By revising § 130.5(d) to read as follows:

§ 130.5 Reasons for refusing to file applications.

* * * * *

(d) If an applicant disputes the finding that his application is incomplete or inadequate, he may make written request to file the application over protest. In such case, the application shall be re-evaluated, and within 60 days of the date of receipt of such written request, or such additional period as may be agreed upon by the parties, the application shall be approved, or the applicant shall be given written notice of an opportunity for a hearing on the question whether the application is approvable.

2. By revising § 130.14 to read as follows:

§ 130.14 Notice of opportunity for hearing; notice of appearance.

(a) The notice to the applicant, and to all other persons who manufacture or distribute identical, related, or similar drug products as defined in § 130.40, of an opportunity for a hearing on a proposal by the Commissioner to refuse to approve an application or to withdraw the approval of an application will state the reasons for his action and the grounds upon which he proposes to issue his order. The notice will be published in the FEDERAL REGISTER and will state that the applicant, and other persons subject to the notice pursuant to § 130.40, has 30 days after the date of publication of the notice within which he is required to file a written notice of appearance if he elects to avail himself of the opportunity for a hearing. The failure to file such a written notice of

appearance within that 30 days constitutes an election by the applicant, and other persons subject to the notice pursuant to § 130.40, not to avail himself of the opportunity for a hearing. Any person may request an opinion of the applicability of such a notice to a specific product by writing to the Food and Drug Administration, Bureau of Drugs, Office of Compliance, HFD-300, 5600 Fishers Lane, Rockville, MD 20852.

(b) The notice of opportunity for hearing shall be provided to applicants and to other persons subject to the notice pursuant to § 130.40: (1) To any person who has submitted a new drug application, by delivering the notice in person or by sending it by registered or certified mail to the last address shown in the new drug application, and (2) to any person who has not submitted a new drug application but who is subject to the notice pursuant to § 130.40, by publication of the notice in the FEDERAL REGISTER.

(c) If the applicant, or any other person subject to the notice pursuant to § 130.40, elects to avail himself of the opportunity for a hearing, he shall file (1) within 30 days after the date of the publication of the notice, written notice of appearance requesting a hearing, giving reasons why the application should not be refused or should not be withdrawn, and (2) within 60 days after the date of publication of the notice, unless the Commissioner specifies a different period of time in the notice of opportunity for hearing, the clinical and other investigational data pertinent to the issue, whether or not favorable to his position, together with a well-organized and full-factual analysis of such data as specified in paragraph (d) of this section. All data and information shall be included in full and may not be incorporated by reference. A copy of any article cited shall be included. If any part of the submission is in a foreign language, an accurate and complete English translation shall be appended to such part. Translations of literature printed in a foreign language shall be accompanied by the original publication. All submissions required by paragraphs (c), (d), or (e) shall be in quintuplicate and filed with the Hearing Clerk, Food and Drug Administration, Room 6-86, 5600 Fishers Lane, Rockville, MD 20852. No date or analysis submitted after such 60 days will be considered in determining whether a hearing is warranted unless they are derived from well-controlled studies which were not in existence during that 60 days.

(d) A factual analysis shall be submitted which shall include all relevant clinical or other investigational data on which the person relies and all relevant clinical and other investigational data which is unfavorable to the person's position, regardless of the source of the information, e.g., whether new studies, published literature, etc. If effectiveness is at issue, such analysis shall specify how each study does or does not accord, on a point-by-point basis, with each criterion required for an adequate and well-controlled clinical investigation established in § 130.12(a)(5)(ii) and, where applicable, each of the requirements for a combination drug established in § 3.86 of this chapter. If a study is not adequate or not well-controlled in that one or more of the criteria required by § 130.12(a)(5)(ii) are not met, or if one or more of the requirements for a combination drug in § 3.86 of this chapter are not met, or if information deals with a drug entity or dosage form, or condition of use, or mode of administration other than the one(s) in question, such fact(s) and justification for waiver of any criterion or requirement shall be clearly stated. Such analysis shall be submitted in the following format, except that information relating to safety and/or effectiveness need not be submitted if the notice of opportunity for hearing waives the requirement for such information. Any study conducted on the final marketed form of the drug product shall be so designated. Submissions not made in this format or not containing the required analyses will not be considered and will result in denial of a hearing.

I. Safety data.
A. Animal safety data.
1. Individual active component(s).
a. Controlled studies.
b. Partially controlled or uncontrolled studies.
2. Combinations of the individual active components.
a. Controlled studies.
b. Partially controlled or uncontrolled studies.
B. Human safety data.
1. Individual active component(s).
a. Controlled studies.
b. Partially controlled or uncontrolled studies.
c. Documented case reports.
d. Pertinent marketing experiences that may influence a determination as to the safety of each individual active component.
2. Combinations of the individual active components.
a. Controlled studies.
b. Partially controlled or uncontrolled studies.
c. Documented case reports.
d. Pertinent marketing experiences that may influence a determination as to the safety of combinations of the individual active components.
II. Effectiveness data.
A. Individual active components.
1. Controlled studies, with an analysis showing clearly how each such study satisfies, on a point-by-point basis, each of the criteria required by § 130.12(a)(5)(ii).
2. Partially controlled or uncontrolled studies (which, pursuant to § 130.12(a)(5)(ii)(c), are not acceptable as the sole basis for the approval of effectiveness but may provide corroborative support).
B. Combinations of individual active components.
1. Controlled studies, with an analysis showing clearly how such study satisfies, on a point-by-point basis, each of the criteria required by § 130.12(a)(5)(ii).
2. Partially controlled or uncontrolled studies (which, pursuant to § 130.12(a)(5)(ii)(c), are not acceptable as the sole basis for the approval of effectiveness but may provide corroborative support).
3. An analysis showing clearly how each requirement of § 3.86 has been satisfied.
III. A summary of the data and views setting forth the medical rationale and purpose for the drug and its ingredients and the scientific basis for the conclusion that the drug and its ingredients have been proven safe and/or effective for the intended use. If there is an absence of controlled studies in the material submitted, or the requirements of any element of § 3.86 of this chapter or § 130.12(a)(5)(ii) have not been fully met, an explanation as to why such requirements should be waived shall be included.
IV. A statement signed by the person responsible for such submission, that it includes all information on which the person relies, and that to the best of his knowledge it includes all unfavorable information known to him which is pertinent to an evaluation of the safety and/or effectiveness of such a product. (Warning: A willfully false statement is a criminal offense, 18 U.S.C. 1001.)

(e) A notice of opportunity for hearing encompasses all issues relating to the legal status of the drug product(s) subject to it, including identical, related, and similar drug products as defined in § 130.40. Any contention that any such product is not a new drug because it is generally recognized as safe and effective within the meaning of section 201(p) of the act, or because it is exempt from part or all of the new drug provisions of the act pursuant to the exemption for products marketed prior to June 25, 1938, contained in section 201(p) of the act, or pursuant to section 107(c) of the Drug Amendments of 1962, or for any other reason, shall be stated in a notice of appearance and shall be the subject of an administrative determination by the Commissioner. The failure of any person subject to a notice of opportunity for a hearing, including any person who manufactures or distributes an identical, related, or similar drug product as defined in § 130.40, to submit a notice of appearance or to raise all such contentions on which he relies shall constitute a waiver of any such contentions not so raised.

(1) A contention that a drug product is generally recognized as safe and effective within the meaning of section 201(p) of the act must be supported by submission of the same quantity and quality of scientific evidence as is required to obtain approval of a new drug application for the product. Such submission shall be in the format and with the analyses required by paragraph (d) of this section. The failure to submit such scientific evidence or a submission that is not in the format or does not contain the analyses required by paragraph (d) of this section shall constitute a waiver of any such contention. General recognition of safety and effectiveness shall ordinarily be based upon published studies which may be corroborated by unpublished studies and other data.

(2) A contention that a drug product is exempt from part or all of the new drug provisions of the act pursuant to the exemption for products marketed prior to June 25, 1938 contained in section 201(p) of the act, or pursuant to section 107(c) of the Drug Amendments of 1962, shall be supported by submission of evidence of past and present quantitative formulas, labeling, and evidence of marketing, on which reliance is made for such contention. The failure to submit such formulas, labeling, and evidence of marketing in

the following format shall constitute a waiver of any such contention.

I. Formulation.

A. A copy of each pertinent document or record to establish the exact quantitative formulation of the drug (both active and inactive ingredients) on the date of initial marketing of the drug.

B. A statement whether such formulation has at any subsequent time been changed in any manner. If any such change has been made, the exact date, nature, and rationale for each change in formulation, including any deletion or change in the concentration of any active ingredient and/or inactive ingredient, shall be submitted, together with a copy of each pertinent document or record to establish the date and nature of each such change including but not limited to the formula which resulted from each such change. If no such change has been made, a copy of representative documents or records showing the formula at representative points in time shall be submitted to support the statement.

II. Labeling.

A. A copy of each pertinent document or record to establish the identity of each item of written, printed, or graphic matter used as labeling on the date the drug was initially marketed.

B. A statement whether such labeling has at any subsequent time been discontinued or changed in any manner. If such discontinuance or change has been made, the exact date, nature, and rationale for each discontinuance or change and a copy of each pertinent document or record to establish each such discontinuance or change shall be submitted, including but not limited to the labeling which resulted from each such discontinuance or change. If no such discontinuance or change has been made, a copy of representative documents or records showing labeling at representative points in time shall be submitted to support the statement.

III. Marketing.

A. A copy of each pertinent document or record to establish the exact date the drug was initially marketed.

B. A statement whether such marketing has at any subsequent time been discontinued. If such marketing has been discontinued, the exact date of each such discontinuance shall be submitted, together with a copy of each pertinent document or record to establish each such date.

IV. Verification.

A statement signed by the person responsible for such submission, that all appropriate records have been searched and to the best of his knowledge and belief it includes a true and accurate presentation of the facts (Warning: A willfully false statement is a criminal offense, 18 U.S.C. 1001).

(3) No drug product, including any active ingredient, which is identical, related, or similar, as defined in § 130.40, to a drug product, including any active ingredient, for which a new drug application is or at any time has been effective or deemed approved, or approved under section 505 of the act, will be determined to be exempt from part or all of the new drug provisions of the act.

(4) A contention that a drug product is not a new drug for any other reason must be supported by submission of such factual records, data, and information as is necessary and appropriate to support such contention.

(f) A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. When it conclusively appears from the data and factual analysis in the request for the hearing that there is no genuine and substantial issue of fact which precludes the refusal to approve the application or the withdrawal of approval of the application, e.g., no adequate and well-controlled clinical investigations to support the claims of effectiveness have been identified, or when a request for hearing is not made in the required format or with the required analyses, the Commissioner will enter an order, making findings and conclusions, denying a hearing. If review of the information submitted warrants the conclusion that the ground(s) cited in the notice are not valid, e.g., that substantial evidence of effectiveness exists, the Commissioner will rescind the notice of opportunity for hearing. If a hearing is requested and is justified, the Commissioner will define the issues and an administrative law judge will be named and will issue a written notice of the time and place at which the hearing will commence, which shall be no more than 90 days after the expiration of such 30 days unless the parties otherwise agree in the case of denial of approval, and as soon as practicable in the case of withdrawal of approval.

(g) Any hearing will be open to the public except that any portion of the hearing concerning a method or process that the Commissioner finds is entitled to protection as a trade secret will not be open to the public unless the respondent specifies otherwise in his appearance. All persons who have requested a hearing pursuant to paragraph (a) of this section and for whom a hearing has been granted pursuant to paragraph (f) of this section shall be parties to the hearing. Interested persons who are not parties may intervene and shall have the right to present evidence and file pleadings. Such interested persons may otherwise participate, e.g., cross-examine witnesses, when in the judgment of the administrative law judge their interests are not adequately protected otherwise or it is required for a full and true disclosure of the facts.

(h) Any drug product subject to a notice of opportunity for hearing, including any identical, related, or similar drug product as defined in § 130.40, for which an opportunity for a hearing is waived or for which a hearing is denied shall promptly be the subject of a notice withdrawing the new drug application approval and declaring all such products unlawful. The Commissioner may, in his discretion, defer or stay such action pending a ruling on any related request for a hearing or pending any related hearing or other administrative or judicial proceeding.

§ 130.15 [Revoked]

3. By revoking § 130.15.

4. By revising the introductory text of § 130.27 to read as follows:

§ 130.27 Withdrawal of approval of an application.

The Commissioner shall notify the person holding an approved new drug application, and all other persons who manufacture or distribute identical, related or similar drug products as defined in § 130.40, and afford an opportunity for a hearing on a proposal to withdraw approval of the application as provided in section 505(e) of the act and in accordance with the procedure in §§ 130.14 to 130.26, inclusive, if:

* * * * *

5. By revising § 130.29 to read as follows:

§ 130.29 Notices and orders.

Notices and orders under this Part 130 and section 505 of the act pertaining to new drug applications, including related, similar, and identical drug products as defined in § 130.40, old drug monographs, and related matters, shall be provided to applicants, parties to a hearing, and interested persons, as follows:

(a) To any person who has submitted a new drug application, by delivering the notice or order in person or by sending it by registered or certified mail to the last address shown in the new drug application.

(b) To any person who has not submitted a new drug application but who is subject to a notice or order pursuant to § 130.40 or § 130.301 or Part 167 of this chapter by publication of the notice or order in the FEDERAL REGISTER.

(c) To any person who is a party to or who has intervened in a hearing, by delivering the notice or order in person, or by sending it by registered or certified mail, to the last address shown in the records of the proceeding.

6. By revising § 130.31 to read as follows:

§ 130.31 Judicial review.

The Assistant General Counsel for Food and Drugs of the Department of Health, Education, and Welfare is hereby designated as the officer upon whom copies of petitions for judicial review shall be served. Such officer shall be responsible for filing in the court a transcript of proceedings and the record on which the final orders were based. The transcript and record shall be certified by the Commissioner. In any case in which the Commissioner enters an order as provided in § 130.14(f), without a hearing, the request(s) for the hearing together with the data and information submitted and the Commissioner's findings and conclusions shall be included in the record certified by the Commissioner.

7. By revising § 146.1(d) to read as follows:

§ 146.1 Procedure for issuance, amendment, or repeal of regulations.

* * * * *

(d)(1) The Commissioner on his own initiative or on the application or request of any interested person may publish in the FEDERAL REGISTER a notice of proposed rule making to issue, amend, or repeal any regulation contemplated by section 507 of the act. An opportunity shall be given for interested persons to submit written comments and to request an informal conference on the proposal,

unless such notice and opportunity for comment and informal conference have already been provided in connection with the announcement of the reports of the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, to persons who will be adversely affected, or unless the no controversy or imminent hazard conditions set forth in paragraph (b) of this section have been met. After considering the written comments, the results of any conference, and the data available, the Commissioner will publish an order in the FEDERAL REGISTER acting on the proposal, with opportunity for any person who will be adversely affected to file objections, to request a hearing, and to show reasonable grounds for the hearing. The statement of reasonable grounds and request for a hearing shall be made in writing within 30 days after the date of publication of the order acting on the proposal, and shall state the reasons why the proposal should not be adopted, or should not be adopted as proposed. Within 60 days after the date of publication of the order, unless the Commissioner specifies a different period of time in the order, the objector shall submit the clinical and other investigational data pertinent to the issue, whether or not favorable to his position, together with a well-organized and full factual analysis of such data as specified in subparagraph (2) of this paragraph. All data relied upon shall be included in full and may not be incorporated by reference. A copy of any article cited shall be included. If any part of the submission is in a foreign language, an accurate and complete English translation shall be appended to such part. Translations of literature printed in a foreign language shall be accompanied by the original publication. All submissions shall be made in quintuplicate and filed with the Hearing Clerk, Food and Drug Administration, Room 6-86, 5600 Fishers Lane, Rockville, MD 20852. No data or analysis submitted after such 60 days will be considered in determining whether a hearing is warranted unless they are derived from well-controlled studies which were not in existence during that 60 days.

(2) A factual analysis shall be submitted which shall include all relevant clinical or other investigationa data on which the person relies and all relevant clinical and other investigational data which is unfavorable to the person's position, regardless of the source of the information, e.g., whether new studies, published literature, etc. If effectiveness is at issue, such analysis shall specify how each study does or does not accord, on a point-by-point basis, with each criterion required for an adequate and well-controlled clinical investigation established in § 130.12(a)(5)(ii) of this chapter and, where applicable, each of the requirements for a combination drug established in § 3.86 of this chapter. If a study is not adequate or not well-controlled in that one or more of the criteria required by § 130.12(a)(5)(ii) of this chapter are not met, or if one or more of the requirements for a combination drug in § 3.86 of this chapter are not met, or if information deals with a drug entity or dosage form, or condition of use, or mode of administration other than the one(s) in question, such fact(s) and justification for waiver of any criterion or requirement shall be clearly stated. Such analysis shall be submitted in the following format, except that information relating to safety and/or effectiveness need not be submitted if the notice of opportunity for hearing waives the requirement for such information. Any study conducted on the final marketed form of the drug product shall be so designated. Submissions not made in this format or not containing the required analyses will not be considered and will result in denial of a hearing.

I. Safety data.

A. Animal safety data.

1. Individual active component(s).

a. Controlled studies.

b. Partially controlled or uncontrolled studies.

2. Combinations of the individual active components.

a. Controlled studies.

b. Partially controlled or uncontrolled studies.

B. Human safety data.

1. Individual active component(s).

a. Controlled studies.

b. Partially controlled or uncontrolled studies.

c. Documented case reports.

d. Pertinent marketing experiences that may influence a determination as to the safety of each individual active component.

2. Combinations of the individual active components.

a. Controlled studies.

b. Partially controlled or uncontrolled studies.

c. Documented case reports.

d. Pertinent marketing experiences that may influence a determination as to the safety of combinations of the individual active components.

II. Effectiveness data.

A. Individual active components.

1. Controlled studies, with an analysis showing clearly how each such study satisfies, on a point-by-point basis, each of the criteria required by § 130.12(a)(5)(ii) of this chapter.

2. Partially controlled or uncontrolled studies (which, pursuant to § 130.12(a)(5)(ii)(c) of this chapter are not acceptable as the sole basis for the approval of effectiveness but may provide corroborative support).

B. Combinations of individual active components.

1. Controlled studies, with an analysis showing clearly how each such study satisfies, on a point-by-point basis, each of the criteria required by § 130.12(a)(5)(ii) of this chapter.

2. Partially controlled or uncontrolled studies (which, pursuant to § 130.12(a)(5)(ii)(c) of this chapter, are not acceptable as the sole basis for the approval of effectiveness but may provide corroborative support).

3. An analysis showing clearly how each requirement of § 3.86 of this chapter has been satisfied.

III. A summary of the data and views setting forth the medical rationale and purpose for the drug and its ingredients and the scientific basis for the conclusion that the drug and its ingredients have been proven safe and/or effective for the intended use. If there is an absence of controlled studies in the material submitted, or the requirements of any element of § 3.86 of this chapter or § 130.12(a)(5)(ii) of this chapter have not been fully met, an explanation as to why such requirements should be waived shall be included.

IV. A statement signed by the person responsible for such submission, that it includes all information on which the person relies, and that to the best of his knowledge it includes all unfavorable information known to him which is pertinent to an evaluation of the safety and/or effectiveness of such a product. (Warning: A willfully false statement is a criminal offense, 18 U.S.C. 1001.)

(3) A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. When it conclusively appears from the data incorporated into or referred to by the objections and from the factual analysis in the request for a hearing that there is no genuine issue of fact which precludes the action taken on the proposal, e.g., no adequate and well-controlled clinical investigations to support the claims of effectiveness have been identified, or when a request for hearing is not made in the required format or with the required analysis the Commissioner will enter an order, making findings and conclusions denying a hearing. If review of the information submitted warrants the conclusion that the basis for the order is not valid, e.g., that substantial evidence of effectiveness exists, the Commissioner will rescind the order. If a hearing is not requested, the order will become effective as published. If a hearing is requested and justified by the objections and the data and analysis submitted, the Commissioner will define the issues and an administrative law judge will be named and will issue a written notice of the time and place at which the hearing will commence, which shall be as soon as practicable. The provisions of Subpart F of Part 2 of this chapter shall apply to such hearing, except as modified by paragraph (f) of this section.

(4) The repeal of any regulation constitutes a revocation of all outstanding certificates based upon such regulation.

* * * * *

Interested persons may, on or before January 21, 1974, file with the Hearing Clerk, Food and Drug Administration, Room 6-86, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: December 14, 1973.

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

[FR Doc.73-27004 Filed 12-20-73;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

Agency for International Development

SHOESHINE BOYS FOUNDATION, INC.

Register of Voluntary Foreign Aid Agencies

In accordance with the regulations of the Agency for International Development concerning Registration of Agencies for Voluntary Foreign Aid (A.I.D. Regulation 3) 22 CFR, Part 203, promulgated pursuant to section 621 of the Foreign Assistance Act of 1961, as amended, notice is hereby given that a Certificate of Registration as a voluntary foreign aid agency has been issued by the Advisory Committee on Voluntary Foreign Aid of the Agency for International Development to the following agency:

Shoeshine Boys Foundation, Inc.
522 Fifth Avenue
New York, New York 10036

JAROLD A. KIEFFER,
Assistant Administrator for Population and Humanitarian Assistance.

DECEMBER 11, 1973.

[FR Doc.73-26905 Filed 12-20-73;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

ALASKA

Ineligibility of Unlisted Native Villages

This decision is published in exercise of authority delegated by the Secretary of the Interior to the Director, Juneau Area Office, Bureau of Indian Affairs by § 2651(a) (6), (8), (9), and (10) of Subchapter B of Chapter II Title 43 of the Code of Federal Regulations published on page 14223 of the May 30, 1973, issue of the FEDERAL REGISTER.

The Alaska Native Claims Settlement Act of December 18, 1971 (Public Law 92-203, 92nd Congress, 85 Stat. 688-716), provides for the settlement of certain land claims of Alaska Natives and for other purposes.

Accordingly, pursuant to the authority contained in said Act of December 18, 1971, and § 2651.2 of said regulations, notice is hereby given that the following is a final decision determining the ineligibility of certain Native villages in Alaska not listed in section 11(b) of said Act. Notice of applications filed with the Director, Juneau Area Office, Bureau of Indian Affairs was published on pages 26472 and 26473 of the September 21, 1973, issue of the FEDERAL REGISTER. Said notice was also published in one or more newspapers of general circulation in Alaska and a copy was mailed to each affected village; all villages located in the Native region in which the affected village is located; all Native regional corporations within the State of Alaska; and the State of Alaska.

This is to certify that investigations have been made and available records and other evidence having a bearing on the character of the following Native villages and their eligibility have been examined and they do not meet the eligibility requirements of the Act and § 2651.2(b) of the regulations:

Name of unlisted Native village	*Bureau of Land Management Serial No.*
Alaktalik	AA-8481
Attu	AA-8488
Ayakulik	AA-8482
Haycock	F-19578
Healy Lake	F-19329
Litnik	AA-8490
Little Afognak	AA-8469
Port William	AA-8461
Tenakee	AA-8491
Uganik	AA-8492
Wiseman	F-19575

The foregoing applications were filed in duplicate with the Director, Juneau Area Office, Bureau of Indian Affairs prior to September 1, 1973. All of the above listed applications constituted prima facie evidence of compliance with the requirements of § 2651.2(b) of the regulations. The Director, Juneau Area Office, Bureau of Indian Affairs has filed the above listed applications with the appropriate office of the Bureau of Land Management and each application identifies the township or townships in which each Native village is located.

The Director, Juneau Area Office, Bureau of Indian Affairs will issue certificates of ineligibility for land benefits under the Act to the above named villages and will certify the record and the final decisions to the Secretary. A copy of this final decision and a certification of ineligibility will be mailed to each ineligibile village; each other village located in the same region as the ineligible village; all regional corporations within the State of Alaska; and the State of Alaska.

Any interested party may protest a decision of the Director, Juneau Area Office, Bureau of Indian Affairs regarding the ineligibility of a Native village for land benefits under the provisions of section 11(b)(3) (A) and (B) of the Act by filing a Notice of protest with the Director, Juneau Area Office, Bureau of Indian Affairs within thirty days from the date of publication of the decision in the FEDERAL REGISTER.

A copy of the protest must be mailed to the representative or representatives of the village, all villages in the region in which the village is located, all regional corporations within the State of Alaska, the State of Alaska, and any other parties of record. If no protest is received within the thirty-day period, the decision shall become final and the Director, Juneau Area Office, Bureau of Indian Affairs shall certify the record and the decision to the Secretary. No protest shall be considered which is not accompanied by supporting evidence. Anyone protesting a decision concerning the eligibility or ineligibility of any unlisted Native village shall have the burden of proof in establishing that the decision is incorrect. Such decision shall become final unless appealed to the Secretary by a notice filed with the Ad Hoc Board as established in § 2651.2(a) (5) of the regulations within thirty days of its publication in the FEDERAL REGISTER.

Future notices will be issued as to the final eligibility of villages when and if such eligibility becomes established.

CLARENCE ANTIOQUIA,
Acting Director.

DECEMBER 10, 1973.

[FR Doc.73-26953 Filed 12-20-73;8:45 am]

ALASKA

Eligibility of Unlisted Native Villages

This decision is published in exercise of authority delegated by the Secretary of the Interior to the Director, Juneau Area Office, Bureau of Indian Affairs by § 2651.2(a) (6), (8), (9), and (10) of Subchapter B of Chapter II, Title 43 of the Code of Federal Regulations published on page 14223 of the May 30, 1973, issue of the FEDERAL REGISTER.

The Alaska Native Claims Settlement Act of December 18, 1971 (Public Law 92-203, 92nd Congress, 85 Stat. 688-716), provides for the settlement of certain land claims of Alaska Natives and for other purposes.

Accordingly, pursuant to the authority contained in said Act of December 18, 1971, and § 2651.2 of said regulations, notice is hereby given that the following is a final decision determining the eligibility of certain Native villages in Alaska not listed in section 11(b) of said Act. Notice of applications filed with the Director, Juneau Area Office, Bureau of Indian Affairs was published on pages 26472 and 26473 of the September 21, 1973, issue of the FEDERAL REGISTER. Said notice was also published in one or more newspapers of general circulation in Alaska and a copy was mailed to each affected village; all villages located in the Native region in which the affected

village is located; all Native regional corporations within the State of Alaska; and the State of Alaska.

This is to certify that investigations have been made and available records and other evidence having a bearing on the character of the following Native villages and their eligibility have been examined and they meet the eligibility requirements of the Act and § 2651.2(b) of the regulations:

Name of unlisted Native village	*Bureau of Land Management Serial No.*
Alexander (Alexander Creek).	AA-8487
Anton Larsen Bay	AA-8460
Bells Flats	AA-8459
Bettles Field (Evansville).	F-19328
Caswell	AA-8468
Chenega	AA-8483
Chickaloon	AA-8489
Chuloonawick (Chuloonavik).	F-19571
Council	F-19525
Eyak	AA-8484
Haines	AA-8465
Kasilof	AA-8464
King Island	F-19573
Knik	AA-8485
Montana Creek	AA-8495
Point Possession	AA-8462
Solomon	F-19570
Umkumute (Umkumiute).	F-19558
Woody Island	AA-8463

The foregoing applications were filed in duplicate with the Director, Juneau Area Office, Bureau of Indian Affairs prior to September 1, 1973. All of the above listed applications constituted prima facie evidence of compliance with the requirements of § 2651.2(b) of the regulations. The Director, Juneau Area Office, Bureau of Indian Affairs has filed the above listed applications with the appropriate office of the Bureau of Land Management and each application identifies the township or townships in which each Native village is located.

The Director, Juneau Area Office, Bureau of Indian Affairs will issue certificates of eligibility for land benefits under the act to the above named villages and will certify the record and the final decisions to the Secretary. A copy of this final decision and a certification of eligibility will be mailed to each eligible village; each other village located in the same region as the eligible village; all regional corporations within the State of Alaska; and the State of Alaska.

Any interested party may protest a decision of the Director, Juneau Area Office, Bureau of Indian Affairs, regarding the eligibility of a Native village for land benefits under the provisions of section 11(b)(3) (A) and (B) of the Act by filing a notice of protest with the Director, Juneau Area Office, Bureau of Indian Affairs, within thirty days from the date of publication of the decision in the FEDERAL REGISTER. A copy of the protest must be mailed to the representative or representatives of the village, all villages in the region in which the village is located, all regional corporations within Alaska, the State of Alaska, and any other parties of record. If no protest is received within the thirty-day period, the decision shall become final and the Director, Juneau Area Office, Bureau of Indian Affairs, shall certify the record and the decision to the Secretary. No protest shall be considered which is not accompanied by supporting evidence. Anyone protesting a decision concerning the eligibility or ineligibility of any unlisted Native village shall have the burden of proof in establishing that the decision is incorrect. Such decision shall become final unless appealed to the Secretary by a notice filed with the Ad Hoc Board as established in § 2651.2(a) (5) of the regulations within thirty days of its publication in the FEDERAL REGISTER.

Future notices will be issued as to the final eligibility of villages when and if such eligibility becomes established.

CLARENCE ANTIOQUIA,
Acting Director.

DECEMBER 10, 1973.

[FR Doc.73-26954 Filed 12-20-73;8:45 am]

Bureau of Land Management

GEOTHERMAL LEASE SALE

Notice of Competitive Bids

The following notices describe certain lands to be offered for competitive lease sale in the Geysers, Mono-Long Valley and East Mesa KGRA's located in the State of California. Sealed bonus bids must be received on or before 10 a.m. on January 22, 1974, at the Bureau of Land Management State Office in Sacramento, California. Lease forms and special stipulations are available through the Geothermal Coordinator's Office, Room 5623, Interior Building, Washington, D.C. 20240, Bureau of Land Management, Office of Upland Minerals, Room 7000, Interior Building, Washington, D.C. 20240, or the Bureau of Land Management, State Office, Sacramento, California. The lease forms and special stipulations will be published on or before January 1, 1974 in the FEDERAL REGISTER.

GEYSERS KGRA

NOTICE OF GEOTHERMAL LEASE SALE

U.S. Department of the Interior, Bureau of Land Management, State Office, Sacramento, California. Notice is hereby given that leasing units of land, totaling some 8,900 acres, within The Geysers Known Geothermal Resources Area, principally in Sonoma and Lake Counties, California, are offered for geothermal leasing through sealed bids on the terms hereinafter specified to the responsible qualified bidders of the highest cash bonus for the privilege of leasing units 1 to 14 inclusive, pursuant to the Geothermal Steam Act of December 24, 1970 (84 Stat. 1566; U.S.C. 1001-1025) and the regulations promulgated thereunder (43 CFR Group 3200). All bids must be submitted to the State Director, Bureau of Land Management, Room E-2841, Federal Office Building, 2800 Cottage Way, Sacramento, California 95825, on or before 10 a.m., January 22, 1974, at which time bids will be opened and read. Sealed bids may not be modified or withdrawn unless the modification or withdrawal is received prior to the time fixed for opening of bids. No bids received after the hour specified herein will be considered. Separate bids must be submitted on each lease unit.

Each bidder must submit with each bid a certified or cashier's check, bank draft, or money order made payable to the Bureau of Land Management, or cash, in the amount of one-half the amount of bid, and proof of qualifications as required by the regulations 43 CFR Group 3200. The envelope in which the bid is submitted must be plainly marked that it is not to be opened before the date and hour set out therein; and must show the lease unit number and identify the Geysers Known Geothermal Resources Area. The remainder of the bonus, plus the first year's annual rental, must be paid; and an acceptable lease compliance surety bond, in the sum of not less than $10,000, together with a proposed plan of operation as required by 43 CFR 3210.2-1(d), must be furnished by the successful bidder before issuance of a lease. Because of the lease compliance bond for each lease, a successful bidder may furnish a bond in the amount of not less than $150,000 for full nationwide coverage for all geothermal leases, or not less than $50,000 for coverage of all geothermal leases in the state of California.

The deposits of the other bidders will be returned upon acceptance of the successful bid. Bidders are warned against violation of Section 1860, Title 18, U.S. Code, prohibiting unlawful combination or intimidation of bidders. The right is reserved to reject any and all bids. Any bonus bid considered as inadequate on the basis of the estimated value of the lease unit will be rejected. Royalties payable to the United States will be at the rate of: (a) 12½ percent of the amount or value of steam or any other form of heat or energy derived from production; (b) 5 percent of the value of any by-product derived from production under the lease; except that, as to any by-product which is a mineral named in Sec. 1 of the Mineral Leasing Act of Feb. 25, 1920, as amended (30 USC 181), the royalty for such mineral shall be the same as provided in that Act; (c) 5 percent of the value of demineralized water sold or utilized by the lessee except that no payment of a royalty will be required on such water used in plant operation for cooling or in the generation of electric energy or otherwise. Annual rental for the first through the fifth lease years will be at the rate of $2 per acre, or fraction thereof; for the sixth lease year, and for each year thereafter prior to production, the rental will be the amount of the rental for the preceding year, plus an additional $1 per acre. The lands are offered in leasing units as follows:

GEYSERS KGRA

Lease Unit 1, approximate acres 2,600.

T. 10 N., R. 7 W., M.D.M.,
- Sec. 6, lots 16, 17, 47;
- Sec. 7, lots 6-9, 12, 39, 45A, 45B, 46, W½, NE¼, E½SE¼, SW¼SE¼.

T. 10 N., R. 8 W., M.D.M.,
- Sec. 1, lots 1-6, 8, 12, 14-21, 39 (M.S. 1067), that portion of lot 52 not in conflict with lot 39, 54, 57, Areas A and B of unsurveyed N½N½ (protracted);
- Sec. 2, unsurveyed N½ (protracted), N½SE¼ (M.S. 1067);
- Sec. 10, lot 59;
- Sec. 11, lots 3, 4, unpatented portions of lots 5-6, 8-11, unpatented portion of lot 58A, lot 60A, unpatented portion of lot 61A not in conflict with lot 58A, portion of lot 61B not in conflict with lot 68A, unpatented portion of lot 66, W½SW¼, unpatented portion of E½SW¼, unpatented portion of SW¼SE¼;
- Sec. 12, lots 6, 10, 20, 22-32, lot 46, unpatented portion of lot 66.

T. 11 N., R. 8 W., M.D.M.,
Sec. 36, W½SW¼NW¼.
Lease Unit 2, approximate acres 1,200.
T. 10 N., R. 8 W., M.D.M.,
Sec. 3, lots, unsurveyed NW¼ (protracted), N½S½, SE¼SE¼, unpatented portion of SW¼SE¼, SW¼SW¼, E½SE¼SE¼SW¼;
Sec. 4, lots 1–2, 8–9, NE¼ (protracted) (M.S. 508) (M.S. 4160) (M.S. 4162);
Sec. 6, NE¼E½ of lot 13.
T. 11 N., R. 8 W., M.D.M.,
Sec. 31, lot 40 (M.S. 4161);
Sec. 32, lots 12, 16, 19–20, unpatented portion of lot 38, unpatented portion of lots 39–40 (M.S. 4161);
Sec. 33, lots 10, 11, 14, 16.
Lease Unit 3, approximate acres 174.
T. 11 N., R. 9 W., M.D.M.,
Secs. 14 and 23, Black Bear Lode;
Sec. 24, lots 6, 8, 9–10.
Lease Unit 4, approximate acres 270.
T. 11 N., R. 9 W., M.D.M.,
Sec. 2, lots 7, 9, 10 in Secs. 3, 4, 9, 10, lots 37, 45–48, portion of (M.S. 6403).
Lease Unit 5, approximate acres 303.
T. 11 N., R. 8 W., M.D.M.,
Sec. 4, lot 4;
Sec. 6, lots 5–8.
T. 12 N., R. 8 W., M.D.M.,
Sec. 19, lots 1–2, SE¼SW¼.
Lease Unit 6, approximate acres 2,306.
T. 12 N., R. 9 W., M.D.M.,
Sec. 2, lots 1–4, 8, 10–12, NE¼NW¼;
Sec. 3, NE¼SE¼;
Sec. 11, lot 1, E½;
Sec. 12, S½SW¼, N½SE¼, SW¼SE¼;
Sec. 13, W½NE¼, N½NW¼, S½;
Sec. 14, N½NE¼, SW¼NW¼, SW¼, SW¼, N½SE¼, SE¼SE¼;
Sec. 15, E½NE¼, SW¼NE¼, NE¼SE¼;
Sec. 23, N½NE¼, NE¼NW¼;
Sec. 24, N½N½, SE¼SE¼.
Lease Unit 7, Grandfather, approximate acres 600.
T. 11 N., R. 8 W.,
Sec. 21, lots 7–10;
Sec. 27, lots 2, 6–7, N½SW¼, NW¼SE¼;
Sec. 28, lots 1–4;
Sec. 29, N½NE¼.
Lease Unit 8, approximate acres 320.
T. 11 N., R. 8 W.,
Sec, 32, lots 12, 16, 19–20;
Sec. 33, lots 5, 15;
Sec. 34, lots 5–6, NW¼SE¼, N½NE¼SW¼;
Sec. 35, lot 4.
Lease Unit 9, approximate acres 160.
T. 11 N., R. 8 W.,
Sec. 18, lots 15–16, SW¼SE¼;
Sec. 19, lot 2.
Lease Unit 10, approximate acres 211.
T. 11 N., R. 8 W.,
Sec. 34, lots 2–3;
Sec. 35, lots 1–3, SE¼NW¼.
Lease Unit 11, approximate acres 40.
T. 11 N., R. 8 W.,
Sec. 29, NW¼SW¼.
T. 11 N., R. 8 W.,
Sec. 33, lot 9.
Lease Unit 12, approximate acres 697.
T. 12 N., R. 8 W.,
Sec. 30, lots 2–4, E½SW¼;
Sec. 31, lot 1, NE¼NW¼.
T. 12, N., R. 9 W.,
Sec. 25, SE¼NW¼, S½;
Sec. 26, N½SE¼.

Attention is directed to the following Leasing Units, which are subject to conversion rights (Grandfather rights) under 43 CFR 3230.

Leasing Unit 7----	Applicant Signal Oil Co., 1010 Wilshire Blvd., Los Angeles, Calif. 90017.
Leasing Unit 8----	Do.
Leasing Unit 9----	Occidental Petroleum Corp., 5000 Stockdale Highway, Bakersfield, Calif. 93309.
Leasing Unit 10----	Do.
Leasing Unit 11----	Union Oil Company et al., 461 So. Boylston St., Los Angeles, Calif. 90051.
Leasing Unit 12----	Do.

Copies of lease and bond forms, special stipulations, regulations and optional bid forms may be obtained from the office of the State Director, Bureau of Land Management, Sacramento, California.

MONO-LONG VALLEY KGRA

NOTICE OF GEOTHERMAL LEASE SALE

U.S. Department of The Interior, Bureau of Land Management, State Office, Sacramento, California. Notice is hereby given that leasing units of land totaling some 13,150 acres, within The Mono-Long Valley Known Geothermal Resources Area, in Mono County, California, are offered for geothermal leasing through Sealed Bids on the terms hereinafter specified to the responsible qualified bidders, of the highest cash bonus for the privilege of leasing units, 1, 2, 3, 4, 5, 6, and 7, pursuant to the Geothermal Steam Act of December 24, 1970 (84 Stat. 1566; 30 U.S.C. 1001–1025), and the regulations promulgated thereunder (43 CFR Group 3200). All bids must be submitted to the State Director, Bureau of Land Management, Room E–2841, Federal Office Building, 2800 Cottage Way, Sacramento, California 95825, on or before 10 a.m. January 22, 1974, at which time bids will be opened and read. Sealed bids may not be modified or withdrawn unless the modification or withdrawal is received before the time fixed for opening of bids. No bids received after the hour specified herein will be considered. Separate bids must be submitted on each lease unit. The government reserves the right to reject any and all bids. Each bidder must submit with each bid a certified or cashier's check, bank draft, or money order made payable to the Bureau of Land Management, or cash, in the amount of one-half of the amount bid, and proof of qualifications, as required by the regulations 43 CFR Group 3200. The envelope in which the bid is submitted must be plainly marked that it is not to be opened before the date and hour set out therein; and must show the lease unit number and identify the Mono-Long Valley Known Geothermal Resources Area. The remainder of the bonus, plus the first year's annual rental, must be paid; and an acceptable lease compliance surety bond in the sum of not less than $10,000, together with a proposed plan of operation, as required by 43 CFR 3210.2–1 (d), must be furnished by the successful bidder before issuance of a lease. Because of the lease compliance bond for each lease, a successful bidder may furnish a bond in the amount not less than $150,000, for full nationwide coverage for all geothermal leases, or not less than $50,000 for coverage of all geothermal leases in the state of California. The deposits of the other bidders will be returned upon acceptance of the successful bid. Bidders are warned against violation of Section 1860, Title 18, U.S. Code, prohibiting unlawful combination or intimidation of bidders. Any bonus bid considered as inadequate on the basis of the estimated value of the lease unit will be rejected. Royalties payable to the United States will be at the rate of: (a) 10 percent of the amount or value of steam or any other form of heat or energy derived from production; (b) 5 percent of the value of any by-product derived from production under the lease; except that as to any by-product which is a mineral named in Sec. 1 of the Mineral Leasing Act of Feb. 25, 1920, as amended (30 U.S.C. 181), the royalty for such minerals shall be the same as provided in that Act; (c) 5 percent of the value of demineralized water sold or utilized by the lessee, except that no payment of a royalty will be required on such water used in plant operation for cooling or in the generation of electric energy or otherwise. Annual rental for the first through the fifth lease years will be at the rate of $2 per acre or fraction thereof; for the sixth lease year and for each year thereafter prior to production, the rental will be the amount of the rental for the preceding year, plus an additional $1 per acre. The lands are offered in leasing units as follows:

CROWLEY LAKE LEASING UNITS

All in T. 3 S., R. 29 E., Mount Diable Meridian.
Leasing Unit No. 1.
Sec. 5, SW¼;
Sec. 6, S½;
Sec. 7, N½, SW¼;
Sec. 17, SE¼SW¼, SW¼SE¼;
Sec. 18, W½W½SE¼;
Sec. 19, NW¼NE¼, NW¼;
Sec. 20, W½NE¼, E½NW¼;
Approximately 1,800 acres.
Leasing Unit No. 2.
Sec. 19, SW¼, E½SE¼, SW¼SE¼;
Sec. 20, SW¼;
Sec. 29, SW¼;
Sec. 30;
Sec. 31, E½;
Sec. 32, W½;
Approximately 1,880 acres.
Leasing Unit No. 3.
Sec. 28, S½;
Sec. 29, SE¼;
Sec. 31, W½;
Sec. 32, E½;
Sec. 33;
Approximately 1,760 acres.

MONO-LAKE LEASING UNITS

Leasing Unit No. 4, about 1,886 acres.
T. 2 N., R. 26 E.,
Sec. 10, SE¼NE¼, NE¼SE¼;
Sec. 11, fract'l., all (except NW¼NW¼);
Sec. 14, fract'l., all;
Sec. 15, all;
Sec. 20, N½NE¼;
Sec. 21, fract'l., all;
Sec. 22, fract'l., all.
Leasing Unit No. 5, about 2,309 acres.
T. 1 N., R. 26 E.,
Sec. 13, fract'l., SW¼NW¼, E½SE¼.
T. 1 N., R. 27 E.,
Sec. 17, fract'l., all;
Sec. 18, fract'l., S½;
Sec. 19, all;
Sec. 20, all;
Sec. 21, all.
Leasing Unit No. 6, about 1,240 acres.
Sec. 14, fract'l., W½;
Sec. 15, fract'l., all;
Sec. 22, all;
Sec. 23, NW¼.
Leasing Unit No. 7, about 2,277 acres.
T. 1 N., R. 27 E.
Sec. 11, fract'l., all;
Sec. 12, fract'l., W½;
Sec. 13, W½;
Sec. 14, E½;
Sec. 23, NE¼;
Sec. 24, W½, S½SE¼;
Sec. 25, all;
Sec. 26, NE¼.

Attention is directed to the following lands of the Crowley Lake Leasing Units, which are subject to conversion rights (Grandfather rights), under 43 CFR 3230.

Copies of lease and bond forms, special stipulations, regulations, and optional bid forms may be obtained from the office of the State Director, Bureau of Land Management, Sacramento, California.

Attention is directed to the following lands of the Crowley Lake and Mono-Lake Leasing Units, which are subject to conversion rights (Grandfather rights), under 43 CFR 3230.

CROWLEY LAKE

Leasing Units 1 and 2, Geothermal Resources International, Inc., 1234 Chester Avenue, Bakersfield, California 93301.

MONO-LAKE

Leasing Units 2, 4, and 5, George D. Rowan, 458 South Spring Street, Los Angeles, Calif. 9003.

Leasing Unit 4, Franciscan Land and Cattle Co., c/o Tweedy and Pinhey, Attorneys at Law, 16661 Ventura Boulevard, Suite 224, Encino, Calif. 91316.

EAST MESA KGRA

NOTICE OF GEOTHERMAL LEASE SALE

U.S. Department of the Interior, Bureau of Land Management, State Office, Sacramento, California. Notice is hereby given that leasing units of land totaling some 30,330 acres, within The East Mesa Known Geothermal Resources Area, in Imperial County, California, are offered for geothermal leasing through Sealed Bids on the terms hereinafter specified to the responsible qualified bidders of the highest cash bonus for the privilege of leasing units 1 to 14 inclusive, pursuant to the Geothermal Steam Act of December 24, 1970 (84 Stat. 1566; 30 U.S.C. 1001–1025) and the regulations promulgated thereunder (43 CFR Group 3200). All bids must be submitted to the State Director, Bureau of Land Management, Room E–2841, Federal Office Building, 2800 Cottage Way, Sacramento, California 95825, on or before 10 a.m., January 22, 1974, at which time bids will be opened and read. Sealed bids may not be modified or withdrawn unless the modification or withdrawal is received prior to the time fixed for opening of bids. No bids received after the hour specified herein will be considered. Separate bids must be submitted on each lease unit.

Each bidder must submit with each bid a certified or cashier's check, bank draft, or money order made payable to the Bureau of Land Management, or cash, in the amount of one-half the amount of bid, and proof of qualifications as required by the regulations 43 CFR Group 3200. The envelope in which the bid is submitted must be plainly marked that it is not to be opened before the date and hour set out therein; and must show the lease unit number and identify the East Mesa Known Geothermal Resources Area. The remainder of the bonus, plus the first year's annual rental, must be paid, and an acceptable lease compliance surety bond, in the sum of not less than $10,000, together with a proposed plan of operation as required by 43 CFR 3210.2–1(d), must be furnished by the successful bidder before issuance of a lease. Because of the lease compliance bond for each lease, a successful bidder may furnish a bond in the amount of not less than $150,000 for full nationwide coverage for all geothermal leases, or not less than $50,000 for coverage of all geothermal leases in the state of California.

The deposits of the other bidders will be returned upon acceptance of the successful bid. Bidders are warned against violation of Section 1860, Title 18, U.S. Code, prohibiting unlawful combination or intimidation of bidders. The right is reserved to reject any and all bids. Any bonus bid considered as inadequate on the basis of the estimated value of the lease unit will be rejected. Royalties payable to the United States will be at the rate of: (a) 10 percent of the amount or value of steam or any other form of heat or energy derived from production; (b) 5 percent of the value of any by-product derived from production under the lease; except that as to any by-product which is a mineral named in Sec. 1 of the Mineral Leasing Act of Feb. 25, 1920, as amended (30 USC 181); the royalty for such mineral shall be the same as provided in that Act; (c) 5 percent of the value of demineralized water sold or utilized by the lessee, except that no payment of a royalty will be required on such water used in plant operation for cooling or in the generation of electric energy or otherwise. Annual rental for the first through the fifth lease years will be at the rate of $2 per acre, or fraction thereof; for the sixth lease year, and for each year thereafter prior to production, the rental will be the amount of the rental for the preceding year, plus an additional $1 peracre. The lands are offered in leasing units as follows:

EAST MESA

Tract 1, approximately 2,468 acres.

T. 16 S., R. 16 E.,
Sec. 1, lots 1–8, 11S½NE¼, SE¼NW¼, E½SW¼, SE¼.
T. 15 S., R. 17 E.,
Secs. 31 & 32, all.
T. 16 S., R. 17 E.,
Sec. 6, all.

Tract 2, approximately 2,560 acres.

T. 15 S., R. 17 E.,
Sec. 33, all.
Sec. 34, W½.
T. 16 S., R. 17 E.,
Sec. 3, W½;
Secs. 4, 5, all.

Tract 3, approximately 1,870 acres.

T. 16 S., R. 16 E.,
Sec. 12, E½, E½NW¼;
Sec. 13, lots 1, 2, 11–14, E½NE¼.
T. 16 S., R. 17 E.,
Sec. 7, all.
Sec. 18, all.

Tract 4, approximately 1,920 acres.

T. 16 S., R. 17 E.,
Secs. 8, 9, and 17, all.

Tract 5, approximately 2,240 acres.

Sec. 27, W½, SE¼;
Sec. 28, all;
Sec. 33, all;
Sec. 34, N½;
Sec. 35, NW¼.

Tract 6, approximately 2,240 acres.

Sec. 17, SW¼;
Sec. 18, S½;
Sec. 19, all;
Sec. 20, all;
Sec. 21, W½SE¼.

Tract 7, approximately 2,400 acres.

T. 16 S., R. 18 E.,
Secs. 29 and 30, all;
Sec. 31, N½SE¼;
Sec. 32, all.

Tract 8, approximately 1,440 acres.

T. 16 S., R. 16 E.,
Sec. 24, NE¼.
T. 16 S., R. 17 E.,
Sec. 19 and 20, all.

Tract 9, approximately 2,556 acres.

T. 15 S., R. 16 E.,
Sec. 23, E½SE¼;
Sec. 24, S½;
Sec. 25, all;
Sec. 26, E½NE¼.
T. 15 S., R. 17 E.,
Sec. 19, S½;
Sec. 20, SW¼;
Sec. 29, W½;
Sec. 30, all.

Tract 10, approximately 2,560 acres.

T. 15 S., R. 17 E.,
Sec. 20, E½;
Sec. 21, all;
Sec. 22, W½;
Sec. 27, W½;
Sec. 28, all;
Sec. 29, E½.

Tract 11, approximately 1,516 acres.

T. 15 S., R. 16 E.,
Sec. 13, NE¼.
T. 15 S., R. 17 E.,
Sec. 17, all;
Sec. 18, N½SE¼;
Sec. 19, NE¼;
Sec. 20, NW¼.

Tract 12, approximately 1,760.

T. 16 S., R. 17 E.,
Secs. 21 and 28, all.
Secs. 21 and 28, all;

Tract 13, approximately 2,240.

T. 16 S., R. 17 E.,
Sec. 15, S½;
Secs. 22, 26, and 27, all.

Tract 14, approximately 2,560 acres.

T. 16 S., R. 17 E.,
Sec. 13, S½;
Sec. 14, S½;
Secs. 23–25, all.

The described lands in the above lease sale notices include public domain lands, part of which are subject to conversion rights (Grandfather rights) under 43 CFR 3230. In the case of those lands where the conversion rights have been approved, the holder of the conversion right shall have the right to meet the high bid and, if otherwise qualified, shall upon meeting that high bid, be deemed the high bidder.

Dated: December 18, 1973.

W. W. LYON,
Deputy Under Secretary of Interior.

[FR Doc.73-26929 Filed 12-20-73;8:45 am]

MALTA DISTRICT ADVISORY BOARD

Notice of Meeting; Correction

In FR Doc. 73–24340, appearing on pages 31545 and 31546 in the issue for Thursday, November 15, 1973, the second meeting of the Malta District Advisory Board is rescheduled from February 14, 1974 to February 21, 1974.

DANTE SOLARI,
District Manager.

[FR Doc.73-26952 Filed 12-20-73;8:45 am]

National Park Service

ORGAN PIPE CACTUS NATIONAL MONUMENT, ARIZONA

Public Hearings Regarding Wilderness Proposal

Notice is hereby given in accordance with the provisions of the Act of September 3, 1964 (78 Stat. 890, 892; 16 U.S.C. 1131, 1132), and in accordance with Departmental procedures as identified in 43 CFR 19.5 that public hearings will be held beginning at 9:00 a.m. on February 9, 1974, in the Visitor Center at the Organ Pipe Cactus National Monument Headquarters, 35 miles south of Ajo, Arizona, on State Highway 85 and on February 11, 1974, in the auditorium

of the First Federal Savings Building, Prudential Plaza, 3003 North Central Avenue, Phoenix, Arizona. The hearing in Phoenix will begin at 1:00 p.m. and continue to 5:00 p.m. when there will be a break. The hearing will resume again at 7:00 p.m. and continue to conclusion, for the purpose of receiving comments and suggestions as to the appropriateness of a proposal for the establishment of Wilderness comprising about 249,800 acres within the Organ Pipe Cactus National Monument, Arizona.

A packet containing a preliminary wilderness study report, and providing additional information about the proposal, may be obtained from the Superintendent, Organ Pipe Cactus National Monument, P.O. Box 38, Ajo, Arizona 85321, or from the Regional Director, Western Region, National Park Service, 450 Golden Gate Avenue, Box 36036, San Francisco, California 94102.

A description of the preliminary boundaries and a map of the areas proposed for establishment as wilderness are available for review in the above offices and in the office of the General Superintendent, Southern Arizona Group, 1115 North 1st Street, Phoenix, Arizona and in room 1210 of the Department of the Interior Building at 18th and C Streets, NW., Washington, D.C.

Interested individuals, representatives of organizations and public officials are invited to express their views in person at the aforementioned public hearing, provided they notify the Hearing Officer, in care of the Superintendent, Organ Pipe Cactus National Monument, P.O. Box 38, Ajo, Arizona 85321, by February 6, 1974, of their desire to appear. Those not wishing to appear in person may submit written statements on the wilderness proposal to the Hearing Officer at that address for inclusion in the official record which will be held open for written statements until March 14, 1974.

Time limitations may make it necessary to limit the length of oral presentations and to restrict to one person the presentation made in behalf of an organization. An oral statement may, however, be supplemented by a more complete written statement which may be submitted to the Hearing Officer at the time of presentation of the oral statement. Written statements presented in person at the hearing will be considered for inclusion in the transcribed hearing record. However, all materials so presented at the hearing shall be subject to determinations that they are appropriate for inclusion in the transcribed hearing record. To the extent that time is available after presentation of oral statements by those who have given the required advance notice, the Hearing Officer will give others present an opportunity to be heard.

After an explanation of the proposal by a representative of the National Park Service, the Hearing Officer, insofar as possible, will adhere to the following order in calling for the presentation of oral statements:

(1) Governor of the State or his representative.
(2) Members of Congress.
(3) Members of the State Legislature.
(4) Official representative of the counties in which the proposed wilderness is located.
(5) Officials of other Federal agencies or public bodies.
(6) Organizations in alphabetical order.
(7) Individuals in alphabetical order.
(8) Others not giving advance notice, to the extent there is remaining time.

Dated: December 13, 1973.

STANLEY W. HULETT,
Associate Director,
National Park Service.

[FR Doc.73-26835 Filed 12-20-73;8:45 am]

Office of Hearings and Appeals

[Docket No. M 74-36]

JONES & LAUGHLIN STEEL CORP.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. section 861(c) (1970), Jones & Laughlin Steel Corporation, located at Pittsburgh, Pennsylvania, has filed a petition to modify the application of 30 CFR 75.305 to its Shannopin Mine.

30 CFR 75.305 reads as follows:

§ 75.305 Weekly examinations for hazardous conditions.

In addition to the preshift and daily examinations required by this Subpart D, examinations for hazardous conditions, including tests for methane, and for compliance with the mandatory health or safety standards, shall be made at least once each week by a certified person designated by the operator in the return of each split of air where it enters the main return, on pillar falls, at seals, in the main return, at least one entry of each intake and return aircourse in its entirety, idle workings, and, insofar as safety considerations permit, abandoned areas. Such weekly examinations need not be made during any week in which the mine is idle for the entire week, except that such examination shall be made before any other miner returns to the mine. The person making such examinations and tests shall place his initials and the date and time at the places examined, and if any hazardous condition is found, such condition shall be reported to the operator promptly. Any hazardous condition shall be corrected immediately. If such condition creates an imminent danger, the operator shall withdraw all persons from the area affected by such condition to a safe area, except those persons referred to in section 104(d) of the Act, until such danger is abated. A record of these examinations, tests, and actions taken shall be recorded in ink or indelible pencil in a book approved by the Secretary kept for such purpose in an area on the surface of the mine chosen by the mine operator to minimize the danger of destruction by fire or other hazard, and the record shall be open for inspection by interested persons.

In support of its petition, petitioner states that the Shannopin Mine is an old mine with many worked out areas which were developed before the advent of roof bolting. The timbers that were installed during the mining cycle have deteriorated and many roof falls have occurred in the return aircourses. The roof falls and accumulations of water have made the return aircourses impassible.

As an alternative method, petitioner would establish five air measuring stations from the No. 2 Shaft to the drift mouth. The air measuring stations would assure that the criteria outlined in the mandatory standard would be satisfied and the return air in question would at no time have any significant effect on the present workings. Petitioner states that methane and air readings will be made by a certified person and methane will not be allowed to accumulate in the return aircourses beyond legal limits. The five measuring stations will at all times be maintained in good working condition and a date board or book will be located at each measuring station and air and methane readings will be taken and recorded. Examinations will be made at each measuring station daily. Petitioner contends that the number of employees who work in this area is minimal and each man would be able to reach a separate split of air in a reasonable period of time. Each man working in the area is required to carry a one-hour self-rescuing device on his person at all times and a diagram showing the direction of airflows in this area will be posted at the measuring stations and at other strategic locations.

Petitioner contends that the alternative method will at all times guarantee no less than the same measure of protection afforded the miners by the application of the mandatory standard. Petitioner contends that the implementation of the alternative method will make the returns as though they were capable of being traveled.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before January 21, 1974. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

GILBERT O. LOCKWOOD,
Acting Director,
Office of Hearings and Appeals.

DECEMBER 11, 1973.

[FR Doc.73-26906 Filed 12-20-73;8:45 am]

Office of the Secretary

HAROLD M. McCLURE, JR.

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of November 20, 1973.

Dated: November 19, 1973.

HAROLD M. MCCLURE, Jr.,

[FR Doc.73-26950 Filed 12-20-73;8:45 am]

JOHN RICCA

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) *Current List of Stocks.* General Motors. Sperry Rand. Universal Oil Products. Union Oil of California. Burlington Northern Railroad.
(3) None.
(4) None.

This statement is made as of November 19, 1973.

Dated: November 19, 1973.

JOHN RICCA.

[FR Doc.73-26951 Filed 12-20-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

ADVERTISING AND SALES PROMOTION FOR MOHAIR

Amendment of Agreement Between the Mohair Council of America, Inc., and the Secretary of Agriculture to Permit Promotion of Mohair Outside the United States

During the period April 19 through 30, 1971, mohair producers voted in a referendum on a proposed agreement between the Mohair Council of America, Inc., and the Secretary of Agriculture providing for domestic advertising and sales promotion programs for mohair. The programs were to be carried out under section 708 of the National Wool Act of 1954, as amended (68 Stat. 912; 7 U.S.C. 1787), and to be financed by deductions, at rates not to exceed 1.5 cents a pound of mohair marketed, from payments earned by producers under that Act for the marketing years 1971 through 1973.

On July 7, 1971, final results of the referendum showed that 2,676 producers (81.3 percent of those voting) favored the agreement. The producers voting in favor of the agreement owned 931,386 goats (79 percent of the goats owned by all producers voting). On the basis of the referendum results, the Secretary of Agriculture determined that the agreement was favored by the requisite two-thirds of the mohair producers and on July 8, 1971, entered into an agreement with the Mohair Council of America, Inc.

On January 31, 1973, the Mohair Council of America, Inc., at its membership meeting unanimously passed a resolution requesting the Congress and the U.S. Department of Agriculture to broaden the Council's promotion programs by permitting expenditures outside the United States for the purpose of promoting mohair.

On August 10, 1973, the President signed into law the Agriculture and Consumer Protection Act of 1973. This law amends the National Wool Act of 1954, as amended, by providing that advertising and sales promotion programs may be conducted outside of the United States for the purpose of maintaining and expanding foreign markets and uses for mohair or goats or the products thereof produced in the United States.

Minutes of the November 1, 1973, executive committee meeting of the Mohair Council of America, Inc., indicate: "To date no stated opposition has been voiced on foreign promotion to any of the officers or members of the executive committee by the growers not present at the annual membership meeting in January 1973."

Therefore, on the basis of the evidence outlined above, I hereby determine that at least two-thirds of all persons engaged in the production of Angora goats in the United States, the area which will be benefited by the amendment to the agreement, favor advertising and sales promotion programs for mohair outside of the United States. Accordingly, pursuant to section 708 of the National Wood Act, I shall be entering into an agreement amending the agreement of July 8, 1971, with the Mohair Council of America, Inc., by deleting paragraph numbered "2" and substituting the following:

2. For each fiscal year, beginning July 1, 1971, until all activities are completed under this agreement, the Council shall develop and submit to the Secretary or his designee for approval proposed advertising and sales promotion programs and supporting budgets for mohair and the products thereof and such amendments thereto as may be needed. Each submission shall describe the annual plan of operation, commodities to be promoted, the proposed media and methods which the Council intends to use in advertising and promoting, and the benefits to be derived by producers on a national and foreign basis. After the proposed programs and budgets, including amendments thereto, have been approved by the Secretary or his designee, the Council will enter into such agreements with advertising and promotional agencies, radio and television stations, and others, and employ such personnel, and will take such other action as the Council deems appropriate or necessary to effectuate such programs.

(Sec. 708, 68 Stat. 912, as amended sec. 1(7), 87 Stat. 224; 7 U.S.C. 1787)

Signed at Washington, D.C., on December 19, 1973.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[FR Doc.73-27036 Filed 12-20-73;8:45 am]

Forest Service

REGIONAL FORESTERS AND FOREST SUPERVISORS

Delegation of Authority

Pursuant to (a) the Delegation of Authority by the Secretary of Agriculture to the Assistant Secretary for Conservation, Research and Education, and the delegation of authority by the Assistant Secretary for Conservation, Research and Education to the Chief, Forest Service, effective June 6, 1973 (38 FR 14944), and (b) the delegation of authority by the Chief, Forest Service, dated June 5, 1968 (33 FR 8552), there is hereby delegated to each Regional Forester and Forest Supervisor of the Forest Service the authority to perform all duties and to exercise all the powers and functions of the Chief as specified in the regulations of the Secretary dated December 10, 1973, Title 36, §§ 212.20 and 212.21, relating to Trail System Operation.

Effective date. This delegation of authority shall be effective January 7, 1974.

JOHN R. MCGUIRE,
Chief, Forest Service.

DECEMBER 17, 1973.

[FR Doc.73-26984 Filed 12-20-73;8:45 am]

DEPARTMENT OF COMMERCE

National Bureau of Standards

VOLUNTARY PRODUCT STANDARD

Action on Proposed Withdrawal

In accordance with § 10.12 of the Department's "Procedures for the Development of Voluntary Product Standards" (15 CFR Part 10, as revised; 35 FR 8349 dated May 28, 1970), notice is hereby given of the withdrawal of Voluntary Product Standard PS 7-66, "Wire Bar Supports for Reinforcing Concrete Construction."

This action is taken in furtherance of the Department's announced intentions as set forth in the public notice appearing in the FEDERAL REGISTER of September 4, 1973 (38 FR 23812) to withdraw this standard.

The effective date for the withdrawal of this standard will be February 19, 1974. This withdrawal action terminates the authority to refer to this standard as a voluntary standard developed under the Department of Commerce procedures.

Dated: December 13, 1973.

RICHARD W. ROBERTS,
Director.

[FR Doc.73-26931 Filed 12-20-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 11839 and DESI 9238; Docket No. FDC-D-662; NDA 9-238 etc.]

MEDROXYPROGESTERONE ACETATE; NORETHINDRONE; NORETHINDRONE ACETATE; PROGESTERONE; DYDROGESTERONE; AND HYDROXYPROGESTERONE CAPROATE

Follow-Up

Correction

In FR Doc. 73-21564 appearing at page 27947 in the issue of Wednesday, October 10, 1973, in the "Indications" for Dydrogesterone on page 27948, the word "balance" in the third line should read "absence".

National Institutes of Health

DIVISION OF RESEARCH GRANTS

Notice of Meetings

Notice is hereby given of Workshops to be held by the following Study Sections on the dates and places listed below:

Endocrinology Study Section:

Workshop on Molecular Processes in Secretory Cells, Sheraton Motor Inn, Silver Spring, Md., January 9, 1:30–6 p.m. and January 10, 9 a.m.–4 p.m. Further information may be obtained from Mr. Morris Graff, Executive Secretary Endrocrinology Study Section, Westwood Building, Room 333, telephone 496–7346.

Nutrition Study Section:

Workshop on Carbohydrates, January 16, 1–5 p.m., National Institutes of Health, Building 31, Room 4. Further information may be obtained from Dr. John Schubert, Executive Secretary Nutrition Study Section, Westwood Building, Room 206, telephone 496–7318.

Attendance at Workshops limited to space available.

Dated: December 13, 1973.

ROBERT S. STONE, M.D.,
Director,
National Institutes of Health.

[FR Doc.73-26955 Filed 12-20-73;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-382A]

LOUISIANA POWER AND LIGHT CO.

Notice and Order for Fourth Prehearing Conference

In the matter of Louisiana Power and Light Co. (Waterford Steam Electric Generating Station, Unit 3).

Take notice, that pursuant to the Atomic Energy Commission's notice of February 23, 1973, published in the FEDERAL REGISTER (38 FR 5502) March 1, 1973, the Commission's Memorandum and Order of September 28, 1973, and in accordance with the Commission's rules of practice, a Fourth Prehearing Conference will be held in the subject proceedings on January 14, 1973, starting at 10 a.m. at the Postal Rate Commission, Suite 500, 2000 L Street N.W., Washington, D.C.

The subject of this Prehearing Conference will be such matters as will aid in the disposition of these proceedings.

By order of the Atomic Safety and Licensing Board.

Issued at Washington, D.C. this 17th day of December, 1973.

HUGH K. CLARK,
Chairman.

[FR Doc.73-26921 Filed 12-20-73;8:45 am]

[Docket No. 50-282]

NORTHERN STATES POWER CO.

Notice of Issuance of Amendment to Facility Operating License

Notice is hereby given that pursuant to a Decision of the Atomic Safety and Licensing Board dated November 30, 1973, the Atomic Energy Commission (the Commission) has issued Amendment No. 1 to Facility Operating License No. DPR-42 to Northern States Power Company authorizing operation of the Prairie Island Nuclear Generating Plant, Unit 1, for testing purposes at reactor core power levels not in excess of 1485 megawatts thermal (90 percent of rated capacity), and for power generation at steady state reactor core power levels not in excess of 1485 megawatts thermal (90 percent of rated capacity), in accordance with the provisions of the amended license and the Technical Specifications. The Prairie Island Nuclear Generating Plant, Unit 1, is a pressurized water nuclear reactor located at the licensee's site in Goodhue County, Minnesota.

The Commission has made appropriate findings as required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license. The application for the license complies with the standards and requirements of the Act and the Commission's rules and regulations.

The amended license is effective as of its date of issuance and shall expire on August 9, 1974, unless extended for good cause shown or upon the earlier issuance of a superseding operating license.

A copy of (1) Decision of the Atomic Safety and Licensing Board (ASLB) dated November 30, 1973, Orders of the ASLB dated June 15, 1973 and September 14, 1973, Memoranda and Orders of the ASLB dated July 11, 1973, and August 3, 1973; (2) Amended Facility Operating License DPR-42; (3) report of the Advisory Committee on Reactor Safeguards dated April 18, 1973; (4) Directorate of Licensing's Safety Evaluation dated September 28, 1972, and supplements thereto; (5) Final Safety Analysis Report and amendments thereto; (6) applicant's Environmental Report dated November 5, 1971, and supplements thereto; (7) Draft Environmental Statement dated January 1973; and (8) Final Environmental Statement dated May 1973, are available for public inspection at the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C., and the Environmental Library of Minnesota, 1222 S.E. 4th Street, Minneapolis, Minnesota 55414. A copy of the amended license and the Safety Evaluation may be obtained upon request addressed to the United States Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Maryland, this 14th day of December 1973.

For the Atomic Energy Commission.

KARL KNIEL,
Chief, Light Water Reactors Project Branch 2-2, Directorate of Licensing.

[FR Doc.73-26922 Filed 12-20-73;8:45 am]

[Docket No. 50-460]

WASHINGTON PUBLIC POWER SUPPLY SYSTEM

Notice of Hearing on Application for Construction Permit

Pursuant to the Atomic Energy Act of 1954, as amended (the Act), and the regulations in Title 10, Code of Federal Regulations, Part 50, "Licensing of Production and Utilization Facilities," and Part 2, rules of practice, notice is hereby given that a hearing will be held by an Atomic Safety and Licensing Board (Board), to consider the application filed under the Act by the Washington Public Power Supply System (the applicant), for a construction permit for a pressurized water nuclear reactor designated as the WPPSS Nuclear Project No. 1 (the facility), which will be designed for operation at approximately 3619 thermal megawatts with a net electrical output of approximately 1206 megawatts. The proposed facility is to be located in Benton County, Washington.

The hearing, which will be scheduled to begin in the vicinity of the site of the proposed facility, will be conducted by an Atomic Safety and Licensing Board (Board) designated by the Chairman of the Atomic Safety and Licensing Board Panel, consisting of Dr. Donald P. deSylva, Dr. Marvin M. Mann, and Daniel M. Head, Esquire, Chairman.

Pursuant to 10 CFR 2.785, an Atomic Safety and Licensing Appeal Board will exercise the authority and the review function which would otherwise be exercised and performed by the Commission. Notice as to the membership of the Appeal Board will be published in the FEDERAL REGISTER at a later date.

Upon completion by the Commission's regulatory staff of a favorable safety evaluation of the application and an environmental review, and upon receipt of a report by the Advisory Committee on Reactor Safeguards, the Director of Regulation will consider making affirmative findings on Items 1–3, a negative finding on Item 4, and an affirmative finding on Item 5 specified below as a basis for the issuance of a construction permit to the applicant:

ISSUES PURSUANT TO THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

1. Whether in accordance with the provisions of 10 CFR 50.35(a):

(a) The applicant has described the proposed design of the facility including, but not limited to, the principal architectural and engineering criteria for the design, and has identified the major features or components incorporated therein for the protection of the health and safety of the public;

(b) Such further technical or design information as may be required to complete the safety analysis and which can reasonably be left for later consideration, will be supplied in the final safety analysis report;

(c) Safety features or components, if any, which require research and development have been described by the applicant and the applicant has identified, and there will be conducted a research and development program reasonably designed to resolve any safety questions associated with such features or components; and

(d) On the basis of the foregoing, there is reasonable assurance that (i) such safety questions will be satisfactorily resolved at or before the latest date stated in the application for completion of construction of the proposed facility, and (ii) taking into consideration the site criteria contained in 10 CFR Part 100, the proposed facility can be constructed and operated at the proposed location without undue risk to the health and safety of the public.

2. Whether the applicant is technically qualified to design and construct the proposed facility;

3. Whether the applicant is financially qualified to design and construct the proposed facility; and

4. Whether the issuance of a permit for construction of the facility will be inimical to the common defense and security or to the health and safety of the public.

ISSUE PURSUANT TO NATIONAL ENVIRONMENTAL POLICY ACT OF 1969 (NEPA)

5. Whether, in accordance with the requirements of Appendix D of 10 CFR Part 50, the construction permit should be issued as proposed.

In the event that this proceeding is not a contested proceeding, as defined by 10 CFR 2.4(n), the Board will determine: (1) Without conducting a de novo evaluation of the application, whether the application and the record of the proceeding contain sufficient information, the review of the application by the Commission's regulatory staff has been adequate to support the proposed findings to be made by the Director of Regulation on Items 1–4 above, and to support, insofar as the Commission's licensing requirements under the Act are concerned, the issuance of the construction permit proposed by the Director of Regulation; and (2) whether the review conducted by the Commission pursuant to NEPA has been adequate.

In the event that this proceeding becomes a contested proceeding, the Board will consider and initially decide, as issues in this proceeding, Items 1–5 above as a basis for determining whether a construction permit should be issued to the applicant.

With respect to the Commission's responsibilities under NEPA, and regardless of whether the proceeding is contested or uncontested, the Board will, in accordance with section A.11 of Appendix D of 10 CFR Part 50:

(1) Determine whether the requirements of section 102(2) (C) and (D) of NEPA and Appendix D of 10 CFR Part 50 have been complied with in this proceeding;

(2) Independently consider the final balance among conflicting factors contained in the record of the proceeding with a view to determining the appropriate action to be taken; and

(3) Determine whether a construction permit should be issued, denied, or appropriately conditioned to protect environmental values.

The Board will convene a special prehearing conference of the parties to the proceeding and persons who have filed petitions for leave to intervene, or their counsel, to be held within sixty (60) days after the notice of hearing is published or at such other time as the Board deems appropriate, for the purpose of dealing with the matters specified in 10 CFR 2.751a.

The Board will convene a prehearing conference of the parties, or their counsel, to be held subsequent to any required special prehearing conference, and within sixty (60) days after discovery has been completed or at such other time as the Board may specify, for the purpose of dealing with the matters specified in 10 CFR 2.752.

The Board will set the time and place for any special prehearing conference, prehearing conference and evidentiary hearing, and the respective notices will be published in the FEDERAL REGISTER.

Any person who does not wish, or is not qualified, to become a party to this proceeding may request permission to make a limited appearance pursuant to the provisions of 10 CFR 2.715. A person making a limited appearance may make an oral or written statement on the record. He does not become a party, but may state his position and raise questions which he would like to have answered to the extent that the questions are within the scope of Items 1–5 above. Limited appearances will be permitted at the time of the hearing at the discretion of the Board, within such limits and on such conditions as may be fixed by the Board. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission, and others in the manner specified below.

Any person whose interest may be affected by the proceeding, who wishes to participate as a party in the proceeding must file a written petition under oath or affirmation for leave to intervene in accordance with the provisions of 10 CFR 2.714. A petition for leave to intervene shall set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and any other contentions of the petitioner including the facts and reasons why he should be permitted to intervene, with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. Any such petition shall be accompanied by a supporting affidavit identifying the specific aspect or aspects of the subject matter of the proceeding as to which the petitioner wishes to intervene and setting forth with particularity both the facts pertaining to his interest and the basis for his contentions with regard to each aspect on which he desires to intervene. A petition that sets forth contentions relating only to matters outside the jurisdiction of the Commission will be denied.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have all rights of the applicant to participate fully in the conduct of the hearing, such as the examination and cross-examination of witnesses, with respect to their contentions related to the matters at issue in the proceeding.

A petition for leave to intervene must be filed with the Secretary of the Commission and others as specified below by January 21, 1974. A petition for leave to intervene which is not timely will not be granted unless the Board determines that the petitioner has made a substantial showing of good cause for failure to file on time and after the Board has considered those factors specified in 10 CFR 2.714(a)(1)–(4) and 2.714(d).

An answer to this notice, pursuant to the provisions of 10 CFR 2.705, must be filed by the applicant by January 10, 1974.

Papers required to be filed in this proceeding shall be filed by mail or telegram addressed to the Secretary of the Commission, United States Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. Pending further order of the Board, parties are required to file, pursuant to the provisions of 10 CFR 2.708, an original and twenty (20) conformed copies of each such paper with the Commission. A copy of any petition for intervention or request for limited appearance should also be sent to the Chief Hearing Counsel, Office of the General Counsel, Regulation, U.S. Atomic Energy Commission, Washington, D.C. 20545 and to Richard Q. Quigley, Esquire, Washington Public Power Supply System, P.O. Box 968, Richland, Washington 99352, attorney for the applicant.

For further details, see the application for a construction permit dated October 15, 1973, and amendments thereto, and the applicant's environmental report dated October 15, 1973, which are available for public inspection at the Commission's Public Document Room, 1717

H Street NW., Washington, D.C., between the hours of 8:30 a.m. and 5 p.m. on weekdays. Copies of those documents are also available at the Richland Public Library, Swift and Northgate Streets, Richland, Washington 99352, for inspection by members of the public between the hours of 10 a.m. and 9 p.m., Monday through Friday and 10 a.m. to 5:30 p.m. on Saturday. As they become available, a copy of the safety evaluation report by the Commission's Directorate of Licensing, the Commission's draft and final environmental statements, the report of the Advisory Committee on Reactor Safeguards (ACRS), the proposed construction permit, the transcripts of the prehearing conferences and of the hearing, and other relevant documents, will also be available at the above locations. Copies of the Directorate of Licensing's safety evaluation report, the Commission's final environmental statement, the proposed construction permit, and the ACRS report, may be obtained, when available, by request to the Deputy Director for Reactor Projects, Directorate of Licensing, United States Atomic Energy Commission, Washington, D.C. 20545.

Dated at Washington, D.C., this 14th day of December 1973.

UNITED STATES ATOMIC ENERGY COMMISSION,
PAUL C. BENDER,
Secretary of the Commission.

[FR Doc.73-26839 Filed 12-20-73;8:45 am]

[Docket Nos. 50-461, 50-462]

ILLINOIS POWER CO.

Notice of Receipt of Application for Construction Permits and Facility Licenses and Availability of Applicant's Environmental Report; Time for Submission of Views on Antitrust Matters

Illinois Power Company (the applicant), pursuant to section 103 of the Atomic Energy Act of 1954, as amended, has filed an application, which was docketed October 30, 1973 for authorization to construct and operate two generating units utilizing two boiling water reactors. The application was tendered on July 17, 1973. Following a preliminary review for completeness, the application was rejected on August 17, 1973 for lack of sufficient information. The applicant submitted additional information on September 14 and 28, 1973, and the application was found to be acceptable for docketing. Docket Nos. 50-461 and 50-462 have been assigned to the application, which should be referenced in any correspondence relating to the application.

The proposed nuclear facilities, designated by the applicant as the Clinton Power Station, Units 1 and 2 are to be located in Harp Township, DeWitt County, Illinois. Each unit is designed for initial operation at approximately 2894 megawatts (thermal), with a net electrical output of approximately 955 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, Regulation, Washington, D.C. 20545, Attention: Chief, Office of Antitrust and Indemnity, Directorate of Licensing, on or before February 5, 1974. The request should be filed in connection with Docket Nos. 50-461-A and 50-462-A.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545, and at the Vespasian Warner Public Library, 120 West Johnson Street, Clinton, Illinois 61727.

The applicant has also filed, pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in Appendix D to 10 CFR Part 50, an Environmental Report dated October 26, 1973. The report, which discusses environmental considerations related to the construction and operation of the proposed facilities is being made available for public inspection at the aforementioned locations and at the Office of Planning and Analysis, 216 East Monroe Street, Third Floor, Springfield, Illinois 62706.

After the Environmental Report has been analyzed by the Commission's Director of Regulation or his designee, a draft environmental statement will be prepared by the Commission's Regulatory staff. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft statement, with a request for comments from interested persons on the draft statement. The summary notice will also contain a statement to the effect that comments of Federal agencies and State and local officials will be made available when received. Upon consideration of comments submitted with respect to the draft environmental statement, the Regulatory staff will prepare a final environmental statement, the availability of which will be published in the FEDERAL REGISTER.

Dated at Bethesda, Maryland this 26th day of November 1973.

For the Atomic Energy Commission.

JOHN F. STOLZ,
Chief, Boiling Water Reactors Branch No. 2, Directorate of Licensing.

[FR Doc.73-25962 Filed 12-6-73;8:45 am]

[Docket Nos. 50-463, 50-464]

PHILADELPHIA ELECTRIC CO.

Notice of Receipt of Application for Construction Permits and Facility Licenses and Availability of Applicant's Environmental Report; Time for Submission of Views on Antitrust Matters

Philadelphia Electric Company (the applicant), 2301 Market Street, Philadelphia, Pennsylvania 19101, pursuant to section 103 of the Atomic Energy Act of 1954, as amended, has filed an application, which was docketed on November 16, 1973, for authorization to construct and operate two generating units utilizing two high temperature gas-cooled reactors. The application was tendered on July 3, 1973. Following a preliminary review for completeness, the application was rejected on August 15, 1973, for lack of sufficient information. The applicant submitted additional information on October 18, 1973, and the application was found to be acceptable for docketing. Docket Nos. 50-463 and 50-464 have been assigned to the application and they should be referenced in any correspondence relating to the application.

The proposed nuclear facilities, designated by the applicant as the Fulton Generating Station, Units 1 and 2, will be located on the east bank of Conowingo Pond in Fulton Township, Lancaster County, Pennsylvania, approximately 17 miles south of Lancaster, Pennsylvania, 59 miles west-southwest of Philadelphia, and 36 miles northeast of Baltimore, Maryland. Each reactor will be designed for initial operation at approximately 3000 megawatts (thermal), with a net electrical output of approximately 1160 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 shall submit such views to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Office of Antitrust and Indemnity, Directorate of Licensing, on or before February 5, 1974. The request should be filed in connection with Docket Nos. 50-463-A and 50-464-A.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545 and at the Lancaster County Library, 125 North Duke Street, Lancaster, Pennsylvania 17602.

The applicant has also filed, pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in Appendix D to 10 CFR Part 50, an Environmental Report dated November 14, 1973. The report, which discusses environmental considerations related to the construction and operation of the proposed facilities, is being made available for public inspection at the aforementioned locations, at the Office of Radiological Health, Department of Environmental Resources, P.O. Box 2063, Harrisburg, Pennsylvania 17105 and at the Lancaster County Planning Commission, 900 East King Street, Lancaster, Pennsylvania 17602.

After the Environmental Report has been analyzed by the Commission's Director of Regulation or his designee, a draft environmental statement will be prepared by the Commission's Regulatory staff. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to

be published in the FEDERAL REGISTER a summary notice of availability of the draft statement, with a request for comments from interested persons on the draft statement. The summary notice will also contain a statement to the effect that comments of Federal agencies and State and local officials will be made available when received. Upon consideration of comments submitted with respect to the draft environmental statements, the Regulatory staff will prepare a final environmental statement, the availability of which will be published in the FEDERAL REGISTER.

Dated at Bethesda, Md., this 28th day of November 1973.

For the Atomic Energy Commission.

ROBERT A. CLARK,
Chief, Gas Cooled Reactors Branch, Directorate of Licensing.

[FR Doc.73-25963 Filed 12-6-73;8:45 am]

[Docket No. 50-460]

WASHINGTON PUBLIC POWER SUPPLY SYSTEM

Notice of Receipt of Application; Availability of Applicant's Environmental Report; Time for Submission of Views

Washington Public Power Supply System (the applicant), pursuant to section 103 of the Atomic Energy Act of 1954, as amended, has filed an application, which was docketed October 18, 1973, for authorization to construct and operate a generating unit utilizing a pressurized water nuclear reactor. The application was tendered on July 16, 1973. Following a preliminary review for completeness, the application was rejected on August 20, 1973, for lack of sufficient information. The applicant submitted additional information on October 1, 1973, and the application was found to be acceptable for docketing. Docket No. 50-460 has been assigned to the application and it should be referenced in any correspondence relating to the application.

The proposed nuclear facility, designated by the applicant as the WPPSS Nuclear Project No. 1, is located on the applicant's site in Benton County, Washington, and is designed for initial operation at approximately 3619 megawatts thermal, and a net electrical output of approximately 1206 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 February 19, 1974. The request should be filed in connection with Docket No. 50-460-A.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545, and at the Richland Public Library, Swift and Northgate Streets, Richland, Washington 99352.

The applicant has also filed, pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in Appendix D to 10 CFR Part 50, an environmental report dated October 15, 1973. The report, which discusses environmental considerations related to the construction and operation of the proposed facility is being made available for public inspection at the aforementioned locations, and at the Office of the Governor, State Planning and Community Affairs Agency, Olympia, Washington 98504 and the Benton-Franklin Governmental Conference, 906 Jadwin Avenue, Richland, Washington 99352.

After the environmental report has been analyzed by the Commission's Director of Regulation or his designee, a draft environmental statement will be prepared by the Commission's Regulatory staff. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft statement, with a request for comments from interested persons on the draft statement. The summary notice will also contain a statement to the effect that comments of Federal agencies and State and local officials will be made available when received. Upon consideration of comments submitted with respect to the draft environmental statement, the Regulatory staff will prepare a final environmental statement, the availability of which will be published in the FEDERAL REGISTER.

Dated at Bethesda, Maryland, this 14th day of December 1973.

For the Atomic Energy Commission.

A. SCHWENCER,
Chief, Light Water Reactors Branch 2-3, Directorate of Licensing.

[FR Doc.73-27005 Filed 12-20-73;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON REACTOR FUELS

Notice of Meeting

In accordance with the purposes of section 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards Subcommittee on Reactor Fuels will hold a meeting on January 8, 1974, in Room 1046, 1717 H Street, NW., Washington, D.C. The purpose of this meeting will be to discuss nuclear fuel design and performance models with reference to nuclear reactors designed by the General Electric Company, and Regulatory Staff review of fuel performance models, in general.

The following constitutes that portion of the Subcommittee's agenda for the above meeting which will be open to the public.

TUESDAY, JANUARY 8, 1974
9:00 A.M.-4:00 P.M.

Discussion with the AEC Regulatory Staff and General Electric.

In connection with the above agenda item, the Subcommittee will hold executive sessions before and after the meeting to discuss its preliminary views and to exchange opinions and formulate recommendations to the ACRS. In addition, following the public portion of the meeting, the Subcommittee may hold a closed session with the Regulatory Staff and G.E. to discuss privileged information relating to nuclear fuel design and fuel performance models.

I have determined, in accordance with subsection 10(d) of Pub. L. 92-463, that the executive session at the beginning and end of each day of the meeting 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) and that a closed session may be held to discuss certain documents which are privileged and fall within exemption (4) of 5 U.S.C. 552(b). It is essential to close such portions of the meeting to protect such privileged information and the free interchange of internal views and to avoid undue interference with 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 item may do so by mailing 25 copies thereof, postmarked no later than December 31, 1973, to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Such comments shall be based upon General Electric topical reports and various other related documents on file and available for public inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20545.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the Subcommittee. To the extent that the time available for the meeting permits, the Subcommittee will receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the Chairman of the Subcommittee, between the hours of 4 p.m. and 4:30 p.m. on January 8, 1974.

(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 and in regard to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on January 7, 1974, 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.d.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, motion picture, 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 portion of the meeting will be available for inspection during the following workday at the Atomic Energy Commission's Public Document Room, 1717 H Street, N.W., 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, N.W., Washington, D.C. 20545 on or after March 8, 1974. Copies may be obtained upon payment of appropriate charges.

JOHN C. RYAN,
Advisory Committee Management Officer.

[FR Doc.73-27062 Filed 12-12-73;10:19 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON REGULATORY GUIDES

Notice of Meeting

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 January 9, 1974, in Room 1026, 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, "Assumptions Used for Evaluating a Control Rod Ejection Accident for Pressurized Water Reactors," Draft 5.

(2) proposed Revision 1 of Regulatory Guide 1.27, "Ultimate Heat Sink for Nuclear Power Plants," Draft 1.

(3) proposed Revision 1 of Regulatory Guide 1.12, "Instrumentation for Earthquakes," Draft 2.

The following constitutes that portion of the Subcommittee's agenda for the above meeting which will be open to the public.

WEDNESDAY, JANUARY 9, 1974, 1:30 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 1:00 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 Pub. L. 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 Subcommittee 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, postmarked no later than January 2, 1974; to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Such comments shall be based upon the subject matter of the proposed Regulatory Guides which are agenda items and related documents which are on file and available for public inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the Subcommittee. 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 1:30 p.m. and 3 p.m. on January 9, 1974.

(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 and in regard to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on January 8, 1974, to the Office of the Executive Secretary of the Committee (telephone 301-973-5651) between 8:30 a.m. and 5:15 p.m., Eastern Daylight Time.

(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, motion picture, 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 Public Document Room, 1717 H Street, NW., Washington, D.C. 20545 on or after March 11, 1974. Copies may be obtained upon payment of appropriate charges.

JOHN C. RYAN,
Advisory Committee Management Officer.

[FR Doc.73-27061 Filed 12-20-73;10:19 am]

GENERAL ADVISORY COMMITTEE RESEARCH SUBCOMMITTEE

Notice of Meeting

In accordance with the purposes of section 26 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2036), the General Advisory Committee's Research Subcommittee will hold a meeting on January 10 and 11 (morning only), 1974, at the AEC offices at 1717 H Street, N.W., Washington, D.C. (Room 1010).

The following constitutes that portion of the Committee's agenda for the above meeting which will be open to the public:

9:30 a.m.-12:30 p.m., Thursday, Jan. 10. Briefings by John M. Teem, Director, Division of Physical Research, and principal staff on the various scientific programs of the Physical Research Division.

In addition to the above agenda item, the Subcommittee will meet with Dr. Teem and his staff on the afternoon of January 10, 1973, and hold an executive session on January 11, 1973, both of which will not be open to the public under the authority of subsection 10(d) of Public Law 92-463 (Federal Advisory Committee Act), to exchange opinions on AEC's physical research programs and formulate recommendations on the AEC long-range basic research program. I have determined in accordance with subsection 10(d) of Public Law 92-463 that the above noted closed portions of the

meeting 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 avoid undue interference with Committee operation.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman 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 above agenda items, the following requirements shall apply:

(a) Persons wishing to submit written statements on those agenda items may do so by mailing 12 copies thereof, postmarked no later than January 3, 1974, to the Secretary, General Advisory Committee, U.S. Atomic Energy Commission, Washington, D.C. 20545. Such comments shall be based upon the above agenda items.

(b) Information as to whether the meeting has been rescheduled or relocated can be obtained by a prepaid telephone call on January 9 to the Office of the Secretary to the Committee (telephone: 301-973-5637) between 8:30 a.m. and 5:15 p.m.

(c) Questions may be propounded only by members of the Committee.

(d) Seating for the public will be available on a first-come, first-served basis.

(e) Copies of minutes of the public session will be made available for copying, in accordance with the Federal Advisory Committee Act, on or after January 18, 1974, at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., upon payment of all charges required by law.

JOHN C. RYAN,
Advisory Committee Management Officer.

[FR Doc.73-27060 Filed 12-20-73;10:19 am]

LMFBR DEMONSTRATION PROJECT

Proposed Supplemental Determination

DECEMBER 19, 1973.

On June 12, 1973, the U.S. Court of Appeals for the District of Columbia Circuit held in *Scientists' Institute for Public Information, Inc.* v. *AEC*, 481 F. 2d. 1079 (D.C. Cir. 1973) that present preparation of an environmental impact statement on the Liquid Metal Fast Breeder Reactor (LMFBR) program is required by section 102(2)(C) of the National Environmental Policy Act of 1969 (NEPA). The U.S. Atomic Energy Commission, on June 14, 1973, determined that preparation of an environmental impact statement on the LMFBR program would immediately be initiated pursuant to the Court's decision. A subsequent declaratory order of the U.S. District Court provided for completion of this statement by June 14, 1973.

Prior to execution of the LMFBR Demonstration Plant contracts and implementation thereof during the period of preparation of a NEPA impact statement on the LMFBR program, the Commission determined that an examination should be made as to whether the execution of the contracts and implementation thereof would be inconsistent with its NEPA responsibilities in regard to environmental protection, or would prejudice its ability to make the required NEPA review and take whatever action may be appropriate in light thereof.

In undertaking this interim NEPA examination, the Commission considered and balanced the following factors: [1]

1. Whether it is likely that execution of the LMFBR Demonstration project contracts and implementation thereof during the prospective review period will give rise to a significant adverse impact on the environment; the nature and extent of such impact, if any; and whether redress of any such adverse environmental impact can reasonably be effected should modification, suspension or termination of project activities result from the ongoing NEPA environmental review.

2. Whether execution of the LMFBR project contracts and implementation thereof during the prospective review period would foreclose subsequent adoption of alternatives of the type that could result from the ongoing NEPA review.

3. The effect of delay in executing and implementing the LMFBR project contracts upon the public interest.

4. Whether the additional irretrievable commitment of resources if these contracts are executed and implemented during the limited time involved might affect the eventual decision reached on the NEPA review.

To assist the Commission in its consideration of the foregoing factors the Commission published in the FEDERAL REGISTER on June 29, 1973 (38 FR 17263) its proposed determination with a request that interested persons who desired to submit written comments or suggestions for Commission consideration do so on or before July 14, 1973. The Commission carefully considered all comments received.

The results of the Commission's examination of this matter in the light of all comments received was set forth in a document entitled, "Findings Supporting Determination in Regard to LMFBR Demonstration Project Pending Preparation of a Section 102(2)(C) NEPA Impact Statement on the LMFBR Program." Copies of this document and of all comments received are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. Copies may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: General Manager.

Based on the results of the foregoing examination, the Commission determined on July 20, 1973 that the LMFBR Demonstration Plant project contracts may be executed and thereafter implemented during the limited period of the ongoing NEPA review of the LMFBR program. This Determination was published in the FEDERAL REGISTER on July 24, 1973 (38 FR 19853).

The original Determination and supporting Findings did not expressly state that certain long lead time reactor components and related materials [2] might be procured during this twelve (12) month NEPA review period even though sufficient funds for this purpose were projected therein. Such limited procurement is on the critical path of the LMFBR Demonstration Plant project schedule.

Moreover, while the original Determination and supporting Findings provided for the development of information for the Preliminary Safety Analysis Report (PSAR)—a licensing requirement—during this NEPA review period, insufficient funds for the development of such information were in fact projected. It now appears that approximately $5 million additional to the $27 million originally projected for the total project costs during this period will be required to develop the information necessary for a comprehensive safety analysis of the proposed LMFBR Demonstration Plant.

Before reaching a decision as to (1) the initiation of procurement of the long lead time equipment and materials and (2) the increase in total project funding by $5 million to cover the development of the information for the Preliminary Safety Analysis Report the Commission considered the implementation of these actions in the context of the four factors enumerated earlier.

This examination was made in order to determine whether implementation during the NEPA review period would be consistent with the Commission's NEPA responsibilities in regard to environmental protection or would prejudice its ability to continue making the required NEPA review and to take whatever action may be appropriate in light thereof. The results of the Commission's examination are set forth in the following proposed Commission findings:

1. *Implementation of the two proposed actions is not expected to result in a significant adverse impact on the environment.* The comprehensive safety analysis is an analytical and documentary effort. The long lead time procurement activities will involve materials-forming and component manufacturing activities that will be conducted within existing offsite manufacturing facilities. These actions

[1] These factors are analogous to those developed for determinations in regard to whether to suspend certain reactor construction permits and operating licenses pending completion of the Section 102(2)(C) reviews required as a result of the decisions of the U.S. Court of Appeals for the District of Columbia Circuit in *Calvert Cliffs' Coordinating Committee, Inc.* v. *Atomic Energy Commission*, 449 F. 2d 1109 (D.C. Cir. 1971) and *Coalition for Safe Nuclear Power* v. *AEC, et al*, 463 F. 2d 1954 (D.C. Cir. 1972). These factors are set forth in 10 CFR Part 50, Appendix D.

[2] These components and materials include the reactor vessel and associated head and guard vessel, vessel support rings, intermediate heat exchanger, steam generators, pumps, lower core support structure, and sodium valves. Approximately $4.5 million was originally earmarked for the procurement of these components and materials.

will constitute a negligible increment to the existing work at these facilities. The procurement activities will have no direct environmental impact at the project site. Accordingly, the Commission finds that the implementation of the two proposed actions is not expected to result in a significant adverse impact on the environment.

2. *Subsequent adoption of project alternatives including termination of the project would not be foreclosed by implementation of the two proposed actions during the period of the ongoing NEPA review.* As stated earlier, the original Determination and supporting Findings provided for the development of information for the PSAR. What is now proposed in this respect is that $5 million be added to this effort.

The existing technological base for the LMFBR program represents an investment of more than $1 billion over the past 20 years and the monies projected to be expended on the overall program during the course of completion of construction of the Demonstration Plant are several billion dollars. By any objective standard, the incremental expenditure of $5 million during the 12-month review period will not represent a commitment of such magnitude or nature as to foreclose any Commission options at the conclusion of the NEPA review. Federal Government Fiscal Year 1974 funds allocated to energy research and development is estimated to be $1,003 million. AEC's portion of this is $633 million. Of that amount about $276 million is assigned to energy R&D in other than LMFBR development. This is an increase of over $42 million by comparison with the FY 1973 budget for AEC R&D on energy systems other than LMFBR. These funding figures reflect the $115 million increment to the FY 1974 Energy R&D budget announced by the President on October 11, 1973. Moreover, the Commission has no intention of restricting work on any other reactor or energy concept as a result of proceeding with LMFBR activities. On the contrary, pursuant to the President's Energy Message to the Congress on April 18, 1973, the Comission is currently exploring ways of increasing the funding for other energy concepts (nonnuclear as well as nuclear).

Moreover, the further plant design and site safety information, which will be developed by utilizing the additional $5 million, is not only necessary for a well-founded determination as to the environmental impact of the Demonstration plant at its site but will also provide valuable input to the more general evaluation needed for a broad-gauged assessment of the environmental effects of a large-scale use of breeder reactors as an alternative energy resource—a part of the overall environmental impact statement being prepared in accordance with the Court's decision. It should also be noted that this safety analysis will not have reached such detail during the NEPA review period that adaptations which might result from the NEPA review cannot be easily accommodated.

The planned procurement activities will be directed only to the purchase of such long lead time items as reactor components and related materials, the design of which is well established and the manufacturing period for which is relatively long. For example, the reactor vessel, the total manufacturing period for which is estimated to be about four years, and for which design and fabrication contracts are to be awarded and long-lead materials procured during the review period, would not be significantly changed by consideration of plant design alternatives relating to such major factors as plant power level, refueling, and primary pump location. Also, if it were decided as a result of the NEPA review that further pursuit of the LMFBR program was to be deferred or discontinued, procurement of those items not yet delivered could be terminated and other use of or sale for scrap arranged for any delivered materials, with relatively small dollar penalty. It is estimated that if such a decision was reached by July 1, 1974 the dollar penalty which might result from discontinuance of these procurement activities would be about $2,500,000 in the most extreme case.

Finally, it should be emphasized that implementation of these two additional proposed actions during the ongoing NEPA review period does not constitute an irrevocable commitment to the Demonstration project. Continuing AEC project participation is, of course, subject to compliance with applicable laws; and the project contract makes specific that this includes compliance with "the provisions and policies of applicable laws in respect to the protection of the environment" (See paragraphs 5 and 11 of AT (49-18)-12.) Moreover, any construction permit for the Demonstration plant cannot be issued until after numerous technical reviews, another environmental impact statement on the plant, and a hearing on safety and environmental matters in which interested persons may participate. Provision is also made by regulation and statute for further reviews of any decision to construct, and judicial review at the behest of any party to the construction permit proceeding. The participants expend their own funds at the financial risk that the outcome of the NEPA review of the program or of the licensing process itself may require some alternative course—including project termination. Cf., Coalition for Safe Nuclear Power v. AEC, et al, 463 F.2d 954.

Accordingly, the Commission finds that subsequent adoption of project alternatives, including termination of the project, would not be foreclosed by implementation of the two proposed actions during the NEPA review period.

3. *The public interest would be adversely affected by a delay in implementation of the two proposed actions as a result of significant increase in project costs and the delay in availability of a key energy option for the Nation.* Procurement of the subject reactor components and related materials and the further safety information to be developed through the expenditure of an additional $5 million are both on the project's critical path. A delay in implementation of these two actions will result in a day-to-day extension of the overall project schedule. If escalation rates similar to those experienced over the past 12–18 months (about 8–9 percent per year) continue to apply during this delay period, total project costs could increase at a rate of about $5 million per month. In addition, fixed project costs over the extended project schedule could increase as much as $1 million per month. Of far greater significance, however, is the fact that the delay in the overall project schedule occasioned by failure to take these two contemplated actions would result in a corresponding delay in the availability of the breeder reactor.

As stated by the Commission in making its earlier Determination, in assessing the wisdom of presently initiating project implementation (continuation of which would be contingent on the outcome of the NEPA program review) the Commission cannot blind itself to a number of compelling national interest considerations. The development of viable energy options for the 1980's and beyond is a matter of vital national concern. The soundness of the domestic economy, the nation's position in international trade (including, particularly, its balance of payments), the country's nondependence on foreign sources for energy supplies—indeed, the health and welfare of the American people—are directly affected by the availability of adequate means for meeting our overall energy needs during the remainder of this century.[1] The need for this country to have the domestic capability to meet both its near and longer term energy requirements has been strongly emphasized by recent and continuing events regarding the Middle East.

While many of these considerations cannot be quantified in dollar costs alone, it is worth noting that, if the LMFBR program does go forward and succeed, a one-year delay in the commercial availability of the breeder reactor could impose upon the U.S. economy a substantial dollar penalty in higher costs of electricity and increased environmental impact from extended use of less environmentally-compatible power generation facilities.[2]

Additionally, it should be reiterated that while a number of technological, environmental and other problems require treatment in connection with any successful demonstration of the breeder concept, availability of the breeder reactor as an alternative energy option would have special significance in regard to conservation of the Nation's fuel resources. Current-type light water reactors utilize less than 2% of the available energy from the uranium fuel which they burn. The LMFBR could utilize 50% or more of the total energy from uranium and this extend the usefulness of domestic uranium reserves from decades to centuries.[3]

In view of the foregoing, the Commission finds that should continuation of the LMFBR Demonstration Plant project be consistent with the outcome of the NEPA program review, delay in proceeding to procure the subject reactor components and related materials and to proceed to develop the additional safety information contemplated herein will result in a significant increase in project costs and will adversely affect the timing of the availability of the breeder reactor as an alternative energy option for the Nation.

In this context it should be noted that there would be no additional commitment of resources as a result of the implementation of the contemplated procurement actions. As to the expenditure for additional safety analysis information, the Commission finds that by any objective standard, the incremental expenditure of $5 million during the NEPA review period will not represent a commitment of such magnitude or nature as to directly affect decisions reached as a result of the NEPA review.

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[1] Message from the President of the United States Concerning Energy Resources, 93rd Congress, 1st Session. H. Doc. No. 93-85, April 18, 1973; Hearings before the Subcommittee on Foreign Affairs, 92d Congress, 2d Session, September 21, 26, 27; October 3, 1972; Updated AEC Cost Benefit Analysis, WASH-1184, January 1972.

[2] AEC's cost-benefit analysis prepared in 1971 (WASH-1184) and issued January 1972 shows that the dollar penalty may be in the range of $1.3 billion to $2.0 billion on a discounted basis. This analysis is presently being updated and, as updated, will show that this range may be on the low side.

[3] Message from the President of the United States on "Clean Energy," 92d Congress, 1st Session, H. Doc. No. 92-116, June 4, 1971; 1970 Natural Power Survey, Part I, issued by Federal Power Commission, December 1971, pp. 1, 6 and 22.

Based on the results of the foregoing examination, the Commission proposes to determine that procurement of the subject reactor components and related materials and increased project funding of $5 million for the development of safety analysis information during the twelve-month period of NEPA review would be consistent with its NEPA responsibilities and would not prejudice its ability to continue making the required NEPA review and to take whatever action may be appropriate in light thereof.

Interested persons who desire to submit written comments or suggestions for Commission consideration in connection with this examination and the Commission's final determination thereon should send them to the Secretary of the Commission, Washington, D.C. 20545, on or before January 10, 1974. Copies of comments received by the Commission may be examined at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C.

Dated at Germantown, Maryland this 17th day of December, 1973.

For the Commission.

GORDON M. GRANT,
Acting Secretary
of the Commission.

[FR Doc.73-27080 Filed 12-20-73;10:57 am]

CIVIL AERONAUTICS BOARD

[Docket 26234; Order 73-12-64]

CONTINENTAL AIR LINES, INC.

Order of Investigation and Suspension Regarding Group Ski Fares

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 17th day of December 1973.

By tariff revisions[1] marked to become effective January 1, 1974, Continental Air Lines, Inc. (Continental) proposes to establish GIT fares of $100.93 for groups of 80 passengers or more between Chicago and Denver/Colorado Springs for the 1974 winter season. The fares are to apply between January 1 and May 31, 1974. Neither holiday blackouts nor minimum/maximum stay requirements are applicable; however, advance reservations and ticketing requirements are set at seven days, and the purchase of a $50.00 minimum ground tour package is required.

In support of its proposal Continental alleges that the solicitation of charter traffic this season greatly exceeds that in past years; that this season, United Air Lines, Inc. (United) is offering and promoting charter schedules during a 14-week period by making available a minimum of 144,060 total round-trip seats in the Colorado/Utah ski areas; and that this fact alone indicates the necessity to use group fares to generate ski traffic on scheduled service. Continental further alleges that the 90/10 generation diversion ratio used in its profit impact test is Continental's judgment based on several years' experience in promoting group ski travel, and intelligence gained from its sales contacts with individuals using the fare, heads of ski organizations in the Chicago area, and tour operators active in the promotion of such travel. Finally, Continental alleges that the group size and fare levels proposed are sound and economic when compared with other fares in markets competing for the same travel dollar.

United has filed a complaint against the proposal requesting that it be suspended and investigated. The complainant alleges that, contrary to Continental's assertion, United has sold a total of only two round-trip charters in the Chicago to Colorado/Utah ski areas at the present time, and does not expect to sell any more charters for the pending ski season in light of fuel shortages. United also alleges that Continental has failed to provide a prima facie showing that its proposed fare will have a favorable profit impact; that Continental has failed to supply any basis for its estimate that 7,000 passengers will be attracted to the proposed fare, or that the fares will be 90 percent generative; and that no carrier has ever verified a generation figure near 90 percent.

In answer to the complaint, Continental alleges that its generation/diversion data are reasonable and supportable; that without a competitive group rate as proposed by Continental, the entire ski market will be attracted to United's charter program; and that, while reliance on the current fuel crisis has become quite the vogue today in attacking competitive proposals by other parties, it has no real applicability here for no one knows where the capacity level will go in the market or what level of traffic can be expected in it.

Upon consideration of the proposal, complaint and answer thereto, and all relevant matters, the Board concludes that the proposed fares may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial or otherwise unlawful and should be investigated. We further conclude that the fares should be suspended pending investigation.

In suspending Continental's previous group-80 fare proposal in these same markets,[2] we concluded that Continental's use of an unsupported 90/10 generation/diversion estimate was inappropriate, and noted certain additional deficiencies in the carrier's justification. Analysis of the data submitted in support of the instant proposal indicates that these same deficiencies persist. Continental continues to apply a 90 percent generation factor to its fare, allegedly a judgment factor based on experience and on intelligence gained from various sources. This, the sole basis for its estimate, is not persuasive. We note that Continental makes no effort to respond to our observation in Order 73-10-54 that the liberal stay requirements and the backdrop of numerous other fares suggest that a 90 percent generation estimate is unreasonable. Data submitted by the carrier indicate that much of the traffic in the Chicago-Denver market already utilizes low-yield discount fares, and thus substantiates our concern that the proposed fare may be only moderately generative.

The estimated volume of traffic and the dilution estimates employed in Continental's showing of profit impact are also unsubstantiated, and we believe both are questionable. As to the former, Continental expects to carry 7,000 passengers during the five months duration of the proposal, the same number estimated earlier when the fare would have had a seven-month period of effectiveness. Even granting the seasonality of this traffic, some adjustment downward would seem in order. The dilution estimate of $13.90 apparently is based on the average coach/economy yield in the market. This is the same figure Continental used in its earlier proposal despite its subsequent acknowledgment that it understates dilution to the extent average yield was affected by low level 1972/73 GIT fares which are not now a factor. Thus, these critical elements of Continental's profit impact test are both unsupported and suspect.

While Continental's argument that its proposed fares compare favorably to fares currently in effect to competitive skiing destinations out of Chicago is a valid ratemaking concern, it does not warrant permitting a proposal when, as here, the carrier's justification is seriously deficient in other respects. Discount fares must now be justified within the framework of Phase 5 of the Domestic Passenger-Fare Investigation and Continental has not made the necessary showing of profit impact. We note that of the fares Continental has used in its various comparisons only the proposed group fare and a $106.48 IT fare in the Chicago-Denver market were not increased on December 1, 1973. Thus, relative to other fares in the Chicago-Denver market and other competitive markets, Continental is actually proposing a lower fare than that recently suspended by the Board.

Turning to one other area of concern, Continental alleges that United will provide a minimum of 144,060 round-trip seats in charter service to ski areas, and that if Continental has no group ski fares in scheduled service the entire ski market will be left to United's charter service. United contends, on the other hand, that it has sold a total of only two round-trip charters to date, and does not expect to sell any more charters for the pending ski season, especially in light of the scarcity of fuel. We cannot conclude from this that Continental is faced with any compelling need to protect its scheduled operations from charter competition.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204, 403, 404, and 1002 thereof, *it is ordered*, That:

1. An investigation be instituted to determine whether the fares and provisions described in Appendix A[1] hereto,

[1] Revisions to Airline Tariff Publishers, Inc., Agent, Tariff C.A.B. No. 202.

[2] Order 73-10-54, October 15, 1973.

[1] Filed as part of the original document.

and rules, regulations, and practices affecting such fares and provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful fares and provisions, and rules, regulations, or practices affecting such fares and provisions;

2. Pending hearing and decision by the Board, the fares and provisions described in Appendix A hereto are suspended and their use deferred to and including March 31, 1974, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. Except to the extent granted herein, the complaint in Docket 26157 is hereby dismissed;

4. The proceeding ordered herein be assigned for hearing before an Administrative Law Judge of the Board at a time and place hereafter to be designated; and

5. Copies of this order will be filed in the aforesaid tariff and served on Continental Air Lines, Inc., and United Air Lines, Inc., which are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-26961 Filed 12-20-73;8:45 am]

[Docket 23333; Agreement C.A.B. 24004, R-6; Order 73-12-59]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority, December 14, 1973.

An agreement has 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 resolution of the Joint Traffic Conferences of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement names an additional specific commodity rate, as set forth below, reflecting a reduction from general cargo rates; and was adopted pursuant to unprotested notices to the carriers and promulgated in an IATA letter dated October 16, 1973.

Specific Commodity Item No.	*Description and Rate*
0670 ----------	Horse Flesh, 58 cents per kg., minimum weight 3,000 kgs. From New York to Oslo/Stockholm.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14, it is not found that the subject agreement is adverse to the public interest or in violation of the Act, provided that approval is subject to the conditions hereinafter ordered.

Accordingly, it is ordered, That:

1. Agreement C.A.B. 24004, R-6, be and hereby is approved, provided that approval shall not constitute approval of the specific commodity description contained therein for purposes of tariff publication; provided further that tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing.

2. The findings and approval herein shall not be deemed to modify the findings and order of the Board in its decision in "Agreements Adopted by IATA Relating to North Atlantic Cargo Rates," Order 73-2-24 of February 6, 1973, Order 73-7-9 of July 5, 1973, and Order 73-9-109 of September 28, 1973, and are subject to all the provisions of such orders.

Persons entitled to petition the Board for review of this order, pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-26960 Filed 12-20-73;8:45 am]

[Dockets 23944, etc.; Order 73-12-66]

STANLEY G. WILLIAMS AND SOUTHERN AIR TRANSPORT, INC.

Order To Show Cause

Southern Air Transport, Inc. (SAT) is an air carrier holding certificates of public convenience and necessity authorizing it to engage in supplemental air transportation (including inclusive tour charter authority) with respect to persons and property between points in the United States (Order E-23350, March 11, 1966);[1] on Transpacific and Caribbean routings (Order E-24237, September 27, 1966); and in overseas and foreign air transportation pursuant to contracts with the Department of Defense (Order E-24237, September 27, 1966). In addition, SAT holds various exemptions authorizing it to engage in supplemental air transportation of property and "outsize cargo" in specified areas.[2]

On December 3, 1973, SAT filed pleadings in several dockets which if granted would terminate and revoke these operating authorities.[3] Based on the representations of SAT and all other relevant matters now before us, we tentatively find and conclude for the reasons set forth below that SAT's requests should be granted and its certificates and operating authorizations should be cancelled or otherwise terminated.

A. *Motions to withdraw applications.* SAT is presently an applicant in the Supplemental Renewal Proceeding, Docket 23944, having successfully moved to consolidate therein its applications in Dockets 22728, 23439 and 24017.[4]

On August 31, 1973, SAT advised the presiding Administrative Law Judge that it would not prosecute its applications. No evidence in support thereof was submitted, and on December 3, 1973, SAT filed its Motion to Withdraw.[5]

On the basis of the foregoing, we tentatively find and conclude that SAT's applications in Dockets 22728, 23439 and 24017, should be dismissed and that SAT's status as a party in the Supplemental Renewal Proceeding, Docket 23944 should be terminated.

Also pending is the Stanley G. Williams and Southern Air Transport, Inc. Acquisition of Control Case, Docket 25264.[6] On December 3, 1973, Mr. Williams and SAT filed a motion with the Board for leave to withdraw their joint application in Docket 25264.

In view of the foregoing, the Board tentatively finds and concludes that all further proceedings in Docket 25264 should be terminated and that the application for approval of the acquisition agreement should be dismissed.

B. *SAT's temporary certificate authority.* By Order E-24237, approved by the President on September 27, 1966, the Board issued a certificate of public convenience and necessity to SAT to engage in supplemental air transportation (including inclusive tour charter authority)

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[1] Appendix A, describes in more detail various operating authorities of Southern Air Transport.

[2] See Orders 73-7-82, July 17, 1973; 73-5-65, May 10, 1973; 72-4-93, April 18, 1972; 72-4-70, April 14, 1972; and 71-12-6, December 1, 1971.

[3] SAT filed a motion for leave to withdraw its application in the Supplemental Renewal Proceeding, Docket 23944, wherein it was seeking, inter alia, renewal of its Transpacific and Caribbean area certificate authority.

Secondly, SAT and Mr. Stanley G. Williams filed a motion for leave to withdraw their joint application in Docket 25264 for approval of the acquisition of control of SAT by Mr. Williams.

Finally, SAT petitioned in Docket 26176 for the cancellation of its permanent domestic and DOD certificate authority as well as its remaining exemption authorities.

[4] SAT's application in Docket 22728 seeks renewal of its domestic inclusive tour supplemental air carrier authority which expired on May 13, 1971, while SAT's application in Docket 23439 seeks inter alia renewal of its Trans-Pacific and Caribbean area supplemental air carrier authority which expired on November 26, 1971. (These authorities have been conducted since the termination dates by virtue of the automatic extension provisions of section 9(b) of the Administrative Procedure Act (5 U.S.C. 558(c)) pending the outcome of the Supplemental Renewal Proceeding).

SAT's application in Docket 24017 seeks inter alia supplemental air carrier authority in the Canadian, Mexican, Central and South American areas and intra-territorial within such areas.

[5] See note 3 supra.

[6] The application is now before an Administrative Law Judge for decision.

with respect to persons and property between any point in any state of the United States or the District of Columbia, on the one hand, and points in the Transpacific and Caribbean geographic regions, on the other hand. As noted in note 4, supra, these authorities expired by their own terms on November 26, 1971, and have been conducted by virtue of the automatic extension provisions of section 9(b) of the Administrative Procedure Act (5 U.S.C. 558(c)) pending action by the Board on the application for renewal of that authority which was consolidated in the Supplemental Renewal Proceeding, Docket 23944.

We have already tentatively found and concluded that SAT's motion to withdraw its applications in the Supplemental Renewal Proceedings should be granted. Assuming finalization of these tentative findings and conclusions, there would be no legal predicate for the continued existence of this certificate.

Based upon the foregoing, the Board tentatively finds and concludes that it should issue a notice that the certificate of public convenience and necessity issued to Southern Air Transport, Inc., pursuant to Order E-24237 has terminated.[8a]

C. *SAT's domestic certificate authority.* We have also tentatively found and concluded that the Board should grant SAT's and Mr. Stanley G. Williams' joint motion for permission to withdraw their application seeking approval of Mr. Williams' acquisition of control of SAT. In its petition in Docket 26176, SAT alleges that "the parties to the acquisition feel that it would be to the best interest of all concerned if Southern seeks cancellation of all of its Board authority and thereby terminate its status as an air carrier . . . ." SAT accordingly filed its petition in Docket 26176 for cancellation of the pertinent certificate.

On the basis of the pleadings and all the relevant facts now before us, we tentatively find and conclude that the public interest would be served best by the cancellation of SAT's permanent authority.

D. *SAT's exemption authority.* Finally, SAT holds various exemptions from the Board authorizing it to perform supplemental air services of varying descriptions in several areas. Because SAT requests termination of these permissive authorities we have decided to exercise reserved jurisdiction and revoke these exemptions.

We will give all interested persons 10 days following the service of this order to show cause why the tentative findings and conclusions set forth herein should not be made final. We expect such persons to direct their objections, if any, to specific issues and to support such objections with detailed economic and/or legal analyses. If an evidentiary hearing is requested, the objectors should name the specific issue, market, or point of law with respect to which the hearing is requested, and should state in detail why a hearing is necessary and what relevant and material facts the objector would expect to establish through a hearing. General, vague, or unsupported objections will not be entertained.[7]

Accordingly, *it is ordered*, That: 1. All interested persons are directed to show cause why the Board should not issue an order which would make final the tentative findings and conclusions stated herein and which would:

(a) Dismiss the applications of Southern Air Transport, Inc. in Dockets 22728, 23439 and 24017;

(b) Terminate the status as party of Southern Air Transport, Inc. in the Supplemental Renewal Proceeding, Docket 23944;

(c) Terminate all further proceedings, and dismiss the joint application for acquisition of control in Docket 25264;

(d) Give notice that the certificate of public convenience and necessity held by Southern Air Transport, Inc. and issued pursuant to Order E-24237,[8b] dated September 27, 1966, has terminated;

(e) Cancel, pursuant to section 401 of the Act, the certificates of public convenience and necessity issued to Southern Air Transport, Inc. by Orders E-23350 and E-24237,[8b] dated March 11, 1966 and September 27, 1966;

(f) Revoke, pursuant to the Board's reserved jurisdiction the authority granted by Orders 73-7-82, July 17, 1973; 73-5-65, May 10, 1973; 72-4-93, April 18, 1972; 72-4-70, April 14, 1972; and 71-12-6, December 1, 1971, in accordance with the terms set forth therein;

2. Any interested persons having objections to the issuance of an order making final the proposed findings and conclusions and certificate/exemption revocations set forth herein shall, within ten days after service of a copy of this order, file with the Board a statement of objections, together with a summary of testimony, statistical data and such evidence to be relied upon to support the stated objections;

3. If timely and properly supported objections thereto are filed, full consideration will be accorded the matters or issues raised therein before further actions are taken by the Board; [10]

4. In the event no objections are filed to this order all further procedural steps relating to the order will be deemed to be waived. In this circumstance, the case will be submitted to the Board for final action; and

5. This Order will be served upon Southern Air Transport, Inc.; all certificated air carriers; and Rich International Airways.

This Order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

APPENDIX A

SOUTHERN AIR TRANSPORT, INC.

Certificate Authority

Domestic. To engage in supplemental air transportation (including inclusive tour charter authority), with respect to persons and property between any point in any state of the United States or the District of Columbia, and any other point in any state of the United States or the District of Columbia (excluding intra-Alaskan operations). (Docket No. 13795 *et al*, Order No. E-23350, March 11, 1966). Inclusive tour authority expired on May 13, 1971, and has been continued by virtue of Section 9(b) of the Administrative Procedure Act and the Application for Renewal of that Authority which was consolidated in the *Supplemental Renewal Proceeding* Docket 23944. December 3, 1973, Southern filed a motion for leave to withdraw its Renewal Application which when granted will terminate its domestic inclusive tour authority.

Trans-Pacific. To engage in supplemental air transportation (including inclusive tour charter authority) with respect to persons and property between any point in any state of the United States or the District of Columbia and American Samoa, Guam, Johnston Island, the Marshall Islands, Okinawa, Wake Island, and points in Australasia, Indonesia, and Asia as far west as longitude 70 degrees east via a Trans-Pacific routing. (Docket No. 13795 *et al*, Order No. E-24237, September 27, 1966). The Trans-Pacific Authority expired November 26, 1971, and has been continued by virtue of Section 9(b) of the Administrative Procedure Act and the Application for Renewal of that Authority which was consolidated in the *Supplemental Renewal Proceeding*, Docket 23944. December 3, 1973, Southern filed a motion for leave to withdraw its Renewal Application which when granted will terminate its Trans-Pacific area authority.

Caribbean. To engage in supplemental air transportation (including inclusive tour charters) with respect to persons and property between any point in any state of the United States or the District of Columbia, and points in Jamaica, the Bahama Islands, Bermuda, Haiti, the Dominican Republic, Puerto Rico, the Virgin Islands, and any other place located in the Gulf of Mexico or the Caribbean Sea. (Docket No. 13795 *et al.*, Order No. E-24237, September 27, 1966). The Caribbean area Authority expired November 26, 1971, and has been continued

[8a] Paragraph 1 thereof only.

[7] We recognize that tentative findings concerning notice of termination of SAT's temporary authorities are predicated upon a factual circumstance not yet existent, i.e., final Board approval of SAT's request to withdraw its applications in the Supplemental Renewal Proceeding.

Accordingly, any interested person having objection to the Board's giving notice that SAT's temporary authorities have automatically terminated may object to our tentative findings and conclusions in respect to the Withdrawal Motion, the Notice of Termination, or both.

[8b] Paragraph 1 thereof only.

[8b] Paragraph 2 thereof only.

[10] All motions and petitions for reconsideration shall be filed within 10 days from the service date of this order and no further motions, requests or petitions for consideration of this order will be entertained.

by virtue of Section 9(b) of the Administrative Procedure Act and the Application for Renewal of that Authority which was consolidated in the *Supplemental Renewal Proceeding*, Docket 23944. December 3, 1973, Southern filed a motion for leave to withdraw its Renewal Application which when granted will terminate its Caribbean area authority.

DOD Contract. To engage in overseas and foreign air transportation, and in air transportation between places in the same territory or possession of the United States pursuant to contracts with the Department of Defense. (Docket No. 13795 *et al.*, Order No. E-24237, September 27, 1966).

Blanket Exemption Authority

Intra-Caribbean Cargo. To engage in supplemental air transportation of property within Puerto Rico, within the Virgin Islands, between Puerto Rico and the Virgin Islands, and between Puerto Rico and the Virgin Islands, on the one hand, and Jamaica and the Bahama Islands, Bermuda, Haiti, the Dominican Republic, Trinidad, Aruba, the Leeward and Windward Islands, and any other place located in the Gulf of Mexico or the Caribbean Sea, on the other hand. (Docket No. 23856, Order 71-12-6, December 1, 1971).

Outsize Cargo. To engage in supplemental air transportation of "outsize cargo" with Lockheed Hercules L100 type aircraft between points in the United States, on the one hand, and points in Central and South America, Mexico, Canada, Greenland, Iceland, the Azores, Europe, Africa and Asia as far east as (and including) India, on the other hand. This authority when taken together with Southern's Certificate Authority provides Southern with authority to perform "outsize cargo" operations worldwide. (Docket No. 21391, Order No. 72-4-70, April 14, 1972.)

Central and South American Cargo with Piston Aircraft. To engage in supplemental air transportation of property using piston aircraft between the United States, on the one hand, and Central and South America, on the other hand. (Docket No. 19648, Order No. 72-4-93, April 18, 1972.)

Santa Marta Cargo Charters. To perform five single entity cargo charter flights per month between Santa Marta, Colombia and San Juan, Puerto Rico on behalf of Frigorifico Cerra Meat Market. (Docket No. 25319, Order No. 73-5-65, May 10, 1973.) [1]

ALM Cargo Charters. To perform for ALM Dutch Antillean Airlines cargo charter service from Miami, Florida to Netherland's Antilles pursuant to Wet Lease Agreement CAB 23413-A2. (Docket No. 25599, Order 73-7-82, July 17, 1973.)

[FR Doc.73-26959 Filed 12-20-73;8:45 am]

[1] Pursuant to Order E-23350 and that part of Order E-24237 granting permanent authority pursuant to contracts with the Department of Defense.

CIVIL AERONAUTICS BOARD

[Docket No. 26201]

HAWAII AIRLINES, INC. AND CHASE MANHATTAN BANK

Notice of Proposed Approval

Notice is hereby given, pursuant to the statutory requirements of section 408(b) of the Federal Aviation Act of 1958, as amended, that the undersigned intends to issue the attached order under delegated authority. Interested persons are hereby afforded until December 21, 1973, within which to file comments or request a hearing with respect to the action proposed in the order.

Dated at Washington, D.C., December 19, 1973.

[SEAL] WILLIAM B. CALDWELL, JR.,
Director, Bureau of Operating Rights.

ORDER OF APPROVAL

Pursuant to the third proviso of section 408(b) of the Federal Aviation Act of 1958, as amended, (the Act) Hawaiian Airlines, Inc. (Hawaiian) and The Chase Manhattan Bank (National Association), (Chase) request approval without a hearing of a sale and lease-back-agreement under which Hawaiian proposes to sell one DC-9-33 RC aircraft to Chase and to lease the aircraft from Chase for a period of twelve years. In the alternative, the joint applicants request a disclaimer of jurisdiction over the instant transaction.

Hawaiian is a certificated air carrier authorized by the Board to provide air transportation services between all points in the State of Hawaii. Chase is a national banking association, whose principal offices are at One Chase Manhattan Plaza, New York, New York 10015.

Under the terms of the proposed transaction Hawaiian will sell its DC-9-33RC to Chase and contemporaneously lease the aircraft back from Chase. The aircraft is presently owned by and in the possession of Hawaiian.

According to the application, the sale price for the aircraft is approximately $5,298,500 but not to exceed $5,298,507.47. The lease agreement provides for a basic rental payment based on the cost of the aircraft to Chase. Rental payments for the aircraft are to be paid on a quarterly basis and each installment will equal 3.148 percent of the sale price of the aircraft. This computes to a quarterly basic rental payment in the amount of approximately $166,796.78. The term of the lease is for 12 years, commencing on the delivery date, and lessee will have a renewal option at a fair market rental value, and in addition the right of first refusal to purchase the aircraft. Hawaiian is precluded from mortgaging, pledging or otherwise collateralizing the aircraft during the period of the lease agreement, and is to pay all taxes and charges with the exception of local and federal income taxes. Hawaiian will maintain the registration, maintenance and operational capability of the aircraft, and agrees to replace any parts which would adversely affect the operational capability of the aircraft. Hawaiian is responsible for damage to or loss of the aircraft, and agrees to maintain an adequate level of insurance. Finally, events of default are specifically defined, and the rights of Chase against Hawaiian in the event of default are specifically set forth.

Also part of the transaction covered by the application is an agreement and assignment dated as of November 1, 1973, between Hawaiian and Aetna Life Insurance Co. (Aetna) under which Hawaiian sells to Aetna its interests in the conditional sale agreement, and assigns to Aetna Hawaiian's security interest in the rights of Chase under the lease agreement and the security interests of Hawaiian retained in the aircraft, all upon payment by Aetna to Hawaiian of 67 percent of the purchase price of the aircraft.

In support of the application, the applicants assert that the transaction for which approval or disclaimer is sought is essentially a financing arrangement and will have no effect on the control or management of Hawaiian. The applicants believe that the transaction is appropriate for the issuance of a disclaimer by the Board despite the fact that the aircraft represents one-ninth of Hawaiian's present operating fleet or approximately 11 percent thereof and the book value of the aircraft constitutes 13.4 percent of the net book value of Hawaiian's operating properties.[1] The applicants state that there is no regulatory reason which would make it necessary or desirable for the Board to assert jurisdiction in this case.

No objections to the application or requests for a hearing have been received.

Notice of intent to dispose of the application without a hearing has been published in the FEDERAL REGISTER, and a copy of such notice has been furnished by the Board to the Attorney General not later than the day following the date of such publication, both in accordance with the requirements of section 408(b) of the Act.

Upon consideration of the foregoing it is concluded that the purchase and lease-back transaction as described above may be subject to section 408 of the Act. It is further concluded, however, that the transaction does not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, does not result in creating a monopoly, and does not tend to restrain competition. No person disclosing a substantial interest in the proceeding is currently requesting a hearing, and it is concluded that the public interest does not require a public hearing. The transaction is similar to others which have been approved by the Board,[2] and is not found to be inconsistent with the public interest nor does it appear that the conditions of section 408 will be unfulfilled.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.13 and 385.3, it is found that the foregoing transaction should be approved under section 408 of the Act, to the extent applicable, without a hearing and that the application, to the extent it requests that the Board disclaim jurisdiction, be dismissed.[3]

Accordingly, it is ordered, That:

1. The subject purchase and lease-back transaction between Hawaiian Airlines, Inc.,

[1] The applicants direct attention to the recent application in Docket 26144, involving Hawaiian and Aerolinee Itavia S.P.A. wherein it is stated that Hawaiian's present operating fleet consists of nine DC-9 aircraft.

[2] See Order 73-3-31, March 12, 1973 and Order 73-5-115, May 24, 1973.

[3] It is further found, pursuant to § 385.6 of the Board's Regulations, that the action taken herein governed by prior Board precedent and policy, and that immediate action is required to enable effectuation of the transaction. Therefore, it is determined that the filing of petitions for review of this order will not preclude this order from becoming effective immediately.

and The Chase Manhattan Bank (National Association) as described in the application in Docket 26201 be and it hereby is approved pursuant to section 408(b) of the Act; and

2. Except to the extent granted herein, all other requests in Docket 26201 be and they hereby are dismissed.

Persons entitled to petition the Board for review of this order pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within one day from the date of service of this order.

This order shall become effective immediately and the filing of such petitions shall not stay its effectiveness.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-27025 Filed 12-20-73;8:45 am]

[Docket No. 25204]

IU INTERNATIONAL CORPORATION, ET AL.

Notice of Hearing

In the matter of IU International Corp., IU Forwarding, Inc., and Airborne Freight Corp.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on January 28, 1974, at 10:00 a.m. (eastern daylight saving time) in Room 911, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., before Judge Frank M. Whiting.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served on November 23, 1973, the supplemental report served December 10, 1973, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., December 18, 1973.

[SEAL] FRANK M. WHITING,
Administrative Law Judge.

[FR Doc.73-27026 Filed 12-20-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 679]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

DECEMBER 17, 1973.

Pursuant to §§ 1.227(b)(3) and 21.30 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) the close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cut-off dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60 day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

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

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

20661-C-P-74, KanOkla Telephone Association, Inc. (New). C.P. for a new 2-way station to operate on 152.57 MHz to be located 1585' South of Hwy. 11 & 200' West of N-S Township Road, running through center of Capron, Oklahoma.

20662-C2-P-74, KanOkla Telephone Association, Inc. (New). C.P. for a new 2-way station to operate on 152.69 MHz to be located ½ distance between Manchester, Oklahoma and Spring, Kansas but within the state of Kansas (Along Hwy. 179), Oklahoma.

20663-C2-AL-(2)-74, F. L. Patterson d/b as Anserphone of Durham. Consent to Assignment of License from Anserphone of Durham, ASSIGNOR to Patterson Anserphone Communications Enterprises, Inc., ASSIGNEE. Stations: KRH657 and KIY758, Durham, North Carolina.

20664-C2-AL-(2)-74, F. L. Patterson d/b as Anserphone. Consent to Assignment of License from Anserphone, ASSIGNOR to Patterson Anserphone Communications Enterprises, Inc., ASSIGNEE. Stations: KRH661, Raleigh, North Carolina and KIG841, Butner, North Carolina.

20665-C2-AL-(2)-74, F. L. Patterson d/b as Anserphone of High Point. Consent to Assignment of License from Anserphone of High Point, ASSIGNOR to Patterson Anserphone Communications Enterprises, Inc., ASSIGNEE. Stations: KRH658 and KFL-931, High Point, North Carolina.

20666-C2-TC-74, AAA Answering Service, Inc.—Jackson. Consent to Transfer of Control from John N. Palmer, TRANSFEROR to William P. McMullan, Jr., et al, TRANSFEREES. Station: KLB703, Meridian, Mississippi.

20667-C2-TC-(8)-74, AAA Anserphone, Inc.—Jackson. Consent to Transfer of Control from John N. Palmer, TRANSFEROR to William P. McMullan, Jr., et al. TRANSFEREES. Stations: KKV692, Jackson, Miss.; KQZ740, Columbus, Miss.; KQZ788, Jackson, Miss.; KRH663, Vicksburg, Miss.; KRH666, Natchez, Miss.; KRS618, Hattiesburg, Miss.; and KRS705, Tupelo, Mississippi, and KSW215, Brookhaven, Mississippi.

20668-C2-TC-(2)-74, AAA Telephone Answering Service and Medical Exchange, Inc. Consent to Transfer of Control from John N. Palmer, TRANSFEROR to William P. McMullan, Jr., et al. TRANSFEREES. Stations: KQZ723 and KLB781, Baton Rouge, Louisiana.

20669-C2-TC-(3)-74, Gulf Mobilphone Alabama, Inc. Consent to Transfer of Control from John N. Palmer, TRANSFEROR to William P. McMullan, Jr., et al, TRANSFEREES. Stations: KRS664, KTS206, Mobile, Alabama; and KQZ778, Dora, Alabama.

20670-C2-TC-(7)-74, Mobile Telecommunications Corporation. Consent to Transfer of Control from John N. Palmer, TRANSFEROR to William P. McMullan, Jr., et al. TRANSFEREES. Stations KLB563, KKV688, KUC883, Amarillo, Texas; KLB566, Alamogordo, New Mexico; KTS284, El Paso, Texas; KLB687, Ruidoso, New Mexico; and KKE-968, El Paso, Texas.

20671-C2-TC-(3)-74, Road Runner Radio Paging Service, Inc. Consent to Transfer of Control from John N. Palmer, TRANSFEROR to William P. McMullan, Jr., et al. TRANSFEREES. Stations: KKN282, Longview, Texas; KQZ761, Gladewater, Texas; and KRH650, Marshall, Texas.

20672-C2-AL-74, Lee L. McKee. Consent to Assignment of License from Lee L. McKee, ASSIGNOR, to Answer Iowa, Inc., ASSIGNEE. Station: KAF252, Muscatine, Iowa.

20673-C2-AL-(2)-74, Abe Schonfeld. Consent to Assignment of License from Abe Schonfeld, ASSIGNOR to Tel-Car of Hollywood, Inc., ASSIGNEE. Stations: KRM958, North Miami, Florida; and KIM906, Hollywood, Florida.

20674-C2-P-74, Mobilephone of Texas, Inc. (KLB322). C.P. for additional facilities to operate on 152.21 MHz at Loc. #1: Old U.S. Hwy 90, near Vidor, Texas.

20675-C2-P-(3)-74, New Jersey Bell Telephone Company (KSV936). C.P. for additional facilities to operate on 454.400 and 454.500 MHz and change antenna system located at Summit Drive at Gerard & Wesley Avenue, Neptune Township, New Jersey.

20676-C2-P-(2)-74, South Central Bell Telephone Company (KIY458). C.P. to change antenna system, replace transmitter, and change frequencies from 152.51 and 152.69 MHz to 152.60 and 152.75 MHz to be located approximately 1.8 miles SW. of Pikeville, Kentucky.

20677-C2-P-74, Carteret Radio Telephone Services (KUC900). C.P. to add transmitter to operate on, 152.09 MHz located at 704 Bridges Street, Morehead City, North Carolina.

20678-C2-P-74, Two-Way Radio of Carolina, Inc. (New). C.P. for a new 1-way station to operate on 158.70 MHz to be located 1,200 feet S. intersection of Hwys. 275 & 277, 2 miles North of Gastonia, North Carolina.

20679-C2-P-(3)-74, Two-Way Radio Communications Company of Kansas, Inc. (new). C.P. for a new 2-way station to operate on 152.18 MHz with repeater facilities to operate on 74.54 MHz to be located 200 feet West of City Limits, Elkhart, Kansas; and control facilities to operate on 72.30 MHz to be located 2 miles E. of the City Limits, Liberal, Kansas.

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[1] All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations and other requirements.

[2] The above alternative cut-off rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio and Local Television Transmission Services (Part 21 of the Rules).

20680–C2–TC–(3)–74, Radio Telephone Communications, Inc. Consent to Transfer of Control from John N. Palmer, TRANSFEROR to William P. McMullan, Jr., et al, TRANSFEREES. Stations: KIR200, KUO-563, Tallahassee, Florida; and KIY726, Quincy, Florida.

20681–C2–TC–(2)–74, Rendezvous Paging Corporation. Consent to Transfer of Control from Robert Edwards, TRANSFEROR to William P. McMullan, Jr., et al, TRANSFEREES. Stations: KGI278, York, Pennsylvania and KGC222, Lemoyne, Pennsylvania.

20682–C2–TC–74, New Jersey Mobile Telephone Company, Inc. Consent to Transfer of Control from Robert Edwards, TRANSFEROR to William P. McMullan, Jr., et al, TRANSFEREES. Station: KEK290, Boonton, New Jersey.

20683–C2–AL–(2)–74, Electrocom Corporation. Consent to Assignment of License from Electrocom Corporation, ASSIGNOR to DPRS, Inc., trading as Zipcall, ASSIGNEE. Stations: KSV955, Saugus, Massachusetts and KCB891, Boston, Massachusetts.

20684–C2–P–74, Carlton L. Holland d/b as Mobaphone of New Mexico (KLB315). C.P. to replace transmitter and add frequency 152.03 MHz located at 1601 Mitchell Street, Clovis, New Mexico.

RURAL RADIO SERVICE

60123–C6–TC–74, AAA Anserphone, Inc.—Jackson (WIV30). Consent to Transfer of Control from John N. Palmer, TRANSFEROR to William P. McMullan, Jr., et al, TRANSFEREE. Station: WIV30, Temp-fixed.

60124–C6–TC–74, Mobile Telecommunications Corporation. Consent to Transfer of Control from John N. Palmer, TRANSFEROR to William P. McMullan, Jr., et al, TRANSFEREE. Station: KLP93, Temp-fixed.

60125–C6–TC–74, Road Runner Radio Paging Service, Inc. Consent to Transfer of Control from John N. Palmer, TRANSFEROR to William P. McMullan, Jr., et al, TRANSFEREES. Station: KKB91, Temp-fixed.

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

INFORMATIVE: It appears that the following applications may be mutually exclusive and subject to the Commission's Rules regarding Ex Parte presentations by reason of economic competition or potential electrical interference.

New York. Peter A. Bakal (KEC514). File No. 7920–C2–P–72, WABY Communications, Inc. (New). File No. 6136–C2–P–72.

POINT TO POINT MICROWAVE RADIO SERVICE

2177–C1–P/ML–74, Southern Bell Telephone and Telegraph Company (KJA75). C.P. and Mod. of License (Dev) to replace transmitters and for additional facilities to operate a total of 52 Units at any temporary fixed locations in Florida, Georgia, North Carolina, and South Carolina.

2178–C1–P–74, New England Telephone and Telegraph Company, 7 Currier Street, White River Junction, Vermont. Lat. 43° 38'54" N., Long. 72°19'14" W. C.P. to add freq. 11075H MHz toward White River Jct., Vt. via Passive Reflector at Hartford, Vt.

2179–C1–P–74, Same (KCK82). On Hurricane Hill, 1 Mile SW. of Hartford, Vermont. Lat. 43°39'14" N., Long. 72°21'29" W. C.P. to add freq. 6011.9H MHz toward Sherburne, Vt. on azimuth 267°49'; freq. 11525H MHz toward White River Jct., Vt. via Passive Reflector at Hartford, Vt.

2180–C1–P–74, Same (KCK81), on Pico Peak, 3.5 Miles SW. of Sherburne, Vermont. Lat. 43°38'23" N., Long. 72°50'08" W. C.P. to add freqs. 11075V, 10835H, and 10915V MHz toward Rutland, Vt. via Passive Reflector; change freq. 10995V MHz to 6264.0H MHz toward Hartford, Vt. on azimuth 87°30'.

2181–C1–P–74, Same (KCK80), 55 West Street, Rutland, Vermont. Lat. 43°36'30" N., Long. 72°58'45" W. C.P. to add freq. 11525V MHz; to change freq. 11445H MHz to 11285H MHz & replace TL–1 transmitter with a TL–2 transmitter on freq. 11365V MHz all toward Sherburne, Vt. via passive reflector at Rutland, Vt.

2182–C1–P–74, John Walson d/b/a Service Electric Company (KGH98), Pimple Hill, 8 Miles SE. of Blakeslee, Pennsylvania. Lat. 41°01'40" N., Long. 75°30'25" W. C.P. to replace existing 4 transmitters with (4) GTE Lenkurt, 775A1 transmitters.

2183–C1–P–74, Same (KGH99), Bears Head Mountain, 1 Mile North of Delano, Pennsylvania. Lat. 40°51'00" N., Long. 76°04'48" W. C.P. to replace 4 existing transmitters with (4) GTE Lenkurt, 775A1 transmitters.

2184–C1–MP–74, Mountain Microwave Corporation (WDE23). Mod. of C.P. to change station location to Denver TOC, Colorado. Lat. 39°44'35" N., Long. 104°59'07" W. Transmitting freq. 6123.1V MHz on azimuth 266°53' toward Colorow Hill, Colo.

2185–C1–MP–74, Same (KOB37), Colorow Hill, Colorado. Mod. of C.P. to change point of communication to transmit freqs. 6197.2H, 6226.9V, 6286.2V, 6345.5V, and 6404.8V MHz on azimuth 86°43' toward Denver TOC, Colo.

2186–C1–MP–74, Mountain Microwave Corporation (WQR94). Mod. of C.P. to change station location to Kearney, Nebraska. Lat. 40°29'32" N., Long. 99°05'00" W. Transmitting freqs. 4010H, 4090H, 4170H, 3990V, 4070V MHz on azimuth 278°59' toward Elwood, Nebr. and to transmit freq. 3770H MHz on azimuth 64°23' toward Rosedale, Nebr.

2187–C1–MP–74, Same (WQR93), Rosedale, Nebraska. Mod. of C.P. to transmit freqs. 3950V, 3970H, 4030V, 4050H, 4130H MHz on azimuth 244°49' toward Kearney, Nebr.

2188–C1–MP–74, Same (WQR88), Omaha TOC, Nebraska. Mod. of C.P. to change points of communication to transmit freqs. 10915H, 11115H, MHz on azimuth 67°80' toward Omaha (WMTV); transmit freqs. 10755H, 11035H, MHz on azimuth 67°23' toward Omaha (KETV); and transmit freqs. 10875H, 10795H MHz on azimuth 65°70' toward Omaha (WOW–TV).

2189–C1–MP–74, Same (WQR95). Mod. of C.P. to change station location to Elwood, Nebraska. Lat. 40°35'30" N., Long. 99°52'-06" W. Transmitting freq. 3730H MHz on azimuth 98°28' toward Kearney, Nebr. and transmitting freq. 3950V, 3970H, 4030V, 4050V, 4130H MHz on azimuth 303°50' toward Curtis, Nebr.

2201–C1–P–74, Same (New), 27th and Douglas Sts. (KETV Studio) Omaha, Nebraska. Lat. 41°15'30" N., Long. 95°57'06" W. C.P. for a new station on freq. 11245V MHz toward Omaha TOC, Nebr. on azimuth 247°19'.

2202–C1–P–74, New England Telephone and Telegraph Company (KCD23), 1.5 Miles East of North Truro, Massachusetts. Lat. 42°01'50" N., Long. 70°03'15" W. C.P. to change antenna system and add freq. 2162.0H MHz toward a new point of communication at Provincetown, Mass. on azimuth 282°27'; freq. 6271.4V MHz toward Brewster, Mass. on azimuth 179°28'.

2203–C1–P–74, Same (KCD24), Brewster, 2.5 Miles SE. of South Brewster, Massachusetts. Lat. 41°44'07" N., Long. 70°03'02" W. C.P. to change antenna system and add freq. 2168.4H MHz toward a new point of communication at Orleans, Mass. on azimuth 39°59'; freq. 2165.2H MHz toward Wellfleet, Mass. on azimuth 03°37'; freq. 2171.6H MHz toward a new point of communication at Chatham, Mass. on azimuth 127°51'; freq. 2174.8H MHz toward a new point of communication at Brewster, Mass. on azimuth 325°41'; freq. 2178.0H MHz toward Sandwich, Mass. on azimuth 269°14'; freq. 6019.3V MHz toward North Truro, Mass. on azimuth 359°29'; freqs. 10895H, 11135V MHz toward Hyannis, Mass. on azimuth 244°26'.

2204–C1–P–74, New England Telephone and Telegraph Company (KCL62), 50 Ocean Street, Hyannis, Massachusetts. Lat. 41°-39'07" N., Long. 70°16'56" W. C.P. to change antenna system and add freqs. 11305H, 11545V MHz toward a new point of communication at Brewster Rx., Mass. (KCD24) on azimuth 64°17'.

2205–C1–P–74, Same (KCD22), 1.5 Miles South of Sandwich, Massachusetts. Lat. 41°43'48" N., Long. 70°29'28" W. C.P. to change antenna system and add freq. 2128.0H MHz toward Brewster Rx. (KCD24) on azimuth 88°56'; freq. 2112.0H MHz toward Cataumet, Mass. on azimuth 211°-50'.

2206–C1–P–74, Same (KCD25), Cataumet 20, 2.6 Miles East of North Falmouth, Massachusetts. Lat. 41°39'10" N., Long. 70°33'-18" W. C.P. to change antenna system and add freq. 2162.0H MHz toward Sandwich, Mass. on azimuth 31°47'; freq. 2165.-2H MHz toward a new point of communication at Falmouth, Mass. on azimuth 202°51'.

2207–C1–P–74, Same (KCE78), Main and Gifford Streets, Falmouth, Massachusetts. Lat. 41°33'08" N., Long. 70°36'41" W. C.P. to change antenna system and add freq. 2115.2H MHz toward a new point of communication at Cataument 20, Mass. on azimuth 22°48'.

2208–C1–P–74, Same (New), Winslow Street, Provincetown, Massachusetts. Lat. 42°-03'12" N., Long. 70°11'35" W. C.P. for a new station on freq. 2112.0H MHz toward North Truro, Mass. on azimuth 102°22'.

2209–C1–P–74, Same (New), Rte. 6A, .25 mile East of Rte. 124, Brewster, Massachusetts. Lat. 41°45'49" N., Long. 70°04'-35" W. C.P. for a new station on freq. 2124.8H MHz toward Brewster Rx., Mass. (KCD24) on azimuth 145°40'.

2210–C1–P–74, Same (New), Rte. 6A, .2 mile NE. of Main Street, Orleans, Massachusetts. Lat. 41°47'26" N., Long. 69°59'19" W. C.P. for a new station on freq. 2118.4H MHz toward Brewster Rx., Mass. (KCD24) on azimuth 220°01'.

2211–C1–P–74, Same (New), Old Harbor Road, Chatham, Massachusetts. Lat. 41°-41'01" N., Long. 69°57'43" W. C.P. for a new station on freq. 2121.6H MHz toward Brewster Rx., Mass. (KCD24) on azimuth 307°55'.

2212–C1–P–74, Same (New), Main Street, Wellfleet, Massachusetts. Lat. 41°56'21" N., Long. 70°02'00" W. C.P. for a new station on freq. 2115.2H MHz toward Brewster Rx., Mass. on azimuth 183°37'.

2213–C1–MP–74, Data Transmission Company (WQP47), 3.6 Miles SE of House Springs, Missouri. Lat. 38°23'18" N., Long. 90°30'29" W. Mod. of C.P. to change freq. 11055H to 6152.8H MHz toward St. Louis, Mo., on azimuth 42°58'.

2214–C1–MP–74, Same (WQP48), Mod. of C.P. to relocate station to 2800 Olive St., St. Louis, Missouri. Lat. 38°38'00" N., Long. 90°13'07" W. Also, change freq. 11265H to 6404.8H MHz toward House Springs, Mo. on azimuth 222°58'.

2215–C1–P/ML–74, New York Telephone Company (KEK84), 65 Franklin Street, Buffalo, New York. Lat. 42°53'00" N., Long. 78°52'-39" W. C.P. and Mod. of License to add freq. 11325H MHz toward a new point of communication at WUTV Grand Island, N.Y., on azimuth 345°19'; add freqs. 6175V, 6415V MHz toward Niagara Falls, N.Y., and add (2) Motorola FSTM30 transmitters.

2216-C1-ML-74, American Telephone and Telegraph Company (KVU39) Allentown, Pennsylvania. Mod. of License to change polarization of freqs. 3770, 3850, 4170 MHz toward Lynnport, Pa., from vertical to horizontal.

2217-C1-MP-74, Midwestern Relay Company (WSL21), 3.0 Miles NNE of Marshfield, Wisconsin. Lat. 44°42'48" N., Long. 90°09' 28" W. Mod. of C.P. to change azimuth and point of communication from 265°24' toward Fairchild to 260°58' toward Neillsville (WSL22) for freq. 6004.5V MHz.

2218-C1-MP-74, Same (WSL21), Mod. of C.P. to change station location to 7.5 Miles NNW of Neillsville, Wisconsin. Lat. 44°39'12" N., Long. 90°40'34" W. Change points of communication as follows: freq. 6286.2V MHz toward Chippewa Falls (WSL23), on azimuth 296°17'; and freq. 6286.2H MHz toward Curran, Wisc. (WKR95), on azimuth 232°32'.

2219-C1-MP74, Same (WSL23), Mod. of C.P. to change station location to 6.2 miles SE. of Chippewa Falls, Wisconsin. Lat. 44°52' 21" N., Long. 91°18'19" W. Change azimuth from 311°30' to 293°57' toward Wheeler (WHWC-TV).

2220-C1-MP-74, Interdata Communications, Inc. (WIU86), Riggs Road and First Place, NE., Washington, D.C. Lat. 38°57'16" N., Long. 77°00'15" W. Mod. of C.P. to change antenna system on freqs. 11265V, 11665.0V MHz toward Washington, D.C., on azimuth 208°49'; freq. 6256.5H MHz toward Jessup, Md., on azimuth 46°26'.

2221-C1-P-74, C. & P. Telephone Company of Virginia (New). Any temporary fixed location in Virginia. C.P. for a new station on freqs. 2110-2130, 2160-2180, 3700-4200, 5925-6425, and 10700-11700 MHz.

MAJOR AMENDMENTS

835-C1-P-72, Mountain Microwave Corporation (New), 2615 Farnum St., Omaha, Nebraska (KMTV Studio). Application amended to delete freq. 11485V and add freq. 11645V MHz on azimuth 247°53' towards Omaha TOC, Nebr.

1213-C1-P-74, Mountain Microwave Corp. (KBI22), Almagre Mtn., 8.0 Miles West of Broadmore, Colorado. Lat. 38°46'25" N., Long. 104°59'30" W. Application amended to change polarization from V to H on freq. 5945.2 MHz towards Colorow Hill, Colo; change polarization from V to H on freqs. 11135, 10975, 10735, 10895 MHz towards Monarch Pass, Colo.; change polarization from V to H on freqs. 10975, 10735, 10895, 11135, MHz towards Methodist Mtn., Colo.

1214-C1-74, Same (KBI67), Monarch Pass, 17 Miles West of Salida, Colorado. Lat. 38° 29'46" N., Long. 106°19'01" W. Application amended to delete freq. 11345H MHz and add freq. 11225 MHz toward Waterdog Peak, Colo.

1218-C1-P-74, Same (KPP89), Bruin Point, 7 Miles NNE. of Dragerton, Utah. Lat. 39° 38'40" N., Long. 110°20'50" W. Application amended to change polarization from V to H on freq. 6375.2 MHz towards Roon Cliffs, Utah.

INFORMATIVE: It appears that the following sets of applications may be mutually exclusive and subject to the Commission's Rules regarding ex-parte presentations, reasons of potential electrical interference and economic competition:

NEW YORK, MASSACHUSETTS, NEW HAMPSHIRE, AND CONNECTICUT

Video Microwave, Inc., File Nos. 7071 through 7075-C1-P-73, Public Notice 4-9-73.

Video Microwave, Inc., File No. 7076-C1-P-73, Public Notice 4-9-73.

Eastern Microwave, Inc., File Nos. 4223 through 4227-C1-P-73, Public Notice 12-18-72.

INTERNATIONAL FIXED PUBLIC SERVICE

30011-C3-ML-74 American Telephone and Telegraph Company, Ocean Gate, New Jersey. Applicant requests additional point of communication at Addis Ababa, Ethiopia, with Imperial Board of Telecommunications of Ethiopia as new Operating Agency.

SATELLITE COMMUNICATIONS SERVICE

International

11-CSS-L-74-8 Communications Satellite Corporation. To participate in launch, positioning and testing of the Intelsat IV (F-8) satellite to be located over the Pacific Ocean at 179° E. Longitude as an operational spare satellite.

[FR Doc.73-26956 Filed 12-20-73;8:45 am]

FEDERAL MARITIME COMMISSION

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTON)

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*
01015	A/S Rederiet Odfuell: *Cypress.*
01069	Oglebay Norton Company: *Wyandotte, J. Clare Miller, Huron.*
01092	Thor Dahls Hvalfangerselskap A/S.: *Thorskog.*
01096	Zapata Naess Shipping Co., Ltd.: *Naess Pioneer.*
01210	A/S Brovigtank: *Margit Brovig.*
01216	Interessentskapet Melsomvik: *Melsomvik.*
01229	Belships Company Limited Skibs A/S: *Belcargo, Belnippon.*
01231	A/S Tonsbergs Hvalfangeri: *Farmand.*
01257	Skibs A/S Akersviken: *Spildra, Skarva.*
01283	Atlanta Maritima S.A.: *Polyene C.*
01318	Aug. Bolten, Wm. Miller's Nachfolger: *Carlota Bolten.*
01328	Pergamos Shipping Company Limited: *Alexander A.S.*
01330	Shell Tankers (U.K.) Ltd.: *Hima.*
01465	Scottish Ship Management Limited: *Cape Clear.*
01513	Rederiaktiebolaget Dalen: *Stove Vulkan.*
01519	Rederi Aktieselskabet "Myren": *Bogatyr.*
01552	Dampskibs-Aktieselskabet Progress: *Lotte Nielsen.*
01571	Armadora Naviera Proestos S.A.: *Proestos.*
01605	D'Amico Societa di Navigazione S.P.A.: *Cielo Azzurro.*
01623	Everglades Shipping Company of Panama: *Atlantic Merchant.*
01627	Atlantic Oil Carriers Ltd.: *Southern Sunlight.*
01689	Kadano Shipping Company Limited: *Tina D.*
01708	Benedict Shipping Corporation: *Benedict.*
01794	Kimon Shipping Company Limited: *George.*
01795	Successor Shipping Co.: *Successor.*
01805	Suisse Atlantique: *Corviglia.*
01843	A. F. Harmstorf & Co.: *Medemsand, Fahrmannsand.*
01861	BP Tanker Company, Ltd.: *British Faith.*
01864	Sverre Amundsen, Haugesund, Norway: *Amron.*
01889	Gazocean Armement: *Pythagore.*
01893	Silver Line Limited: *Bellness, Binsnes.*
01971	Marcuna Cia. Nav. S.A. of Panama: *Liberator Colocotronis.*
02096	Nutley Shipping Company: *World Merit.*
02131	Houlder Line Limited: *Thorpe Grange.*
02146	Pittston Marine Corporation: *Pasaic.*
02167	Sartori & Berger: *Fleethorn.*
02193	Erling Hansen: *Ranella.*
02194	Compagnie Generale Transatlantique: *De Grasse.*
02238	John T. Essberger: *Karonga.*
02246	Blue Star Line, Ltd.: *English Star.*
02249	Fisher & V. Doornum: *Imela Fisser.*
02250	Davenport Marine Panama S.A.: *Albion.*
02271	Amer-Tupakka Oy: *Finnboston.*
02306	Erling H. Samuelsens Rederi A/S: *Jeanine.*
02312	Interessentskapet Saga Sea: *Stolt Sea.*
02341	Koninklijke Nederlandsche Stoombootmaatscgappi N.V.: *Solon, Memnon, Jason, Kreon.*
02344	Empresa Lineas Maritimas Argentinas: *Overo, Campero, Presidente Castillo, Rio Araza, Rio Aguapey, Rio Mendoza, Rio Tunuyan, Granadero, Santa Fe, Uruguay, Cordoba, Mendoza, Argentina.*
02364	Breaux Oil Co. Inc.: *N.B.C. 465.*
02398	Orient Sea Transport S.A.: *Orient Star, Comet.*
02420	Trans-World Marine Corp.: *LB-201.*
02453	The Turnbull Scott Shipping Co. Ltd.: *Trongate.*
02465	Koch-Ellis Marine Contractors Inc.: *KE-36, KE-38.*
02472	Texasgulf, Inc.: *TG-16, TG-17, TG-18, TG-19.*
02551	Ellerman Lines Ltd.: *Cap Cleveland.*
02602	Fyffes Group Limited: *Telde.*
02669	Partenreederei "Diana": *Diana.*
02701	Deutsche Atlantik Schiffahrts-Gesellschaft M.B. & Co.: *Hanseatic.*
02715	Allied Towing Corporation: *STC 106, Chipper.*
02863	Naviera Aznar S.A.: *Monte Anaga.*
02870	Isthmian Lines, Inc.: *Steel Admiral.*
02875	West India Carriers, Inc.: *Inagua Trader II, Wisco Trader.*
02888	Stolt-Nielsons Rederi A/S: *Stolt Albatross.*
02908	Ensign Shipping Company S.A. Panama: *Katingo H.*
02948	Raymond International Inc.: *Commerce.*
03008	Rederi AB Walltank: *Don Carlos.*
03138	Cunard Line Limited: *Carmania, Franconia.*
03162	Saint Constantine Maritime Company: *St. Constantine.*
03163	Saint Eirene Maritime Company Limited: *St. Sophia.*
03168	Ionian Maritime Co., Ltd.: *St. Spyridon.*
03186	N.V. Motorscheepvaartmaatschappij "Rotterdam": *Atlantic Star.*
03223	Rederiet for M/T Anco Span: *Stolt Span.*
03237	Compania Petrolera Des Transportes S.A.: *Vincensia.*

Certificate No.	Owner/Operator and Vessels
03256---	Upper Mississippi Towing Corp.: *UM 93.*
03266---	Astrotridente Compania Naviera S.A.: *Kavo Grossos.*
03268---	Alpha Compania Naviera S.A.: *Lambros M, Fatsis.*
03285---	Pedder Shipping Inc.: *Eastern Glory.*
03294---	Companhia de Navegacao Lloyd Brasileiro: *Pereira Carneiro.*
03315---	Afran Transport Company: *Philippine Sea.*
03329---	Hudson Waterways Corporation: *Seatrain Maine.*
03330---	Cefor Cargo Ships Inc.: *Transpacific.*
03397---	Mr. Hilmar Reksten: *Clementine Churchill.*
03441---	Japan Line K.K.: *Hoei Maru, Japan Linden, Asia Maru, Japan Lily, Japan Pine.*
03468---	Nihonkai Kisen Kabushiki Kaisha: *Dainanoh Maru, Wakabasan Maru.*
03469---	Nihon Kaisho Kabushiki Kaisha: *Seikai Maru.*
03479---	Okada Shosen Kabushiki Kaisha: *Kyoyu Maru.*
03505---	Showa Yusen Kabushiki Kaisha: *Matsumoto Maru, Himeji Maru.*
03514---	Terukuni Kaiun K.K.: *Kashima Maru.*
03531---	Yuyo Kaiun K.K.: *Yuyo Maru 8.*
03540---	Herlofson & Hvattum P.D. Herlofson: *Nortrans Enterprise.*
03680---	Murphy Pacific Marine Salvage Co.: *Florence.*
03883---	Ohio Barge Line Incorporated: *OBL 910, OBL 905.*
03923---	Shinwa Kaiun Kaisha Ltd.: *Chozan Maru.*
04004---	Koninklijke Java-China-Paketvaart Lijnen N.V.: *Straat Colombo, Straat Clement.*
04006---	National Steel Corporation—Steamship Division: *George R. Fink.*
04007---	Egon Oldendorff: *Barneveld, Bennekom, Breda, Baarn.*
04173---	Foss Launch & Tug Company: *Foss 93.*
04189---	Fullmon Maritime Corporation: *Fullmoon.*
04356---	Pacific Far East Line, Inc.: Korea Bear, Japan Bear, China Bear.
04396---	Gypsum Carrier, Inc.: *Ocean Carrier.*
04404---	Lars Rej Johansen: *Windward Reefer.*
04440---	Marine Carriers Corporation: *Commander.*
04562---	Okada Kaiun Kabushiki Kaisha: *Kyoshin Maru.*
04617---	Inland Waterways, Inc.: *Julie Ann.*
04660---	Sociedade Geral de Comercio, Industria e Transportes, Sarl: *Monchique, Praiada Adraga.*
04674---	Pescanova S.A.: *Roncal.*
04679---	Ratnar Shipping Company Limited: *Ratna Manjushree.*
04706---	M.S. "Joerka" Schiffahrtsgesellschaft Tunnecke, Bremen: *Joerka.*
04815---	Ocean Oil Operation, Inc.: *Jose Hernandez.*
04834---	Tidewater Barge Lines, Inc.: *Titan.*
04844---	Dampfschiffahrts - Gesellschaft "Neptun": *Jason, Polluz.*
05020---	Bamar Marine Co., Ltd.: *Carpine.*
05088---	Deepsea Miner Inc.: *Deepsea Miner.*
05132---	Vari Compania Maritima S.A.: *Vari.*
05035---	Poseidonia Maritime Ltd.: *Theofilos Vatis.*
05147---	Arne Prestgys Rederi A/S: *Aud Presthus.*
05243---	Bosma's Scheepvaart & Handel Maatschappij N.V.: *Cornelia B I, Cornelia B II, Cornelia B III, Cornelia B IV.*
05281---	Slade Inc.: *H.T.C.O. No. 46, H.T.C.O. No. 45*
05294---	Scheepvaart — Handelmij "Noorderpark" N.V.: *Anne.*
05335---	First Lamda Shipping Inc.: *Lamda.*
05417---	Vlassocean De Navegacion S.A.: *Telemachos.*
05425---	Georgia Transporters Inc.: *Chotin 1159, Chotin 1841.*
05437---	The Dow Chemical Company: *T-200.*
05537---	Empresa Navegacion Mambisa: *Carlos Manuel De Cespedes.*
05577---	Far Eastern Shipping Co.: *Dalnevostochnity.*
05609---	Saint Nicolas Shipping Co. Ltd.: *Mariner.*
05858---	Interislands Shipping Co., Ltd.: *Marble Islands.*
05926---	Maritime Services GMBH: *Lord of the Isle, Fiery Cross Isle, Spindrift Isle.*
05935---	Anaqua Corporation of Panama: *Anaqua.*
05975---	Columbia Shipping Co., Inc.: *Van Trader.*
06027---	Captain A.A. Reid & Son: *Andoria.*
06047---	Gebr Rademacher: *Hinrich Witt.*
06223---	International Cruises S.A.: *Regina Magna.*
06287---	Gates Equipment Corporation: *Harry.*
06379---	New England Towing Company: *Sabin Point.*
06435---	Dampskibsaktieselskabet Den Norske Afrikaog Australielinie Wilhelmsens Damp . . . A/S Tonsberg, A/S Tankfart I, A/S Tankfart IV, A/S Tankfart V, A/S Tankfart VI: *Texas, Tortugas.*
06686---	Forest Shipping Corporation: *Forest Hill.*
06743---	Contimar Beteiligungs GMBH & Co.: *Bibiana.*
06810---	H. M. Gehrckens: *Stubbenhuk.*
06883---	Toyo Yusen K.K.: *Oriental Queen.*
06877---	Societe Francaise de Transports Maritimes Paris: *Ivolina.*
06967---	Mparmpadiamantis Shipping Co., Ltd.: *Chrysanthi.*
07019---	Allied Shipping International Corporation: *Capricorn, Tropis, Libra, Tekton.*
07065---	Sea Tankers, Inc.: *Beta Reserve.*
07081---	Aurelia Maritime Company Limited: *Aegis Wisdom.*
07171---	Flensburger Ubersee Schiffahrtsgesellschaft Jacob MBH & Co. Kg: *Lutz Jacob.*
07248---	Dynamic Mariners Corporation: *Tarpona.*
07318---	Shipping Company Sliedrecht N.V.: *Sliedrecht.*
07354---	Fernavi-Societa di Navigazione S.P.A.: *Marcus Lolli-Ghetti.*
07355---	Trimmer S.A.: *President.*
07368---	Lake Charles Towing Co., Inc.: *L.C.T. No. 18, L.C.T. No. 19.*
07471---	Navieros Progresivos S.A.: *Kavo Astrapi.*
07684---	Seaboos Maritime Co. Ltd.: *Elindia.*
07817---	Yick Fung Shipping and Enterprises Co., Ltd.: *Ceram Sea.*
07878---	F.R.H.M. Shipping Corporation: *Asterix.*
08034---	Asia Africa Shipping Co., Ltd.: *Shiwaku.*
08067---	Acamar Navigation Corporation: *Lorain.*
08071---	Zapata Naess (Management) Limited: *Naess Spirit.*

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-26963 Filed 12-20-73;8:45 am]

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 Part 542 of Title 46 CFR.

Certificate No.	Owner/Operator and Vessels
01035---	Ove Skou: *Dorit Skou.*
01306---	Shaw Savill & Albion Company Limited: *Durango.*
01326---	Sabine Towing & Transportation Co., Inc.: *Pecos.*
01334---	American President Lines Ltd.: *President Pierce.*
01360---	Midland Enterprises Inc.: *CH-1210, CH-1211, CH-1212, CH-1213, CH-1215, CH-1216, CH-1310, CH-1311, CH-1312, CH-1314, CH-1313, CH-1315, CH-1317, CH-1318, CH-1319, CH-1510X, CH-1546, CH-1599, CH-1780X, CH-1781X, CH-1782X, CH-1783X, CH-1784X, CH-1785X, CH-1850, CH-1851, CH-1852, CH-2180X, CH-2181X, CH-2182X, CH-2183X, CH-2184X, CH-2185X, CH-2186X, CH-2187X, CH-2188X, CH-CH-2189X, CH-2280X, CH-CH-2281X, CH-2380X, CH-2546, CH-2880, CH-2881, CH-2882, CH-2883, CH-2884, CH-2885, CH-2980, CH-2981, CH-2982, CH-2983, CH-2984, CH-3880, CH-3980, CH-4471, EAT-148, EAT-133, ORT-126, ORT-121E, ORT-122, ORT-124, ORT-111,* ORT-*134.*
01574---	Fearnley & Eger: *Fernvalley.*
01641---	The Bank Line Limited: *Moraybank.*
01758---	Chotin Transportation, Inc.: *Chotin 1280X, Chotin 1090X.*
01841---	Chas. Kurz & Co., Inc.: *Baldbutte.*
01843---	A. F. Harmstorf & Co.: *Reefer Trader, Reefer Merchant.*
01861---	BP Tanker Company Limited: *British Promise, British Purpose, British Neath, British Wye, British Spey, British Pride.*
01893---	Silver Line Limited: *Silverclyde.*
01904---	Waterman Steamship Corporation: *Alex Stephens.*
01905---	The Ben Line Steamers, Ltd.: *City of Edinburgh.*
02038---	Polskie Linie Oceaniczne: *Gwardia Ludowa, Wladyslaw Broniewski, Florian Ceynowa.*
02041---	"Dalmor" Przedsiebiorstwo Polowow Dalekomorskich I Uskug Rybackich: *Vega.*

Certificate No.	Owner/Operator and Vessels
02156	Lorentzens Skibs A/S: *Arthur Stove.*
02166	Jan-Erik Dyvi Skiprederi: *Dyvi Kattegat.*
02241	Cape Continent Shipping Company Limited: *Transvaal.*
02249	Fisser & V. Doornum: *Boca Tabla.*
02286	China Union Lines, limited: *Union Harvest.*
02332	Lykes Bros. Steamship Co., Inc.: *LY–806, LY–906, LY–226, LY–227, LY–228, LY–229, LY–230, LY–231,*
02361	The Mauritius Steam Navigation Company Ltd.: *Belle Rose.*
02363	Rederiet Otto Danielsen: *Peter Theilgaard, Annette Danielsen.*
02285	Atlan Lines, S. A.: *Jade, Topacio.*
02417	Norfolk, Baltimore & Carolina Line, Inc.: *Container Transport No. 3.*
02428	The Kinsman Marine Transit Co.: *Paul Thayer.*
02458	The China Navigation Co. Ltd.: *Sinkiang.*
02465	Koch-Ellis Marine Contractors, Inc.: *Collins 5, Collins 6, Collins 7, Collins 8.*
02492	Interstate Oil Transport Company: *Interstate 36, Interstate 37, Interstate 38.*
02494	Simms Bros. Towing Company, Inc.: *Simms No. 6.*
02582	Jugotanker Turisthotel: *Dugi Otok.*
02603	Empresa Hondurena De Vapores, S.A.: *Telde.*
02860	Taiwan Navigation Co., Ltd.: *Tai Tung.*
03004	Rederi Ab Soya: *Aida.*
03053	Ole Man River Towing, Inc.: *Levi, John C. Byrd.*
03186	N.V. Motorscheepvaartmaatschappij "Rotterdam": *Alban.*
03434	Hoko Suisan K.K.: *Daishin Maru.*
03456	K.K. Maruni Shokai: *Kashii Maru.*
03457	Masumoto Kaiun Sangyo K.K.: *Dairyo Maru.*
03476	Nissin Kisen K.K.: *Hoei Maru.*
03484	Sanko Kisen K.K.: *Kokko Maru.*
03595	Artagan Shipping Company Limited: *Artadi.*
03613	Western Transportation Company: *Foss No. 172.*
03657	Overseas Bulktank Corporation, New York: *Overseas Juneau.*
02874	West India Industries, Inc.: *Inagua Trader II.*
02877	Nippon Yusen Kabushiki Kaisha: *World Challenger.*
02928	Phs Van Ommeren (France): *Talbot Castle, High Brion.*
02950	Tony Barge Company Inc.: *TBC–3.*
02952	Blandford Shipping Company Limited: *Castleton.*
02956	Ashland Oil, Inc.: *BC–1.*
02959	Kokuyo Kaiun K.K.: *Kurushima Maru.*
02975	Venture Shipping (Managers) Limited: *Oslo Venture, Wonder Venture.*
02982	The Shipping Corporation of India: *Ardahana, Vishva Tarang, Vishva Mamta.*
03690	Harbor Tug and Barge Company: *Atka.*
03694	Port Allen Marine Service, Inc.: *P.B.L. 876.*
03799	Suisse-Outremer Bereederungs- und Befrachtungs-Ag: *Castagnola.*
03853	Shaver Transportation Company: *ST–50.*
03918	Mobil Shipping and Transportation Company: *Mobil Magnolia.*
03968	Zim Israel Navigation Company: *Iris, Alon.*
04006	National Steel Corporation—Steamship Division: *George M. Humphrey, Ernest T. Weir.*
04128	Skips A/S Westray: *Brunhorn.*
04136	Thomas Marine Company: *TM 36, TM 37, TM 38, TM 39.*
04356	Pacific Far East Line, Inc.: *Canada Bear.*
04358	Holland Bulk Transport N.V.: *Maasbree.*
04404	Lars Rej Johansen: *Joselin.*
04458	Naviera Artola S.A.: *Urquiola.*
04562	Okada Kaiun Kabushiki Kaisha: *Hiroshima Maru.*
04601	American Tunaboat Association: *Wilia G.*
04670	Standard Products Company, Inc.: *Tim.*
04674	Pescanova, S.A.: *Toula, Amarante.*
05020	Bamar Marine Company, Limited: *Abocol, Nazca.*
05044	Sider Line Compania De Navegacion S.A.: *Splendor.*
05034	Naviera Amazonica Peruana, S.A.: *Yacu Guagua.*
05098	Esso Tankers, Inc.: *Esso Shimizu, Esso Alsace, Esso Albany.*
05201	Steuart Transportation Company: *STC 106.*
05238	Tradax Internacional S.A.: *Carcape.*
05283	Peter Pan Seafoods, Inc.: *Scotch Cap.*
05298	Erich Drescher: *Ede Sinstorf.*
05393	Okinawa Reito Suisan Kabushiki Kaisha: *Ryuei Maru No. 18.*
05425	Georgia Transporters, Inc.: *MBL–602.*
05437	The Dow Chemical Company: *NMS–1200, NMS–1302, NMS–1303, NMS–1309, NMS–1401, NMS–1402, NMS–1453, NMS–1454, JAR 1, JAR 2, JAR 3, RA–97, UM 94, UM 97.*
05453	Destino Navegacion S.A.: *Aegis Bounty.*
05522	Burmah Oil Trading Limited: *Burmah Pearl.*
05577	Far Eastern Shipping Company: *Minusinsk.*
05578	Baltic Shipping Company: *Palekh, Alexandr Pushkin.*
05579	Black Sea Shipping Company: *Vladimir Rusanov, Ivan Moskvitin.*
05580	Kamchatka Shipping Company: *Slautnoe.*
05624	Perusahaan Pertambangan Minyak Dan Gas Bumi Negara (Pertamina): *Permina Samudra X.*
05702	Loyd W. Richardson Construction Corporation: *LWR 52.*
05732	Tank Masters, Inc.: *Tank Master No. 2.*
05753	Veb Deutfracht Internationale Befrachtung Und Reederei: *John Brinckman, Fritz Reuter.*
05854	Levin Metals Corporation: *Rolf, Leland E. Thomas, Howard F. Clark, Tinsman, Thomas F. Nickel, Le Ray Wilson, Susquehana.*
05926	Maritime Services G.M.B.H.: *New England Hunter, New England Trapper, New England Scout.*
06130	Northern Shipping Company: *Nikolay Movikov, Vladimir Timofeev.*
06213	Second Marine Corporation: *Chris.*
06307	Resolute Shipping Ltd.: *Tundra-land.*
06399	Tokumaru Kaiun K.K.: *Daitoku Maru No. 31.*
06712	Chang An Marine Corporation: *Everlasting.*
06934	Chevron Navigation Corporation: *Chevron Feluy.*
06955	Shin Ho Marine Enterprises, Co., Ltd.: *Union Hong Kong.*
07019	Allied Shipping International Corporation: *Bonnie.*
07206	Australian Coastal Shipping Commission: *Mount Newman.*
07266	Hamaya Suisan Kabushiki Kaisha: *Eikyu Maru No. 2.*
07492	The Crystal Shipping Co., S.A.: *Dahlia.*
07550	Erato Shipping Inc.: *World Diana.*
07631	Meridionalpesca S.P.A.: *De Giosa Giuseppe.*
07803	Cosmos Shipping and Trading S.A. Panama: *St. Paul's.*
07809	Yorigami Kensetsu K.K.: *Kiyo Maru No. 3.*
07931	General Steamship Navigation, Inc.: *Maria Rubicon.*
07967	Woodlands Shipping Company Limited: *Griffin.*
08002	Marcona Ocean Industries, Ltd.: *Miami.*
08034	Asia Africa Shipping Co., Ltd.: *Unihongkong.*
08079	IRS Transportation Company: *RV–10, ETT–108.*
08085	Solymar Navigation Co., Ltd.: *Triana.*
08167	Apollonian Victory Co. S.A.: *Apollonian Victory.*
08207	Bibby Tankers Limited: *Derbyshire.*
08251	Monterey Shipping Corp.: *Stolt Sea.*
08255	Veb Deutsche Seereederei: *Neubrandenburg.*
08302	D/S/A/S Ibis: *Anne Reed, Nortrans Karen.*
08344	Hammerton Shipping Company S.A.: *Lloyd New York, Lloyd Philadelphia.*
08375	Daniel Dize, Inc.: *Marylander.*
08414	I.F.R. Services Limited: *Maranga.*
08418	Saturnus Maritime Company of Panama: *Aeolian Sea.*
08422	"Ausonia" Di Navigazione Dei Fratelli Ravano di Alberto: *Humilitas.*
08434	H & H Ship Service Co.: *Humboldt.*
08436	International Shipping and Trading Corp.: *Eternal Light.*
08440	Carlo Izo Shipping Company Limited: *Panaghis Vergottis.*
08446	Blaze Compania Naviera S.A.: *Aegis Blaze.*
08448	Buenaventura Armadora S.A. Panama: *Mari.*
08451	Calmi S.A. Panama: *Anrose.*
08460	Lemont Marine, Inc.: *Kevin.*
08461	Elnimar Shipping Co. S.A.: *Union Spirit.*
08462	Whiteline Navigation Co., Ltd.: *Federal Hudson, Federal Katsura.*
08463	Polestar Shipping S.A.: *North Pole.*
08466	Astyanax Maritime Co., Ltd.: *Astyanax.*
08470	Petrola Hellas S.A.: *Ennea.*
08467	Murphy Oil Corporation: *Ace 102.*
08477	Inter-Ocean Towing (Private) Limited: *Wilvin.*
08480	Marmercante Armadora S.A. Panama: *Glorious Colocotronis.*
08482	Eastern Africa National Shipping Line Ltd.: *Harambee, Mulungushi, Uganda, Ujamaa.*
08483	Patrai Shipping Corporation: *Patrai.*
08484	Clerco Compania Naviera S.A.: *Cleo.*
08485	Coral Shipping Co., Ltd.: *Michael Angelos.*

Certificate No.	Owner/Operator and Vessels
08486	Seawell Maritime Co. Ltd.: *Seapearl.*
08487	Florida Towing Company, Inc.: *Passaic.*
08488	Multinational Gas and Petrochemical Company: *Amy Multina.*
08500	Kimon Campania Naviera S.A.: *Aegis Wisdom.*
08502	Lehena Shipping Corporation S.A.: *Aegis Leader.*
08503	Block Transport Corporation: *Elphine.*
08505	Eland Shipping Corporation S.A.: *Aegis Eland.*
08506	Richards Towing Company: *RTC 2001, RTC 2002.*
08507	Thai Ocean Transportation Company Limited: *Bangkok.*
08508	Enes Shipping Co. S.A. of Panama: *Avra.*
08509	Cook Industries, Inc.: *Major Ned.*
08510	Grand United Transport Inc.: *Grand Jade.*
08512	Montania Shipping Corporation: *Constantia.*
08515	North and South Pacific Steamship Company Inc.: *Concordia Gleam.*
08516	Condor Navigation, Inc.: *Stolt Condor.*
08518	T. I. Shipping Enterprises Ltd. of Turks Island: *Mereghan IV.*
08519	Compania Dapo S.A.: *Aliki.*
08520	Ocean Carriers, Inc.: *Stolt Albatross.*
08523	Pesquera Cies, S.A.: *Perca.*
08524	Pesquera Albri, S.A.: *Nuska.*
08527	Parnis Maritime Co., Ltd.: *San Salvador.*
08529	Partrederiet Nopal Sand: *Nopal Sand.*
08530	Prompt Shipping Corporation, Ltd.: *Atlantic Darby, Pacific Darby, Mediterranean Darby.*
08531	The Thakur Shipping Company Ltd.: *Varuna Vahini.*
08540	Liberian Opal Transports, Inc.: *Golden Explorer.*
08525	Fernando Oya Perez: *Viziador.*
08528	Clean Bay Inc.: *Recoverer.*
08534	Vall Carriers Limited: *Vall Moon.*
08539	Pescaboa S.A.: *Peixino.*
08542	Central Bulk Carriers, Inc.: *Central Argo.*
08544	Mutual Shipping Company Incorporated: *Sea Concord.*
08547	Interessentskapet Obo Duke: *Obo Duke.*
08548	Alpina Shipping Corporation: *Akron.*
08549	Longline Fishing Ltd.: *Southward Ho.*
08550	Eastern Fortune Transports Inc.: *Eastern Fortune.*
08552	Kenner Bend Fleet a division of Kenner Shipyard, Inc.: *IRL 1222.*
08553	Industrial Fuel Oil, Inc.: *Erie, Superior.*
08554	Almirante Navigation Corporation, Inc.: *Sovereign Sapphire.*
08559	Pescapuerta, S.A.: *Pescapuerta Segundo.*
08562	Apollonian Champion Co. S.A.: *Apollonian Champion.*
08563	Seven Seas Enterprises Corp. (Panama) S.A.: *Sea Adventure, Sea Brave.*
08564	Patroclos Shipping Company Ltd.: *Patroclos.*
08565	Paris Shipping Company Limited: *Paris.*
08568	Aries Marine Shipping Company: *Ultramar.*
08569	Nely Shipping Co., Ltd.: *Nely P.*
08571	Takei Gyogyo Kabushiki Kaisha: *Masa Maru No. 28*
08573	Harvester Navigation S.A.: *Harvester.*
08578	Interessentskapet Barwa: *Barwa.*
08579	Gemay Compania Naviera S.A.: *Union Fate.*

By The Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-26964 Filed 12-20-73;8:45 am]

MATSON NAVIGATION CO. ET AL.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street, N.W., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before December 28, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Matson Navigation Company, United States Lines, Inc., Seatrain Lines, California, Northland Marine Lines, Inc., Pacific Inland Navigation Company, Inc., and Sause Bros. Towing Company, Inc.

Notice of agreement filed by:

Edward J. Ransom, Esq., Lillick, McHose, Wheat, Adams & Charles, 311 California Street, San Francisco, Calif. 94104.

Agreement No. DC-67, between Matson Navigation Company, United States Lines, Inc., Seatrain Lines, California, United States Lines, Inc., Northland Marine Lines, Inc., Pacific Inland Navigation Company, Inc., and Sause Bros. Towing Company, Inc. (the Lines) is a proposed Fuel Conservation Agreement whereby the Lines would confer and discuss measures to reduce and minimize the consumption of fuel by their vessels operated as common carriers between ports on the West Coast of the United States and the State of Hawaii. The agreement will extend to sailing schedules of the Lines, ports of call, reciprocal space chartering on vessels, reduction in speed of vessels, and any and all matters necessary or appropriate to accomplish the reduction and minimization of fuel consumption.

Dated: December 19, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-27083 Filed 12-20-73;11:54 am]

FEDERAL POWER COMMISSION

[Docket Nos. RP71-7, RP73-77]

ALABAMA-TENNESSEE NATURAL GAS CO

Notice of Proposed PGA Rate Adjustment

DECEMBER 12, 1973.

Take notice that on November 30, 1973, Alabama-Tennessee Natural Gas Co. (Alabama-Tennessee) tendered for filing as part of its FPC Gas Tariff, Third Revised Volume No. 1, Second Substitute First Revised Sheet No. 3-A Superseding Original Sheet No. 3-A.

Alabama-Tennessee states that the sole purpose of the second substitute revised tariff sheet is to adjust Alabama-Tennessee's rates pursuant to the PGA provision of section 20 of the General Terms and Conditions of the tariff. Alabama-Tennessee further states that such tariff sheet reflects the following reductions in the rates previously filed on November 16, 1973 in the above-captioned matter:

Rate schedule:	Reduction
G-1:	
Demand	$0.01
Commodity	.56
SG-1: Commodity	.64
I-1: Commodity	.56

The proposed effective date of the filing is January 1, 1974. Alabama-Tennessee states that copies of the filing have been mailed to all of its jurisdictional customers and affected state regulatory commissions.

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 December 19, 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.73-26934 Filed 12-20-73;8:45 am]

[Docket No. RP74-40]

ALGONQUIN GAS TRANSMISSION CO.

Notice of Proposed Change in Tariff

DECEMBER 12, 1973.

Take notice that on November 21, 1973, Algonquin Gas Transmission Co. (Algonquin Gas) tendered for filing the following tariff sheets to its FPC Gas Tariff, Original Volume No. 1:

Original Sheet No. 30-H
Original Sheet No. 30-I
Original Sheet No. 30-J

Algonquin states that such tariff sheets are filed to establish a new section to its General Terms and Conditions: "Section 23. Adjustments to Reflect Operation of Synthetic Gas Plant Without Propane Enrichment". Algonquin Gas states that by reason of the shortage of propane, Algonquin may be required to operate the synthetic gas plant located at Freetown, Massachusetts, without propane enrichment, and that such operation will introduce a variation in the heat content of gas as among the customers to whom it sells gas. According to Algonquin Gas, the proposed new general term and condition would provide adjustments to the volumes of gas deliverable to its customers, and the related billing volumes, to adjust for such variation in Btu content. The proposed effective date is December 1, 1973.

Algonquin states further that copies of the filing have been served upon all of its customers and interested state regulatory commissions.

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) on or before December 20, 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. Algonquin's filing and tariff sheets are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-26935 Filed 12-20-73;8:45 am]

[Docket No. RI74-87]

AMERICAN PETROFINA COMPANY OF TEXAS

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change to Become Effective Subject to Refund

DECEMBER 12, 1973.

Respondent has filed a proposed change in rate and charge for the jurisdictional sale of natural gas, as set forth in Appendix A hereof.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders: (a) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto [18 CFR, Chapter I], and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column. This supplement shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf*		Rate in effect subject to refund in dockets No.
									Rate in effect	Proposed increased rate	
RI74-87	American Petrofina Co. of Texas.	21	7	El Paso Natural Gas Co. (San Juan Basin Field, Rio Arriba County, N. Mex.) (Rocky Mountain Area).	.....	11-28-73	[2] 11-28-73	(3)	.....	.....	
....do			8	....do	$4,140	11-28-73	[2] 11-28-73	(3)	13.0	22.0	
....do			9	....do	19,389	11-12-73	.....	(3)	22.0	[4] [5] 28.0	

* Unless otherwise stated, the pressure base is 15.025 p.s.i.a.
[1] Contact agreement dated Feb. 14, 1972.
[2] Date of filing.
[3] Not used.
[4] Not used.
[5] Increase to the contract rate for wells completed on or subsequent to June 1, 1970.
[6] Subject to upward and downward B.t.u. adjustment from a base of 1,000 B.t.u.
[7] For gas from wells completed prior to June 1, 1970.
[8] Accepted to be effective on Nov. 28, 1973, the date shown in the "Effective Date Unless Suspended" column.
[9] The proposed rate increase is accepted as of Dec. 13, 1973, insofar as it does not exceed the Order No. 435 ceiling and is suspended until Jan. 13, 1974, insofar as it exceeds the Order No. 435 ceiling rate.

American Petrofina Company of Texas' proposed rate increase from 22.0¢ to 28.0¢ is accepted as of December 13, 1973, insofar as it does not exceed the applicable ceiling under Order No. 435 and is suspended until January 13, 1974, insofar as it exceeds the ceiling established in Order No. 435.

[FR Doc.73-26936 Filed 12-20-73;8:45 am]

[Docket No. E-8525]

CENTRAL LOUISIANA ELECTRIC CO.

Notice of Proposed Changes in Rates and Schedules

DECEMBER 12, 1973.

Take notice that Central Louisiana Electric Co. (Central) tendered for filing on November 30, 1973, a proposed notice of cancellation covering Supplement No. 1 and Service Schedules A and B of Rate Schedule FPC No. 17, an Interconnection Agreement with the City of Lafayette dated July 30, 1973. Central proposes to cancel the service schedules because of increases in the cost of fuel and increases in capital costs which make it unprofitable to continue service at the present rate. The old agreement terminates on December 31, 1973. If a new agreement with the City of Lafayette does not exist on January 1, 1974, Central will supply emergency service in accordance with proposed Service Schedule No. A. Central states that service has been made on the City of Lafayette and the Louisiana Public Service Commission.

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 December 20, 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.73-26937 Filed 12-20-73;8:45 am]

[Docket No. E-8526]

CENTRAL LOUISIANA ELECTRIC CO.

Notice of Proposed Changes in Rates and Charges

DECEMBER 12, 1973.

Take notice that Central Louisiana Electric Co. (Central) tendered for filing on November 30, 1973, a proposed notice of cancellation covering Supplement No. 1 and Service Schedules A and B of Rate Schedule FPC No. 18, an Interconnection Agreement with the City of Opelousas dated January 28, 1964. Central proposes to cancel the service schedules because of increases in the cost of fuel and increases in capital costs which make it unprofitable to continue service at the present rate. The old agreement terminates on December 31, 1974. If a new agreement with the City of Opelousas does not exist on January 1, 1974, Central will supply emergency service in accordance with proposed Service Schedule A. Central states that service has been made on the City of Opelousas and the Louisiana Public Service Commission.

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 December 20, 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 for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-26938 Filed 12-20-73;8:45 am]

[Docket No. E-8528]

CENTRAL LOUISIANA ELECTRIC CO.

Notice of Proposed Changes in Rates and Charges

DECEMBER 12, 1973.

Take notice that Central Louisiana Electric Co. (Central) tendered for filing on November 30, 1973, a proposed cancellation notice covering Supplements 1-4 of Rate Schedule FPC No. 25, an interconnection agreement with the City of Morgan City. According to Central, due to increases in the cost of fuel and higher capital costs, it is no longer profitable to continue the existing service schedules. The old agreement terminates on December 31, 1973. If a new agreement with Morgan City does not exist on January 1, 1974, Central will supply emergency service in accordance with proposed Service Schedule A. Central states that service has been made on the City of Morgan City and on the Louisiana Public Service Commission.

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 December 20, 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 for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-26939 Filed 12-20-73;8:45 am]

[Docket No. RP73-65]

COLUMBIA GAS TRANSMISSION CORP.

Notice of Proposed Changes in FPC Gas Tariff

DECEMBER 12, 1973.

Take notice that Columbia Gas Transmission Corp. (Columbia) on November 30, 1973, tendered for filing proposed changes in its FPC Gas Tariff, Original Volume No. 1. Columbia states that this filing amends its filing of November 16, 1973, while preserving the effective date of January 1, 1974, proposed therein. Columbia states that the amended filing will provide a purchased gas adjustment to recover annual increased cost of gas purchased of $30,602,931 rather than the $32,064,467 as originally filed by Columbia on November 6, 1973.

Columbia states that the proposed changes result from Tennessee Gas Pipeline Co. filing revised tariff sheets on November 30, 1973, in FPC Docket No. RP73-113, to be effective January 1, 1974.

Copies of the filing were served upon the Company's jurisdictional customers and interested state commissions.

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 petition or protests should be filed on or before December 26, 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 peition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-26940 Filed 12-20-73;8:45 am]

[Docket No. RP72-157]

CONSOLIDATED GAS SUPPLY CORP.

Notice of Proposed Changes in FPC Gas Tariff

DECEMBER 12, 1973.

Take notice that Consolidated Gas Supply Corp. (Consolidated), on November 30, 1973, tendered for filing proposed changes in its FPC Gas Tariff, First Revised Volume No. 1, pursuant to its PGA clause for rates proposed to be effective January 1, 1974.

Consolidated states that the PGA filing was triggered by rate increase filings made by Tennessee Gas Pipe Line Co. (Tennessee) on June 15, 1973, and November 30, 1973 at Docket No. RP73-113, the effectiveness of which was suspended until January 1, 1974, and by a PGA filing by Texas Eastern Transmission Corp. (Texas Eastern) made on November 16, 1973 for effectiveness January 1, 1974. According to Consolidated, Texas Eastern made its PGA filing in the alternative increasing its RP72-98 settlement rates and increasing its RP72-98 rates being collected subject to refund. Consolidated also filed in the alternative, tracking Texas Eastern's RP72-98 settlement rates and alternatively the RP72-98 rates being collected subject to refund. Consolidated requested the alternative rates become effective only if the Texas Eastern settlement rates are not effective by the proposed date of January 1, 1974. Consolidated states that the Texas Eastern settlement has been approved in an order issued November 26, 1973; however, the order will not become final for a period of 30 days. Consolidated states that its proposed rate increase would generate $32.7 million in additional revenues or if the alternative rates become effective $30.2 million in additional revenues.

Consolidated is requesting a waiver of the 45-day notice requirement contained in its PGA clause due to not receiving Tennessee's revised rates in sufficient time for itself to make a timely filing and further asks for a waiver of any other of the Commission's rules and regulations as may be required to permit its rates or alternative rates to become effective as proposed.

Consolidated states that copies of the filing were served upon its jurisdictional customers, as well as interested state commissions.

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

December 26, 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. Those presently permitted to intervene need not refile an intervention petition. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-26941 Filed 12-20-73;8:45 am]

[Docket No. E-8522]

DELMARVA POWER AND LIGHT CO.

Notice of Proposed Changes in Power Supply Agreement

DECEMBER 12, 1973.

Take notice that Delmarva Power and Light Co. (Delaware), and Delmarva Power and Light Co. of Maryland (Maryland) and Delmarva Power and Light Co. of Virginia (Virginia), its wholly-owned subsidiaries, (collectively "Delmarva") on November 30, 1973, tendered for filing proposed changes in the intercompany Power Supply Agreement (Delaware Rate Schedule FPC No. 33 and Supplement No. 2; Maryland Rate Schedule FPC No. 10 and Supplement No. 2; Virginia Rate Schedule FPC No. 5 and Supplement No. 2). Delmarva states that the Power Supply Agreement is fundamentally a self-adjusting cost of service to allocate among the three companies the fixed charges and variable costs of generation and power supply transmission and production materials and supplies for the integrated system. Delmarva claims that the proposed changes will increase the rate of return aspect of fixed charges to 9 percent. The company further states that the proposed changes will reduce Delaware production expense by $1,102,906, and increase Maryland production expense by $887,760 and Virginia production expense by $215,146 on 1973 figures. There is no change in aggregate power supply costs or revenues. The proposed effective date is January 1, 1974.

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 and 1.10). All such petitions or protests should be filed on or before December 18, 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 for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-26943 Filed 12-20-73;8:45 am]

[Docket No. E-8532]

DUKE POWER CO.

Notice of Compliance Filing

DECEMBER 12, 1973.

Take notice that Duke Power Co. (Duke) on December 3, 1973, tendered for filing a supplement to Duke's Electric Power Contract with Laurens Electric Cooperative, Inc., FPC Rate Schedule No. 144. The supplement is entitled, Exhibit A-3, Delivery Point No. 9, dated November 19, 1973. The effective date is November 8, 1973.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 28, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-26944 Filed 12-20-73;8:45 am]

[Docket No. CS71-645]

POWERS OPERATING CO.

Notice of Redesignation; Correction

DECEMBER 7, 1973.

Notice of redesignation, issued October 17, 1973 and published in the FEDERAL REGISTER October 30, 1973, 38 FR 29922.

Page 29922: Change all references to "Powers Operating Company" to read "Integral Petroleum Corporation".

Page 29922: Change all references to "Integral Petroleum Corporation" to "Powers Operating Company".

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-26933 Filed 12-20-73;8:45 am]

[Docket No. RI74-78]

T. L. NUTT

Notice of Petition for Special Relief

DECEMBER 12, 1973.

Take notice that on November 5, 1973, T. L. Nutt (Petitioner) P.O. Box 562—Great Bend, Kansas 67530, filed a petition for special relief in Docket No. RI74-78, pursuant to Order No. 481 with respect to a sale in the Hugoton-Anadarko Area. Petitioner requests that it be granted special relief with respect to a well located in Ulsh Unit, SE/4 and NE/4, section 26 and W/2 Section 25, Township 24S, Range 16W, Edwards County, Kansas.

Petitioner states that it is necessary to add compression to make the above-designated well economical to produce and seeks a rate increase from 16.5¢ to 22.5¢ per Mcf for such compression. The gas produced from said well would be sold to Northern Natural Gas Company. Petitioner indicates that reserves of 1267.5 MMcf still exist.

Any person desiring to be heard or to make any protest with reference to said petition should on or before December 27, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). 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 pary wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-26945 Filed 12-20-73;8:45 am]

[Docket Nos. RP71-29, RP71-120]

UNITED GAS PIPE LINE CO.

Order of Clarification; Correction

DECEMBER 4, 1973.

In the order on clarification, issued November 30, 1973 and published in the FEDERAL REGISTER December 7, 1973, 38 FR 33808 10th paragraph, lines 10 and 11: Change "February 1, 1973" to read "February 1, 1974".

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-26932 Filed 12-20-73;8:45 am]

FEDERAL RESERVE SYSTEM

BROWNSBURG STATE BANK

Order Approving Merger with Hendricks County Bank and Trust Company, Plainfield, Indiana

Brownsburg State Bank, Brownsburg, Indiana ("Brownsburg Bank"), has applied for the Board's approval pursuant to the Bank Merger Act (12 U.S.C. 1828 (c)), to merge with Hendricks County Bank and Trust Company, Plainfield, Indiana ("Hendricks Bank"), and to establish a branch at the location occupied by the latter bank. Both banks are State member banks of the Federal Reserve System. The transaction would be effected under the charter of Brownsburg Bank and under the title of Hendricks Bank.

As required by the Act, notice of the proposed merger in form approved by the Board, has been published, and reports on competitive factors have been requested from the Attorney General, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation.

This Reserve Bank has considered the application and all comments and reports in light of the factors set forth in the Act.

Brownsburg Bank (deposits of $13.3 million[1]) is a unit bank and the only bank located in the town of Brownsburg in eastern Hendricks County, Indiana. The county adjoins Marion County (Indianapolis), and Brownsburg Bank ranks as the 24th largest among 41 banks in the banking market approximated by the Indianapolis SMSA, with 0.36 percent of the area's deposits.

Hendricks Bank (deposits of $5.4 million) is the smaller of two unit banks in Plainfield. Hendricks Bank also competes in the Indianapolis banking market, where it is currently the 38th largest bank, with 0.15 percent of total deposits. Upon consummation of the proposed merger, the Resulting Bank would rank as the 19th largest bank and account for only about one-half of one percent of market area deposits. It is concluded the consummation of the proposed merger would not significantly increase concentration of banking resources in the Indianapolis banking market nor would it adversely affect other banks operating therein.

The offices of Brownsburg Bank and Hendricks Bank are located only about 10 miles apart. The service areas of the two banks do not overlap, however, and no significant competition exists between the banks at the present time. Moreover, it appears that the proposed merger would no foreclose substantial potential competition given the presence of intervening banking offices and the small size of the Resulting Bank relative to the market.

Based upon all the facts revealed in the record, the Federal Reserve Bank of Chicago concludes that the merger would not have an adverse effect on competition in any relevant area. The area's needs for banking services appear to be adequately met at present, and no significant changes in the two banks' capacity to provide services is expected as a result of their merger. Convenience and needs considerations are consistent with, but do not lend significant weight toward approval.

Financial and managerial resources of the Brownsburg Bank and Hendricks Bank are considered satisfactory. Therefore, it appears the financial and managerial resources of the Resulting Bank would be satisfactory and offer support for approval of the application, particularly in view of a concurrent plan to supplement the capital of the merged institution.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth calendar day following the date of this Order or (b) later than three months after the date of the Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Chicago, pursuant to delegated authority.

[1] All deposit data are as of June 30, 1973.

By Order of the Federal Reserve Bank of Chicago acting pursuant to delegated authority for the Board of Governors of the Federal Reserve System effective December 10, 1973.

[SEAL] ROBERT P. MAYO,
President.

[FR Doc.73-26913 Filed 12-20-73;8:45 am]

CONNECTICUT BANCSHARES CORP.

Amended Order

By Order dated December 30, 1971, the Board approved an application of Connecticut Bancshares Corporation, New York, New York, to become a bank holding company through acquisition of not less than 50.9 percent of the voting shares of Northern Connecticut National Bank, Windsor Locks, Connecticut (37 FR 159, January 6, 1972). The Order stated that "a fair and equivalent exchange offer will be made to all shareholders". Subsequent to this Order, the Board has granted Applicant extensions of time within which to consummate the transaction.

Applicant requests relief from the obligation to make an equal offer to all shareholders of Northern Connecticut National Bank in view of the October 12, 1973, amendment of the Board's rules regarding delegation of authority, which removed the requirement that Reserve Banks, in reviewing applications for the formation of a bank holding company or for the acquisitions of an additional bank by an established bank holding company, take into consideration whether an equal offer will be extended to all shareholders of the bank to be acquired (12 CFR 265.2(f)(22)).

The Board has concluded that the request should be granted. The Board's Order of December 30, 1971, is hereby amended by deleting the requirement that "a fair and equivalent exchange offer will be made to all shareholders".

By order of the Board of Governors,[1] effective December 13, 1973.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.73-26912 Filed 12-20-73;8:45 am]

FROSTBANK CORP.

Order Approving Acquisition of Bank

FrostBank Corporation (formerly Frost Realty Company), San Antonio, Texas, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under § 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares (less directors' qualifying shares) of Colonial National Bank, San Antonio, Texas, a proposed new bank ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with § 3(b) of the Act. The time for filing comments and views has expired, and none has been timely received. The Board has considered the application in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the tenth largest banking organization in Texas, has two banks[1] with aggregate deposits of approximately $519 million, representing about 1.5 percent of the total deposits in commercial banks in the State.[2] Since Bank is a proposed new bank, its acquisition would neither eliminate existing competition nor immediately increase Applicant's share of commercial bank deposits in either Texas or the San Antonio banking market.

The proposed site of Bank will be in the San Antonio banking market (approximated by the San Antonio SMSA). Applicant controls 2 of 39 banks located in the relevant market, and with deposits representing 24.8 percent of total market deposits, Applicant is the largest banking organization in the market. Bank's proposed service area overlaps that of one of Applicant's subsidiaries located three miles away; however, since Bank is a proposed new bank, consummation of the proposal would not eliminate any existing competition. In view of the facts that the market's present population to banking office ratio is more than double the State average and the market's population growth has been greater than the State average, the San Antonio banking market would continue to be attractive to de novo entry. Therefore, it does not appear that acquisition of Bank by Applicant would significantly reduce the prospects for future expansion or entry by other banking organizations. The Board concludes that approval of the application would not have a significant adverse effect on competition in any relevant area.

Although there is no evidence that the major banking needs of the community are not being adequately met, Bank would serve as an additional source of banking services by increasing the availability of installment loan, credit card, and trust services to the leading area of growth and expansion in the San Antonio banking market. Therefore, considerations relating to the convenience and needs of the community to be served lend some weight toward approval. Accordingly, it is the Board's judgment that the proposed acquisition would be in the public interest.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not

[1] Voting for this action: Chairman Burns and Governors Mitchell, Daane, Brimmer, Sheehan, Bucher and Holland.

[1] Applicant, in addition to these two banks, owns 20.6 percent of Texas State Bank, San Antonio, Texas, and 24.9 percent of Harlandale State Bank, San Antonio, Texas. Both of these interests are subject to divestiture by Applicant by May 1, 1975, pursuant to the Board's Order of March 21, 1973.

[2] All deposit data are as of June 30, 1973, and reflect all bank holding company formations and acquisitions approved through October 31, 1973.

be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after that date, and (c) Colonial National Bank, San Antonio, Texas, shall be opened for business not later than six months after the effective date of this Order. Each of the periods described in (b) and (c) may be extended for good cause by the Board, or by the Federal Reserve Bank of Dallas pursuant to delegated authority.

By order of the Board of Governors,[2] effective December 13, 1973.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.73-26911 Filed 12-20-73;8:45 am]

MERCANTILE BANCORPORATION, INC.

Order Approving Acquisition of Bank

Mercantile Bancorporation, Inc., St. Louis, Missouri, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 90 percent or more of the voting shares of High Ridge Bank, High Ridge, Missouri ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and none has been timely received. The Board has considered the application in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the largest banking organization in Missouri, controls 12 banks with aggregate deposits of $1.2 billion, representing slightly over 9 percent of the total commercial bank deposits in the State.[3] It is also the largest banking organization in the St. Louis banking market,[4] controlling 14 percent of total deposits in the market and 12.2 percent of IPC deposits in accounts of $100,000 or less.[5] Consummation of the proposed acquisition of Bank (deposits of $9 million) would not result in a significant increase in the concentration of banking resources in either the St. Louis banking market or in the State of Missouri.

Bank is located in the extreme southwestern portion of the St. Louis banking market, somewhat isolated from other banks in the area. In fact, only two other banks are within ten road miles of Bank, and of these, Bank is the second largest holding approximately 25 percent of total deposits in this primary service area. Both competitors are holding company affiliates, the larger controlling 54 percent of the total commercial deposits therein. The closest distance between Bank and any of Applicant's four existing subsidiary banks in the St. Louis banking market is twenty-four miles, and no significant competition exists between these subsidiaries and Bank or any of Applicant's other subsidiaries. Similarly, no significant competition exists between Bank and Applicant's nonbanking subsidiary, Mercantile Mortgage Company, Clayton, Missouri, a firm which originates mortgage loans in the St. Louis area.[6] On the basis of the record before it, the Board concludes that consummation of the proposal would not have an adverse effect on existing or future competition in any relevant area.

The financial and managerial resources of Applicant, its subsidiary banks, and Bank are satisfactory; future prospects of all appear favorable. Affiliation with Applicant would enable bank to become a more effective competitor in its primary service area in that Bank would have additional lending capability to help satisfy the growing demands for commercial and mortgage loans. In addition, consummation herein would enable Bank to broaden the range of services it presently offers, including computerized payroll and other new corporate services. Applicant will also assist Bank with the construction of a larger, more conveniently located main bank building. Considerations relating to the convenience and needs of the community to be served are consistent with approval. It is the Board's judgment that the proposed transaction is in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transactions shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of St. Louis pursuant to delegated authority.

By order of the Board of Governors,[5] effective December 13, 1973.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.73-26910 Filed 12-20-73;8:45 am]

PANNATIONAL GROUP INC.

Order Approving Acquisition of Bank

PanNational Group Inc., El Paso, Texas, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares of Franklin National Bank, El Paso, Texas ("Bank") a proposed new bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with § 3(b) of the Act. The time for filing comments and views has expired, and none has been timely received. The Board has considered the application in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the thirteenth largest banking organization in Texas, has four subsidiary banks[1] with aggregate deposits of approximately $352 million or about 1 percent of total deposits in commercial banks in the State.[2] Since Bank is a proposed new bank, acquisition of Bank will not immediately increase the percentage of total deposits held by Applicant or change its rank among State banking organizations.

The proposed site of Bank will be in the El Paso banking market, which is approximated by the El Paso SMSA. Of 14 banks in the relevant market, Applicant controls two banks with deposits of about $290 million, representing 36.4 percent of the total market deposits. As a result of its share of deposits, Applicant is the second largest banking organization in the market, while the largest banking organization in the market controls approximately 41 percent of the deposits in the market. Applicant's subsidiary closest to Bank is located 11 miles away; however, since Bank is a new bank, consummation of the proposal would not eliminate any existing competition. Furthermore, in view of the fact that the market's present population to banking office ratio is three times the State average, it does not appear that acquisition of Bank by Applicant would significantly reduce the prospects of future expansion or entry by other banking organizations in the State. The Board therefore finds that approval of the application would not eliminate any significant existing or future competition.

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[2] Voting for this action: Chairman Burns and Governors Mitchell, Daane, Brimmer, Sheehan, Bucher, and Holland.

[3] All banking data are as of June 30, 1973, except as otherwise indicated, and reflect holding company formations and acquisitions approved by the Board through October 31, 1973.

[4] The St. Louis banking market includes the City and County of St. Louis, portions of St. Charles and Jefferson Counties in Missouri, and portions of Madison and St. Clair Counties in Illinois.

[5] IPC deposit data are as of June 30, 1972.

[6] As of August 31, 1973, Mercantile Mortgage Company originated only four mortgage loans in Bank's primary service area totaling $72,000.

[5] Voting for this action: Chairman Burns and Governors Mitchell, Daane, Brimmer, Sheehan, Bucher, and Holland.

[1] Applicant, in addition to these four banks, owns 24.98 percent of Citizens State Bank of Ysleta, El Paso, Texas, with deposits of approximately $9 million or .02 percent of total commercial bank deposits in the State. In connection with Applicant's application to become a bank holding company approved by the Board on February 29, 1973, Applicant was required to divest its 28.4 percent of interest in Charles Basset Center, Inc. (a nonbank subsidiary engaged in shopping center development) and its 12 percent interest in Darbyshire Steel Company, Inc. (acquired through loan foreclosure in 1972). Applicant has advised the Board that the required divestiture will take place by February 1974.

[2] All deposit figures are as of June 30, 1973, and reflect bank holding company formations and acquisitions approved through November 1, 1973.

The financial and managerial resources and prospects of Applicant and its subsidiaries are regarded as satisfactory and consistent with approval of the application. Bank has no financial or operating history, but its prospects under Applicant's management appear favorable.

Although there is nothing in the record to show that the major banking needs of the community are not being served, Bank would serve as an additional source of banking services, and thus convenience and needs should be benefited. Accordingly, it is the Board's judgment that the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after that date, and (c) Franklin National Bank, El Paso, Texas, shall be opened for business not later than six months after the effective date of this Order. Each of the periods described in (b) and (c) may be extended for good cause by the Board, or by the Federal Reserve Bank of Dallas pursuant to delegated authority.

By order of the Board of Governors,[3] effective December 7, 1973.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.73-26909 Filed 12-20-73;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 73-92]

AD HOC ADVISORY SUBCOMMITTEE

Establishment

Pursuant to section 9(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), the Administrator of NASA has determined that the establishment of an ad hoc advisory Subcommittee to review proposals for scientific definition of space shuttle missions for atmospheric, magnetospheric and plasmas-in-space payloads is in the public interest in connection with the performance of duties imposed upon NASA by law. The Space Science and Applications Steering Committee, under which the Subcommittee will operate, is a NASA internal committee, composed wholly of Government employees.

The function of this Subcommittee will be to obtain the advice of the scientific community on proposals in the specialized areas identified by the name of the Subcommittee.

Dated: December 14, 1973.

HOMER E. NEWELL,
Associate Administrator.

[FR Doc.73-26904 Filed 12-20-73;8:45 am]

[3] Voting for this action: Governors Brimmer, Sheehan, Bucher, and Holland. Absent and not voting: Chairman Burns and Governors Mitchell and Daane.

POSTAL SERVICE

INTERNATIONAL POSTAGE RATE

Fee Increases

In the daily issue of the FEDERAL REGISTER of December 3, 1973 (38 FR 33345), the Postal Service announced proposals to change, effective January 5, 1974, certain rates of postage and fees for international mail.

The Postal Service afforded interested persons an opportunity to submit written comments relative to the proposed changes. After review and consideration of all comments received, the Postal Service has determined to adopt, without change, the proposed rates and fees published in the cited issue of the FEDERAL REGISTER. Accordingly, those proposed rates and fees are hereby adopted, to be effective January 5, 1974, subject to Cost of Living Council procedures.

Appropriate sections of Subchapter B—International Mail, of Title 39, CFR, will be amended in due course to reflect the new rates and fees.

(39 U.S.C. 401, 403, 404(2), 407, 410(a))

ROGER P. CRAIG,
Deputy General Counsel.

[FR Doc.73-26892 Filed 12-20-73;8:45 am]

POSTAGE RATES AND FEES

Temporary Changes

On September 25, 1973, the United States Postal Service requested the Postal Rate Commission to submit to the Governors of the Postal Service a recommended decision on changes in rates of domestic postage and fees for domestic postal services, pursuant to chapter 36, United States Code (Postal Rate Commission Docket No. R74-1). In connection with its request the Postal Service submitted suggestions for specific rate and fee adjustments. Notice of this action was published in the daily issue of the FEDERAL REGISTER by the Postal Rate Commission on October 3, 1973 (38 FR 27482) and by the Postal Service on October 19, 1973 (38 FR 29198). The notice published by the Postal Service advised that if the Postal Rate Commission did not transmit its recommended decision to the Governors of the Postal Service within 90 days after the filing of the request, the temporary changes in rates of postage and fees for postal services shown in the notice published by it on October 19, 1973, would be placed into effect on January 5, 1974.

The Postal Rate Commission has not transmitted a recommended decision to the Governors of the Postal Service and it appears that no recommended decision will be transmitted within the aforesaid 90-day period. The Postal Service has therefore determined, pursuant to 39 U.S.C. § 3641, to place into effect certain temporary changes in rates of domestic postage and fees for domestic postal services, unless prevented from doing so by a lawful order of the Cost of Living Council.

Accordingly, on January 5, 1974, unless prevented from doing so by a lawful order of the Cost of Living Council, the Postal Service will place into effect the temporary changes in rates of postage and fees for postal services as shown in column (5) of the schedules attached to the Postal Service notice appearing in the FEDERAL REGISTER on October 19, 1973 (38 FR 29198-29202), with the following exception.

Since Congress has regularly failed to make appropriations for revenue foregone for regular-rate third-class mail in the past and since no change in this respect appears imminent, the temporary rates for regular-rate third-class mail will be the rates as shown in column (4) of Table D of the aforesaid schedules (38 FR 29199).

(39 U.S.C. § 401, 404, 3621-3641, 84 Stat. 719)

ROGER P. CRAIG,
Deputy General Counsel.

[FR Doc.73-26986 Filed 12-20-73;8:45 am]

SMALL BUSINESS ADMINISTRATION

[License No. 03/03-5065]

PROGRESS VENTURE CAPITAL CORP.

Notice of Filing of Application for Approval of Conflict of Interest Transaction Between Associates

Notice is hereby given that Progress Venture Capital Corp. (PVCC), 45 West Haines Street, Philadelphia, Pennsylvania 19144 (formerly of Progress Plaza Shopping Center, 1501 North Broad Street, Philadelphia), a Federal Licensee under the Small Business Investment Act of 1958, as amended (Act), has filed an application pursuant to § 107.1004 (38 FR 3086, et seq., November 7, 1973) for approval of a conflict of interest transaction.

PVCC was licensed by the Small Business Administration (SBA) on February 19, 1971. Zion Non-Profit Charitable Trust owns 82 percent of the licensee's voting stock and Zion Investment Associates owns the remaining 18 percent. Nineteen additional stockholders own 100 percent of the licensee's non-voting stock.

In April 1973, the licensee's board of directors approved a loan of $15,000 to Tedram, Inc. Mr. Pierce Ted Ramsey owns 98 percent of Tedram, Inc. Mr. Ramsey is also the manager of Progress Property Management Service which is owned by Zion Non-Profit Charitable Trust.

The transaction fell within the purview of § 107.1004 by reason of the fact that Tedram, Inc., is controlled by a person who is an employee of a company which is under common control with a licensee. Tedram, Inc., T/A Baskin & Robbins, is located in the Exton Square Shopping Center, Exton, Pennsylvania.

Notice is further given that any interested person may submit to SBA written comments, on or before January 7, 1974, on this financing. Any such communication should be addressed to: Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416.

Absent any adverse comments and upon full consideration of all pertinent facts, SBA intends to approve the financing nunc pro tunc.

A copy of this notice shall be published by the licensee in a newspaper of general circulation in Philadelphia, Pennsylvania.

Dated: December 10, 1973.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.73-26907 Filed 12-20-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 412]

ASSIGNMENT OF HEARINGS

DECEMBER 17, 1973.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

W-552 Sub 15, American Commercial Barge Line Co.; W-654 Sub 8, Warrior & Gulf Navigation Company-Extension-Tug & Barge is continued to February 12, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

FD 20812, Railway Express Agency, Inc., Notes, now assigned continued pre-hearing conference December 18, 1973, at Washington, D.C., postponed to December 19, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-C-7765, Contract Food Haulers, Inc.—Revocation of Permit—now assigned February 4, 1974, at Chicago, Ill., is cancelled, application to be dismissed.

MC-126034 Subs 1, 3 & 4, Bucks County Construction Co., now assigned January 28, 1974, will be held in Room 3240, William J. Green, Jr., Federal Bldg., 600 Arch Street, Philadelphia, Pa.

MC-73165 Sub 324, Eagle Motor Lines, Inc., now being assigned hearing March 5, 1974 (1 day), at Columbus, Ohio, in a hearing room to be later designated.

MC-119777 Sub 267, Ligon Specialized Hauler, Inc., now being assigned hearing March 6, 1974 (1 day), at Columbus, Ohio, in a hearing room to be later designated.

MC-119789 Sub 173, Caravan Refrigerated Cargo, Inc., now being assigned hearing March 7, 1974 (1 day), at Columbus, Ohio, in a hearing room to be later designated.

MC-123685, Sub 17, Peoples Cartage, Inc., now being assigned hearing March 8, 1974 (1 day), at Columbus, Ohio, in a hearing room to be later designated.

MC-107515 (Sub 855, Refrigerated Transport Co., Inc., now being assigned hearing March 11, 1974 (1 week), at Columbus, Ohio, in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-26977 Filed 12-20-73;8:45 am]

[Notice No. 413]

ASSIGNMENT OF HEARINGS

DECEMBER 17, 1973.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

Correction

MC-138504, Hatfield Recon Center, Inc., now being assigned hearing January 30, 1974 (3 days), in room 3240, William J. Green, Jr. Federal Building, 600 Arch Street, Philadelphia, Pa., instead of January 28, 1974.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-26978 Filed 12-20-73;8:45 am]

[Notice No. 409]

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 January 10, 1974. 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-74686. By order entered December 14, 1973, the Motor Carrier Board approved the transfer to Roxbury Trucking Co., Inc., North Bergen, N.J., of the operating rights set forth in Permit No. 93051, issued October 2, 1953, Harold Roy Heido, North Bergen, N.J., authorizing the transportation of crushed marble, composition floor covering, and materials and supplies used for the installation of flooring, over irregular routes, between North Bergen and Englewood, N.J., on the one hand, and, on the other, points in New York, Connecticut, Massachusetts, and Pennsylvania. Dickson & Creighton, 51 Newark St., Hoboken, N.J. 07030, attorneys for applicants.

No. MC-FC-74688. By order of December 14, 1973, the Motor Carrier Board approved the transfer to Daniel Lewis, D/B/A Lewis Movers, Elmsford, N.Y., of Certificate No. MC-135734 issued December 3, 1971, to Banker's Express, Inc., Peekskill, N.Y., authorizing the transportation of household goods, between points in New York, on the one hand, and, on the other, points in New Jersey, Delaware, Maryland, Connecticut, Rhode Island, the District of Columbia, and between points in New York, on the one hand, and, on the other, points in Massachusetts. Alvin Altman, 1776 Broadway, New York, N.Y. 10019 and Richard Gates, 380 N. Broadway, Jericho, N.Y. 11357, attorneys for applicant.

No. MC-FC-74754. By order of December 14, 1973, the Motor Carrier Board, on reconsideration, approved the transfer to Edwin L. Eilor & Son, Inc., Warren, N.J., of Permit No. MC-37157 (Sub-No. 1), issued January 12, 1960, to Louis A. Thievon & Sons, Inc., Stirling, N.J., authorizing the transportation of asbestos and asbestos products from Millington, N.J., to Philadelphia, Pa., Kingston and New York, N.Y., and points in Nassau and Suffolk Counties, N.Y. Mr. George A. Olsen, Register Practitioner, 69 Tonnele Avenue, Jersey City, N.J. 07306.

No. MC-FC-74864. By order of December 14, 1973, the Motor Carrier Board approved the transfer to A. V. Dedmon Trucking, Inc., Shelby, N.C., of a portion of the operating rights in Certificate No. MC-79203 issued July 21, 1949, to Fred W. Lockridge, doing business as Lockridge Transfer Company, Kings Mountain, N.C., authorizing the transportation of various commodities from and to points in Georgia, North Carolina, South Carolina, Virginia, and the District of Columbia. John C. Bradley, 1111 E St. NW., Washington, D.C. 20004, Attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-26975 Filed 12-20-73;8:45 am]

[Notice No. 171]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

DECEMBER 12, 1973.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the

quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 61396 (Sub-No. 260 TA), filed December 3, 1973. Applicant: HERMAN BROS., INC., P.O. Box 189, Downtown Station, 2501 N. 11th Street, Omaha, Nebr. 68110. Applicant's representative: J. R. Chesney (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from the site of the terminal of Northern Propane Gas Company at or near Rosemount, Minn., to points in Wisconsin, Iowa, North Dakota, South Dakota, Minnesota, and Upper Michigan, for 180 days. SUPPORTING SHIPPER: Northern Propane Gas Company, 4820 Excelsior Blvd., Minneapolis, Minn. 55416. SEND PROTESTS TO: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Suite 620, Union Pacific Plaza Building, 110 North 14th Street, Omaha, Nebr. 68102.

No. MC 102616 (Sub-No. 886 TA), filed December 3, 1973. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Road, P.O. Box 7211 (Box ZIP 44306), Akron, Ohio 44319. Applicant's representative: James Annand (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *No. 2 fuel oil*, in bulk, in tank vehicles, from Indianapolis, Ind., to Loraine, Ohio, for 180 days. SUPPORTING SHIPPER: Gold Bond Building Products, Division of National Gypsum Company, 325 Delaware Ave., Buffalo, N.Y. 14202. SEND PROTESTS TO: Franklin D. Bail, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Bldg., 1240 East Ninth Street, Cleveland, Ohio 44199.

No. MC 106565 (Sub-No. 12 TA), filed December 3, 1973. Applicant: JULIUS R. TAYLOR, JR., NED R. TAYLOR, AND ALEX TAYLOR, doing business as TAYLOR TRUCK LINE, 402 South Clay, Charleston, Miss. 38921. Applicant's representative: Donald B. Morrison, 717 Deposit Guaranty Bank Bldg., P.O. Box 22628, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (with usual exceptions), between Memphis, Tenn. and Clarksdale, Miss., from Memphis over U.S. Highway 61 to intersection with Mississippi Highway 6; thence over Mississippi Highway 6 to Clarksdale and return over the same route, serving no intermediate points, for 180 days.

NOTE.—Applicant intends to tack this authority and interline with other carriers at all points of joinder.

SUPPORTING SHIPPERS: There are approximately 58 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: Floyd A. Johnson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 435 Federal Office Building, 167 North Main Street, Memphis, Tenn. 38103.

No. MC 107403 (Sub-No. 867 TA), filed December 3, 1973. Applicant: MATLACK, INC., 10 West Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Matrix mortar compound*, in bulk, in tank vehicles, from Central Valley, N.Y., to Calvert Cliffs, Md., for 180 days. SUPPORTING SHIPPER: Wm. Cornelius Hall, President & Chief Scientist, Chemtree Corporation, Chemtree Park, Central Valley, N.Y. 10917. SEND PROTESTS TO: Ross A. Davis, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Wm. J. Green, Jr., Federal Bldg., 600 Arch Street, Room 3238, Philadelphia, Pa. 19106.

No. MC 111170 (Sub-No. 209 TA), filed December 4, 1973. Applicant: WHEELING PIPE LINE, INC., 2811 N. West Avenue, P.O. Box 1718, El Dorado, Ark. 71730. Applicant's representative: Tom E. Moore, (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tris phosphate*, a non-hazardous liquid flameretarding compound, in bulk, from El Dorado, Ark., to Elizabeth, N.J., for 180 days. SUPPORTING SHIPPER: Michigan Chemical Corporation, 351 E. Ohio Street, Chicago, Ill. 60611. SEND PROTESTS TO: District Supervisor William H. Land, Jr., Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 114632 (Sub-No. 64 TA), filed December 4, 1973. Applicant: APPLE LINES, INC., 212 SW. Second Street, P.O. Box 507, Madison, S. Dak. 57042. Applicant's representative: Robert A. Appelwick (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and articles distributed by meat packinghouses*, from the plantsite and warehouse facilities of Sunflower Beef Packers, Inc., at or near York, Nebr., to points in Illinois, Michigan, Iowa, Kansas, Minnesota, Missouri, and Wisconsin, for 180 days. SUPPORTING SHIPPER: Sunflower Beef Packers, Inc., 13th Street & Division Ave., P.O. Box 355, York, Nebr. 68467, G. Merritt Otoupal, Traffic Manager. SEND PROTESTS TO: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 117815 (Sub-No. 220 TA), filed December 3, 1973. Applicant: PULLEY FREIGHT LINES, INC., 405 SE. 20th Street, Des Moines, Iowa 50317. 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: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in Sections A, C, and D of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and warehouse facilities of Oscar Mayer & Company, Inc., Madison, Wis., to the plantsite and warehouse facilities of Oscar Mayer & Company, Inc., Davenport, Iowa, for 180 days. SUPPORTING SHIPPER: Oscar Mayer & Company, Inc., P.O. Box 1409, Madison, Wis. 53701. SEND PROTESTS TO: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 125254 (Sub-No. 22 TA), filed December 3, 1973. Applicant: DONALD L. MORGAN, doing business as MORGAN TRUCKING CO., 1201 East 5th Street, P.O. Box 714, Muscatine, Iowa 52761. 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: *Animal, poultry, fish, and pet food* (except in bulk), from the plantsite of Doane Products Company at or near Muscatine, Iowa, to points in Illinois, Indiana, Minnesota, Nebraska, Ohio, South Dakota, Michigan, and Wisconsin, for 180 days. SUPPORTING SHIPPER: Doane Products Company, P.O. 879, Joplin, Mo. 64801. SEND PROTESTS TO: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 125543 (Sub-No. 7 TA), filed December 4, 1973. Applicant: PERISHABLE SERVICES, INC., 770 Springdale

Road, P.O. Box 337, Waukesha, Wis. 53186. Applicant's representative: Frank M. Coyne, 25 West Main Street, Madison, Wis. 53703. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale and retail food business houses, from Waukesha, Wis., to points in Illinois, for 180 days. SUPPORTING SHIPPER: Milwaukee Cheese Company, 770 Springdale Road, Waukesha, Wis. 53186. SEND PROTESTS TO: District Supervisor John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street—Room 807, Milwaukee, Wis. 53203.

No. MC 133689 (Sub-No. 37 TA), filed December 3, 1973. Applicant: OVERLAND EXPRESS, INC., 651 First Street SW., P.O. Box 2667, New Brighton, Minn. 55112. Applicant's representative: James B. Aronson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts*, as described by the Commission in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from St. Paul and South St. Paul, Minn., to points in Tennessee, North Carolina, and South Carolina, for 180 days. SUPPORTING SHIPPER: John Morrell & Co., 208 S. La Salle Street, Chicago, Ill. 60604. SEND PROTESTS TO: District Supervisor Raymond T. Jones, Interstate Commerce Commission, Bureau of Operations, 448 Federal Bldg. & U.S. Court House, 110 S. 4th Street, Minneapolis, Min. 55401.

No. MC 134401 (Sub-No. 7 TA), filed December 4, 1973. Applicant: SHERWOOD W. HUME, doing business as HUME EQUIPMENT COMPANY, 141 Bell Street, Milton, Ontario, Canada. Applicant's representative: Frank J. Kerwin, Jr., 1961 Guardian Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lawn and garden tractors, tillers, mowers, snow throwers, parts and attachments* for the above items, and *such material and equipment* as is normally handled by dealers in farm machinery, or lawn and garden tractors, moving in straight or mixed loads, from Cleveland, Willard and East Liverpool, Ohio, to ports of entry on the International Boundary line between the United States and Canada located in the states of Michigan, New York, Maine, and Vermont, for furtherance in foreign commerce, restricted to shipments moving for and on behalf of (1) White Farm Equipment, a Division of the White Motor Corp. of Canada Ltd. and its dealers in Canada; (2) Cooperative Federee De Quebec and its affiliates; and (3) United Co-operatives of Ontario, its branches and its affiliates, for 180 days. SUPPORTING SHIPPERS: White Farm Equipment, Brantford, Ontario, Canada; Cooperative Federee de Quebec, 1055 Central Market Street, Montreal, P.Q., Canada; and United Co-operatives of Ontario, 151 City Centre Drive, Mississauga, Ontario L5A, 3A4, Canada. SEND PROTESTS TO: George M. Parker, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 612 Federal Building, 111 West Huron Street, Buffalo, N.Y. 14202.

No. MC 139306 TA, filed December 3, 1973. Applicant: DEL R. STANAGE AND JOE R. STANAGE, doing business as STANAGE TRANSPORTATION, 121 Indian Springs Road, Hot Springs, Ark. 71901. Applicant's representative: Louis Tarlowski, 914 Pyramid Life Building, Little Rock, Ark. 72201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cullet* (broken glass), in bulk, in dump vehicles, from the plantsite of Feather-lite Manufacturing Company near Hot Springs, Ark., to Paris, Tex., and its commercial zone, for 180 days. SUPPORTING SHIPPERS: The Bassichis Company, 2323 W. Third Street, Cleveland, Ohio 44113 and Feather-lite Manufacturing Company, Subsidiary of National Brands, Inc., P.O. Box H, Hot Springs, Ark. 71901. SEND PROTESTS TO: District Supervisor William H. Land, Jr., Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 139307 TA, filed December 3, 1973. Applicant: GREGG TRUCKING, INC., 7025 Washington Avenue South, Edina, Minn. 55435. Applicant's representative: Charles E. Johnson, 425 Gate City Building, Fargo, N. Dak. 58102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products*, from Fargo, N. Dak., to points in Minnesota, South Dakota, Montana, and North Dakota and (2) *Equipment, materials, and supplies* used in or in connection with the manufacture of paper and paper products, between Fargo, N. Dak., on the one hand, and, on the other, points in Minnesota, South Dakota, Montana, and North Dakota, restricted to a transportation service to be performed for the account of Hoerner-Waldorf Corporation, for 180 days. SUPPORTING SHIPPER: Hoerner-Waldorf Corporation, 2250 Wabash, St. Paul, Minn. 55165. SEND PROTESTS TO: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building & U.S. Court House, 110 S. 4th Street, Minneapolis, Minn. 55401.

No. MC 139310 TA, filed December 4, 1973. Applicant: G. E. BELMORE, doing business as MOTOR TRANSIT COMPANY, 4631 SE., 97th Avenue, Portland, Oreg. 97266. 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: (1) *Insecticides, fungicides, herbicides, soap and manufactured fertilizers*, from Portland, Oreg., to Spokane, Wash. and (2) *Water heaters and parts, porcelain steel sinks and tubs, stainless steel sinks, fiberglass tubs, fiberglass and acrylic sinks and lavatories, porcelain tanks and bowls and parts, plastic fittings, plastic pipe, galvanized pipe, galvanized fittings, black iron pipe and fittings, garbage disposals, refrigerators, faucets, brass fittings, copper fittings, and copper tubing*, between Portland, Oreg. and points in Washington, for 180 days. SUPPORTING SHIPPER: Chipman Division, Rhodia, Inc., 6200 NW. St. Helens Rd., Portland, Oreg. 97210 and Son Sales, Ltd., 1020 NW. Front Avenue, Portland, Oreg. 97209. SEND PROTESTS TO: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Bldg., 319 SW. Pine, Portland, Oreg. 97204.

No. MC 139312 TA, filed December 4, 1973. Applicant: JOE H. TIDWELL AND LEONARD LEVERETT, doing busines as NORTHEAST TRUCK BROKERS, P.O. Box 826, Pharr, Tex. 78577. Applicant's representative: Joe H. Lanham, 1102 Perry-Brooks Bldg., Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used clothing, used rags and used burlap*, from New York City, N.Y.; points in Bergen County, N.J.; Nassau and Suffolk Counties, N.Y.; Maryland, Pennsylvania, Connecticut, Massachusetts, Ohio, Michigan, Illinois, and Wisconsin, to Nogales, Ariz.; McAllen, Tex.; and points in Texas on the United States-Mexico Boundary, for 180 days. SUPPORTING SHIPPERS: La Economica, 1255 East Adams, Brownsville, Tex. 78520 and Johnson Waste Material, 1600 East 6th Street, Brownsville, Tex. 78320. SEND PROTESTS TO: District Supervisor Richard H. Dawkins, Interstate Commerce Commission, Bureau of Operations, Room 206, 301 Broadway Building, San Antonio, Tex. 78205.

No. MC 139313 TA, filed December 4, 1973. Applicant: P. KRIMBEL, doing business as KRIMBEL TRUCKING CO., 607 Hill Road, Aberdeen, Wash. 98550. Applicant's representative: Phil Krimbel (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Beer and wine*, from Lodi, Los Angeles, Madera, Reedley, Modesto, San Francisco, and Saratoga, Calif., to Aberdeen and Everett, Wash., for 180 days. SUPPORTING SHIPPER: Crown Distributors, Inc. and Friendly Distributors, Inc., 2202 Wall Street, Everett, Wash. 98206. SEND PROTESTS TO: L. D. Boone, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 6049 Federal Office Building, Seattle, Wash. 98104.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-26973 Filed 12-20-73;8:45 am]

[Notice No. 172]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

DECEMBER 13, 1973.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

No. MC 22254 (Sub-No. 69 TA), filed December 6, 1973. Applicant: TRANS-AMERICAN VAN SERVICE, INC., 12301 W. Freeway, P.O. Box 12608, Fort Worth, Tex. 76116. Applicant's representative: Elliott Bunce, Suite 618, Perpetual Building, 111 E Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motorcycles*, uncrated, and *parts and accessories* thereof, between York, Pa., and points in the United States (excluding Alaska and Hawaii), for 180 days. SUPPORTING SHIPPER: AMF Harley-Davidson Motor Co., Inc., 3700 W. Juneau Avenue, Milwaukee, Wis. 53201. SEND PROTESTS TO: H. C. Morrison, Sr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 9A27, Federal Building, 819 Taylor Street, Fort Worth, Tex. 76102.

No. MC 51146 (Sub-No. 344 TA), filed December 5, 1973. Applicant: SCHNEIDER TRANSPORT, INC., 2661 South Broadway, P.O. Box 2298, Box zip 54306, Green Bay, Wis. 54304. Applicant's representative: Neil DuJardin (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum beverage cans and can ends*, from the plant site of Kaiser Aluminum & Chemical Corporation, Edison, N.J., to Jacksonville, Fla., for 180 days. SUPPORTING SHIPPER: Kaiser Aluminum & Chemical Corporation, 300 Lakeside Drive, Oakland, Calif. 94604 (M. Goldsmith, Manager-Rate Negotiations). SEND PROTESTS TO: District Supervisor John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells St., Room 807, Milwaukee, Wis. 53203.

No. MC 61401 (Sub-No. 13 TA), filed December 5, 1973. Applicant: MARX TRUCK LINE, INC., Third and Plymouth Streets, Sioux City, Iowa 51101. Applicant's representative: George L. Hirschbach, 309 Badgerow Bldg., Sioux City, Iowa 51101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses* as described in Sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsite and storage facilities of John Morrell and Company at Sioux Falls, S. Dak., to points in Illinois and Wisconsin, restricted to traffic originating at Sioux Falls, S. Dak., and destined to points in the named states, under a continuing contract with John Morrell, for 180 days. SUPPORTING SHIPPER: John Morrell & Co., Robert L. Lee, Manager, Rates and Services, 208 South La Salle, Chicago, Ill. 60604. SEND PROTESTS TO: District Supervisor Carroll Russell, Interstate Commerce Commission, Bureau of Operations, Suite 620 Union Pacific Plaza, 110 North 14th Street, Omaha, Nebr. 68102.

No. MC 63417 (Sub-No. 58 TA), filed December 4, 1973. Applicant: BLUE RIDGE TRANSFER COMPANY, INCORPORATED, 1814 Hollins Road NE., P.O. Box 2888, Box ZIP 24001, Roanoke, Va. 24012. Applicant's representative: Nancy Pyeatt, 1030 15th Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), from Cumberland, Md.; Bordentown, Bridgeton, Clifton, Freehold, Heightstown, Pompton Plains, and Salem, N.J.; East Aurora, Hammondsport, Vails Gate, and Westfield, N.Y.; Bristol, Erie, Duncannon, Girard, Karns City, New Castle, Pittsburgh, Quakertown, Reno, Rouseville, and Washington, Pa.; and Clarksburg, Follansbee, Grafton, and Wheeling, W. Va., to Roanoke, Va., for 180 days.

NOTE.—Applicant seeks to eliminate an interline operation necessitated by the terms of its existing operating authority.

SUPPORTING SHIPPER: None. SEND PROTESTS TO: Clatin M. Harmon, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 215 Campbell Avenue SW., Roanoke, Va. 24011.

No. MC 108207 (Sub-No. 379 TA), filed November 19, 1973. Applicant: FROZEN FOOD EXPRESS, 318 Cadiz Street, P.O. Box 5888, Box ZIP 75222, Dallas, Tex. 75207. Applicant's representative: J. B. Ham (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foodstuffs*, from Ames and Charles City, Iowa, to Kansas City, St. Joseph, and Moberly, Mo.; Minneapolis and St. Paul, Minn.; Kansas City and Bonner Springs, Kans.; and Omaha, Nebr., for 180 days. SUPPORTING SHIPPER: Pronto Food Kitchens, Inc., Box 723, Ames, Iowa 50010. SEND PROTESTS TO: Transportation Specialist Gerald T. Holland, Interstate Commerce Commission, Bureau of Operations, Room 13C12, 1100 Commerce Street, Dallas, Tex. 75202.

No MC 110525 (Sub-No. 1079 TA), filed December 6, 1973. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 E. Lancaster Avenue, P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crushed blast furnace slag*, in bulk, in tank vehicles, from Morrisville, Pa., to points of entry on the International Boundary line between the United States and Canada situated in the state of Maine for furtherance to Moncton, New Brunswick, Canada, for 180 days. SUPPORTING SHIPPER: The Calumite Company, P.O. Box 157, Trenton, N.J. 08628. SEND PROTESTS TO: Peter R. Guman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Federal Building, Room 3238, 600 Arch Street, Philadelphia, Pa. 19106.

No. MC 110525 (Sub-No. 1080 TA), filed December 6, 1973. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 E. Lancaster Avenue, P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hydrochloric acid*, in bulk, in tank vehicles, from Rensselaer, N.Y., to Winsted, Conn., for 180 days. SUPPORTING SHIPPER: Keratene Company, 50 Fruit Street, Winsted, Conn. 06098. SEND PROTESTS TO: Peter R. Guman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Federal Building, Room 3238, 600 Arch Street, Philadelphia, Pa. 19106.

No. MC 124887 (Sub-No. 6 TA), filed December 5, 1973. Applicant: SHELTON TRUCKING SERVICE, INC., Route 1, Box 230, Altha, Fla. 32421. 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: (1) *Charcoal*, (except in bulk) and *lighter fluid* (naptha distillate), *hickory chips, fireplace logs, and vermiculite*, other than crude, when moving in mixed shipments with charcoal, from the plant site of Kingsford Company in Houston County, Ala., to points in North Carolina, Kentucky,

South Carolina, Tennessee, Virginia, Florida, and Georgia and (2) *Materials and supplies*, from the above named states to the plant site in Houston County, Ala., for 180 days. SUPPORTING SHIPPER: Kingsford Company, 940 Commonwealth Bldg., Louisville, Ky. 40201. 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 128218 (Sub-No. 12 TA), filed December 3, 1973. Applicant: JERSEY AREA FOOD TRANSPORT, INC., 528 N. Michigan Avenue, Kenilworth, N.J. 07033. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, frozen, (1) from the plant site and warehouse facilities of Stouffer Foods Corporation located at Cleveland, Ohio, and Solon, Ohio, to New York, N.Y.; Jersey City, Newark, and Elizabeth, N.J.; Baltimore, Md.; Washington, D.C.; Seaford, Milford, Dover, Wilmington, and Harrington, Del.; Reading, Scranton, Harrisburg, Hershey, Springhouse, W. Reading, Norristown, Philadelphia, Wilkes-Barre, and Upper Marion Township, Pa., and the commercial zones thereof and (2) from the plant site and warehouse facilities of Stouffer Foods Corporation located at Upper Marion Township, Pa., to Solon and Cleveland, Ohio, for 180 days. SUPPORTING SHIPPER: Stouffer Foods Corporation, 5750 Harper Road, Solon, Ohio 44139. SEND PROTESTS TO: District Supervisor Robert E. Johnson, Interstate Commerce Commission, Bureau of Operations, 9 Clinton Street, Newark, N.J. 07102.

No. MC 129613 (Sub-No. 13 TA), filed November 29, 1973. Applicant: ARTHUR H. FULTON, RFD 86, Stephens City, Va. 22655. Applicant's representative: Charles E. Creager, P.O. Box 1417, Hagerstown, Md. 21740. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Veneer*, from Martinsburg, W. Va., to points in Arkansas, for 180 days. SUPPORTING SHIPPER: Erath Veneer Corporation, 528 Race St., Martinsburg, W. Va. SEND PROTESTS TO: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th Street & Constitution Avenue NW., Washington, D.C. 20423.

No. MC 129870 (Sub-No. 17 TA), filed December 5, 1973. Applicant: GAS INCORPORATED, 95 East Merrimack Street, 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 port of entry on the International Boundary line between the United States and Canada at or near Highgate Springs, Vt., to points in Massachusetts via Tewksbury, Mass., for 180 days. SUPPORTING SHIPPER: Lowell Gas Company, 95 East Merrimack St., Lowell, Mass. SEND PROTESTS TO: Darrell W. Hammons, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 150 Causeway St., 5th Floor Boston, Mass. 02114.

No. MC 133491 (Sub-No. 4 TA), filed December 4, 1973. Applicant: PETRO TRANSPORT, INC., 7200 Inkster Road, Taylor, Mich. 48180. Applicant's representative: Robert E. McFarland, 21635 East Nine Mile Road, St. Clair Shores, Mich. 48080. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Heavy fuel oil and bunker oil*, in bulk, in tank vehicles, from the International Boundary line between the United States and Canada at or near Detroit, Mich., to points in that part of the lower Peninsula of Michigan on, east, and south of a line beginning at the Michigan-Indiana State line and extending along U.S. Highway 131 to Junction Interstate Highway 94, thence along Interstate Highway 94 to Junction Michigan Highway 66, thence along Michigan Highway 66 to Junction Michigan Highway 43, thence along Michigan Highway 43 to Lansing, thence along U.S. Highway 27 to Mt. Pleasant, thence along Michigan Highway 20 to Midland, thence along U.S. Highway 10 to Bay City, thence along Michigan Highway 13 to Junction Michigan Highway 247, thence along Michigan Highway 247 to the western shores of Saginaw Bay and Parchment, Mich., including points within the commercial zone thereof, and excluding those points on and east of U.S. Highway 23 and on and south of Michigan Highway 59, on traffic having a prior movement in foreign commerce, for 150 days. SUPPORTING SHIPPER: Petro Products, Inc., 7200 Inkster Road, Taylor, Mich. 48180. SEND PROTESTS TO: Melvin F. Kirsch, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1110 Broderick Tower, 10 Witherell, Detroit, Mich. 48226.

No. MC 134323 (Sub-No. 58 TA), filed December 4, 1973. Applicant: JAY LINES, INC., 720 No. Grand Street, Mlg: P.O. Box 4146 (Box zip 79105), Amarillo, Tex. 79107. Applicant's representative: Gailyn L. Larsen, 521 South 14th Street, P.O. Box 80806, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Household appliances, furnaces, air cleaners, air conditioners, humidifiers, and dehumidifiers* (except commodities which because of their size or weight require the use of special equipment, and except liquid commodities in bulk, in tank vehicles), from Effingham, Ill., to points in North Carolina, South Carolina, and Tennessee, for 180 days. SUPPORTING SHIPPER: John Russo, Director, Physical Distribution, Fedders Corporation, Woodbridge Avenue, Edison, N.J. 08817. SEND PROTESTS TO: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box H-4395 Herring Plaza, Amarillo, Tex. 79101.

No. MC 134781 (Sub-No. 3 TA), filed December 5, 1973. Applicant: FAST FREIGHT TRANSFER, INC., Post Office Box 2136, (Box zip 33012), 1075 E. 21st Street, Hialeah, Fla. 33013. Applicant's representative: Richard B. Austin, Palm Coast II Building, Suite 214, 5255 NW. 87th Avenue, Miami, Fla. 33166. 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, household goods as defined by the Commission, commodities in bulk, those requiring special equipment, and mobile homes), between points in Dade, Broward, Palm Beach, and Monroe Counties, Fla., restricted to traffic having an immediately prior or subsequent movement by rail, for 180 days. SUPPORTING SHIPPER: (1) F. W. Woolworth Co., P.O. Box 7473, Atlanta, Ga.; (2) S. S. Kresge Company, 2100 W. Big Beaver Road, Troy, Mich.; and (3) S. S. Kresge Company, P.O. Box 1104, Forest Park, Ga. SEND PROTESTS TO: District Supervisor Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operations, Palm Coast II Building, Suite 208, 5255 NW. 87th Avenue, Miami, Fla. 33166.

No. MC 135902 (Sub-No. 2 TA), filed December 6, 1973. Applicant: KENNETH M. MOODY, doing business as K. M. MOODY, 3100 Dogwood Street NW., Washington, D.C. 20015. Applicant's representative: David C. Venable, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Tires & Tubes accessories* for tires and tubes, from Cincinnati, Ohio, to Washington, D.C., for 180 days. SUPPORTING SHIPPER: Friend's Tire & Fleet Service, Inc., 4700 Lawrence Street, Bladensburg, Md. 20710. SEND PROTESTS TO: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th Street & Constitution Avenue NW., Washington, D.C. 20423.

No. MC 138498 (Sub-No. 5 TA), filed December 6, 1973. Applicant: ASI, INC., P.O. Box 10444, Jacksonville, Fla. 32207. 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: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment having a prior or subsequent movement by air), between points in Jacksonville, Fla., on the one hand, and, on the other, points in Georgia on and east of Interstate Highway 75 and on and south of Georgia Highway 32 and all points in Glynn and McIntosh Counties and points in Florida on and east of Interstate Highway 75 and

on and north of Florida Highway 40 and all points in Volusia County, for 180 days. SUPPORTING SHIPPERS: Shulman Air Freight, Inc., 2115 W. 30th St., Jacksonville, Fla.; World Courier Service, Inc., 19 Rector St., New York, N.Y.; Associated Air Freight, Calcon Hook Road, Sharon Hill, Pa. 19079; Service by Air, 147-45 182nd Street, Jamaica, N.Y. 11413; Airborne Freight Corporation, P.O. Box 18181, Jacksonville, Fla. 32229; and Profit by Air, Inc., 150-15 183rd Street, Springfield Gardens, N.Y. 11413. SEND PROTESTS TO: G. H. Fauss, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box 35008, 400 W. Bay St., Jacksonville, Fla. 32202.

No. MC 138763 (Sub-No. 2 TA), filed December 5, 1973. Applicant: WILLIAM C. SHAY, 108 Cook Street, Clarks Green, Pa. 18411. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, Pa. 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Government-owned mobile homes*, from Wilkes-Barre and Mechanicsburg, Pa., and Elmira and Horseheads, N.Y., to HUD storage areas in Forest Park, Ga.; Richmond, Ky.; Granite City, Ill.; Greenville, Miss.; and Bastrop, Tex., in secondary movements to be placed in storage for future use in disasters, for 150 days. SUPPORTING SHIPPER: Director, Emergency Preparedness Staff, Department of Housing & Urban Development, 451 7th Street SW., Washington, D.C. 20410. SEND PROTESTS TO: Paul J. Kenworthy, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 309 U.S. Post Office Building, Scranton, Pa. 18503.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-26974 Filed 12-20-73;8:45 am]

[Ex Parte No. 295 (Sub-No. 1)]

RECYCLABLE MATERIALS

Increased Freight Rates and Charges, 1973

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 12th day of December, 1973.[1]

It appearing, that by notice dated September 27, 1973, the public was notified of the filing of a petition by the Nation's railroads on September 24, 1973, for authority to publish certain increases in rates and charges for the transportation of recyclable materials, as more specifically described therein;

It further appearing, that the notice invited replies to the petition on or before November 2, 1973, addressed to the question "whether the petition requesting permission to file tariffs should be granted, *with emphasis on the environmental impact of the increases sought* (interested persons may present comments as to the methodology to be followed in this proceeding as well as substantive comments on the impact of the increases)." (Emphasis italic);

It further appearing, that consideration of the 12 replies received from the standpoint of the environmental impact shows that while there were earnest efforts to respond to the notice in that regard, nevertheless, the Commission still has insufficient facts and data to enable it properly to assess and quantify the environmental consequences of the numerous alternatives that may be pursued in the investigation program envisioned in this proceeding as required by the NEPA; that participants in the proceeding will be invited, in accordance with the further procedures set forth below, to submit facts and comments regarding the probable environmental consequences that may result from any action to be taken herein, and that such facts and comments will better allow this Commission to assess and define any ecological issues that may be present in this proceeding; that should it be found necessary in this proceeding to follow the detailed environmental impact statement procedures prescribed in section 102(2)(C) of the NEPA, such a statement will be prepared late enough in the development process to contain meaningful information, but early enough so that whatever information is contained in the statement can practically serve as input into the decision-making process (See *Scientists' Institute for Public Information Inc.* v. *Atomic Energy Commission*, decided June 12, 1973, No. 72-1331, United States Court of Appeals for the District of Columbia Circuit); and good cause appearing therefor:

It is ordered, That any of the parties hereto interested in making representations, in addition to those previously filed herein, including the railroads and the replicants, concerning the environmental amenities involved in this proceeding is hereby invited to do so by the submission of written data, views, or arguments; that an original and 25 copies[2] of such representations shall be filed by the replicants with this Commission on or before February 4, 1974, and a copy should be served on Mr. James L. Tapley, 527 American Railroads Building, 1920 L Street NW., Washington, D.C. 20036, except that all parties able to do so should serve 25 copies on the representative for the petitioning railroads, and that the railroads, if they respond, shall serve a copy thereof upon each party; that such representations should wherever possible direct themselves to the following matters: (1) definition of the environmental issues involved in this proceeding, (2) proposed methodology which this Commission may follow in investigating the environmental consequences of the requested action, (3) alternatives to the proposed action, (4) specific factual data to support environmental allegations, and (5) a bibliography of materials which we might use in our environmental study of the involved issues (these materials should not duplicate those listed by this Commission in its bibliography in Ex Parte No. 281); that all statements received will be considered as evidence as a part of the record in the proceeding; and that written material or suggestions submitted will be available for public inspection at the offices of the Interstate Commerce Commission, 12th and Constitution Avenue, Washington, D.C., during regular business hours.

And it is further ordered, That notice to the general public of the matter herein under consideration will be given by depositing a copy of this order in the Office of the Secretary of this Commission for public inspection and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission, Division 2.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-26976 Filed 12-20-73;8:45 am]

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[1] The original order was inadvertently shown as being entered by the entire Commission. Corrections are confined to identification of Division 2 as the source.

[2] A lesser number of copies may be filed upon a showing of good cause.

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FRIDAY, DECEMBER 21, 1973
WASHINGTON, D.C.

Volume 38 ■ Number 245

PART II

DEPARTMENT OF THE INTERIOR

Bureau of Land Management
Geological Survey

■

GEOTHERMAL RESOURCES

Leasing on Public, Acquired, and Withdrawn Lands

Title 30—Mineral Resources

CHAPTER II—GEOLOGICAL SURVEY, DEPARTMENT OF THE INTERIOR

PART 270—GEOTHERMAL RESOURCES OPERATIONS ON PUBLIC, ACQUIRED, AND WITHDRAWN LANDS

PART 271—GEOTHERMAL RESOURCES UNIT PLAN REGULATIONS (INCLUDING SUGGESTED FORMS)

The purpose of these regulations is to implement the Geothermal Steam Act of 1970 (30 U.S.C. 1001–1025) and provide for the leasing of the public and acquired lands of the United States for the purpose of geothermal resources exploration, development, and production.

The public was afforded an opportunity to comment on proposed rulemaking published on July 23, 1971, November 29, 1972, and July 23, 1973 and supplemented on August 8, 1973. These regulations reflect consideration of all comments received on the published proposed rulemaking.

A Final Environmental Statement, prepared in accordance with the provisions of section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)), was issued on October 23, 1973. It discussed the environmental impact of leasing federally owned geothermal resources under the proposed rulemaking, and proposed provisions for inclusion in regulations and leases to mitigate any possible impacts on the environment.

These regulations will be effective January 1, 1974.

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GENERAL PROVISIONS

§ 270.1 Purpose and authority.

The Geothermal Steam Act enacted on December 24, 1970 (84 Stat. 1566) referred to in this part as "the Act", authorizes the Secretary of the Interior to prescribe rules and regulations applicable to operations conducted under a lease granted pursuant to that Act, and for the development and conservation of geothermal steam and associated geothermal resources, the prevention of waste, the protection of the public interest, and the protection of water quality, and other environmental qualities. The regulations in this part shall be administered by the Director through the Chief, Conservation Division, or his duly appointed representative.

§ 270.2 Definitions.

As used in the regulations in this part, the term:

(a) "Secretary" means the Secretary of the Interior or any person duly authorized to exercise the powers vested in that officer.

(b) "Director" means the Director of the Geological Survey.

(c) "Supervisor" means a representative of the Secretary, subject to the direction and supervisory authority of the Director, the Chief, Conservation Division, Geological Survey, and the appropriate Regional Conservation Manager, Conservation Division, Geological Survey, authorized and empowered to regulate operations and to perform other duties prescribed in the regulations in this part or any subordinate of such a representative acting under his direction.

(d) "Geothermal lease" means a lease issued under 43 CFR Group 3200.

(e) "Lessee" means the individual, corporation, association, or municipality to which a geothermal lease has been issued and its successor in interest or assignee. It also means any agent of the lessee or an operator holding authority by or through the lessee.

(f) "Operator" means the individual, corporation, or association having control or management of operations on the leased lands or a portion thereof. The operator may be the lessee, designated operator, or agent of the lessee, or holder of rights under an approved operating agreement.

(g) "Geothermal resources" means (1) all products of geothermal processes, embracing indigenous steam, hot water, and hot brines; (2) steam and other gases, hot water, and hot brines, resulting from water, gas, or other fluids artificially introduced into geothermal formations; (3) heat or other associated energy found in geothermal formations; and (4) any byproduct derived therefrom.

(h) "Byproduct" means (1) any mineral or minerals (exclusive of oil, hydrocarbon gas, and helium), which are found in solution or developed in association with geothermal steam and which have a value of less than 75 per centum of the value of the geothermal steam or are not, because of quantity, quality, or technical difficulties in extraction and production, of sufficient value to warrant extraction and production by themselves, and (2) commercially demineralized water.

(i) "Participating area" means that part of the unit area which is deemed to be productive from a horizon or deposit and to which production would be allocated in the manner described in the unit agreement assuming that all lands are committed to the unit agreement.

(j) "Waste" means (1) physical waste, as that term is generally understood; (2) waste of reservoir energy through inefficiency, improper use of or unnecessary dissipation of reservoir energy; (3) the location, spacing, drilling, equipping, operating, or producing of any geothermal well or wells in a manner which causes or tends to cause reduction in the quantity of geothermal energy ultimately recoverable from a reservoir under prudent and workmanlike operations or which tends to cause unnecessary or excessive surface or subsurface loss or destruction of geothermal energy; and (4) the inefficient transmission of geothermal energy from the source (wellhead) to point of utilization.

(k) "Directionally drilled well" means the deviation of a well bore from the vertical or from its normal course in an intended predetermined direction or course with respect to the points of the compass. Directionally drilled well shall not include a well deviated for the purpose of straightening a hole that has become crooked in the normal course of drilling or holes deviated at random

without regard to compass direction in an attempt to sidetrack a portion of the hole on account of mechanical difficulty in drilling.

(l) "Geothermal resources operational order" or "GRO order" means a formal numbered order, issued by the Supervisor, with the prior approval of the Chief, Conservation Division, Geological Survey, which implements the regulations in this part and applies to operations in an area, region, or any significant portion thereof.

(m) "Producible well" means a well which is capable of producing geothermal resources in commercial quantities.

(n) "Commercial quantities" means quantities sufficient to provide a return after all variable costs of production have been met.

(o) "Area of operations" means that area of the leased lands which is required for exploration, development, and producing operations, and which is delineated on a map or plat which is made a part of the approved plan of operations. It encompasses the area generally needed for wells, flow lines, separators, surge tanks, drill pads, mud pits, workshops, and other such facilities used for on-project geothermal resources field exploration, development, and production operations.

Jurisdiction and Functions of Supervisor

§ 270.10 Jurisdiction.

Drilling and production operations, handling and measurement of production, determination and collection of royalty and, in general, all operations conducted on a geothermal lease are subject to the regulations in this part and the applicable regulations contained in 43 CFR Group 3200, and are under the jurisdiction of the Supervisor for the area in which the leased land is situated, subject to the supervisory authority of the Secretary and the Director.

§ 270.11 General functions.

The Supervisor is authorized and directed to carry out the provisions of this part. He will require compliance with the terms of geothermal leases, with the regulations in this part and the applicable regulations in 43 CFR Group 3200, and with the applicable statutes. He shall act on all applications, requests, and notices required in this part. In executing his functions under this part the Supervisor shall ensure that all operations, within the area of operations, will conform to the best practice and are conducted in such manner as to protect the deposits of the leased lands and to result in the maximum ultimate recovery of geothermal resources, with minimum waste, and are consistent with the principles of the use of the land for other purposes and of the protection of the environment. Inasmuch as conditions in one area may vary widely from conditions in another area, the regulations in this part are intended to be general in nature. Detailed procedures hereunder in any particular area will be covered by GRO orders. The requirements to be set forth in GRO orders relating to surface resources or uses will be coordinated with the appropriate land management agency. The Supervisor may issue oral orders to govern lease operations, but such orders shall be confirmed in writing by the Supervisor as promptly as possible. The Supervisor may issue other orders and rules to govern the development and method for production of a deposit, field, or area. Prior to the issuance of GRO orders and other orders and rules and the approval of any plan of operations, the Supervisor shall, consult with, and receive comments from appropriate Federal and State agencies, lessees, operators, or interested parties. Before permitting other operations on the leased land, the Supervisor shall determine if the lease is in good standing, whether the lessee is authorized to conduct operations, has filed an acceptable bond, and has an approved plan of operations.

§ 270.12 Regulation of operations.

The Supervisor shall inspect and supervise operations performed under the regulations in this part to: (a) Prevent waste and damage to formations or deposits containing geothermal resources; (b) prevent unnecessary damage to other natural resources; (c) prevent degradation of the water quality; (d) protect air quality, water quality, and other environmental qualities; and (e) prevent injury to life or property. The Supervisor shall issue such GRO orders as are necessary to accomplish these purposes.

§ 270.13 Required samples, tests, and surveys.

When necessary or advisable, the Supervisor shall require that adequate samples be taken and tests or surveys be made using acceptable techniques, without cost to the lessor, to determine the identity and character of formations; the presence of geothermal resources, water, or reservoir energy; the quantity and quality of geothermal resources, water or reservoir energy; the amount and direction of deviation of any well from the vertical; formation, casing, and tubing pressures, temperatures, rate of heat and fluid flow, and whether operations are conducted in a manner looking to the protection of the interests of the lessor.

§ 270.14 Drilling and abandonment of wells.

The Supervisor shall require that drilling be conducted in accordance with the terms of the lease, GRO orders, and the regulations in this part and 43 CFR Group 3200; and shall require plugging and abandonment of any well or wells no longer necessary for operations in accordance with plans approved or prescribed by him. Upon the failure of a lessee to comply with any requirement under this section, the Supervisor is authorized to perform the work at the expense of the lessee and the surety.

§ 270.15 Well spacing and well casing.

The Supervisor shall approve proposed well-spacing and well-casing programs or prescribe such modifications to the programs as he determines necessary for proper development, giving consideration to such factors as: (a) Topographic characteristics of the area; (b) hydrologic, geologic and reservoir characteristics of the field; (c) the number of wells that can be economically drilled to provide the necessary volume of geothermal resources for the intended use; (d) protection of correlative rights; (e) minimizing well interference; (f) unreasonable interference with multiple use of lands; and (g) protection of the environment, including ground water quality.

§ 270.16 Values and payment for losses.

The Supervisor shall determine the value of production accruing to the lessor where there is loss through waste or failure to drill and produce protection wells on the lease, and the compensation due to the lessor as reimbursement for such loss. Payment for such losses will be paid when billed.

§ 270.17 Suspension of operations and production.

(a) On receipt of an application filed in accordance with 43 CFR 3205.3–8 for suspension of operations or production, or both, under a producing geothermal lease (or for relief from any drilling or producing requirements of such a lease), the Supervisor may, if he deems the suspension or relief warranted, approve the application.

(b) In the interest of conservation, the Supervisor may, on his own motion, suspend operations or production, or both, on any geothermal lease.

(c) Where operations or production, or both, under a lease, have been suspended, the Supervisor may approve resumption of operations or production either on his own motion or upon written request by the lessee or his agent.

(d) Whenever it appears from facts adduced by or furnished to the Supervisor that the interest of the lessor requires additional drilling or producing operations, he may, by written notice, order the beginning or resumption of such operations.

(e) See 43 CFR 3205.3–7 and 3205.3–8 for regulations concerning requests to waive, suspend, or reduce payments of rental or royalty, and extensions of leases on which operations or production have been suspended.

Requirements for Lessees (Including Operators)

§ 270.30 Lease terms, regulations, waste, damage, and safety.

(a) The lessee shall comply with the lease terms, lease stipulations, applicable laws and regulations and any amendments thereof, GRO orders, and other written or oral orders of the Supervisor. All oral orders (to be confirmed in writing as provided in § 270.11) are effective when issued unless otherwise specified.

(b) The lessee shall take all reasonable precautions to prevent: (1) Waste; (2) damage to any natural resource including trees and other vegetation, fish and wildlife and their habitat; (3) injury or damage to persons, real or personal property; and (4) any environmental pollution or damage.

(c) Any significant effect on the environment created by the lessee's operations or failure to comply with environmental standards shall be reported to the Supervisor within 24 hours and confirmed in writing within 30 days.

§ 270.31 Designation of operator or agent.

In all cases where operations are not conducted by the lessee but are to be conducted under authority of an unapproved operating agreement, assignment or other arrangement, a "designation of operator" shall be submitted to the Supervisor, in a manner and form approved by him, prior to commencement of operations. Such a designation will be accepted as authority of the operator or his local representative to act for the lessee and to sign any papers or reports required under the regulations in this part. All changes of address and any termination of the authority of the operator shall be immediately reported, in writing, to the Supervisor.

§ 270.32 Local agent.

When required by the Supervisor, the lessee shall designate a local representative empowered to receive notices and comply with orders of the Supervisor issued pursuant to the regulations in this part.

§ 270.33 Drilling and producing obligations.

(a) The lessee shall diligently drill and produce such wells as are necessary to protect the lessor from loss by reason of production on other properties, or in lieu thereof, with the consent of the Supervisor, shall pay a sum determined by the Supervisor as adequate to compensate the lessor for failure to drill and produce any such well.

(b) The lessee shall promptly drill and produce such other wells as the Supervisor may require in order that the lease be developed and produced in accordance with good operating practices. (See 43 CFR 3204.5.)

§ 270.34 Plan of operation.

Prior to commencing any operations on the leased lands or on any lands covered by a unit or cooperative agreement, the lessee shall submit in triplicate and obtain the approval of the Supervisor and the appropriate land management agency of a plan of operation for the area. Such plan shall include:

(a) The proposed location of each well including a layout showing the position of the mud tanks, reserve pits, cooling towers, pipe racks, etc.;

(b) Existing and planned access and lateral roads;

(c) Location and source of water supply and road building material;

(d) Location of camp sites, air-strips, and other supporting facilities;

(e) Other areas of potential surface disturbance;

(f) The topographic features of the land and the drainage patterns;

(g) Methods for disposing of waste material;

(h) A narrative statement describing the proposed measures to be taken for protection of the environment, including, but not limited to, the prevention or control of (1) fires, (2) soil erosion, (3) pollution of the surface and ground water, (4) damage to fish and wildlife or other natural resources, (5) air and noise pollution, and (6) hazards to public health and safety during lease activities;

(i) All pertinent information or data which the Supervisor may require to support the plan of operations for the utilization of geothermal resources and the protection of the environment;

(j) Provisions for monitoring deemed necessary by the Supervisor to ensure compliance with these regulations for the operations under the plan; and

(k) A requirement for the collection of data concerning the existing air and water quality, noise, seismic and land subsidence activities, and ecological system of the leased lands covering a period of at least one year prior to the submission of a plan for production. The informations required for paragraphs (a) through (f) of this section may be shown on a map or maps available from State or Federal sources.

§ 270.35 Subsequent well operations.

After completion of all operations authorized under any previously approved notice or plan, the lessee shall not begin to redrill, repair, deepen, plug back, shoot, or plug and abandon any well, make casing tests, alter the casing or liner, stimulate production, change the method of recovering production, or use any formation or well for brine or fluid injection until he has submitted to the Supervisor in writing a new plan of operations and has received written approval from him. However, in an emergency a lessee may take action to prevent damage without receiving prior approval from the Supervisor, but in such cases the lessee shall report his action to the Supervisor as soon as possible.

§ 270.36 Well designations.

The lessee shall mark each derrick upon commencement of drilling operations and each producing or suspended well in a conspicuous place with his name or the name of the operator, the serial number of the lease, the number and location of the well. Whenever possible, the well location shall be described by section or tract, township, range, and by quarter-quarter section or lot. The lessee shall take all necessary means and precautions to preserve these markings.

§ 270.37 Well records.

(a) The lessee shall keep for each well at his field headquarters or at other locations conveniently available to the Supervisor, accurate and complete records of all well operations including production, drilling, logging, directional well surveys, casing, perforation, safety devices, redrilling, deepening, repairing, cementing, alterations to casing, plugging, and abandoning. The records shall contain a description of any unusual malfunction, condition or problem; all the formations penetrated; the content and character of mineral deposits and water in each formation; thermal gradients, temperatures, pressures, analyses of geothermal waters, the kind, weight, size, grade, and setting depth of casing; and any other pertinent information.

(b) The lessee shall, within 30 days after completion of any well, transmit to the Supervisor copies of the records of all operations in a form prescribed by the Supervisor.

(c) Upon request of the Supervisor, the lessee will furnish (1) legible, exact copies of service company reports on cementing, perforating, acidizing, analyses of cores, electrical, and temperature logs, chemical analyses of steam and waters, or other similar services; (2) other reports and records of operations in the manner and form prescribed by the Supervisor.

§ 270.38 Samples, tests, and surveys.

(a) The lessee, when required by the Supervisor, will make adequate sampling, tests and/or surveys using acceptable techniques, to determine the presence, quantity, quality, and potential of geothermal resources, mineral deposits, or water; the amount and direction of deviation of any well from the vertical; and/or formation temperatures and pressures, casing, tubing, or other pressures and such other facts as the Supervisor may require. Such tests or surveys shall be made without cost to the lessor.

(b) The lessee shall, without cost to the lessor, take such formation samples or cores to determine the identity and character of any formation as are required and prescribed by the Supervisor.

§ 270.39 Directional survey.

The Supervisor may require an angular deviation and directional survey to be made of the finished hole of each directionally drilled well. The survey shall be made at the risk and expense of the lessee unless requested by an offset lessee, and then, at the risk and expense of the offset lessee. A copy of the survey shall be furnished the Supervisor.

§ 270.40 Well control.

The lessee or operator shall: (a) Take all necessary precautions to keep all wells under control at all times; (b) utilize trained and competent personnel; (c) utilize properly maintained equipment and materials; and (d) use operating practices which insure the safety of life and property. The selection of the types and weights of drilling fluids and provisions for controlling fluid temperatures, blowout preventers, and other surface control equipment and materials, casing and cementing programs, etc., to be used shall be based on sound engineering principles and shall take into account apparent geothermal gradients, depths and

pressures of the various formations to be penetrated and other pertinent geologic and engineering data and information about the area.

§ 270.41 Pollution.

The lessee shall comply with all Federal and State standards with respect to the control of all forms of air, land, water, and noise pollution, including, but not limited to, the control of erosion and the disposal of liquid, solid, and gaseous wastes. The Supervisor may, in his discretion, establish additional and more stringent standards, and, if he does so, the lessee shall comply with those standards. Plans for disposal of well effluents must take into account effects on surface and subsurface waters, plants, fish and wildlife and their habitats, atmosphere, or any other effects which may cause or contribute to pollution, and such plans must be approved by the Supervisor before action is taken under them.

§ 270.42 Noise abatement.

The lessee shall minimize noise during exploration, development and production activities. Welfare of the operating personnel and the public must not be affected as a consequence of the noise created by the expanding gases. The method and degree of noise abatement shall be as approved by the Supervisor.

§ 270.43 Land subsidence and seismic activity.

In the event subsidence or seismic activity results from the production of geothermal resources, as determined by monitoring activities by the lessee or a government body, the lessee shall take such action as required by the lease or by the Supervisor.

§ 270.44 Pits and sumps.

The lessee shall provide and use pits and sumps of adequate capacity and design to retain all materials and fluids necessary to drilling, production, or other operations unless otherwise specified by the Supervisor. In no event shall the contents of a pit or sump be allowed to: (a) Contaminate streams, artificial canals or waterways, ground waters, lakes or rivers; (b) adversely affect environment, persons, plants, fish and wildlife and their habitats; or (c) damage the aesthetic values of the property or adjacent properties. When no longer needed, pits and sumps are to be filled and covered and the premises restored to a near natural state, as prescribed by the Supervisor.

§ 270.45 Well abandonment.

The lessee shall promptly plug and abandon any well on the leased land that is not used or useful. No well shall be abandoned until its lack of capacity for further profitable production of geothermal resources has been demonstrated to the satisfaction of the Supervisor. Before abandoning a producible well, the lessee shall submit to the Supervisor a statement of reasons for abandonment and his detailed plans for carrying on the necessary work. The detailed plans shall provide for the preservation of fresh water aquifers and for the prevention of intrusion into such aquifers of saline or polluted waters. A producible well may be abandoned only after receipt of written approval by the Supervisor. No well shall be plugged and abandoned until the manner and method of plugging have been approved or prescribed by the Supervisor. Equipment shall be removed, and premises at the well site shall be restored as near as reasonably possible to its original condition immediately after plugging operations are completed on any well except as otherwise authorized by the Supervisor. Drilling equipment shall not be removed from any suspended drilling well without taking adequate measures to close the well and protect the subsurface resources.

§ 270.46 Accidents.

The lessee shall take all reasonable precautions to prevent accidents and shall notify the Supervisor within 24 hours of all accidents on the leased land, and shall submit a full report thereon within 15 days.

§ 270.47 Workmanlike operations.

The lessee shall carry on all operations and maintain the property at all times in a workmanlike manner, having due regard for the conservation of the property and the environment and for the health and safety of employees. The lessee shall remove from the property or store, in an orderly manner, all scrap or other materials not in use.

§ 270.48 Departure from orders.

The Supervisor may prescribe or approve either in writing or orally, with prompt written confirmation, variances from the requirements of GRO orders and other orders issued pursuant to these regulations, when such variances are necessary for the proper control of a well, conservation of natural resources, protection of human health and safety, property, or the environment. The Supervisor shall inform appropriate Federal and State agencies, of any action taken under this section.

§ 270.49 Sales contracts.

The lessee shall file with the Supervisor within 30 days after the effective date of the sales contract a copy of any contract for the disposal of geothermal resources from the lease.

§ 270.50 Royalty payments.

The lessee shall pay all royalties as due under the terms of the lease. Payments of royalties are due not later than the last day of the month following the month in which the resource is sold or utilized, and shall be by check, bank draft, or money order, drawn to the order of the United States Geological Survey.

MEASUREMENT OF PRODUCTION AND COMPUTATION OF ROYALTIES

§ 270.60 Measurement of geothermal resources.

The lessee shall measure or gauge all production in accordance with methods approved by the Supervisor. The quantity and quality of all production shall be determined in accordance with the standard practices, procedures, and specifications generally used in industry. All measuring equipment shall be tested periodically and, if found defective, the Supervisor will determine the quantity and quality of production from the best evidence available.

§ 270.61 Determination of content of byproducts.

The lessee shall periodically furnish the Supervisor the results of periodic tests showing the content of byproducts in the produced geothermal fluid and gases. Such tests shall be taken as specified by the Supervisor and by the method of testing approved by him.

§ 270.62 Value of geothermal production for computing royalties.

(a) The value of geothermal production from the leased premises for the purpose of computing royalties shall be the reasonable value of the energy and the byproducts attributable to the lease as determined by the Supervisor. In determining the reasonable value of the energy and the byproducts the Supervisor shall consider:

(1) The highest price paid for a majority of the production of like quality in the same field or area;

(2) The total consideration accruing to the lessee from any disposition of the geothermal production;

(3) The value of the geothermal production used by the lessee;

(4) The value and cost of alternate available energy sources and byproducts;

(5) The cost of exploration and production, exclusive of taxes;

(6) The economic value of the resource in terms of its ultimate utilization;

(7) Production agreements between producer and purchaser; and

(8) Any other matters which he may consider relevant.

(b) Under no circumstances shall the value of any geothermal production for the purposes of computing royalties be less than:

(1) The total consideration accruing to the lessee from the sale thereof in cases where geothermal resources are sold by the lessee to another party;

(2) That amount which is the value of the end product attributable to the geothermal resource produced from a particular lease where geothermal resources are not sold by the lessee before being utilized, but are instead directly used in manufacturing, power production, or other industrial activity; or

(3) When a part of the resource only is utilized by the lessee and the remainder sold, the sum of the value of the end product attributable to the geothermal resource and the sales price received for the geothermal resources

§ 270.63 Computation of royalties.

(a) The value of geothermal production from a particular lease as determined pursuant to § 270.62 hereof, shall be apportioned between geothermal steam, heat, and other forms of energy and the byproducts.

(b) The royalties payable shall be the sum of (1) the amount resulting from the multiplication of the value attributable to the geothermal steam, heat, and other forms of energy by the royalty rate set for such forms of geothermal energy in the lease and (2) the amount resulting from the multiplication of the value attributable to byproducts by the royalty rate for byproducts set in the lease.

§ 270.64 Commingling production.

The supervisor may authorize a lessee to commingle production from wells on his lease with production from other leases held by him or by other lessees subjects to such conditions as he may prescribe.

Reports To Be Made by All Lessees (Including Operators)

§ 270.70 General requirements.

Information required to be submitted in accordance with the regulations in this part shall be furnished as directed by the Supervisor. Copies of forms can be obtained from the Supervisor and must be filed with that official within the time limit prescribed.

When forms or reports other than those referred to in the regulations in this part may be necessary, instructions for the filing of such forms or reports will be given by the Supervisor.

§ 270.71 Application for permit to drill, redrill, deepen, or plug-back.

(a) A permit to drill, redrill, deepen, or plug-back a well on Federal lands must be obtained from the Supervisor before the work is begun. The application for the permit, which shall be filed in triplicate with the Supervisor, shall state the location of the well in feet, and direction from the nearest section or tract lines as shown on the official plat of survey or protracted surveys; the altitude of the ground and derrick floor above sea level and how it was determined, and should be accompanied by a proposed plan of operations as required by these regulations.

(b) The proposed drilling and casing plan shall be outlined in detail under the heading "Details of Work" in the applications referred to herein, and shall describe the type of tools and equipment to be used, the proposed depth to which the well will be drilled, the estimated depths to the top of important markers, the estimated depths at which water, geothermal resources, or other mineral resources are expected, the proposed casing program (including the size and weight of casing), the depth at which each string is to be set, and the amount of cement and mud to be used, the drilling method and type of circulating media (water, mud, foam, air or combinations thereof), the type of blowout prevention equipment to be used, the proposed coring, logging, or other program (such as drilling time log and sample description) to be used to determine the formations penetrated and the proposed program for determining geothermal gradients and the sampling and analysis of geothermal resources.

(c) Each application shall be accompanied by a plat showing the surface and expected bottomhole locations and the distances from the nearest section or tract lines as shown on the official plat of survey or protracted surveys. The scale shall not be less than 2,000 feet to 1 inch.

(d) Each application should be accompanied by supporting structural and hydrologic information based on available geologic and geophysical data.

§ 270.72 Sundry notices and reports on wells.

(a) Any written notice of intention to do work or to change plans previously approved must be filed with the Supervisor in triplicate, unless otherwise directed, and must be approved by him before the work is begun. If, in case of emergency, any notice is given orally or by wire, and approval is obtained, the transaction shall be confirmed in writing. A subsequent report of the work performed must also be filed with the Supervisor.

(b) Casing test: Notice shall be given in advance to the Supervisor or his representative of the date and time when the operator expects to make a casing test. Later, by agreement, the exact time shall be fixed. In the event of casing failure during the test, the casing must be repaired or replaced or recemented as required by the Supervisor or his representative. The results of the test must be reported within 30 days after making a casing test. The report must describe the test completely and state the amount of mud and cement used, the lapse of time between running and cementing the casing and making the test, and the method of testing.

(c) Repairs or conditioning of well: Before the repairing or conditioning of a well, a notice setting forth in detail the plan of work must be filed with, and approved by, the Supervisor. A detailed report of the work accomplished and the methods employed, including all dates, and the results of such work must be filed within 30 days after completion of the repair work.

(d) Well stimulation: Before the lessee commences stimulation of a well by any means, a notice, setting forth in detail the plan of work, must be filed with and approved by the Supervisor. The notice shall name the type of stimulant and the amount to be used. A report showing the amount of stimulant used and the production rate before and after stimulation must be filed within 30 days from completion of the work.

(e) Altering casing in a well: Notice of intention to run a liner or to alter the casing by pulling or perforating by any means must be filed with and approved by the Supervisor before the work is started. This notice shall set forth in detail the plan of work. A report must be filed within 30 days after completion of the work stating exactly what was done and the results obtained.

(f) Notice of intention to abandon well: Before abandonment work is begun on any well, whether a drilling well, geothermal resources well, water well, or so-called dry hole, notice of intention to abandon shall be filed with, and approved by, the Supervisor. The notice must be accompanied by a complete log, in duplicate, of the well to date, provided the complete log has not been filed previously, and must give a detailed statement of the proposed work, including such information as kind, location, and length of plugs (by depths), plans for mudding, cementing, shooting, testing, and removing casing, and any other pertinent information.

(g) Subsequent report of abandonment: After a well is abandoned or plugged, a subsequent record of work done must be filed with the Supervisor. This report shall be filed separately within 30 days after the work is done. The report shall give a detailed account of the manner in which the abandonment or plugging work was carried out, including the nature and quantities of materials used in plugging and the location and extent (by depths) of the plugs of different materials; records of any tests or measurements made, and of the amount, size, and location (by depths) of casing left in the well; and a detailed statement of the volume of mud fluid used, and the pressure attained in mudding. If an attempt was made to part any casing, a complete report of the methods used and results obtained must be included.

§ 270.73 Log and history of well.

The lessee shall furnish in duplicate to the Supervisor, not later than 30 days after the completion of each well, a complete and accurate log and history, in chronological order, of all operations conducted on the well. A log shall be compiled for geologic information from cores or formations samples and duplicate copies of such log shall be filed. Duplicate copies of all electric logs, temperature surveys, water and steam analyses, hydrologic or heat flow tests, or direction surveys, if run, shall be furnished.

§ 270.74 Monthly report of operations.

A report of operations for each lease must be made for each calendar month, beginning with the month in which drilling operations are initiated. The report must be filed in duplicate with the Supervisor on or before the last day of the month following the month for which the report is filed unless an extension of

time for the filing of the report is granted by the Supervisor. The report shall disclose accurately all operations conducted on each well during the month, the status of operations on the last day of the month, and a general summary of the status of operations on the leased lands. The report must be submitted each month until the lease is terminated or until omission of the report is authorized by the Supervisor. The report shall show for each calendar month:

(a) The lease serial number or the unit or communitization agreement number which shall be inserted in the upper right corner;

(b) Each well listed separately by number, and its location by 40-acre subdivision (quarter-quarter section or lot), section number, township, range, and meridian;

(c) The number of days each well was produced, whether steam or hot water or both were produced, and the number of days each input well was in operation, if any;

(d) The quantity of production and any byproducts obtained from each well, if any are recovered;

(e) The depth of each active or suspended well, and the name, character, and depth of each formation drilled during the month, the date and reason for every shutdown, the names and depths of important formation changes, the amount and size of any casing run since the last report, the dates and results of any tests or environmental monitoring conducted, and any other noteworthy information on operations not specifically provided for in the form.

(f) The footnote must be completely filled out as required by the Supervisor. If no sales were made during the calendar month, the report must so state.

§ 270.75 Monthly report of sales and royalty.

A report of sales and royalty for each productive lease must be filed each month once sales of production are made even though sales may be intermittent, unless otherwise authorized by the Supervisor. Total volumes of geothermal resources produced and sold, the value of production, and the royalty due the lessor must be shown. If byproducts are being recovered, the same requirement shall be applicable. This report is due on or before the last day of the month following the month in which production was obtained and sold or utilized, together with the royalties due the United States. Payment or royalty is to be made pursuant to § 270.50 unless otherwise authorized by the Supervisor.

§ 270.76 Annual report of compliance with environmental protection requirements.

The lessee shall submit annually a report giving a full account of the actions taken to comply with the appropriate Federal and State regulations or requirements of the Supervisor pertaining to the protection of the surface and subsurface environment. This report shall include but is not limited to such matters as:

(a) Noise abatement;
(b) Water quality;
(c) Air quality;
(d) Erosion control;
(e) Subsidence and seismic activity;
(f) Rehabilitation activities;
(g) Waste disposal; and
(h) Environmental effects on flora and fauna.

§ 270.77 Annual report of expenditures for diligent exploration operations.

A report of expenditures for exploration operations conducted during a lease year must be submitted annually to the Supervisor in order that such expenditures may be considered for qualification as diligent exploration pursuant to 43 CFR 3203.5.

§ 270.78 Notice of intent and permit to conduct exploration operations other than drilling, see 43 CFR 3209.0–5 (a)).

(a) A permit to conduct exploration operations on the leased lands or on any lands covered by a unit or cooperative agreement must be obtained from the Supervisor before the work is begun. The form used for exploration operations conducted pursuant to 43 CFR 3209 will be acceptable.

(b) The notice of intent shall be filed in triplicate with the Supervisor and shall include:

(1) The name and address, including zip code, both of the person, association, or corporation for whom the operations will be conducted and of the person who will be in charge of the actual exploration activities;

(2) A statement that the signers agree that exploration operations will be conducted pursuant to the terms and conditions listed on the approved form;

(3) A brief description of the type of operations which will be undertaken;

(4) The approximate dates of the commencement and termination of exploration operations; and

(5) A plan of operation as required by § 270.34 covering paragraphs (a) through (h), of this section.

(c) The lessee shall, within 30 days after completion of such operations, furnish the Supervisor two copies of the records of the operation.

§ 270.79 Public inspection of records.

Geologic and geophysical interpretations, maps, and data required to be submitted under this part shall not be available for public inspection without the consent of the lessee so long as the lease remains in effect.

Procedure in Case of Violation of the Regulations or Lease Terms

§ 270.80 Noncompliance with regulations or lease terms.

(a) Whenever a lessee or anyone acting under his authority fails to comply with the provisions of the regulations or lease terms, the Supervisor shall give the lessee notice to remedy any defaults or violations. Failure by the lessee to perform or commence the necessary remedial action pursuant to the notice may result in a shut down of operations and may result in referral of the matter to the authorized offices of the Bureau of Land Management for action pursuant to 43 CFR 3244.3.

(b) The Supervisor is authorized to shut down any operations which he determines are unsafe or are causing or can cause pollution.

Appeals

§ 270.90 Appeals.

Appeals from final orders or decisions issued under the regulations in this part shall be made in the manner provided in 30 CFR Part 290.

PART 271—GEOTHERMAL RESOURCES UNIT PLAN REGULATIONS (INCLUDING SUGGESTED FORMS)

General Provisions

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Authority: Section 18 of the Geothermal Steam Act of 1970 (84 Stat. 1566) (see 43 CFR Subpart 3244).

§ 271.1 Introduction.

The regulations in this part prescribe the procedure to be followed and the requirements to be met by holders of Federal geothermal leases (see § 271.2d) and their representatives who wish to unite with each other, or jointly or separately with others, in collectively adopting and operating under a cooperative or unit plan for the development of any geothermal resources pool, field, or like area, or any part thereof. Such agreements may be initiated by lessees, or where in the interest of conserving natural resources they are deemed necessary they may be required by the Director.

§ 271.2 Definitions.

The following terms, as used in this part or in any agreement approved under the regulations in this part, shall have the meanings here indicated unless otherwise defined in such agreement:

(a) *Unit agreement.* An agreement or plan of development and operation for the production and utilization of separately owned interests in the geothermal resources made subject thereto

as a single consolidated unit without regard to separate ownerships and which provides for the allocation of costs and benefits on a basis defined in the agreement or plan.

(b) *Cooperative agreement.* An agreement or plan of development and operations for the production and utilization of geothermal resources made subject thereto in which separate ownership units are independently operated without allocation of production.

(c) *Agreement.* For convenience, the term "agreement" as used in the regulations in this part refers to either a unit or a cooperative agreement as defined in paragraphs (a) and (b) of this section unless otherwise indicated.

(d *Geothermal lease.* A lease issued under the act of December 24, 1970 (84 Stat. 1566), pursuant to the leasing regulations contained in 43 CFR Part 3200, and, unless the context indicates otherwise, "lease" means a geothermal lease.

(e) *Unit area.* The area described in a unit agreement as constituting the land logically subject to development under such agreement.

(f) *Unitized land.* The part of a unit area committed to a unit agreement.

(g) *Unitized substances.* Deposits of geothermal resources recovered from unitized land by operation under and pursuant to a unit agreement.

(h) *Unit operator.* The person, association, partnership, corporation, or other business entity designated under a unit agreement to conduct operations on unitized land as specified in such agreement.

(i) *Participating area.* That part of the Unit Area which is deemed to be productive from a horizon or deposit and to which production would be allocated in the manner described in the unit agreement assuming that all lands are committed to the unit agreement.

(j) *Working interest.* The interest held in geothermal resources or in lands containing the same by virtue of a lease, operating agreement, fee title, or otherwise, under which, except as otherwise provided in a unit or cooperative agreement, the owner of such interest is vested with the right to explore for, develop, produce, and utilize such resources. The right delegated to the unit operator as such by the unit agreement is not to be regarded as a working interest.

(k) *Secretary.* The Secretary of the Interior or any person duly authorized to exercise powers vested in that officer.

(l) *Director.* The Director of the U.S. Geological Survey.

(m) *Supervisor.* A representative of the Secretary, subject to the direction and supervisory authority of the Director, the Chief, Conservation Division, Geological Survey, and the appropriate Regional Conservation Manager, Conservation Division, Geological Survey, authorized and empowered to regulate operations and to perform other duties prescribed in the regulations in this part or any subordinate of such representative acting under his direction.

§ 271.3 Designation of area.

An application for designation of an area as logically subject to development and/or operation under a unit or cooperative agreement may be filed, in triplicate, by any proponent of such an agreement through the Supervisor. Each copy of the application shall be accompanied by a map or diagram on a scale of not less than 1 inch to 1 mile, outlining the area sought to be designated under this section. The Federal, State, and privately owned land should be indicated on said map by distinctive symbols or colors and Federal geothermal leases and lease applications should be identified by serial number. Geological information, including the results of geophysical surveys, and such other information as may tend to show that unitization is necessary and advisable in the public interest should be furnished in triplicate. Geological and geophysical information and data so furnished will not be available for public inspection, as provided by 5 U.S.C. section 552(b), without the consent of the proponent. The application and supporting data will be considered by the Director and the applicant will be informed of the decision reached. The designation of an area, pursuant to an application filed under this section, shall not create an exclusive right to submit an executed agreement for such area, nor preclude the inclusion of such area or any part thereof in another unit area.

§ 271.4 Preliminary consideration of agreements.

The form of unit agreement set forth in § 271.12 is acceptable for use in unproved areas. The use of this form is not mandatory, but any proposed departure therefrom should be submitted with the application submitted under § 271.3 for preliminary consideration and for such revision as may be deemed necessary. In areas proposed for unitization in which a discovery of geothermal resources has been made, or where a cooperative agreement is contemplated, the proposed agreement should be submitted with the application submitted under § 271.3 for preliminary consideration and for such revision as may be deemed necessary. The proposed form of agreement should be submitted in triplicate and should be plainly marked to identify the proposed variances from the form of agreement set forth in § 271.12.

§ 271.5 State land.

Where State-owned land is to be included in the unit, approval of the agreement by appropriate State officials should be obtained prior to its submission to the Department for approval of the executed agreement. When authorized by the laws of the State in which the unitized land is situated, provisions may be made in the agreement accepting State law, to the extent that they are applicable to non-Federal unitized land.

§ 271.6 Qualifications of unit operator.

A unit operator must qualify as to citizenship in the same manner as those holding interests in geothermal leases issued under the Geothermal Steam Act of 1970. The unit operator may be an owner of a working interest in the unit area or such other party as may be selected by the owners of working interests and approved by the Supervisor. The unit operator shall execute an acceptance of the duties and obligations imposed by the agreement. No designation of, or change in, a unit operator will become effective unless and until approved by the Supervisor, and no such approval will be granted unless the unit operator is deemed qualified to fulfill the duties and obligations prescribed in the agreement.

§ 271.7 Parties to unit or cooperative agreement.

The owners of any rights, title, or interest in the geothermal resources deposits to be developed and operated under an agreement can be regarded as proper parties to a proposed agreement. All such owners must be invited to join as parties to the agreement. If any owner fails or refuses to join the agreement, the proponent of the agreement should declare this to the Supervisor and should submit evidence of efforts made to obtain joinder of such owner and the reasons for nonjoinder.

§ 271.8 Approval of an executed unit or cooperative agreement.

(a) A duly executed unit or cooperative agreement will be approved by the Secretary, or his duly authorized representative, upon a determination that such agreement is necessary or advisable in the public interest and is for the purpose of properly conserving the natural resources. Taking into account the environmental consequences of the action. Such approval will be incorporated in a certificate appended to the agreement. No such agreement will be approved unless at least one of the parties is a holder of a Federal lease embracing lands being committed to the agreement and unless the parties signatory to the agreement hold sufficient interests in the area to give effective control of operations therein.

(b) Where a duly executed agreement is submitted for Departmental approval, a minimum of six signed counterparts should be filed. The same number of counterparts should be filed for documents supplementing, modifying, or amending an agreement, including change of operator, designation of new operator, and notice of surrender, relinquishment, or termination.

(c) The address of each signatory party to the agreement should be inserted below the party's signature. Each signature should be attested by at least one witness, if not notarized. Corporate or other signatures made in a representative capacity must be accompanied by evidence of the authority of the signatories to act unless such evidence is already a matter of record in the United

States Geological Survey. (The parties may execute any number of counterparts of the agreement with the same force and effect as if all parties signed the same document, or may execute a ratification or consent in a separate instrument with like force and effect.).

(d) Any modification of an approved agreement will require approval of the Secretary or his duly authorized representative under procedures similar to those cited in paragraph (a) of this section.

§ 271.9 Filing of papers and number of counterparts.

(a) All proposals and supporting papers, instruments, and documents submitted under this part should be filed with the Supervisor, unless otherwise provided in this part or otherwise instructed by the Director.

(b) Plans of development and operation, plans of further development and operation, and proposed participating areas and revisions thereof should be submitted in quadruplicate.

(c) Each application for approval of a participating area, or revision thereof, should be accompanied by three copies of a substantiating geologic and engineering report, structure contour map or maps, cross-section or other pertinent data.

(d) Other instruments or documents submitted for approval should be submitted for approval in sufficient number to permit the approving official to return at least one approved counterpart.

§ 271.10 Bonds.

In lieu of separate bonds required for each Federal lease committed to a unit agreement, the unit operator may furnish and maintain a collective corporate surety bond or a personal bond conditioned upon faithful performance of the duties and obligations of the agreement and the terms of the leases subject thereto. Personal bonds shall be accompanied by a deposit of negotiable Federal securities in a sum equal at their par value to the amount of the bond and by a proper conveyance to the Secretary of full authority to sell such securities in case of default in the performance of the obligations assumed. The liability under the bond shall be for such amount as the Supervisor shall determine to be adequate to protect the interests of the United States. Additional bond coverage may be required whenever deemed necessary by the Supervisor. The bond must be filed with and accepted by the Bureau of Land Management before operations will be approved. A form of corporate surety bond is set forth in § 271.15. In case of changes of unit operator, a new bond must be filed or a consent of surety to the change in principal under the existing bond must be furnished.

§ 271.11 Appeals.

Appeals from final orders or decisions issued under the regulations in this part shall be made in the manner provided in 30 CFR Part 290.

§ 271.12 Form of unit agreement for unproved areas.

UNIT AGREEMENT FOR THE DEVELOPMENT AND OPERATION OF THE _____ UNIT AREA
COUNTY OF _____
STATE OF _____

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_____ UNIT AGREEMENT
_____ COUNTY _____

This Agreement entered into as of the _____ day of _____, 19__, by and between the parties subscribing, ratifying, or consenting hereto, and herein referred to as the "parties hereto".

WITNESSETH: Whereas the parties hereto are the owners of working, royalty, or other geothermal resources interests in land subject to this Agreement; and

Whereas the Geothermal Steam Act of 1970 (84 Stat. 1566), hereinafter referred to as the "Act", authorizes Federal lessees and their representatives to unite with each other, or jointly or separately with others, in collectively adopting and operating under a cooperative or unit plan of development or operation of any geothermal resources pool, field, or like area, or any part thereof, for the purpose of more properly conserving the natural resources thereof, whenever determined and certified by the Secretary of the Interior to be necessary or advisable in the public interest; and

Whereas the parties hereto hold sufficient interest in the _____ Unit Area covering the land herein described to effectively control operations therein; and

Whereas, it is the purpose of the parties hereto to conserve natural resources, prevent waste, and secure other benefits obtainable through development and operations of the area subject to this Agreement under the terms, conditions, and limitations herein set forth:

Now, therefore, in consideration of the premises and the promises herein contained, the parties hereto commit to this agreement their respective interests in the below-defined Unit Area, and agree severally among themselves as follows:

ARTICLE I—ENABLING ACT AND REGULATIONS

1.1 The Act and all valid pertinent regulations, including operating and unit plan regulations, heretofore or hereafter issued thereunder are accepted and made a part of this agreement as to Federal lands.

1.2 As to non-Federal lands, the geothermal resources operating regulations in effect as of the effective date hereof governing drilling and producing operations, not inconsistent with the laws of the State in which the non-Federal land is located, are hereby accepted and made a part of this agreement.

ARTICLE II—DEFINITIONS

2.1 The following terms shall have the meanings here indicated:

(a) *Geothermal lease.* A lease issued under the act of December 24, 1970 (84 Stat. 1566), pursuant to the leasing regulations contained in 43 CFR Group 3200 and, unless the context indicates otherwise, "lease" shall mean a geothermal lease.

(b) *Unit area.* The area described in Article III of this Agreement.

(c) *Unit Operator.* The person, association, partnership, corporation, or other business entity designated under this Agreement to conduct operations on Unitized Land as specified herein.

(d) *Participating area.* That part of the Unit Area which is deemed to be productive from a horizon or deposit and to which production would be allocated in the manner described in the unit agreement assuming that all lands are committed to the unit agreement.

(e) *Working interest.* The interest held in geothermal resources or in lands containing the same by virtue of a lease, operating agreement, fee title, or otherwise, under which, except as otherwise provided in this Agreement, the owner of such interest is vested with the right to explore for, develop, produce and utilize such resources. The right delegated to the Unit Operator as such by this Agreement is not to be regarded as a Working Interest.

(f) *Secretary.* The Secretary of the Interior or any person duly authorized to exercise powers vested in that officer.

(g) *Director.* The Director of the U.S. Geological Survey.

(h) *Supervisor.* A representative of the Secretary, subject to the direction and supervisory authority of the Director, the Chief, Conservation Division, Geological Survey, and the appropriate Regional Conservation Manager, Conservation Division, Geological Survey, authorized and empowered to regulate operations and to perform other duties prescribed in the regulations in this part or any subordinate of such representative acting under his direction.

ARTICLE III—UNIT AREA AND EXHIBITS

3.1 The area specified on the map attached hereto marked "Exhibit A" is hereby designated and recognized as constituting the Unit Area, containing _____ acres, more or less.

The above-described Unit Area shall when practicable be expanded to include therein any additional lands or shall be contracted to exclude lands whenever such expansion or contraction is deemed to be necessary or advisable to conform with the purposes of this Agreement.

3.2 Exhibit A attached hereto and made a part hereof is a map showing the boundary

of the Unit Area, the boundaries and identity of tracts and leases in said area to the extent known to the Unit Operator.

3.3 Exhibit B attached hereto and made a part hereof is a schedule showing to the extent known to the Unit Operator the acreage, percentage, and kind of ownership of geothermal resources interests in all lands in the Unit Area.

3.4 Exhibits A and B shall be revised by the Unit Operator whenever changes in the Unit Area render such revision necessary, or when requested by the Supervisor, and not less than five copies of the revised Exhibits shall be filed with the Supervisor.

ARTICLE IV—CONTRACTION AND EXPANSION OF UNIT AREA

4.1 Unless otherwise specified herein, the expansion and/or contraction of the Unit Area contemplated in Article 3.1 hereof shall be effected in the following manner:

(a) Unit Operator either on demand of the Director or on its own motion and after prior concurrence by the Director, shall prepare a notice of proposed expansion or contraction describing the contemplated changes in the boundaries of the Unit Area, the reasons therefore, and the proposed effective date thereof, preferably the first day of a month subsequent to the date of notice.

(b) Said notice shall be delivered to the Supervisor, and copies thereof mailed to the last known address of each Working Interest Owner, Lessee, and Lessor whose interests are affected, advising that 30 days will be allowed for submission to the Unit Operator of any objections.

(c) Upon expiration of the 30-day period provided in the preceding item (b) hereof, Unit Operator shall file with the Supervisor evidence of mailing of the notice of expansion or contraction and a copy of any objections thereto which have been filed with the Unit Operator, together with an application in sufficient number, for approval of such expansion or contraction and with appropriate joinders.

(d) After due consideration of all pertinent information, the expansion or contraction shall, upon approval by the Supervisor, become effective as of the date prescribed in the notice thereof.

4.2 Unitized Leases, insofar as they cover any lands which are excluded from the Unit Area under any of the provisions of this Article IV may be maintained and continued in force and effect in accordance with the terms, provisions, and conditions contained in the Act, and the lease or leases and amendments thereto, except that operations and/or production under this Unit Agreement shall not serve to maintain or continue the excluded portion of any lease.

4.3 All legal subdivisions of unitized lands (i.e., 40 acres by Governmental survey or its nearest lot or tract equivalent in instances of irregular surveys), no part of which is entitled to be within a Participating Area on the fifth anniversary of the effective date of the initial Participating Area established under this Agreement, shall be eliminated automatically from this Agreement effective as of said fifth anniversary and such lands shall no longer be a part of the Unit Area and shall no longer be subject to this Agreement unless diligent drilling operations are in progress on an exploratory well on said fifth anniversary, in which event such lands shall not be eliminated from the Unit Area for as long as exploratory drilling operations are continued diligently with not more than four (4) months time elapsing between the completion of one exploratory well and the commencement of the next exploratory well.

4.4 An exploratory well, for the purposes of this Article IV is defined as any well, regardless of surface location, projected for completion in a zone or deposit below any zone or deposit for which a Participating Area has been established and is in effect, or any well, regardless of surface location, projected for completion at a subsurface location under Unitized Lands not entitled to be within a Participating Area.

4.5 In the event an exploratory well is completed during the four (4) months immediately preceding the fifth anniversary of the initial Participating Area established under this Agreement, lands not entitled to be within a Participating Area shall not be eliminated from this Agreement on said fifth anniversary, provided the drilling of another exploratory well is commenced under an approved Plan of Operation within four (4) months after the completion of said well. In such event, the land not entitled to be in participation shall not be eliminated from the Unit Area so long as exploratory drilling operations are continued diligently with not more than four (4) months time elapsing between the completion of one exploratory well and the commencement of the next exploratory well.

4.6 With prior approval of the Supervisor, a period of time in excess of four (4) months may be allowed to elapse between the completion of one well and the commencement of the next well without the automatic elimination of nonparticipating acreage.

4.7 Unitized lands proved productive by drilling operations which serve to delay automatic elimination of lands under this Article IV shall be incorporated into a Participating Area (or Areas) in the same manner as such lands would have been incorporated in such areas had such lands been proven productive during the year preceding said fifth anniversary.

4.8 In the event nonparticipating lands are retained under this Agreement after the fifth anniversary of the initial Participating Area as a result of exploratory drilling operations, all legal subdivisions of unitized land (i.e., 40 acres by Government survey or its nearest lot or tract equivalent in instances of irregular Surveys), no part of which is entitled to be within a Participating Area shall be eliminated automatically as of the 121 day, or such later date as may be established by the Supervisor, following the completion of the last well recognized as delaying such automatic elimination beyond the fifth anniversary of the initial Participating Area established under this Agreement.

ARTICLE V—UNITIZED LAND AND UNITIZED SUBSTANCES

5.1 All land committed to this Agreement shall constitute land referred to herein as "Unitized Land". All geothermal resources in and produced from any and all formations of the Unitized Land are unitized under the terms of this agreement and herein are called "Unitized Substances."

ARTICLE VI—UNIT OPERATOR

6.1 _____ is hereby designated as Unit Operator and by signature hereto as Unit Operator agrees and consents to accept the duties and obligations of Unit Operator for the discovery, development, production, distribution and utilization of Unitized Substances as herein provided. Whenever reference is made herein to the Unit Operator, such reference means the Unit Operator acting in that capacity and not as an owner of interest in Unitized Substances, and the term "Working Interest Owner" when used herein shall include or refer to Unit Operator as the owner of a Working Interest when such an interest is owned by it.

ARTICLE VII—RESIGNATION OR REMOVAL OF UNIT OPERATOR

7.1 Prior to the establishment of a Participating Area, hereunder, Unit Operator shall have the right to resign. Such resignation shall not become effective so as to release Unit Operator from the duties and obligations of Unit Operator or terminate Unit Operators rights, as such, for a period of six (6) months after notice of its intention to resign has been served by Unit Operator on all Working Interest Owners and the Supervisor, nor until all wells then drilled hereunder are placed in a satisfactory condition for suspension or abandonment whichever is required by the Supervisor, unless a new Unit Operator shall have been selected and approved and shall have taken over and assumed the duties and obligations of Unit Operator prior to the expiration of said period.

7.2 After the establishment of a Participating Area hereunder Unit Operator shall have the right to resign in the manner and subject to the limitations provided in 7.1 above.

7.3 The Unit Operator may, upon default or failure in the performance of its duties or obligations hereunder, be subject to removal by the same percentage vote of the owners of Working Interests as herein provided for the selection of a new Unit Operator. Such removal shall be effective upon notice thereof to the Supervisor.

7.4 The resignation or removal of Unit Operator under this Agreement shall not terminate its right, title, or interest as the owner of a Working Interest or other interest in Unitized Substances, but upon the resignation or removal of Unit Operator becoming effective, such Unit Operator shall deliver possession of all wells, equipment, material, and appurtenances used in conducting the unit operations to the new duly qualified successor Unit Operator or, if no such new unit operator is elected, to the common agent appointed to represent the Working Interest Owners in any action taken hereunder to be used for the purpose of conducting operations hereunder.

7.5 In all instances of resignation or removal, until a successor Unit Operator is selected and approved as hereinafter provided, the Working Interest Owners shall be jointly responsible for performance of the duties and obligations of Unit Operator, and shall not later than 30 days before such resignation or removal becomes effective appoint a common agent to represent them in any action to be taken hereunder.

7.6 The resignation of Unit Operator shall not release Unit Operator from any liability for any default by it hereunder occurring prior to the effective date of its resignation.

ARTICLE VIII—SUCCESSOR UNIT OPERATOR

8.1 If, prior to the establishment of a Participating Area hereunder, the Unit Operator shall resign as Operator, or shall be removed as provided in Article VII, a successor Unit Operator may be selected by vote of the owners of a majority of the Working Interests in Unitized Substances, based on their respective shares, on an acreage basis, in the Unitized Land.

8.2 If, after the establishment of a Participating Area hereunder, the Unit Operator shall resign as Unit Operator, or shall be removed as provided in Article VII, a successor Unit Operator may be selected by vote of the owners of a majority of the Working Interests in Unitized Substances, based on their respective shares, on a participating acreage basis. Provided, that, if a majority but less than 60 percent of the Working Interest in the Participating Lands is owned by the party to this agreement, a concurring vote of one or more additional Working Interest Owners owning 10 percent or more of the Working Interest in the participating land shall be required to select a new Unit Operator.

8.3 The selection of a successor Unit Operator shall not become effective until

(a) The Unit Operator so selected shall accept in writing the duties, obligations and responsibilities of the Unit Operator, and

(b) The selection shall have been approved by the Supervisor.

8.4 If no successor Unit Operator is selected and qualified as herein provided, the Director at his election may declare this Agreement terminated.

ARTICLE IX—ACCOUNTING PROVISIONS AND UNIT OPERATING AGREEMENT

9.1 Costs and expenses incurred by Unit Operator in conducting unit operations hereunder shall be paid and apportioned among and borne by the owners of Working Interests; all in accordance with the agreement or agreements entered into by and between the Unit Operator and the owners of Working Interests, whether one or more, separately or collectively.

9.2 Any agreement or agreements entered into between the Working Interest Owners and the Unit Operator as provided in this Article, whether one or more, are herein referred to as the "Unit Operating Agreement".

9.3 The Unit Operating Agreement shall provide the manner in which the Working Interest Owners shall be entitled to receive their respective share of the benefits accruing hereto in conformity with their underlying operating agreements, leases, or other contracts, and such other rights and obligations, as between Unit Operator and the Working Interest Owners.

9.4 Neither the Unit Operating Agreement nor any amendment thereto shall be deemed either to modify any of the terms and conditions of this Agreement or to relieve the Unit Operator of any right or obligation established under this Agreement.

9.5 In case of any inconsistency or conflict between this Agreement and the Unit Operating Agreement, this Agreement shall govern.

9.6 Three true copies of any Unit Operating Agreement executed pursuant to this Article IX shall be filed with the Supervisor prior to approval of this Agreement.

ARTICLE X—RIGHTS AND OBLIGATIONS OF UNIT OPERATOR

10.1 The right, privilege, and duty of exercising any and all rights of the parties hereto which are necessary or convenient for prospecting, producing, distributing or utilizing Unitized Substances are hereby delegated to and shall be exercised by the Unit Operator as provided in this Agreement in accordance with a Plan of Operations approved by the Supervisor.

10.2 Upon request by Unit Operator, acceptable evidence of title to geothermal resources interests in the Unitized Land shall be deposited with the Unit Operator, and together with this Agreement shall constitute and define the rights, privileges, and obligations of Unit Operator.

10.3 Nothing in this Agreement shall be construed to transfer title to any land or to any lease or operating agreement, it being understood that the Unit Operator, in its capacity as Unit Operator shall exercise the rights of possession and use vested in the parties hereto only for the purposes specified in this Agreement.

10.4 The Unit Operator shall take such measures as the Supervisor deems appropriate and adequate to prevent drainage of Unitized Substances from Unitized Land by wells on land not subject to this Agreement.

10.5 The Director is hereby vested with authority to alter or modify from time to time, in his discretion, the rate of prospecting and development and the quantity and rate of production under this Agreement.

ARTICLE XI—PLAN OF OPERATION

11.1 Concurrently with the submission of this Agreement for approval, Unit Operator shall submit an acceptable initial Plan of Operation. Said plan shall be as complete and adequate as the Supervisor may determine to be necessary for timely exploration and/or development and to insure proper protection of the environment and conservation of the natural resources of the Unit Area.

11.2 Prior to the expiration of the initial Plan of Operation, or any subsequent Plan of Operation, Unit Operator shall submit for approval of the Supervisor an acceptable subsequent Plan of Operation for the Unit Area which, when approved by the Supervisor, shall constitute the exploratory and/or development drilling and operating obligations of Unit Operators under this Agreement for the period specified therein.

11.3 Any plan of Operation submitted hereunder shall

(a) Specify the number and locations of any wells to be drilled and the proposed order and time for such drilling, and

(b) To the extent practicable, specify the operating practices regarded as necessary and advisable for proper conservation of natural resources and protection of the environment in compliance with section 1.1.

11.4 The Plan of Operation submitted concurrently with this Agreement for approval shall prescribe that within six (6) months after the effective date hereof, the Unit Operator shall begin to drill an adequate test well at a location approved by the Supervisor, unless on such effective date a well is being drilled conformably with the terms, hereof, and thereafter continue such drilling diligently until the _____ formation has been tested or until at a lesser depth unitized substances shall be discovered which can be produced in paying quantities (i.e., quantities sufficient to repay the costs of drilling, completing, and producing operations, with a reasonable profit) or the Unit Operator shall at any time establish to the satisfaction of the Supervisor that further drilling of said well would be unwarranted or impracticable, provided, however, that Unit Operator shall not in any event be required to drill said well to a depth in excess of _____ feet.

11.5 The initial Plan of Operation and/or subsequent Plans of Operation submitted under this article shall provide that the Unit Operator shall initiate a continuous drilling program providing for drilling of no less than one well at a time, and allowing no more than six (6) months time to elapse between completion of one well and the beginning of the next well, until a well capable of producing Unitized Substances in paying quantities is completed to the satisfaction of the Supervisor or until it is reasonably proved that the Unitized Land is incapable of producing Unitized Substances in paying quantities in the formations drilled under this Agreement.

11.6 When warranted by unforeseen circumstances, the Supervisor may grant a single extension of any or all of the critical dates for exploratory drilling operations cited in the initial or subsequent Plans of Operation. No such extension shall exceed a period of four (4) months for each well, required by the initial Plan of Operation.

11.7 Until there is actual production of Unitized Substances, the failure of Unit Operator to timely drill any of the wells provided for in Plans of Operation required under this Article XI or to timely submit an acceptable subsequent Plan of Operations, shall, after notice of default or notice of prospective default to Unit Operator by the Supervisor and after failure of Unit Operator to remedy any actual default within a reasonable time (as determined by the Supervisor), result in automatic termination of this Agreement effective as of the date of the default, as determined by the Supervisor.

11.8 Separate Plans of Operations may be submitted for separate productive zones, subject to the approval of the Supervisor. Also subject to the approval of the Supervisor, Plans of Operation shall be modified or supplemented when necessary to meet changes in conditions or to protect the interest of all parties to this Agreement.

ARTICLE XII—PARTICIPATING AREAS

12.1 Prior to the commencement of production of Unitized Substances, the Unit Operator shall submit for approval by the Supervisor a schedule (or schedules) of all land then regarded as reasonably proved to be productive from a pool or deposit discovered or developed; all lands in said schedule (or schedules), on approval of the Supervisor, will constitute a Participating Area (or Areas) effective as of the date production commences or the effective date of this Unit Agreement, whichever is later. Said schedule (or schedules) shall also set forth the percentage of Unitized Substances to be allocated, as herein provided, to each tract in the Participating Area (or Areas) so established and shall govern the allocation of production commencing with the effective date of the Participating Area.

12.2 A separate Participating Area shall be established for each separate pool or deposit of Unitized Substances or for any group thereof which is produced as a single pool or deposit and any two or more Participating Areas so established may be combined into one, on approval of the Supervisor. The effective date of any Participating Area established after the commencement of actual production of Unitized Substances shall be the first of the month in which is obtained the knowledge or information on which the establishment of said Participating Area is based, unless a more appropriate effective date is proposed by the Unit Operator and approved by the Supervisor.

12.3 Any Participating Area (or Areas) established under 12.1 or 12.2 above shall, subject to the approval of the Supervisor, be revised from time to time to include additional land then regarded as reasonably proved to be productive from the pool or deposit for which the Participating Area was established or to include lands necessary to unit operations, or to exclude land then regarded as reasonably proved not to be productive from the pool or deposit for which the Participating Area was established or to exclude land not necessary to unit operations and the schedule (or schedules) of allocation percentages shall be revised accordingly.

12.4 Subject to the limitation cited in 12.1 hereof, the effective date of any revision of a Participating Area established under Articles 12.1 or 12.2 shall be the first of the month in which is obtained the knowledge or information on which such revision is predicated, provided, however, that a more appropriate effective date may be used if justified by the Unit Operator and approved by the Supervisor.

12.5 No land shall be excluded from a Participating Area on account of depletion of the Unitized Substances, except that any Participating Area established under the provisions of this Article XII shall terminate automatically whenever all operations are abandoned in the pool or deposit for which the Participating Area was established.

12.6 Nothing herein contained shall be construed as requiring any retroactive adjustment for production obtained prior to the effective date of the revision of a Participating Area.

ARTICLE XIII—ALLOCATION OF UNITIZED SUBSTANCES

13.1 All Unitized Substances produced from a Participating Area, established under this Agreement, shall be deemed to be produced equally on an acreage basis from the several tracts of Unitized Land within the

Participating Area established for such production.

13.2 For the purpose of determining any benefits accruing under this Agreement, each Tract of Unitized Land shall have allocated to it such percentage of said production as the number of acres in the Tract included in the Participating Area bears to the total number of acres of Unitized Land in said Participating Area.

13.3 Allocation of production hereunder for purposes other than for settlement of the royalty obligations of the respective Working Interest Owners, shall be on the basis prescribed in the Unit Operating Agreement whether in conformity with the basis of allocation set forth above or otherwise.

13.4 The Unitized Substances produced from a Participating Area shall be allocated as provided herein regardless of whether any wells are drilled on any particular part or tract of said Participating Area.

ARTICLE XIV—RELINQUISHMENT OF LEASES

14.1 Pursuant to the provisions of the Federal leases and 43 CFR 3244.1, a lessee of record shall, subject to the provisions of the Unit Operating Agreement, have the right to relinquish any of its interests in leases committed hereto, in whole or in part; provided, that no relinquishment shall be made of interests in land within a Participating Area without the prior approval of the Director.

14.2 A Working Interest Owner may exercise the right to surrender, when such right is vested in it by any non-Federal lease, sublease, or operating agreement, provided that each party who will or might acquire the Working Interest in such lease by such surrender or by forfeiture is bound by the terms of this Agreement, and further provided that no relinquishment shall be made of such land within a Participating Area without the prior written consent of the non-Federal Lessor.

14.3 If as the result of relinquishment, surrender, or forfeiture the Working Interests become vested in the fee owner or lessor of the Unitized Substances, such owner may:

(1) Accept those Working Interest rights and obligations subject to this Agreement and the Unit Operating Agreement; or

(2) Lease the portion of such land as is included in a Participating Area established hereunder, subject to this Agreement and the Unit Operating Agreement; and provide for the independent operation of any part of such land that is not then included within a Participating Area established hereunder.

14.4 If the fee owner or lessor of the Unitized Substances does not, (1) accept the Working Interest rights and obligations subject to this Agreement and the Unit Operating Agreement, or (2) lease such lands as provided in 14.3 above within six (6) months after the relinquished, surrendered, or forfeited Working Interest becomes vested in said fee owner or lessor, the Working Interest benefits and obligations accruing to such land under this Agreement and the Unit Operating Agreement shall be shared by the owners of the remaining unitized Working Interests in accordance with their respective Working Interest ownerships, and such owners of Working Interests shall compensate the fee owner or lessor of Unitized Substances in such lands by paying sums equal to the rentals, minimum royalties, and royalties applicable to such lands under the lease or leases in effect when the Working Interests were relinquished, surrendered, or forfeited.

14.5 Subject to the provisions of 14.4 above, an appropriate accounting and settlement shall be made for all benefits accruing to or payments and expenditures made or incurred on behalf of any surrendered or forfeited Working Interest subsequent to the date of surrender or forfeiture, and payment of any moneys found to be owing by such an accounting shall be made as between the parties within thirty (30) days.

14.6 In the event no Unit Operating Agreement is in existence and a mutually acceptable agreement cannot be consummated between the proper parties, the Supervisor may prescribe such reasonable and equitable conditions of agreement as he deems warranted under the circumstances.

14.7 The exercise of any right vested in a Working Interest Owner to reassign such Working Interest to the party from whom obtained shall be subject to the same conditions as set forth in this Article XIV in regard to the exercise of a right to surrender.

ARTICLE XV—RENTALS AND MINIMUM ROYALTIES

15.1 Any unitized lease on non-Federal land containing provisions which would terminate such lease unless drilling operations are commenced upon the land covered thereby within the time therein specified or rentals are paid for the privilege of deferring such drilling operations, the rentals required thereby shall, notwithstanding any other provisions of this Agreement, be deemed to accrue as to the portion of the lease not included within a Participating Area and become payable during the term thereof as extended by this Agreement, and until the required drillings are commenced upon the land covered thereby.

15.2 Rentals are payable on Federal leases on or before the anniversary date of each lease year; minimum royalties accrue from the anniversary date of each lease year and are payable at the end of the lease year.

15.3 Beginning with the lease year commencing on or after _____ and for each lease year thereafter, rental or minimum royalty for lands of the United States subject to this Agreement shall be made on the following basis:

(a) An advance annual rental in the amount prescribed in unitized Federal leases, in no event creditable against production royalties, shall be paid for each acre or fraction thereof which is not within a Participating Area.

(b) A minimum royalty shall be charged at the beginning of each lease year (such minimum royalty to be due as of the last day of the lease year and payable within thirty (30) days thereafter) of $2 an acre or fraction thereof, for all Unitized Acreage within a Participating Area as of the beginning of the lease year. If there is production during the lease year the deficit, if any, between the actual royalty paid and the minimum royalty prescribed herein shall be paid.

15.4 Rental or minimum royalties due on leases committed hereto shall be paid by Working Interest Owners responsible therefor under existing contracts, laws, and regulations, or by the Unit Operator.

15.5 Settlement for royalty interest shall be made by Working Interest Owners responsible therefor under existing contracts, laws, and regulations, or by the Unit Operator, on or before the last day of each month for Unitized Substances produced during the preceding calendar month.

15.6 Royalty due the United States shall be computed as provided in the operating regulations and paid in value as to all Unitized Substances on the basis of the amounts thereof allocated to unitized Federal land as provided herein at the royalty rate or rates specified in the respective Federal leases.

15.7 Nothing herein contained shall operate to relieve the lessees of any land from their respective lease obligations for the payment of any rental, minimum royalty, or royalty due under their leases.

ARTICLE XVI—OPERATIONS ON NONPARTICIPATING LAND

16.1 Any party hereto owning or controlling the Working Interest in any Unitized Land having thereon a regular well location may, with the approval of the Supervisor and at such party's sole risk, costs, and expense, drill a well to test any formation of deposit for which a Participating Area has not been established or to test any formation or deposit for which a Participating Area has been established if such location is not within said Participating Area, unless within 30 days of receipt of notice from said party of his intention to drill the well, the Unit Operator elects and commences to drill such a well in like manner as other wells are drilled by the Unit Operator under this Agreement.

16.2 If any well drilled by a Working Interest Owner other than the Unit Operator proves that the land upon which said well is situated may properly be included in a Participating Area, such Participating Area shall be established or enlarged as provided in this Agreement and the well shall thereafter be operated by the Unit Operator in accordance with the terms of this Agreement and the Unit Operating Agreement.

ARTICLE XVII—LEASES AND CONTRACTS CONFORMED AND EXTENDED

17.1 The terms, conditions, and provisions of all leases, subleases, and other contracts relating to exploration, drilling, development, or utilization of geothermal resources on lands committed to this Agreement, are hereby expressly modified and amended only to the extent necessary to make the same conform to the provisions hereof, otherwise said leases, subleases, and contracts shall remain in full force and effect.

17.2 The parties hereto consent that the Secretary shall, by his approval hereof, modify and amend the Federal leases committed hereto and the regulations in respect thereto to the extent necessary to conform said leases and regulations to the provisions of this Agreement.

17.3 The development and/or operation of lands subject to this Agreement under the terms hereof shall be deemed full performance of any obligations for development and operation with respect to each and every separately owned tract subject to this Agreement, regardless of whether there is any development of any particular tract of the Unit Area.

17.4 Drilling and/or producing operations performed hereunder upon any tract of Unitized Lands will be accepted and deemed to be performed upon and for the benefit of each and every tract of Unitized Land.

17.5 Suspension of operations and/or production on all Unitized Lands pursuant to direction or consent of the Secretary or his duly authorized representative shall be deemed to constitute such suspension pursuant to such direction or consent as to each and every tract of Unitized Land. A suspension of operations and/or production limited to specified lands shall be applicable only to such lands.

17.6 Subject to the provisions of Article XV hereof and 17.10 of this Article, each lease, sublease, or contract relating to the exploration, drilling, development, or utilization of geothermal resources of lands other than those of the United States committed to this Agreement, is hereby extended beyond any such term so provided therein so that it shall be continued for and during the term of this Agreement.

17.7 Subject to the lease renewal and the readjustment provision of the Act, any Federal lease committed hereto may, as to the Unitized Lands, be continued for the term

so provided therein, or as extended by law. This subsection shall not operate to extend any lease or portion thereof as to lands excluded from the Unit Area by the contraction thereof.

17.8 Each sublease or contract relating to the operations and development of Unitized Substances from lands of the United States committed to this Agreement shall be continued in force and effect for and during the term of the underlying lease.

17.9 Any Federal lease heretofore or hereafter committed to any such unit plan embracing lands that are in part within and in part outside of the area covered by any such plan shall be segregated into separate leases as to the lands committed and the lands not committed as of the effective date of unitization.

17.10 In the absence of any specific lease provision to the contrary, any lease, other than a Federal lease, having only a portion of its land committed hereto shall be segregated as to the portion committed and the portion not committed, and the provisions of such lease shall apply separately to such segregated portions commencing as of the effective date hereof. In the event any such lease provides for a lump-sum rental payment, such payment shall be prorated between the portions so segregated in proportion to the acreage of the respective tracts.

17.11 Upon termination of this Agreement, the leases covered hereby may be maintained and continued in force and effect in accordance with the terms, provisions, and conditions of the Act, the lease or leases, and amendments thereto.

ARTICLE XVIII—EFFECTIVE DATE AND TERM

18.1 This Agreement shall become effective upon approval by the Secretary or his duly authorized representative and shall terminate five (5) years from said effective date unless,

(a) Such date of expiration is extended by the Director, or

(b) Unitized Substances are produced or utilized in commercial quantities in which event this Agreement shall continue for so long as Unitized Substances are produced or utilized in commercial quantities, or

(c) This Agreement is terminated prior to the end of said five (5) year period as heretofore provided.

18.2 This Agreement may be terminated at any time by the owners of a majority of the Working Interests, on an acreage basis, with the approval of the Supervisor. Notice of any such approval shall be given by the Unit Operator to all parties hereto.

ARTICLE XIX—APPEARANCES

19.1 Unit Operator shall, after notice to other parties affected, have the right to appear for and on behalf of any and all interests affected hereby before the Department of the Interior, and to appeal from decisions, orders or rulings issued under the regulations of said Department, or to apply for relief from any of said regulations or in any proceedings relative to operations before the Department of the Interior or any other legally constituted authority: *Provided, however,* That any interested parties shall also have the right, at its own expenses, to be heard in any such proceeding.

ARTICLE XX—NO WAIVER OF CERTAIN RIGHTS

20.1 Nothing contained in this Agreement shall be construed as a waiver by any party hereto of the right to assert any legal or constitutional right or defense pertaining to the validity or invalidity of any law of the State wherein lands subject to this Agreement are located, or of the United States, or regulations issued thereunder, in any way affecting such party or as a waiver by any such party of any right beyond his or its authority to waive.

ARTICLE XXI—UNAVOIDABLE DELAY

21.1 The obligations imposed by this Agreement requiring Unit Operator to commence or continue drilling or to produce or utilize Unitized Substances from any of the land covered by this Agreement, shall be suspended while, but only so long as, Unit Operator, despite the exercise of due care and diligence, is prevented from complying with such obligations, in whole or in part, by strikes, Acts of God, Federal or other applicable law, Federal or other authorized governmental agencies, unavoidable accidents, uncontrollable delays in transportation, inability to obtain necessary materials in open market, or other matters beyond the reasonable control of Unit Operator, whether similar to matters herein enumerated or not.

21.2 No unit obligation which is suspended under this section shall become due less than thirty (30) days after it has been determined that the suspension is no longer applicable.

21.3 Determination of creditable "Unavoidable Delay" time shall be made by the Unit Operator subject to approval of the Supervisor.

ARTICLE XXII—POSTPONEMENT OF OBLIGATIONS

22.1 Notwithstanding any other provisions of this Agreement, the Director, on his own initiative or upon appropriate justification by Unit Operator, may postpone any obligation established by and under this Agreement to commence or continue drilling or to operate on or produce Unitized Substances from lands covered by this Agreement when in his judgement, circumstances warrant such action.

ARTICLE XXIII—NONDISCRIMINATION

23.1 In connection with the performance of work under this Agreement, the Operator agrees to comply with all of the provisions of section 202 (1) to (7) inclusive, of Executive Order 11246 (30 F.R. 12319), as amended by Executive Order 11375 (32 F.R. 14303), which are hereby incorporated by reference in this Agreement.

ARTICLE XXIV—COUNTERPARTS

24.1 This Agreement may be executed in any number of counterparts no one of which needs to be executed by all parties, or may be ratified or consented to by separate instruments in writing specifically referring hereto, and shall be binding upon all parties who have executed such a counterpart, ratification or consent hereto, with the same force and effect as if all such parties had signed the same document.

ARTICLE XXV—SUBSEQUENT JOINDER

25.1 If the owner of any substantial interest in geothermal resources under a tract within the Unit Area fails or refuses to subscribe or consent to this Agreement, the owner of the Working Interest in that tract may withdraw said tract from this Agreement by written notice delivered to the Supervisor and the Unit Operator prior to the approval of this Agreement by the Supervisor.

25.2 Any geothermal resources interests in lands within the Unit Area not committed hereto prior to approval of this Agreement may thereafter be committed by the owner or owners thereof subscribing or consenting to this Agreement, and, if the interest is a Working Interest, by the owner of such interest also subscribing to the Unit Operating Agreement.

25.3 After operations are commenced hereunder, the right of subsequent joinder, as provided in this Article XXV, by a working Interest Owner is subject to such requirements or approvals, if any, pertaining to such joinder, as may be provided for in the Unit Operating Agreement. Joinder to the Unit Agreement by a Working Interest Owner, at any time, must be accompanied by appropriate joinder to the Unit Operating Agreement, if more than one committed Working Interest Owner is involved, in order for the interest to be regarded as committed to this Unit Agreement.

25.4 After final approval hereof, joinder by a nonworking interest owner must be consented to in writing by the Working Interest Owner committed hereto and responsible for the payment of any benefits that may accrue hereunder in behalf of such nonworking interest. A nonworking interest may not be committed to this Agreement unless the corresponding Working Interest is committed hereto.

25.5 Except as may otherwise herein be provided, subsequent joinders to this Agreement shall be effective as of the first day of the month following the filing with the Supervisor of duly executed counterparts of all or any papers necessary to establish effective commitment of any tract to this Agreement unless objection to such joinder is duly made within sixty (60) days by the Supervisor.

ARTICLE XXVI—COVENANTS RUN WITH THE LAND

26.1 The covenants herein shall be construed to be covenants running with the land with respect to the interest of the parties hereto and their successors in interest until this Agreement terminates, and any grant, transfer, or conveyance, of interest in land or leases subject hereto shall be and hereby is conditioned upon the assumption of all privileges and obligations hereunder by the grantee, transferee, or other successor in interest.

26.2 No assignment or transfer of any Working Interest or other interest subject hereto shall be binding upon Unit Operator until the first day of the calendar month after Unit Operator is furnished with the original, photostatic, or certified copy of the instrument of transfer.

ARTICLE XXVII—NOTICES

27.1 All notices, demands or statements required hereunder to be given or rendered to the parties hereto shall be deemed fully given if given in writing and personally delivered to the party or sent by postpaid registered or certified mail, addressed to such party or parties at their respective addresses set forth in connection with the signatures hereto or to the ratification or consent hereof or to such other address as any such party may have furnished in writing to party sending the notice, demand or statement.

ARTICLE XXVIII—LOSS OF TITLE

28.1 In the event title to any tract of Unitized Land shall fail and the true owner cannot be induced to join in this Agreement, such tract shall be automatically regarded as not committed hereto and there shall be such readjustment of future costs and benefits as may be required on account of the loss of such title.

28.2 In the event of a dispute as to title as to any royalty, Working Interest, or other interests subject hereto, payment or delivery on account thereof may be withheld without liability for interest until the dispute is finally settled: *Provided,* That, as to Federal land or leases, no payments of funds due the United States shall be withheld, but such funds shall be deposited as directed by the Supervisor to be held as unearned money

pending final settlement of the title dispute, and then applied as earned or returned in accordance with such final settlement.

ARTICLE XXIX—TAXES

29.1 The Working Interest Owners shall render and pay for their accounts and the accounts of the owners of nonworking interests all valid taxes on or measured by the Unitized Substances in and under or that may be produced, gathered, and sold or utilized from the land subject to this Agreement after the effective date hereof.

29.2 The Working Interest Owners on each tract may charge a proper proportion of the taxes paid under 29.1 hereof to the owners of nonworking interests in said tract, and may reduce the allocated share of each royalty owner for taxes so paid. No taxes shall be charged to the United States or the State of _____ or to any lessor who has a contract with his lessee which requires the lessee to pay such taxes.

ARTICLE XXX—RELATION OF PARTIES

30.1 It is expressly agreed that the relation of the parties hereto is that of independent contractors and nothing in this Agreement contained, expressed, or implied, nor any operations conducted hereunder, shall create or be deemed to have created a partnership or association between the parties hereto or any of them.

ARTICLE XXXI—SPECIAL FEDERAL LEASE STIPULATIONS AND/OR CONDITIONS

31.1 Nothing in this Agreement shall modify special lease stipulations and/or conditions applicable to lands of the United States. No modification of the conditions necessary to protect the lands or functions of lands under the jurisdiction of any Federal agency is authorized except with prior consent in writing whereby the authorizing official specifies the modification permitted.

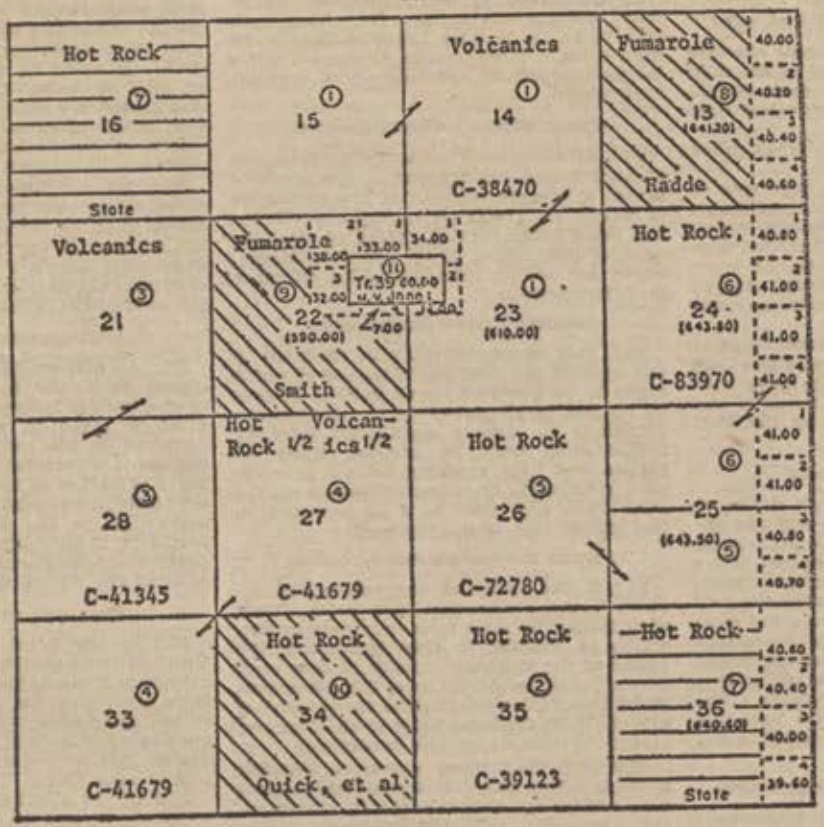
In witness whereof, the parties hereto have caused this Agreement to be executed and have set opposite their respective names the date of execution.

Witnesses:
_____
_____
Witnesses:
_____
_____
Witnesses:
_____
_____

Unit operator (as unit operator and as working interest owner)
_____
By _____
Working Interest Owners:
_____
By _____
Other Interest Owners:
_____
By _____

§ 271.13 Sample form of Exhibit A of unit agreement.

EXHIBIT A—BIG VAPOR UNIT AREA, T. 13 N., R. 10 W., M.D.M., California
R. 1 W.



① Means tract number as listed on Exhibit B

PUBLIC LAND

STATE LAND

PATENTED LAND

§ 271.14 Sample form of Exhibit B of unit agreement.

EXHIBIT B—BIG VAPOR UNIT AREA, NAPA COUNTY, CALIF., T. 13 N., R. 10 W.

Tract No.	Description of land	No. of acres	Serial No. and expiration date of lease	Basic royalty and ownership percentage	Lessee of record	Working interest and percentage
	Federal land		*California serials*			
1	Sec. 14: All.... Sec. 15: All. Sec. 23: Lots 1, 2, S½, NE¼, E½NW¼.	1,890.00	38470 July 31, 1982...	United States: All...	Volcanics, Inc.....	Volcanics, Inc: All.
2	Sec. 35: All....	640.00	39123 July 31, 1982.	do.....	D. H. Boller.....	Hot Rock Co.: All.
3	Sec. 21: All.... Sec. 28: All.	1,280.00	41345 July 31, 1982.	do.....	C. S. Waters—50%... D. F. Mann—50%...	Volcanics, Co.: 50%. Hot Rock Co.: 50%.
4	Sec. 27: All.... Sec. 33: All.	1,280.00	41679	do.....	H. C. Pipes.....	Fumarole Ltd.: All.
5	Sec. 26: All.... Sec. 25: S½.	961.80	71278 Sept. 31, 1982.	do.....	Hot Rock Co.....	Hot Rock Co.: All.
6	Sec. 24: All.... Sec. 25: N½.	965.80	83070 Application.	do.....	H. C. Pipes.....	Do.
	6 Federal tracts 7,017.30 acres or 68.47% of unit area.					
	California State land					
7	Sec. 16: All.... Sec. 36: All.	1,280.60	65-67430.....	State of California: All.	Hot Rock Co.....	Hot Rock Co.: All.
	1 State tract 1,280.60 acres or 12.49% of unit area.					
	Patented land					
8	Sec. 13: All....	641.20	June 30, 1979..	I. B. Hadde: All....	Fumarole, Ltd.....	Fumarole, Ltd.: All.
9	Sec. 22: Lots 1, 2, 3, 4, S½, NW¼.	590.00	Feb. 28, 1981..	J. P. Smith: All.....	do.....	Do.
10	Sec. 34: All....	640.00	Mar. 31, 1981..	A. G. Quick: 75%... P. T. Land: 25%.	Hot Rock Co.....	Hot Rock Co.: All.
11	Tract 39.....	80.00	Apr. 30, 1981..	M. V. Jones: All....	Unleased.....	M. V. Jones: All.
	3 Patented tracts 1,951.20 acres or 19.04% of unit area.					
	Total... 11 tracts 10,249.10 acres in entire unit area.					

§ 271.15 Form of collective bond.

COLLECTIVE CORPORATE SURETY

Known all men by these presents, That we, _____ signing as Principal
(Name of Unit Operator)
pal, for and on behalf of the record owners of unitized substances now or hereafter covered by the unit agreement for this _____, approved _____,
(Name of Unit) (Date)
_____, as Surety are
(Name and address of Surety)
jointly and severally held and firmly bound unto the United States of America in the sum of _____ Dollars,
(Amount of bond)
lawful money of the United States, for the use and benefit of and to be paid to the United States and any entryman or patentee of any portion of the unitized land, heretofore entered or patented with the reservation of the geothermal resources deposits to the United States, for which payment well and truly to be made, we bind ourselves, and each of us, and each of our heirs, executors, administrators, successors, and assigns by these presents.

The condition of the foregoing obligation is such that, whereas the Secretary on _____ approved under the provisions
(Date)
of the Geothermal Steam Act of 1970, a unit agreement for the development and operation of the _____;
(Name of Unit and State)
and

Whereas said Principal and record owners of unitized substances, pursuant to said unit agreement, have entered into certain covenants and agreements as set forth therein, under which operations are to be conducted; and

Whereas said Principal as Unit Operator has assumed the duties and obligations of the respective owners of unitized substances as defined in said unit agreement; and

Whereas said Principal and surety agree to remain bound in the full amount of the bond for failure to comply with the terms of the unit agreement, and the payment of rentals, minimum royalties, and royalties due under the Federal leases committed to said unit agreement; and

Whereas the Surety hereby waives any right of notice of and agrees that this bond may remain in force and effect notwithstanding:

(a) Any additions to or change in the ownership of the unitized substances herein described.

(b) Any suspension of the drilling or producing requirements or waiver, suspension or reduction of rental or minimum royalty payments or reduction of royalties pursuant to applicable laws or regulations thereunder; and

Whereas said Principal and Surety agree to the payment of compensatory royalty under the regulations of the Interior Department in lieu of drilling necessary offset wells in the event of drainage; and

Whereas nothing herein contained shall preclude the United States from requiring an additional bond at any time when deemed necessary:

Now, therefore, if the said Principal shall faithfully comply with all of the provisions of the above-identified unit agreement and with the terms of the leases committed thereto, then the above obligation is to be of no effect; otherwise to remain in full force and virtue.

Signed, sealed, and delivered this _____ day of _____, 19____, in the presence of:
Witnesses:

_____ _____
(Principal)

_____ _____
(Surety)

§ 271.16 Form of designation of successor unit operator by working interest owners.

Designation of successor Unit Operator _____, Unit Area, County of _____, State of _____, No. _____.

This indenture, dated as of the _____ day of _____, 19____, by and between _____ hereinafter designated as "First Party," and the owners of unitized working interest, hereinafter designated as "Second Parties."

Witnesseth: Whereas under the provisions of the Geothermal Steam Act of December 24, 1970, 84 Stat. 1566, the Secretary on the _____ day of _____, 19____, approved a unit agreement for the _____ Unit Area, wherein _____ is designated as Unit Operator; and

Whereas said _____ has resigned as such Operator,[1] and the designation of a successor Unit Operator is now required pursuant to the terms thereof; and

Whereas First Party has been and hereby is designated by Second Parties as a Unit Operator, and said First Party desires to assume all the rights, duties, and obligations of Unit Operator under the said unit agreement.

Now, therefore, in consideration of the premises hereinbefore set forth and the promises hereinafter stated, the First Party hereby covenants and agrees to fulfill the duties and assume the obligations of Unit Operator under and pursuant to all the terms of the _____ unit agreement, and the Second Parties covenant and agree that, effective upon approval of this indenture by the Supervisor, of the Geological Survey, First Party shall be granted the exclusive right and privilege of exercising any and all rights and privileges and Unit Operator, pursuant to the terms and conditions of said unit agreement; said unit agreement being hereby incorporated herein by references and made a part hereof as fully and effectively as though said unit agreement were expressly set forth in this instrument.

In witness whereof, the parties hereto have executed this instrument as of the date hereinabove set forth.

_____ _____
(First Party)

_____
(Witnesses)

_____ _____
(Second Party)

_____
(Witnesses)

I hereby approve the foregoing indenture designating _____ as Unit Operator under the unit agreement for the _____ Unit Area, this _____ day of _____, 19____.

_____
Supervisor,
U.S. Geological Survey.

§ 271.17 Form of change in unit operator by assignment.

Change in Unit Operator _____ unit Area, County of _____, State of _____, No. _____.

This indenture, dated as of the _____ day of _____, 19____, by and between _____ hereinafter designated as "First Party," and _____, hereinafter designated as "Second Party."

[1] Where the designation of a successor Unit Operator is required for any reason other than resignation, such reason shall be substituted for the one stated.

Witnesseth: Whereas under the provisions of the Geothermal Steam Act of December 24, 1970, 84 Stat. 1566, the Secretary on the ------ day of ----------, 19----, approved a unit agreement for the ---------- Unit Area, wherein the First Party is designated as Unit Operator; and

Whereas the First Party desires to transfer, assign, release, and quitclaim, and the Second Party desires to assume all the rights, duties, and obligations of Unit Operator under the unit agreement; and

Whereas for sufficient and valuable consideration, the receipt whereof is hereby acknowledged, the First Party has transferred, conveyed and assigned all his/its rights under certain operating agreements involving lands within the area set forth in said unit agreement unto the Second Party:

Now, therefore, in consideration of the premises hereinbefore set forth, the First Party does hereby transfer, assign, release, and quitclaim unto Second Party all of First Party's rights, duties and obligations as Unit Operator under said unit agreement; and

Second Party hereby accept this assignment and hereby convenants and agrees to fulfill the duties and assume the obligations of Unit Operator under and pursuant to all the terms of said unit agreement to the full extent set forth in this assignment, effective upon approval of this indenture by the Supervisor of the Geological Survey; said unit agreement being hereby incorporated herein by reference and made a part hereof as fully and effectively as though said unit agreement were expressly set forth in this instrument.

In witness whereof, the parties hereto have executed this instrument as of the date hereinabove set forth.

---------- ----------
(First Party)

(Witnesses)

---------- ----------
(Second Party)

(Witnesses)

I hereby approve the foregoing indenture designated ---------- as Unit Operator under the unit agreement for the ---------- Unit Area, this ------ day of ----------, 19-----.

Supervisor, U.S.
Geological Survey

Dated: December 17, 1973.

W. W. LYONS,
Deputy Under Secretary of the Interior.

[FR Doc.73-26891 Filed 12-20-73;8:45 am]

CHAPTER II—BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

GEOTHERMAL RESOURCES

Leasing on Public, Acquired and Withdrawn Lands

The purpose of these regulations is to implement the Geothermal Steam Act of 1970 (30 U.S.C. 1001–1025) and provide for the leasing of the public and acquired lands of the United States for the purpose of geothermal resources exploration, development, and production.

The public was afforded an opportunity to comment on proposed rulemaking published on July 23, 1971, November 29, 1972, and July 23, 1973 and supplemented on August 8, 1973. These regulations reflect consideration of all comments received on the published proposed rulemaking.

A Final Environmental Statement, prepared in accordance with the provisions of section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)), was issued on October 23, 1973. It discussed the environmental impact of leasing federally owned geothermal resources under the proposed rulemaking, and proposed provisions for inclusion in regulations and leases to mitigate any possible impacts on the environment.

These regulations will be effective January 1, 1974.

PART 3000—MINERALS MANAGEMENT; GENERAL

1. Section 3000.0–5 of Subpart 3000, Chapter II, Title 43 of the Code of Federal Regulations is revised to read as follows:

§ 3000.0–5 Definitions.

As used in this subchapter:

(a) "Leasable minerals" means oil and gas. (1) Gas means any fluid, either combustible or noncombustible, which is produced in a natural state from the earth and which maintains a gaseous or rarefied state at ordinary temperature and pressure conditions. (2) Oil or crude oil means any liquid hydrocarbon substance which occurs naturally in the earth, including drip gasoline or other natural condensates recovered from gas, without resort to manufacturing process.

(b) "Other leasable minerals" means (1) Coal, chlorides, sulphates, carbonates, borates, silicates, or nitrates of potassium and sodium; sulphur in the States of Louisiana and New Mexico; phosphate; and native asphalt, solid and semisolid bitumen and bituminous rock (including oil impregnated rock or sands from which oil is recoverable only by special treatment after the deposit is mined or quarried); (2) solid (hardrock) minerals; minerals in acquired lands which would be subject to location under the U.S. mining laws if located in the public domain lands.

(c) "Secretary" means the Secretary of the Interior or any person duly authorized to exercise the powers vested in that officer.

(d) "Director" means the Director of the Bureau of Land Management or any person duly authorized to exercise the powers vested in that officer.

(e) "State Director" means the Director of a Bureau of Land Management State office or any person duly authorized to exercise the powers vested in that officer.

(f) "Authorized officer" means any person authorized by law or by lawful delegation of authority in the Bureau of Land Management to perform the duties described.

(g) "Proper BLM office" means the Bureau of Land Management office having jurisdiction over the lands subject to the regulation where the term is used.

(h) "Public domain lands" means original public domain lands which have never left Federal ownership; also, lands in Federal ownership which were obtained by the Government in exchange for public lands or for timber on such lands; also original public domain lands which have reverted to Federal ownership through operation of the public land laws.

(i) "Acquired lands" means lands which the United States obtains by deed through purchase or gift, or through condemnation proceedings. They are distinguished from public domain lands in that acquired lands may or may not have been originally owned by the Government. If originally owned by the Government such lands have been disposed of (patented) under the public land laws and thereafter reacquired by the United States.

(j) "Other lands" means (1) "Withdrawn lands." Lands which have been withdrawn and dedicated to public purposes. (2) "Reserved lands." Lands which have been withdrawn from disposal and dedicated to a specific public purpose. (3) "Segregated lands." Lands included in a withdrawal, or in an application or entry or in a proper classification which segregates them from operation of the public land laws.

2. Section 3000.4 of Subpart 3000, Chapter II, Title 43 of the Code of Federal Regulations is revised to read as follows:

§ 3000.4 Appeals.

Any party to a case who is adversely affected by any official action or decision of an officer of the Bureau of Land Management or of an Administrative Law Judge of the Office of Hearings and Appeals, Office of the Secretary, except a decision which has been approved by the Secretary, shall have a right of appeal to the Board of Land Appeals in the Office of Hearings and Appeals, Office of the Secretary. All appeals shall be governed by the rules of practice in Subpart E of Part 4 of this title. Nothing in this group shall be construed to prevent any interested party from seeking judicial review as authorized by law.

3. A new Group 3200 is added to Chapter II, Title 43 of the Code of Federal Regulations to read as follows:

Group 3200—Geothermal Resources Leasing

PART 3200—GEOTHERMAL RESOURCES LEASING; GENERAL

Subpart 3200—Geothermal Resources Leasing; General

Sec.
3200.0–3 Authority.
3200.0–5 Definitions.
3200.0–6 Preleasing procedures.
3200.0–7 Cross reference.
3200.0–8 Use of surface.

Subpart 3201—Available Lands; Limitations; Unit Agreements

Sec.
3201.1 Lands subject to geothermal leasing.
3201.1–1 General.
3201.1–2 Department of the Interior.
3201.1–3 Department of Agriculture.
3201.1–4 Federal Power Commission.
3201.1–5 Patented lands.
3201.1–6 Excepted areas.
3201.2 Acreage limitations.
3201.3 Leases within unit areas.

Subpart 3202—Qualifications of Lessees

Sec.
3202.1 Who may hold leases.
3202.2 Statements required to be submitted.
3202.2–1 General.
3202.2–2 Guardian or trustee.
3202.2–3 Attorney-in-fact.
3202.2–4 Statements previously filed.
3202.2–5 Showing as to sole party in interest.
3202.2–6 Heirs and devisees (estates).
3202.2–7 Fractional present interests.

Subpart 3203—Leasing Terms

3203.1 Primary and additional term.
3203.1–1 Dating of leases.
3203.1–2 Primary term.
3203.1–3 Additional term.
3203.1–4 Extensions.
3203.1–5 Segregation of leases on commitment to, or contraction of cooperative or unit plan or communitization agreement.
3203.1–6 Conversion to mineral leases or mining claims.
3203.2 Lease acreage limitation.
3203.3 Consolidation of leases.
3203.4 Description of lands.
3203.5 Diligent exploration.
3203.6 Plan of operation.

Subpart 3204—Surface Management Requirements; Special Requirements

3204.1 General.
3204.2 Waste prevention.
3204.3 Readjustment of terms and conditions.
3204.4 Reservation to the United States of oil, hydrocarbon gas, and helium.
3204.5 Compensation for drainage; compensatory royalty.
3204.6 Patented lands.

Subpart 3205—Service Charges, Rentals and Royalties

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Subpart 3200—Geothermal Resources Leasing; General

§ 3200.0–3 Authority.

These regulations are issued pursuant to the Geothermal Steam Act of 1970 (84 Stat. 1566; 30 U.S.C. 1001–1025) and rights to develop and utilize geothermal resources in land subject to these regulations may be acquired only in accordance with these regulations.

§ 3200.0–5 Definitions.

As used in Group 3200, the term:

(a) "The Act" means the Geothermal Steam Act of 1970.

(b) "Geothermal lease" means a lease issued under authority of the Act; and unless the context indicates otherwise, "lease" means a "geothermal lease".

(c) "Geothermal resources" means geothermal steam and associated geothermal resources which include: (1) All products of geothermal processes, embracing indigenous steam, hot water and hot brines; (2) steam and other gases, hot water and hot brines resulting from water, gas, or other fluids artificially introduced into geothermal formations; (3) heat or other associated energy found in geothermal formations; and (4) any byproducts derived from them.

(d) "Byproduct" means (1) any mineral or minerals (exclusive of oil, hydrocarbon gas, and helium) which are found in solution or in association with geothermal steam and which have a value of less than 75 per centum of the value of the geothermal steam or are not, because of quantity, quality, or technical difficulties in extraction and production, of sufficient value to warrant extraction and production by themselves, and (2) commercially demineralized water.

(e) "Sole party in interest" means a party who is and will be vested with all legal and equitable rights under the lease. No one is, or shall be deemed to be, a sole party in interest with respect to a lease in which any other party has any interest in the lease.

(f) "Interest in the lease" means any interest whatever in a geothermal lease, including, but not limited to: A record title interest; a working interest; an operating right; an overriding royalty interest; a claim to any prospective or future advantage or benefit from a lease; a participation in any increment, issue, or profit which may be derived, or accrue in any manner, from the lease based upon, or pursuant to, any agreement or understanding in existence at the time when the offer is filed; and an agreement pertaining to any of the foregoing.

(g) "Supervisor" means a representative of the Secretary, subject to the direction and supervision of the Director, the Chief, Conservation Division, Geological Survey and the appropriate Regional Conservation Manager, Conservation Division, Geological Survey, authorized and empowered to regulate operations and to perform other duties prescribed in the regulations in this part or any subordinate of such representative acting under his direction.

(h) "Primary term" means the first 10 years in the life of the lease, exclusive of any period of suspension of operations or production, or both.

(i) "Area of operation" means that area of the leased lands which is required for exploration, development and producing operations, and which is delineated on a map or plat which is made a part of the approved plan of operations. It encompasses the area generally needed for wells, flow lines, separators, surge tanks, drill pads, mud pits, workshops, and other such facilities used for on-project geothermal resources field exploration, development and production operations.

(j) "Commercial quantities" means quantities sufficient to provide a return after all variable costs of production have been met.

(k) "Known geothermal resource area" or "KGRA" means an area in which the geology, nearby discoveries, competitive interests, or other indicia would, in the opinion of the Secretary, engender a belief in men who are experienced in the subject matter that the prospects for extraction of geothermal steam or associated geothermal resources are good enough to warrant expenditures of money for that purpose.

(l) In determining whether the geology of an area is of such a nature that the area should be designated a KGRA the Director, Geological Survey, acting for the Secretary, shall use such geologic and technical evidence as he shall deem appropriate, including the following:

(i) The existence of siliceous sinter and natural geysers;

(ii) The temperatures of fumaroles, thermal springs, and mud volcanoes;

(iii) The SiO_2 content of spring water;

(iv) The Na/K ratio in spring waters of hot-water systems;

(v) The existence of volcanoes and calderas of late Teirtary or Quaternary age;

(vi) Conductive heat flows and geothermal gradient;

(vii) The porosity and the permeability of a potential reservoir;

(viii) The results of electrical resistivity surveys;

(ix) The results of magnetic, gravity, and airborne infrared geophysical surveys; and

(x) The information obtained through other geophysical methods such as microseismic, seismic ground noise, electromagnetic, and telluric surveys if such methods prove to have significant use in evaluation.

(2) For purposes of KGRA classification, a "discovery" or "discoveries" will be considered to be any well deemed by the Director, Geological Survey, to be capable of producing geothermal resources in commercial quantities and, where the geological structure is not known, "nearby" will be considered to be five miles or less from any such discovery. Lands nearby a discovery will be classified as KGRA unless the Geological Survey determines that the lands are on a different geologic structure from the discovery. Where the Geological Survey has determined the extent of a structure on which a discovery has been made, all land in that structural area contributing geothermal resources to that discovery will be deemed a KGRA regardless of the distance from the discovery.

(3) "Competitive interest" shall exist in the entire area covered by an application for a geothermal lease if at least one-half of the lands covered by that application are also covered by another application which was filed during the same application filing period, whether or not that other application is subsequently withdrawn or rejected. Competitive interest shall not be deemed to exist in the entire area covered by an application because of an overlapping application, if less than one-half of the lands subject to the first application are covered by any other single application filed during the same application filing period; however, some of the lands subject to the first application may be determined to be within a KGRA pursuant to the first sentence of this subparagraph (3).

(l) "Primarily valuable" means the principal mineral value for which the leasehold is being produced.

§ 3200.0–6 Preleasing procedures.

(a) When an area is initially considered for geothermal leasing or when the need arises, the Director shall request other interested Bureaus and Federal agencies to prepare reports describing, to the extent known, resources contained within the general area and the potential effect of geothermal resources operations upon the resources of the area and its total environment. If the Director determines that the issuance of leases in an area would be a major Federal action significantly affecting the quality of the human environment, he shall issue no leases in that area unless an environmental impact statement under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) has been issued.

(b) Prior to the final selection of tracts for leasing, the Director, or the head of the agency charged with the administration of the surface, if that officer so elects, shall, when appropriate, evaluate fully the potential effect of the geothermal resources operations pursuant to a leasing program on the total environment, fish and other aquatic resocrces, wildlife habitat and populations, aesthetics, recreation, and other resources in the entire area during exploratory, developmental, and operational phases. This evaluation will consider the potential impact of the possible development and utilization of the geothermal resources including the construction of power generating plants and transmission facilities on lands which may or may not be included in a geothermal lease. To aid him in his evaluation and selection of tracts the Director shall request and consider the views and recommendations of appropriate Federal agencies, may hold public hearings after appropriate notice, and shall, as appropriate, consult with State agencies, organizations, industries, and lease applicants, and shall consider all other potential factors, such as use of the land and its natural resources, the need for the energy mineral deposits, and socio-economic conditions consistent with multiple-use management principles. If a decision is made to lease, the Director shall develop special terms and conditions to be included in leases as required to protect the environment, to permit use of the land for other purposes, and to protect other natural resources. If tracts are offered for competitive leasing, the notice announcing the availability of the land for leasing will specify the proper BLM office where all terms and conditions to be included in leases for such tracts are available.

§ 3200.0–7 Cross reference.

(a) The regulations governing operations under geothermal leases are found in 30 CFR Part 270 .

(b) The regulations setting forth the basic policies for management of the public lands are found in Part 1725 of this chapter.

§ 3200.0–8 Use of surface.

(a) A lessee shall be entitled to use for the production, utilization, and conservation of geothermal resources only so much of the surface of the leased Federal lands as is deemed necessary for such purposes. The lessee shall have the right to use so much of the leased lands as may be deemed necessary for a power generation plant or a commercial or industrial facility, and may apply for the right to use so much of other Federal lands as may be deemed necessary for such purposes; however, any use of the leased lands or other Federal lands for a power generation plant or a commercial or industrial facility will be authorized only under a separate permit issued by the appropriate agency for that specific use and subject to all terms and conditions which it may include in that permit. The uses of the lands within the area of operation are subject to the supervision of the supervisor, and the uses of the remaining leased lands or other Federal lands are subject to the supervision of the appropriate surface management agency. The lessee shall not be entitled to use any mineral materials subject to the Materials Act except as provided by Part 3600 of this chapter.

(b) Operations under other leases or uses on the same lands shall not unreasonably interfere with or endanger operations under leases issued under these regulations nor shall operations under these regulations unreasonably interfere with or endanger operations under any lease, license, claim, permit, or other authorized use pursuant to the provisions of any other Act.

Subpart 3201—Available Lands; Limitations, Unit Agreements

§ 3201.1 Lands subject to geothermal leasing.

§ 3201.1–1 General.

Subject to the exceptions listed below, geothermal leases may be issued in combination or separately for (a) lands administered by the Secretary of the Interior; (b) national forest lands or other lands administered by the Department of Agriculture through the Forest Service; and (c) geothermal resources in lands which have been conveyed by the United States subject to a reservation to the United States of geothermal resources.

§ 3201.1–2 Department of the Interior.

(a) Except as provided in this section, leases may be issued in accordance with the regulations in this part for withdrawn lands, for acquired lands, and for geothermal resources in lands which have passed from Federal ownership subject to a reservation to the United States of the geothermal resources therein where such lands or resources are administered by the Secretary of the Interior.

(b) Notwithstanding any other provision in these regulations, geothermal leases shall not be issued for: (1) Lands which the Secretary has identified or may identify as being necessary to the performance of his or any other Federal officer's authorized functions, and on which geothermal resource development would in his judgment interfere with such functions; or (2) lands respecting which the Secretary has made or may make a finding that the issuance of geothermal leases would be contrary to the public interest. Upon receipt of an application for a geothermal lease affecting lands withdrawn under section 3 of the Reclamation Act of 1902 (43 U.S.C. 416) or any other appropriate authority, notice thereof and an opportunity to comment thereon shall be given to the head of the agency for whose benefit the withdrawal was made. No geothermal lease affecting lands withdrawn for any agency outside the Department of the Interior shall be leased without the consent of the head of the agency for which the lands are withdrawn. Where leases are issued under Part 3210 of this chapter or 3220 for lands neighboring such reserved lands, the lessees shall be required

to perform such lease operations and take such measures as are prescribed by the Secretary for the protection of the Federal interests therein.

§ 3201.1–3 Department of Agriculture.

Leases for public, withdrawn or acquired lands administered by the Forest Service, may be issued by the Secretary of the Interior only with the consent of, and subject to such terms and conditions as may be prescribed by, the head of that Department to insure adequate utilization of the lands for the purpose for which they were withdrawn or acquired.

§ 3201.1–4 Federal Power Commission.

Leases for lands to which section 24 of the Federal Power Act, as amended (16 U.S.C. 818), is applicable, may be issued by the Secretary of the Interior only with the consent of, and subject to, such terms and conditions as the Federal Power Commission may prescribe to insure adequate utilization of such lands for power and related purposes.

§ 3201.1–5 Patented lands.

(a) Geothermal resources in lands which have passed from Federal ownership subject to a reservation to the United States of geothermal resources therein may be leased under the regulations in this group subject to the provisions in this part and to such terms and conditions as may be prescribed by the authorized officer to insure adequate protection of the patented lands and any improvements thereon.

(b) Geothermal resources in lands the surface of which has passed from Federal ownership but in which the minerals have been reserved to the United States shall not be developed or produced except under terms and conditions prescribed by the Secretary and pursuant to any agreements made therefor while the question of the title to such resources is being resolved pursuant to the provisions of section 21(b) of the Act.

§ 3201.1–6 Excepted areas.

Leases shall not be issued for lands which are: (a) Administered under the National Park System; (b) within a national recreation area; (c) in a fish hatchery administered by the Secretary, wildlife refuge, wildlife range, game range, wildlife management area, or waterfowl production area, or for lands acquired or reserved for the protection and conservation of fish and wildlife which are designated as rare and endangered species by the Secretary; or under active consideration for inclusion in categories (a), (b), or (c) as evidenced by the filing of an application for a withdrawal or a proposed withdrawal; or (d) tribally or individually owned Indian trust or restricted lands, within or without the boundaries of Indian reservations.

§ 3201.2 Acreage limitations.

(a) *Maximum holdings.* No citizen, association, corporation, or governmental unit shall take, hold, own, or control at one time, whether acquired directly from the Secretary or otherwise, any direct or indirect interest in Federal geothermal leases in any one State exceeding 20,480 acres, including leases acquired under the provisions of section 4 (a)–(f) of the Act. Nor may any citizen, association, or corporation be permitted to convert mineral leases, permits, applications therefor, or mining claims, pursuant to the provisions of section 4 (a)–(f) of the Act into geothermal leases for more than 10,240 acres.

(b) *Computation.* In computing acreage holdings or control, the accountable acreage of a party owning an undivided interest in a lease shall be that party's proportionate part of the total lease acreage. Likewise, the accountable acreage of a party owning an interest in a corporation or association shall be his proportionate part of the corporation's or association's accountable acreage except that no person shall be charged with his pro rata share of any acreage holdings of any association or corporation unless he is the beneficial owner of more than 10 per centum of the stock or other instruments of ownership or control of that association or corporation. Parties owning a royalty or other interest determined by or payable out of a percentage of production from a lease will be charged with a similar percentage of the total lease acreage.

(1) An association shall not be deemed to exist between the parties to a contract for development of leased lands, whether or not coupled with an interest in the lease, nor between co-lessees, but each party to any such contract or each colessee will be charged with his proportionate interest in the lease.

(2) Lessees holding acreage in common shall be considered a single entity and cannot hold acreage in excess of the maximum specified in the law for any one lessee.

(c) *Excepted acreage.* Leases committed to any unit or cooperative plan approved or prescribed by the Secretary of the Interior shall not be included in computing accountable acreage. Leases subject to an operating, drilling or development contract approved by the Secretary pursuant to section 18 of the Act, other than communization or drilling agreements, shall be excepted in determining the accountable acreage of the lessees or operators.

(d) *Excess acreage.* (1) Where, as the result of the termination or contraction of a unit or cooperative plan, or the elimination of a lease from operating, drilling, or development plan, a party holds or controls excess accountable acreage, such party shall have 90 days from such termination or contraction or elimination in which to reduce his holdings to the prescribed limitation.

(2) If any person holding or controlling leases or interests in leases is found to hold accountable acreage in violation of the provisions of this section and of the Act, the last lease or leases or interest or interests acquired by him which created the excess acreage holdings shall be canceled or forfeited in their entirety, even though only part of the acreage in the lease or interest constitutes excess holdings, unless it can be shown to the satisfaction of the Director that the holding or control of the excess acreage is not the result of negligence or willful intent in which event the lease or leases shall be canceled only to the extent of the excess acreage.

(3) Any person holding or controlling leases or interests in leases below the acreage limitation provided in this section, shall be subject to these rules:

(i) If he files an application which causes him to exceed the acreage limitation, that application will be rejected. (ii) If he files a group of applications at the same time, any one of which causes him to exceed the acreage limitation, the entire group of applications will be rejected.

(4) If any person holding or controlling leases or interests in leases below the acreage limitation provided in this section, acquires a lease or leases, or an interest or interests therein, which cause him to exceed the acreage limitation, his most recently filed application for lease or applications for leases then containing acreage in excess of the limitation provided in this section will be rejected in its or their entirety. For the purpose of this subparagraph, time of filing shall be determined by the date of filing marked on the application, or, if the same date is marked on two or more applications, by the serial number of the applications.

(e) *Showing required.* No lease will be issued and no transfer or operating agreement will be approved until it has been shown that the applicant, operator, or transferee is entitled to hold the acreage or obtain the operating rights. At any time upon request by the authorized officer, the record title holder of any lease or a lease operator or a lease applicant may be required to file in the proper BLM office a statement, showing as of a specified date the serial number and the date of each lease of which he is the record holder, or under which he holds operating rights, and each application for lease held or filed by him in the particular State setting forth the acreage covered thereby, and the nature, extent and acreage interest, including royalty interests held by him in any geothermal lease of which the reporting party is not the lessee of record, whether by corporate stock ownership, interest in unincorporated associations and partnerships, or in any other manner.

§ 3201.3 Leases within unit areas.

Before issuance of a geothermal lease for lands within an approved unit agreement, the lease applicant or successful bidder will be required to file evidence that he has entered into an agreement with the unit operator for the development and operation of the lands in a lease if issued to him under and pursuant to the terms and provisions of the approved unit agreement, or a statement giving satisfactory reasons for the failure to enter into such agreement. If such

statement is acceptable, he will be permitted to operate independently but will be required to perform his operations in a manner which the Supervisor deems to be consistent with the unit operations.

Subpart 3202—Qualifications of Lessees

§ 3202.1 Who may hold leases.

Leases may be issued only to: (a) Citizens of the United States who have reached the age of majority; (b) associations of such citizens; (c) corporations organized under the laws of the United States, any state or the District of Columbia; or (d) governmental units, including, without limitation, municipalities. The term "association" includes a partnership.

§ 3202.2 Statements required to be submitted.

§ 3202.2–1 General.

(a) Each applicant for a lease is required to submit with his application a statement that his interests, direct and indirect, in Federal geothermal leases do not exceed the acreage limitations prescribed in § 3201.2, together with a statement of his citizenship.

(b) If the applicant is an association or corporation the application must be accompanied by: (1) A statement showing that it is authorized to hold geothermal leases; (2) a statement that the officer executing the application is authorized to act on behalf of the association or corporation; (3) a statement setting forth the State in which it was incorporated or formed and the names and addresses of all members or stockholders holding more than 10 percent of the association or corporation; and (4) a statement from each person owning or controlling more than 10 percent of the association or corporation setting forth his citizenship and his holdings.

(c) If the applicant is a municipality, or governmental unit, the application must be accompanied by: (1) A statement showing that it is authorized to hold geothermal leases; (2) a statement that the officer executing the application is authorized to act on behalf of the municipality or governmental unit, and (3) a copy of its governing body's resolution authorizing such action.

§ 3202.2–2 Guardian or trustee.

(a) *Guardian.* If the application is made by a guardian, he must submit: (1) A certified copy of the court order authorizing him to act as guardian and, in behalf of his ward, to enter into contractual agreements and to fulfill all obligations arising under the lease; and (2) statements as to the citizenship and holdings under the Act of himself and of each person under his guardianship for whom the application is made.

(b) *Trustee.* If the application is made by a trustee, he must submit a copy of the instrument establishing the trust or a certified copy of the court order authorizing him to act as trustee, in behalf of the beneficiary, as to all obligations arising under the lease; and statements as to the citizenship and holdings under the Act of himself and of each beneficiary.

§ 3202.2–3 Attorney-in-fact.

If an application is filed by an attorney-in-fact, it must be accompanied by a statement as to his authority to act.

§ 3202.2–4 Statements previously filed.

Where the statements required by § 3202.2 have been previously filed a reference by serial number to the record in which they have been filed, together with a statement as to any amendments will be accepted.

§ 3202.2–5 Showing as to sole party in interest.

Each application must indicate whether the applicant is the sole party in interest. Where the applicant is not the sole party in interest, separate statements must be signed by each of the parties and by the applicant setting forth the nature of the agreement between them. All interested parties must furnish evidence of their qualifications to hold such lease interest. These separate statements must be filed in the proper BLM office with the application, except as provided in § 3211.2 of this chapter.

§ 3202.2–6 Heirs and devisees (estates).

If an applicant or a successful bidder dies before the lease is issued, the lease will be issued to the executor or administrator of the estate if probate of the estate has not been completed, and if probate has been completed, or is not required, to the heirs or devisees, provided there is filed in all cases an application to lease in compliance with the requirements of this section which will be effective as of the effective date of the original application filed by the deceased. If there are any minor heirs or devisees, the application can only be made by their legal guardian or trustee in his name. Each such application must be accompanied by the following information:

(a) Where probate of the estate has not been completed:

(1) Evidence that the person who as executor or administrator submits the application, and bond form if a bond is required, has authority to act in that capacity and to sign the application and bond forms.

(2) A statement over the signature of each heir or devisee or, if the heir or devisee is a minor, over the signature of his legal guardian or trustee, concerning citizenship and holdings.

(3) Evidence that the heirs or devisees are the heirs or devisees of the deceased applicant or successful bidder and are the only heirs or devisees of the deceased.

(b) Where the executor or administrator has been discharged or no probate proceedings are required:

(1) A certified copy of the will or decree of distribution, if any, and if not, a statement signed by the heirs that they are the only heirs of the applicant or successful bidder and the provisions of the law of the deceased's last domicile showing that no probate is required.

(2) A statement over the signature of each of the heirs or devisees with reference to holdings and citizenship. If the heir or devisee is a minor, the statement must be over the signature of the guardian or trustee.

§ 3202.2–7 Fractional present interests.

(a) An application for a fractional present interest noncompetitive lease must be executed on a form approved by the Director and it must be accompanied by a statement showing the extent of the applicant's ownership of the operating rights to the fractional geothermal resources interest not owned by the United States in each tract covered by the application to lease. Ordinarily, the issuance of a lease to one who, upon such issuance, would own less than 50 percent of the operating rights in any such tract, will not be regarded as in the public interest, and an application leading to such results will be rejected.

(b) Geothermal resources in lands which have passed from Federal ownership but which lands have been purchased by the Federal Government with a fractional interest in the geothermal resources shall not be developed or produced, except under prescribed terms and conditions and pursuant to any agreement made between the parties of interest prior to the resolution of the question of ownership of the geothermal resources.

Subpart 3203—Leasing Terms

§ 3203.1 Primary and additional term.

§ 3203.1–1 Dating of leases.

All geothermal leases will be dated as of the first day of the month following the date on which the leases are signed on behalf of the lessor except that, where prior written request has been made, a lease may be dated as of the first day of the month within which it is so signed. A renewal lease will be dated from the termination of the original lease.

§ 3203.1–2 Primary term.

All leases shall be for a primary term of 10 years.

§ 3203.1–3 Additional term.

(a) If geothermal steam is produced or utilized in commercial quantities within the primary term of a lease, that lease shall continue for so long thereafter as geothermal steam is produced or utilized in commercial quantities, but the lease shall in no event continue for more than 40 years after the end of the primary term except that the lessee shall have a preferential right to a renewal of his lease for a second 40-year term upon such terms and conditions as the authorized officer deems appropriate, if at the end of the first 40-year term the lands are not needed for another purpose and geothermal steam is produced or utilized in commercial quantities. Production or utilization of geothermal steam in commercial quantites shall be deemed to include the completion of one or more wells producing or capable of

producing geothermal steam in commercial quantities and a bona fide sale of such geothermal steam for delivery to or utilization by a facility or facilities not yet installed but scheduled for installation not later than 15 years from the date of commencement of the primary term of the lease.

§ 3203.1–4 Extensions.

(a) A lease which has been extended by reason of production, or on which geothermal steam has been produced, and which has been determined by the Secretary to be incapable of further commercial production and utilization of geothermal steam may be further extended so long as one or more valuable byproducts are produced in commercial quantities but for not more than 5 years.

(b) Where the lessee commenced actual drilling operations prior to the end of the primary term and those operations are being diligently prosecuted at that time, a lease shall be extended for a period of five years and so long thereafter as geothermal steam is produced or utilized in commercial quantities (but for not more than 35 years).

(c) A lease committed to a cooperative plan, communitization agreement or a unit plan under or for which actual drilling operations were commenced prior to the end of the primary term of the lease, shall, if such operations are being diligently prosecuted at that time be extended for a period of five years and so long thereafter as geothermal steam is produced or utilized in commercial quantities (but for not more than thirty five years).

(d) Any lease on which there has been a suspension of operations or production, or both, under 30 CFR 270.17 shall continue in effect for the life of the suspension and, at the end of the suspension, shall be extended for a period equal to that portion of the primary term during which the suspension was in effect.

(e) If, at the end of 40 years after the conclusion of the primary term, steam is being produced or utilized in commercial quantities and the lands are not needed for other purposes, the lessee shall have a preferential right to a renewal of the lease for a second 40-year term on such terms and conditions as the Secretary deems appropriate.

§ 3203.1–5 Segregation of leases on commitment to, or contraction of, cooperative or unit plan or cummunitization or drilling agreement.

(a) Any lease committed to any cooperative plan, communitization agreement, drilling agreement, or unit plan, which covers lands within and lands outside the area covered by the plan or agreement, shall be segregated, as of the effective date of that plan or agreement, into separate leases, one covering the lands committed to that plan or agreement and the other as to the lands not so committed. The segregated lease covering the portion of the lands not subject to that plan or agreement shall not be entitled to an extension by reason of the segregation, but the term of the lease of such segregated lands shall be as provided in the original lease.

(b) When only part of the land subject to a lease included in a cooperative plan, a communitization agreement, a drilling agreement, or a unit plan is excluded from that plan or agreement because of the contraction of the area subject to that plan or agreement, the part of the lease which is excluded and the part which remains subject to the plan or agreement shall be segregated into separate leases. The term of the segregated lease composed of the excluded land shall not be extended because of production in commercial quantities or the existence of a producible well on the segregated lease remaining subject to the cooperative or unit plan or the communitization or drilling agreement or because actual drilling operations were at the time of contraction being conducted on that other lease, but the term of the lease composed of the excluded land shall be as provided in the original lease.

(c) Where all the land subject to a lease included in a cooperative plan, a communitization agreement, a drilling agreement, or a unit plan is excluded from that plan or agreement because of the contraction of the area subject to that plan or agreement, the term of the lease shall not be extended because of production in commercial quantities or the existence of a producible well on the lands remaining subject to the cooperative or unit plan or the communitization or drilling agreement or because actual drilling operations were being conducted on the other lands, but the term of the lease shall be as provided in the original lease.

(d) Contraction of a unit or cooperative plan or a communitization or drilling agreement causing all or part of the land in the lease to be excluded from such plan or agreement shall not serve to extend the term of such lease excluded by reason of the contraction where the 10-year primary term has already expired.

§ 3203.1–6 Conversion to mineral leases or mining claims.

(a) If the byproducts capable of being produced in commercial quantities are leasable under the Mineral Leasing Act of February 25, 1920 as amended and supplemented (30 U.S.C. sections 181–287), or under the Mineral Leasing Act for Acquired Lands (30 U.S.C. sections 351–359), and the leasehold is primarily valuable for the production thereof, the lessee shall be entitled to convert his geothermal lease to a mineral lease under and subject to all the terms and conditions of the appropriate act, provided the lands and its resources are available for this purpose, upon application at any time before expiration of the lease extension by reason of byproduct production.

(b) The lessee shall be entitled to locate under the mining laws all minerals which are not leasable and which would constitute a byproduct if commercial production or utilization of geothermal steam continued. The lessee, to acquire the rights herein granted him, shall complete the location of mining claims within 90 days after the termination of the geothermal lease, provided the lands and its resources are available for location.

(c) Any lease converted under paragraphs (a) or (b) of this section affecting lands withdrawn or acquired in aid of a function of a Federal department or agency, including the Department of the Interior, shall be subject to such additional terms and conditions as may be prescribed by that department or agency with respect to the additional operations or effects resulting from such conversion upon the utilization of the lands for the purpose for which they are administered.

§ 3203.2 Lease acreage limitation.

(a) A geothermal lease may not embrace more than 2,560 acres in a reasonably compact area, except where a departure is occasioned by an irregular subdivision or subdivisions, entirely within an area of six miles square or within an area not exceeding six surveyed or protracted sections in length or width measured in cardinal directions. Where a departure is occasioned by an irregular subdivision, the leased acreage may exceed 2,560 acres by an amount which is smaller than the amount by which the area would be less than 2,560 acres if the irregular subdivision were excluded. No lease will be issued for less than 640 acres, except at the discretion of the Secretary, or where a departure is occasioned by an irregular subdivision, or as provided for in Subpart 3230 of this chapter. In event of a departure, the leased acreage may be less than 640 acres by amount which is smaller than the amount by which the area would be more than 640 acres if the irregular subdivision were added.

(b) The authorized officer may add isolated tracts in nearby sections, notwithstanding the 640-acre minimum, where it is determined that such addition is necessary for the proper management of the resource, provided the additional lands will not cause the lessee to exceed the maximum acreage limitation as provided in § 3201.2(a) of this chapter. However, prior to the issuance of such a lease based on the application as amended by the authorized officer, the applicant will be given the option to refuse such a lease. Failure of the applicant to execute and return the lease within 30 days after receipt thereof will constitute a withdrawal of his application, as amended, without further notice.

§ 3203.3 Consolidation of leases.

Two or more contiguous leases issued to the same lessee may be consolidated if the total combined acreage does not exceed 2,560 acres. Except where a deacreage is caused by an irregular subdivision or subdivisions as stated in § 3203.2.

§ 3203.4 Description of lands.

Applications and nominations shall include a description of the lands sought to be included in a geothermal lease.

(a) *Surveyed lands.* If the lands have been surveyed under the public land rectangular system, each application or nomination shall describe the lands by legal subdivision, section, township, and range.

(b) *Unsurveyed lands.* If the lands have not been so surveyed, each application shall describe the lands by metes and bounds, giving courses and distances between the successive angle points on the boundary of the tract, in cardinal directions except where the boundaries of the lands are in irregular form, and connected by courses and distances to an official corner of the public land surveys or to a prominent topographic feature. In Alaska the description of unsurveyed lands must be connected by courses and distances to either an official corner of the public land surveys or to a triangulation station established by any agency of the United States (such as the U.S. Geological Survey, the Coast and Geodetic Survey, or the International Boundary Commission), if the record position thereof is available to the general public.

(c) When protracted surveys have been approved and the effective date thereof published in the FEDERAL REGISTER, each application or nomination for lands shown on such protracted surveys, filed on or after such effective date, shall describe the lands according to the legal subdivision, section, township, and range shown on the approved protracted surveys.

(d) *Unsurveyed public lands adjacent to tidal waters in southern Louisiana and in Alaska.* In lease applications embracing unsurveyed public lands adjacent to tidal waters in southern Louisiana and in Alaska, if the applicant finds it impracticable to furnish a metes and bounds description, as required in paragraph (b) of this section with respect to the water boundary, he may, at his option, extend the boundary of his application into the water a distance sufficient to permit complete enclosure of the water boundary of his application by a series of courses and distances in cardinal directions (the object being to eliminate the necessity of describing the meanders of the water boundary of the public lands included in the application). The description in the lease application shall in all other respects conform to the requirements of paragraph (b) of this section. Such description would not be deemed for any purpose to describe the true water boundaries of the lease, such boundaries in all cases being the ordinary high water mark of the navigable waters. The land boundaries of such overall area shall include only the public lands embraced in the application. The applicant shall agree to pay rental on the full acreage included within the description with the understanding that rights under any lease to be issued on that application will apply only to the areas within that description properly subject to lease under the act, but that the total area described will be considered as the lease acreage for purposes of rental payments, acreage limitations under § 3201.2 of this chapter and the maximum or minimum area to be included in a lease pursuant to § 3203.2. The tract should be shown in outline on a current quadrangle sheet published by the U.S. Geological Survey or such other map as will adequately identify the lands described.

§ 3203.5 Diligent exploration.

Each geothermal lease will include provisions for the diligent exploration of the leased resources until there is production in commercial quantities applicable to the lands subject to the lease, and failure to perform such exploration may subject the lease to termination. Diligent exploration means exploration operations (subsequent to the issuance of the lease) on, or related to the leased lands, including, but not limited to, operations such as geochemical surveys, heat flow measurements, core drilling, or drilling of a test well. Exploration operations, in order to qualify as diligent exploration, must be approved by the Supervisor, and evidence of all expenditures therefor and the results thereof must be submitted annually to the Supervisor in compliance with applicable regulations and Geothermal Resources Operational (GRO) Orders or upon his request. Moreover, after the fifth year of the primary lease term, exploration operations, to qualify as diligent exploration for a year, must entail expenditures during that year equal to at least two times the sum of (a) the minimum annual rental required by statute, and (b) the amount of rental for that year in excess of the fifth year's rental, but in no event shall the required expenditures exceed twice the rental for the 10th year. However, any expenditures for diligent operations during the first 5 years of the lease and any expenditures for diligent operations during any subsequent year in excess of the minimum required expenditures for that year may be credited, in such proportions as the lessee may designate, against (1) expenditures needed to qualify exploration operations as diligent operations for future years, or (2) any rental requirement for that or any future years in excess of the fifth year's rental pursuant to § 3205.3–3 of this chapter. In all cases, the lessee must pay the basic annual rental specified in the lease for the initial five years of the primary term until there is production of geothermal steam in commercial quantities on the leased lands.

§ 3203.6 Plan of operation.

A lessee will be required to submit a plan of operation pursuant to 30 CFR 270.34, prior to entry upon the leased lands for any purpose other than casual use as that term is defined in § 3209.0–5 (d) of this chapter. Operations will not be permitted on the lands until the plan of operation has been approved.

Subpart 3204—Surface Management Requirements, Special Requirements

§ 3204.1 General.

A lessee shall comply with and be bound by the following general terms and conditions, the specific requirements contained in the lease stipulations and any GRO orders that may be issued pursuant to 30 CFR 270.11. Assuring compliance with the requirements of this section is the responsibility of the Supervisor as to the lands within the area of operations and is the responsibility of the appropriate land management agency as to the remaining lands in the lease.

(a) *Equal employment opportunity.* The lessee shall comply with Executive Order 11246, as amended, 30 F.R. 12319 (1965), and regulations issued pursuant thereto, 41 CFR Chapter 60 and 43 CFR Part 17.

(b) *Public access.* (1) The lessee shall permit free and unrestricted public access to and upon the leased lands for all lawful and proper purposes except in areas where such access would unduly interfere with operations under the lease or would constitute a hazard to health and safety. Restrictions on access will not be allowed without prior approval.

(2) During construction, the lessee shall regulate public access and vehicular traffic to protect the public, wildlife, and livestock from hazards associated with the project. For this purpose, the lessee shall provide warnings, fencing, flag men, barricades, and other safety measures as appropriate.

(c) *Pollution abatement.* The lessee shall comply with all Federal and State standards and all applicable local standards with respect to the control of all forms of air, land, water, and noise pollution, including, but not limited to, the control of erosion and the disposal of liquid, solid, and gaseous wastes. The Supervisor may, in his discretion, establish additional and more stringent standards, and, if he does so, the lessee shall comply with those standards. The lessee, in addition to any other action required by those standards, shall take the following specific actions:

(1) *Pesticides and herbicides.* The lessee shall comply with all rules issued by the Department of the Interior and the Environmental Protection Agency pertaining to the use of poisonous substances on public lands.

(2) *Water pollution.* The lessee shall conduct lease operations and maintenance in accordance with Federal and State water quality standards and public health and safety standards, and applicable local water quality standards and public health and safety standards. Toxic materials shall not be released into any surface waters or underground waters. Reinjection of waste geothermal fluids into geothermal or other suitable aquifers will be permitted upon approval of the lessee's plan of operation submitted pursuant to 30 CFR 270.34.

(3) *Air pollution.* The lessee shall control emissions from operations in accordance with Federal and State air quality standards, and applicable local air quality standards.

(4) *Erosion control.* The lessee shall minimize disturbance to vegetation, drainage channels, and streambanks. The lessee shall employ such soil and resource conservation and protection measures on the leased lands as the Supervisor deems necessary.

(5) *Noise control.* The lessee shall control noise emissions from operations, in accordance with Federal and State noise emission standards, and applicable local noise emission standards.

(d) *Sanitation and waste disposal.* The lessee shall remove or dispose of all waste material generated in connection with the exploration, development, production and transportation operations in a manner set forth in the approved plan of operation submitted pursuant to 30 CFR 270.34.

(e) *Land subsidence, seismic activity.* The lessee shall take precautions necessary to minimize land subsidence or seismic activity which could result from production of geothermal resources and the disposal of waste fluid where such activity could damage or curtail the use of the geothermal resources or other resources, or other uses of the land and take such measures as stipulated to: (1) monitor operations for land subsidence and for seismic activity; and (2) maintain, and when requested, make available to the lessor, records of all monitoring activities.

(f) *Aesthetics.* The lessee shall take aesthetics into account in the planning, design, and construction of facilities on the leased premises.

(g) *Fish and wildlife.* The lessee shall employ such measures as are deemed necessary to protect fish and wildlife and their habitat.

(h) *Antiquities and historical sites.* The lessee shall conduct activities on discovered, known or suspected archeological, paleontological, or historical sites in accordance with lease terms or specific instructions.

(i) *Restoration.* The lessee shall provide for the restoration of all disturbed lands in an approved manner.

(j) The lessee shall submit annual reports to the authorized officer on compliance with the requirements of paragraphs (b)–(i) of this setcion and report within 24 hours, and if the report is oral, shall confirm the report in writing within 30 days, any significant environmental damage suffered by the lands subject to his lease. However, if, after drilling operations have begun, the lessee is required to submit a similar report under 30 CFR 270.30 and 270.76, he may fulfill the requirement of this subsection by submitting to the authorized officer a copy of that report.

§ 3204.2 Waste prevention.

All leases shall be subject to the condition that the lessee will, in conducting his exploration, development, and producing operations, use all reasonable precautions to prevent waste of geothermal resources and other natural resources found or developed in the leased lands.

§ 3204.3 Readjustment of terms and conditions.

(a) (1) Except as otherwise provided by law, the terms and conditions of any geothermal lease may be readjusted as determined by the authorized officer at not less than 10-year intervals beginning 10 years after the date geothermal steam is produced. Each lease shall provide for such readjustments.

(2) The authorized officer 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 files with the authorized officer an objection to the proposed terms and conditions or relinquishes the lease within 30 days after receipt of such notice, the lessee shall be deemed conclusively to have agreed to such terms and conditions. If the lessee files objections, and agreement cannot be reached between the authorized officer and the lessee within a period of 60 days, the lease may be terminated by either party, subject to the provisions of § 3000.4 of this chapter. If the lessee files objections to the proposed readjusted terms and conditions, the existing terms and conditions, except for those concerning rental and royalty rates, will remain in effect until there has been an agreement between the authorized officer and the lessee on the new terms and conditions to be applied to the lease or until the lease is terminated. The readjustment of any terms concerning rental and royalty rates will be subject to § 3205.3 of this chapter.

(b) Any readjustment of the terms and conditions of any lease of lands withdrawn or acquired in aid of a function of a Federal department or agency may be made only with the approval of that other agency.

§ 3204.4 Reservation to the United States of oil, hydrocarbon gas, and helium.

The United States reserves the ownership of and the right to extract oil, hydrocarbon gas, and helium from all geothermal steam and associated geothermal resources produced from lands leased under the Act. Whenever the right to extract oil, hydrocarbon gas, and helium, from geothermal steam and associated geothermal resources produced from such lands is exercised, it shall be exercised so as to cause no substantial interference with the production of geothermal resources from such lands.

§ 3204.5 Compensation for drainage; compensatory royalty.

(a) Upon a determination by the Supervisor that lands owned by the United States are being drained of geothermal resources by wells drilled on adjacent or cornering lands, the authorized officer may execute agreements with the owners of adjacent or cornering lands whereby the United States, or the United States and its lessees, shall be compensated for such drainage, such agreements to be made with the consent of any lessee affected thereby. The precise nature of any agreement will depend on the conditions and circumstances involved in the particular case.

(b) Where land in any lease is being drained of its geothermal resources by a well either on a Federal lease issued at a lower rate of royalty or on land not the property of the United States, the lessee must drill and produce all wells necessary to protect the leased lands from drainage. In lieu of drilling such wells, the lessee may, with the consent of the Supervisor, pay compensatory royalty in the amount determined in accordance with 30 CFR Part 270.

§ 3204.6 Patented lands.

The terms and conditions of any geothermal resource lease for lands conveyed by the United States subject to a reservation to the United States of geothermal resources may be readjusted upon notification to the surface owner.

Subpart 3205—Service Charges, Rentals and Royalties

§ 3205.1 Payments.

§ 3205.1–1 Form of remittance.

Remittances required under these regulations may be made by cash payment, check, certified check, bank draft, bank cashier's check, or money order. All remittances will be deposited as received.

§ 3205.1–2 Where submitted.

(a) *Rentals on nonproducing leases.* Rentals under all nonproducing leases issued shall be paid at the proper BLM office. All remittances to the Bureau of Land Management shall be made payable to the Bureau of Land Management.

(b) *Other payments.* All royalties on producing leases, communitized leases in producing well units, unitized leases in producing unit areas, leases on which compensatory royalty is payable and all royalty payments under easements for directional drilling are to be paid to the Supervisor. All remittances to the Supervisor shall be made payable to the U.S. Geological Survey.

§ 3205.2 Service charges.

(a) *Competitive lease applications.* No service charge is required.

(b) *Noncompetitive lease applications.* Applications for noncompetitive leases must be accompanied by a nonrefundable service charge of $50 for each application.

(c) *Assignments.* Applications for approval of an assignment of a lease or interest therein must be accompanied by a nonrefundable service charge of $50 for each application.

(d) *Nominations.* No service charge is required.

§ 3205.3 Rentals and royalties.

§ 3205.3–1 Payment with application.

Each application, except an application filed pursuant to Subpart 3211 of

this chapter, of this part, must be accompanied by payment of the first year's rental of $1 per acre or fraction thereof based on the total acreage included in the application. An application accompanied by a payment of the first year's rental which is deficient by not more than 10 percent will be approved by the authorized officer provided all other requirements are met, but, if the additional rental is not paid within 30 days from notice, the application or the lease, if issued, will be canceled. If the annual rental rate established for the lease to be issued is more than $1 per acre or required to submit the additional rental fraction thereof, the applicant will be prior to issuance of the lease upon notice from the authorized officer.

§ 3205.3–2 Payment of annual rental.

(a) Annual rental in the amount specified in the lease which shall be not less than $1 per acre or fraction thereof must be paid in advance and must be received by the proper BLM office on or before the anniversary date of the lease. If there is no well on the leased lands capable of producing geothermal resources in commercial quantities, the failure to pay rental on or before the anniversary date shall terminate the lease by operation of law, except as provided by § 3244.2 of this chapter.

(b) If, on the anniversary date of the lease, less than a full year remains in the lease term, the rentals shall be payable in the same proportion as the period remaining in the lease term is to a full year. The rentals shall be prorated on a monthly basis for the full months, and on a daily basis for the fractional month remaining in the lease term. For the purpose of prorating rentals for a fractional month, each month will be deemed to consist of 30 days.

(c) If the term of a lease for which prorated rentals have been paid is further extended to or beyond the next anniversary date of the lease, rentals for the balance of the lease year shall be due and payable on the 1st day of the first month following the date through which the prorated rentals were paid. If the rentals are not paid for the balance of the lease year, the lease will be subject to cancellation. However, if the anniversary date occurs before the end of the notice period, the rental for the following lease year shall nevertheless be due on the anniversary date and failure to pay the full rental for that year on or before that date shall cause the lease to terminate automatically by operation of law except as provided by § 3244.2 of this chapter. The lessee shall not be relieved of liability for rental due for the balance of the previous lease year.

(d) If the payment is due on a day in which the proper BLM office to receive payment is not open, payment received on the next official working day will be deemed to be timely.

§ 3205.3–3 Escalating rental rates.

To encourage the orderly and timely development of geothermal leases, all leases issued pursuant to the regulations in this Group will provide that, beginning with the sixth year and for each year thereafter until the lease year beginning on or after the commencement of production of geothermal resources in commercial quantities, the rental will be set by the authorized officer as the amount of rental for the preceding year plus an additional rental of $1 per acre, or fraction thereof, but the authorized officer may, upon a showing of sufficient justification by the lessee, waive the payment of all or any portion of the additional rental.

§ 3205.3–4 Fractional interests.

Rentals, minimum royalties, and royalties payable for lands in which the United States owns an undivided fractional interest shall be in the same proportion to the rentals, minimum royalties, and royalties provided for in § 3205.3, as the undivided fractional interest of the United States in the geothermal resources is to the full geothermal resources interest.

§ 3205.3–5 Royalty on production.

Royalty shall be paid at the following rates on geothermal resources:

(a) A rate, as set forth in the lease, of not less than 10 per centum and not more than 15 per centum of the amount or value of steam, or any other form of heat or energy derived from production under the lease and sold or utilized by the lessee or reasonably susceptible to sale or utilization by the lessee; (b) a rate as set forth in the lease, of not more than 5 per centum of any byproduct derived from production under the lease and sold or utilized or reasonably susceptible of sale or utilization by the lessee, except that as to any byproduct which is a mineral named in section 1 of the Mineral Leasing Act of February 25, 1920, as amended (30 U.S.C. 181), the rate of royalty for such mineral shall be the same as that provided in that Act and the maximum rate of royalty for such mineral shall not exceed the maximum royalty applicable under that Act; (c) in no event shall the royalty on any producing lease for any lease year, commencing with the lease year beginning on or after the commencement of production in commercial quantities, be less than $2 per acre or fraction thereof, and this minimum royalty, in lieu of rental, shall be payable at the expiration of each lease year.

§ 3205.3–6 Royalty on commercially demineralized water.

All geothermal leases issued pursuant to the provisions of this group shall provide for the payment to the lessor of a royalty on commercially demineralized water at a rate to be specified in the lease of not more than 5 per centum of the value of such commercially demineralized water that has beeen sold or utilized by the lessee or is reasonably susceptible of sale or utilization by the lessee, except that no payment of a royalty will be required on such water if it is used in plant operation for cooling or in the generation of electric energy or otherwise.

§ 3205.3–7 Waiver, suspension or reduction of rental or royalty.

(a) The authorized officer may waive, suspend, or reduce the rental or royalty for any lease or portion thereof in the interests of conservation and to encourage the greatest ultimate recovery of geothermal resources if he determines that this is necessary to promote development or that the lease cannot be successfully operated under the lease terms. No waiver, suspension or reduction of rental or royalty will be granted where the only reason for the request for such relief is the unavailability of power generating facilities to utilize the geothermal steam.

(b) An application hereunder shall be filed in triplicate with the Supervisor, and must: (1) Contain the serial number of the leases and the names of the lessee and operator; (2) show the number, location, and status of each well that has been drilled, a tabulated statement for each month covering a period of not less than 6 months prior to the date of filing the application of the aggregate amount of production subject to royalty computed in accordance with the operating regulations, the number of wells counted as producing each month, and the average production per well per day; (3) contain a detailed statement of expenses and costs of operating the lease, the income from the sale of any leased products and all facts tending to show whether the wells can be successfully operated using the royalty or rental fixed in the lease; and (4) where the application is for a reduction in royalty, furnish full information as to whether royalties or payments out of production are paid to others than to the United States, the amounts so paid, and the efforts made to reduce them. The applicant must also file agreements of the holders to a comparable reduction of all other royalties from the leasehold to an aggregate not in excess of one-half the Government royalties.

§ 3205.3–8 Application for and effect of suspension of operations and production.

(a) Applications by lessees for suspensions of operations or production, or both, under a producing geothermal lease (or for relief from any drilling or producing requirements of such a lease) shall be filed in triplicate with the Supervisor, who is authorized to act on applications filed pursuant to this section and to terminate suspensions which have been or may be granted. Complete information must be furnished showing the necessity of the relief sought.

(b) A suspension shall take effect as of the time specified in the order of the Supervisor. Rental or minimum royalty payments will be suspended during any period of suspension of all operations and production directed, or assented to, by the Supervisor, beginning with the first day of the lease month in which the

suspension of operations and production becomes effective or, if the suspension of operations and production becomes effective on any date other than the first day of a lease month, beginning with the first day of the lease month following such effective date. The suspension of rental or minimum royalty payments shall end on the first day of the lease month in which operations or production is resumed. Where rentals are creditable against royalties and have been paid in advance, proper credit will be allowed on the next rental or royalty due under the lease.

(c) No lease shall be deemed to expire by reason of a suspension of either operations or production, pursuant to any order or assent of the Supervisor.

(d) If there is a well on the leased premises capable of producing geothermal resources and all operations and production are suspended pursuant to any order of the Supervisor, approval of recommencement of drilling operations will terminate the suspension as to operations but not as to production, and will terminate both the period of suspension of rental and minimum royalty payments provided in paragraph (b) of this section and the period of suspension for which an equivalent extension will be granted. However, as provided in paragraph (c) of this section, the lease will not be deemed to expire so long as the suspension of operations or production remains in effect.

(e) The relief authorized under this section may also be obtained for any leases included within an approved unit or cooperative plan of development and operation.

(f) See 30 CFR 270.17 for regulations concerning action of the Supervisor on applications filed pursuant to this section.

§ 3205.3–9 Readjustments.

The rentals and royalties of any geothermal lease may be readjusted at not less than 20-year intervals beginning 35 years after the date geothermal steam is produced as determined by the Supervisor. In the event of any such readjustment neither the rental nor royalty paid during the preceding period shall be increased by more than 50 per centum, and in no event shall the royalty payable exceed 22½ per centum. Each geothermal lease shall provide for such readjustment. The Supervisor will give notice of any proposed readjustment of rental or royalties. Unless the lessee relinquishes the lease within 30 days after receipt of such notice, he shall conclusively be deemed to have agreed to such terms and conditions. If the lessee files a protest, and no agreement can be reached between the authorized officer and the lessee within a period of 60 days, the lease may be terminated by either party, subject to the provisions of § 3000.4 of this chapter. If the lessee files a protest to the proposed readjusted terms and conditions, the existing terms and conditions will remain in effect until there has been an agreement between the authorized officer and the lessee on the new terms and conditions to be applied to the lease or until the lease is terminated, except payments of any proposed readjusted rentals and royalties must be paid in the timely manner prescribed in these regulations and may be paid under protest. The readjusted terms and conditions will be effective as of the end of the term being adjusted.

§ 3205.4 Rental and minimum royalty liability of lands committed to cooperative or unit plans.

§ 3205.4–1 Prior to production.

All lands within any lease committed to an approved cooperative or unit plan shall at all times prior to production on any of the lands so committed remain subject to rental in accordance with § 3205.3.

§ 3205.4–2 After production.

As soon as production is obtained on or for any lands included in an approved cooperative or unit plan those lands which are included within the participating area of the producing well shall become liable for royalties in accordance with Subpart 3205. All other unitized lands, shall remain subject to rental in accordance with § 3205.3.

Subpart 3206—Lease Bonds

§ 3206.1 Types of bonds and filing.

§ 3206.1–1 Types of bonds.

(a) Bonds shall be either corporate surety bonds or personal bonds except that bonds with individual sureties may be furnished for the protection of the entryman or owner of the surface rights.

(b) Lease compliance bond. The applicant for a noncompetitive lease or the successful bidder for a competitive lease must furnish, prior to the issuance of the lease, and thereafter maintain a bond of not less than $10,000 conditioned on compliance with all the terms of the lease.

(c) Protection bond. A lessee will be required, prior to entry on the leased lands, to furnish and maintain a bond of not less than $5,000 for indemnification for all damages occasioned to persons or property as the result of lease operations.

§ 3206.1–2 Filing of bonds.

A single original copy of the bond on forms approved by the Director must be filed in the proper BLM office. Bonds may be filed with a noncompetitive lease application to expedite action thereon, or within 30 days after receipt of notice by the applicant of the bond requirement, or as required and directed by the authorized officer. For unit bond forms see 30 CFR Part 271.

§ 3206.2 Termination of period of liability.

The period of liability of any bond will not be terminated until all lease terms and conditions have been fulfilled.

§ 3206.3 Operator's bond.

§ 3206.3–1 Compliance.

An operator, or, if there are more than one for different portions of the lease, each operator may furnish a general lease bond of not less than $10,000 in his own name as principal on the bond in lieu of the lessee. Where there is more than operator's bond affecting a single lease, each such bond must be conditioned upon compliance with all lease terms for the entire leasehold.

§ 3206.3–2 Approval.

An operator's bond will not be accepted unless the operator holds an operating agreement which has been approved by the Department or has pending an operating agreement in proper condition for approval. The mere designation as operator will not suffice.

§ 3206.3–3 Default.

Where a bond is furnished by an operator, suit may be brought thereon without joining the lessee if he is not a party to the bond.

§ 3206.4 Personal bond or corporate bond.

§ 3206.4–1 Amount.

In lieu of a surety bond, a personal bond in a like amount may be given by the obligor with the deposit as security therefor of negotiable bonds of the United States of a par value equal to the amount specified in the bond.

§ 3206.4–2 Deposit of securities.

Personal bonds must be accompanied by a deposit of negotiable Federal securities in a sum equal at their par value to the amount of the bond and by a proper conveyance to the Secretary of full authority to sell such securities in case of default in the performance of the conditions of the lease bond.

§ 3206.4–3 Qualified corporate sureties.

Treasury lists. A list of companies holding certificates of authority from the Secretary of the Treasury under the Act of July 30, 1947 (6 U.S.C. 6–13), as acceptable sureties on Federal bonds is published in the FEDERAL REGISTER annually.

§ 3206.5 Nationwide bond.

In lieu of bonds required under any of the preceding paragraphs, the holder of leases or of operating agreements approved by the Department or holder of operating rights by virtue of being designated operator or agent by the lessee pending departmental approval of operating agreements may furnish a bond the amount of which must be not less than $150,000 for full nationwide coverage for all geothermal leases.

§ 3206.6 Statewide bond.

In lieu of any of the bonds required by the preceding paragraphs, the holder of leases or of operating agreements approved by the Department or holder of operating rights by virtue of being designated operator or agent by the lessee

pending Departmental approval of operating agreements, may furnish a statewide bond, applicable to the State in which the leases are situated, the amount of which must be not less than $50,000.

§ 3206.7 Default.

§ 3206.7–1 Payment by surety.

Where upon a default the surety makes payment to the Government of any indebtedness due under a lease, the face amount of the surety bond and the surety's liability thereunder shall be reduced by the amount of such payment.

§ 3206.7–2 Penalty.

Thereafter, upon penalty of cancellation of all of the leases covered by that bond, the principal shall post a new nationwide bond in the amount of $150,000 or a new statewide bond in the amount of $50,000 as the case may be, within 6 months after notice, or within such shorter period as the authorized officer may fix. However, in lieu thereof, the principal may within that time file separate bonds for each lease.

§ 3206.8 Applicability of provisions to existing bonds.

The provisions of these regulations may be made applicable to any oil and gas nationwide or statewide bond in force at the effective date of these regulations by filing in the proper BLM office a written consent to that effect and an agreement to be bound by the provisions hereof executed by the principal and the surety. Upon receipt thereof the bond will be deemed to be subject to the provisions of these regulations.

Subpart 3207—[Reserved]

Subpart 3208—[Reserved]

Subpart 3209—Geothermal Resources Exploration Operations

§ 3209.0–1 Purposes.

(a) The regulations in this Subpart establish procedures to be followed in conducting exploration operations on the public land for geothermal resources. The regulations in this subpart are not applicable to exploration operations conducted pursuant to a geothermal resources lease.

(b) The rights obtained under this subpart do not include an exclusive right to prospect for geothermal resources on the land described in a Notice of Intent or any preference right to a geothermal resources lease.

§ 3209.0–2 Objectives.

The regulations in this Subpart encourage exploration of the public lands for geothermal resources in a manner that is consistent with the management policy set forth in § 1725.3 of this chapter. No exploration operations will be allowed if the authorized officer determines that such operations would be inconsistent with that policy. The authorized officer may suspend or terminate exploration operations upon due notice to the operator at any time if he determines that there is non-compliance with the terms and conditions of the Notice of Intent.

§ 3209.0–5 Definitions.

As used in this subpart:

(a) "Exploration operations" means any activity relating to the search for evidence of geothermal resources which requires physical presence upon public lands and which may result in damage to public lands or resources thereon. It includes, but is not limited to, geophysical operations, drilling of shallow temperature gradient wells, construction of roads and trails, and cross-country transit by vehicle over public lands. It does not include the casual use of public lands for geothermal resources exploration. It does not include core drilling for subsurface geologic information, except drilling of shallow temperature gradient wells, or drilling for geothermal resources; these activities will be authorized only by the issuance of a geothermal resources lease. The regulations in this Subpart, however, are not intended to prevent drilling operations necessary for placing explosive charges for seismic exploration, nor do they affect the exclusive right of a lessee to drill for geothermal resources upon the land subject to his lease.

(b) "Notice of Intent" means a "Notice of Intent and Permit to Conduct Exploration Operations (Geothermal Resources)."

(c) "Public lands" means lands owned by the United States and administered by the Bureau of Land Management. It does not include a retained mineral interest in lands, title to which has passed from the United States.

(d) "Casual use" means activities that involve practices which do not ordinarily lead to any appreciable disturbance or damage to lands, resources, and improvements. For example, activities which do not involve use of heavy equipment or explosives and which do not involve vehicle movement except over established roads and trails are "casual use."

§ 3209.1 Notice of intent and permit to conduct exploration operations (Geothermal Resources).

§ 3209.1–1 Application.

(a) *Forms and where filed.* Any persons desiring to conduct exploration operations under the regulations of this subpart shall, prior to entry upon the lands, file for approval with the authorized officer for the district in which the public lands are located a Notice of Intent on a form approved by the Director.

(b) *Requirements.* The Notice of Intent will contain the following:

(1) The name and address, including zip code, both of the person, association, or corporation for whom the operations will be conducted and of the person who will be in charge of the actual exploration activities;

(2) a statement that the signers agree that exploration operations will be conducted pursuant to the terms and conditions listed on the approved form;

(3) a brief description of the type of operations which will be undertaken;

(4) a description of the lands to be explored by township;

(5) a map or maps, available from state or Federal sources, showing the lands to be entered or disturbed by the proposed exploration operations; and

(6) the approximate dates of the commencement and termination of exploration operations.

§ 3209.1–2 Review of Notice of Intent.

The authorized officer will either approve or disapprove a Notice of Intent as promptly as practicable, but in any event within 30 calendar days after the date of the filing of the Notice of Intent. If the authorized officer shall disapprove a Notice of Intent, he shall explain in writing to the applicant the reasons for disapproval.

§ 3209.2 Exploration operations.

No exploration operations will be conducted on public lands except pursuant to the terms of a Notice of Intent which has been approved by the authorized officer.

§ 3209.3 Completion of operations.

Upon completion of the exploratory operations, there shall be filed with the authorized officer a "Notice of Completion of Exploration Operations." Within 90 days after the filing of such "Notice of Completion," the authorized officer shall notify the party who had conducted compliance with all of the terms and conditions set out by the regulations in this Subpart and in the Notice of Intent, or whether any additional measures must be taken to rectify any damage to the land, specifying the nature and extent thereof.

§ 3209.4 Bond requirement.

§ 3209.4–1 General.

(a) Simultaneously with the filing of the Notice of Intent, and before the entry is made on the land, the party or parties filing the Notice of Intent must file with the authorized officer a surety company bond for each exploration operation in the amount of not less than $5,000, conditioned upon the full and faithful compliance with all of the terms and conditions of the regulations in this Subpart and of that Notice of Intent.

(b) A party will be excused from compliance with the requirements of paragraph (a) of this section if he possesses either a nationwide bond in the amount of not less than $50,000 covering all exploration operations or a statewide bond in the amount of not less than $25,000 covering all exploration operations in the State in which the lands on which he has filed the Notice of Intent are situated.

§ 3209.4–2 Riders to existing bond forms.

Holders of nationwide and statewide oil and gas exploration bonds shall be permitted, in lieu of furnishing additional bonds, to amend their bonds to include geothermal resources exploration operations.

§ 3209.4–3 Termination of period of liability.

The authorized officer will not give his consent to the cancellation of the bond if an individual bond was submitted or to the termination of the period of liability if a State or nationwide bond was submitted, unless and until there has been compliance with all of the terms and conditions of the Notice of Intent. Should the authorized officer fail to notify the party within 90 days from the filing of "Notice of Completion" that all terms and conditions have been complied with or that additional corrective measures must be taken to rehabilitate the land, the period of liability under an individual bond or the period of liability for a particular exploration operation under a State or nationwide bond shall automatically terminate on the 91st day.

PART 3210—NONCOMPETITIVE LEASES

Subpart 3210—Noncompetitive Leases; General

Sec.
3210.1 Availability of land.
3210.2–1 Application.
3210.2–2 Submission of applications.
3210.2–3 Withdrawal of application.
3210.2–4 Amendment to lease.
3210.3 Determination of priorities.
3210.4 Rejections.

Subpart 3211—Bureau Motion, Lands Previously Leased for Geothermal Resources

3211.1 Releasing of formerly leased lands.
3211.2 Applications during simultaneous filing periods.
3211.3 Insurance of leases for unit on posted list.

Subpart 3210—Noncompetitive Leases; General

§ 3210.1 Availability of land.

(a) Applications to lease, except for those filed pursuant to Part 3230, of this chapter, filed prior to the effective date of these regulations are unacceptable and will be returned summarily without earning any priority.

(b) Lands and deposits subject to disposition under this part which are not within any KGRA will be available for leasing after the effective date of these regulations. Lands which are available for noncompetitive leasing and which were included in cancelled, relinquished, expired, or terminated leases shall be available for leasing only subject to the provisions of Subpart 3211 of this chapter. All other lands available for noncompetitive leasing will be available for leasing only subject to the provisions of this Subpart. All applications to lease the same lands which are filed between the effective date of these regulations and 30 days following that time will be considered to have been filed simultaneously, and the respective priority of the various applications will be determined by a public drawing. In other respects the first 30 days after the effective date of these regulations shall be treated as an application filing period as provided in § 3210.2–2.

§ 3210.2–1 Application.

An application for a lease must be filed on a form approved by the Director in the proper BLM office in duplicate for public lands and in triplicate where acquired lands are involved. The application must be submitted in a sealed envelope marked "Application for lease pursuant to 43 CFR 3210". An application will be considered filed when it is received in the proper office during business hours. The application must include the following:

(a) The applicant's name and address;

(b) a statement of applicant's citizenship and qualifications;

(c) a complete and accurate description of the lands applied for, which must include all available lands, including reserved geothermal resources, within a surveyed or protracted section, or, if the lands are neither surveyed or protracted and are described by metes and bounds, all the lands which will be included in a section when the lands are surveyed or protracted;

(d) a proposed plan which shall include: (1) A map, or maps, available from State or Federal sources, showing the topography of the land applied for, on which the applicant shall show drainage patterns, present road and trail locations, present utility systems, proposed road and trail location, proposed well locations and potential surface disturbance, and (2) a narrative statement setting forth his proposed plan and methods for diligent exploration. Such plan shall provide for a program of diligent exploration as defined in § 3203.5 of this chapter.

The narrative statement shall also describe the measures proposed to be taken to prevent or control fire, soil erosion, pollution of surface and ground water, damage to fish and wildlife or other natural resources, air and noise pollution and hazards to public health and safety during lease activities. However, the proposed plan required by this paragraph need not be submitted with the application during the initial 30-day simultaneous filing period provided by § 3210.1(b) or during any application filing period pursuant to § 3210.2–2, but must be filed prior to the issuance of the lease, upon notice from the authorized officer; and

(e) a statement that the applicant does not hold, own, or control any interest, direct or indirect, in other Federal geothermal leases in the same State in excess of 20,480 acres.

§ 3210.2–2 Submission of applications.

Except for applications filed during the first 30 days after the effective date of these regulations, applications for leases pursuant to this subpart shall submitted only during application filing periods. An application filing period shall begin on the first working day of each calendar month and shall end at the close of business on the last working day of that month. The first application filing period shall begin on the first working day of the month following the conclusion of the initial 30 day filing period provided in § 3210.1(b). No applicant shall file during the same application filing period a second application which overlaps any of the land covered by his first application. When an application is filed with the authorized officer, the date of filing shall be stamped on the envelope. The envelope containing the application shall remain sealed until the end of the application filing period during which the application is filed. On the first working day following the end of the application filing period all applications shall be opened, and it will be determined which applications are for lands included in a KGRA. In determining whether land included in an application is a KGRA because of competitive interest, no application submitted during any subsequent application filing period will be considered. Applications for land determined to be KGRA will be rejected. All other applications will be assigned priority according to the date of filing. If any application covers both land within a KGRA and land outside a KGRA, the applicant will be granted the opportunity to amend his application to exclude the portion included in a KGRA, and his amended application will be assigned priority according to the date of filing of his original application, but must comply with all other requirements of these regulations.

§ 3210.2–3 Withdrawal of application

An application may not be withdrawn, either in whole or in part, unless the request is received by the proper BLM office before the lease or an amendment of the lease, whichever covers the land described in the withdrawal, has been signed on behalf of the United States even though the effective date of the lease is subsequent to the date of filing of the withdrawal, except where a separate conflicting lease has been signed on behalf of the United States covering the land described in the withdrawal.

§ 3210.2–4 Amendment to lease.

If any of the land applied for was open to filing when the application was filed but is omitted from the lease for any reason and thereafter becomes available for noncompetitive leasing, the original lease will be amended to include the omitted land unless, before the issuance of the amendment, the proper BLM office receives a withdrawal of the lessee's application with respect to such land or such omitted lands have been determined to be within a KGRA. The lease term for the land added by such an amendment shall be the same as if the land had been included in the original lease when it was issued.

§ 3210.3 Determination of priorities.

(a) No lease shall be issued before final action has been taken on (1) any prior application to lease the land, (2) any subsequent application to lease the land that is based upon a claimed preferential

right, and (3) any petition for the renewal or reinstatement of an existing or former lease on the land.

(b) Where a lease is issued before final action has been taken on such applications and petitions, it shall be canceled, and the advance rental returned, after due notice to the lessee, where the applicant or petitioner is found to be qualified and entitled to receive a lease of the land.

(c) Applications for lease received in the mail or delivered on the same day will be deemed to have been simultaneously filed, and the right of priority and the order of processing will be determined by a public drawing.

(d) Prior to the issuance of any lease, a determination shall be made as to whether or not the lands are within a KGRA. Applications for lands determined to be within any KGRA will be rejected.

§ 3210.4 Rejections.

If, after the filing of an application for a noncompetitive lease and before the issuance of a lease, or amendment thereto, pursuant to that application, the land embraced in the application becomes included within a KGRA, the application will be rejected as to such KGRA lands. The authorized officer retains discretion to reject an application for a noncompetitive lease even though the tract for which application is made is not determined to be within a KGRA.

Subpart 3211—Bureau Motion—Land Previously Leased for Geothermal Resources

§ 3211.1 Releasing of formerly leased lands.

Lands available for noncompetitive leasing in canceled or relinquished leases or in leases which expire by operation of law at the end of their primary or extended terms or in leases which terminate by operation of law for nonpayment of rental pursuant to 30 U.S.C. sec. 1004, shall be subject to further leasing only in accordance with the provisions of this section. From time to time the authorized officer will publish in the FEDERAL REGISTER, post in each proper BLM office, and provide appropriate news coverage of:

(a) A list of leasing units composed of lands which are available for noncompetitive leasing and which were in canceled, expired, relinquished, or terminated leases.

(b) An announcement that applications for leases on such lands will be received after a specific hour and date and that any applications filed during a specified simultaneous filing period beginning at that time will be regarded as simultaneously filed;

(c) The address of the proper BLM office where applications must be filed and where the terms and conditions under which the lease will be issued are available; and

(d) Requirements for a complete application, indicating that the proposed plan of operation, as required by § 3210.-2-1(d) of this chapter, will not be required until there has been a drawing and a consequent determination of priority, but must be filed prior to the issuance of the lease, upon notice from the authorized officer.

§ 3211.2 Applications during simultaneous filing periods.

(a) An application shall conform to the requirements of § 3210.2-1 of this chapter, except as provided below.

(b) Only one complete leasing unit, identified by unit number, may be included in an application. Lands not on the published list may not be included in the application.

(c) An applicant is permitted to file only one application for each numbered unit on the posted list. Submission of more than one application by or on behalf of the applicant for any unit on the posted list will result in the disqualification of all applications submitted by that applicant for the drawing to be held for that particular unit.

(d) The application must be accompanied by a signed statement that the applicant will furnish the information required by these regulations within 15 days after notification that his application is the only one for the tract, or that he is the successful drawee.

(e) Each application filed during a simultaneous filing period must be submitted in a sealed envelope marked "Application for a lease pursuant to 43 CFR subpart 3211". The envelope will remain sealed until the end of the 30-day simultaneous filing period, at which time the application will be time-stamped simultaneously and serialized. A public drawing of all applications received during the simultaneous 30-day period will be held to determine respective priorities and order of processing.

(f) Applications filed during a simultaneous filing period are subject to the classification criteria established in § 3200.0-5(k) of this chapter, and will be considered as all filed the same day.

(g) The requirements of § 3210.2-1(d) of this chapter requiring a proposed plan of operation need not be satisfied for a complete application during the 30-day simultaneous filing period or during any future designated simultaneous filing period. Such plan must be filed by the successful drawee prior to the issuance of the lease, upon notice from the authorized officer.

(h) Each application must be accompanied by the service charge of $50. The first year's advance rental need not be submitted with the application. A lease may be issued to the first drawee qualified to receive a lease upon payment of the first year's rental. Rental must be received in the proper BLM office within fifteen days from the date of receipt of notice that such rental is due. The drawee failing to submit the rental payment within the time allowed will be automatically disqualified to receive the lease, and consideration will be given to the application of the drawee having the next highest priority in the drawing.

§ 3211.3 Issuance of leases for units on posted list.

(a) If more than one application is received during the simultaneous filing period for the same unit on the list posted pursuant to § 3211.1(a), all applications on that unit filed during that period will be considered simultaneously filed. Priority of filing for such units will be determined by a public drawing. Three applications will be drawn for each unit, and the order in which they are drawn will fix the order in which the successful drawee will be determined. Where less than three applications have been filed, all applications will be drawn to determine priority.

If the lands are determined not to be within any KGRA, a lease may be issued to the successful drawee upon his compliance with all applicable regulations, including those in Subpart 3210 of this chapter.

(b) If only one application is filed during the simultaneous filing period on a unit on the list posted pursuant to § 3211.1(a), a lease on that unit, if the land is not included within any KGRA, may be issued to the applicant, upon his compliance with all applicable regulations, including those in Subpart 3210 of this chapter.

(c) If no application is filed on a unit on the list posted pursuant to § 3211.1 (a) within the prescribed simultaneous filing period, the land in that unit, if not within a KGRA, will become available for leasing in accordance with Subpart 3210 of this chapter.

PART 3220—COMPETITIVE LEASES

Subpart 3220—Competitive Leases; General

Sec.

3220.1 General.
3220.2 Nominations.
3220.3 Publication of notice of lease sale.
3220.4 Contents of notice of lease sale.
3220.5 Bidding requirements.
3220.6 Award of lease.

Subpart 3220—Competitive Leases; General

§ 3220.1 General.

(a) Lands within a KGRA, except as provided under § 3201.1 of this chapter, will be available for leasing on the effective date of these regulations.

(b) The authorized officer will accept nominations to lease, or may on his own motion from time to time call for nominations to lease. Nominations may be withdrawn at any time.

§ 3220.2 Nominations.

(a) Nominations will be submitted on a card approved by the Director.

(b) A nomination must be filed in the proper BLM office in duplicate for public lands and triplicate where acquired lands are involved and must include the following:

(1) The nominator's name and address;

(2) A statement of citizenship and qualifications for lease;

(3) A description of the lands; and

(4) A statement of the interests, direct or indirect, held in other Federal geothermal leases in the same State.

§ 3220.3 Publication of notice of lease sale.

Where the Secretary determines to offer lands for competitive leasing he will publish a notice of lease sale in a newspaper of general circulation in the area in which the lands to be leased are located once a week for 4 consecutive weeks, or for such other period as he may direct.

§ 3220.4 Contents of notice of lease sale.

The notice will specify the time and place of sale, the manner in which bids may be submitted, the description of the lands, and the terms and conditions of the sale, including royalty and rental rates.

The notice will indicate the proper BLM office where the terms and conditions under which the lease will be issued are available. The notice will also indicate that the proposed plan of operation, as required by § 3210.2–1(d) of this chapter, must be filed before a lease can be issued.

§ 3220.5 Bidding requirements.

(a) A separate identified sealed bid must be submitted for each lease unit. Each bidder must submit with his bid a certified or cashier's check, bank draft, money order or cash in the amount of one-half of the amount bid together with proof of qualifications as required by these regulations.

(b) All bidders are warned against violation of the provisions of Title 18 U.S.C. section 1860 prohibiting unlawful combination or intimidation of bidders.

§ 3220.6 Award of lease.

(a) All sealed bids shall be opened at the place, date, and hour specified in the notice. No bids will be accepted or rejected at that time.

(b) Leases will be awarded to the highest responsible qualified bidder, except as required under Part 3230 of this chapter.

(c) The right to reject any and all bids is reserved. If the authorized officer fails to accept the highest bid for a lease within 30 days after the date on which the bids are opened (or such longer period as may be needed to comply with § 3230.1–6 of this chapter), all bids for that lease will be considered rejected. Deposits on rejected bids will be returned.

(d) If the lease is awarded, three copies of the lease will be sent to the successful bidder who shall be required to execute them within 30 days from receipt thereof, to pay the first year's rental, the balance of the bonus bid, file the required bond or bonds, and submit the proposed plan of operation as required by § 3210.2–1(d) of this chapter. When the three copies of the lease are executed by the successful bidder and returned to the authorized officer, the lease will be executed by the authorized officer and a copy will be mailed to the lessee.

(e) If the successful bidder fails to execute the lease or otherwise comply with the applicable regulations, his deposit will be forfeited and disposed of as provided in section 20 of the Act. In this event the lands will be reoffered when it is determined, in the opinion of the Secretary, that sufficient interest exists to justify a competitive lease sale.

PART 3230—RIGHTS TO CONVERSION TO GEOTHERMAL LEASES OR APPLICATION FOR GEOTHERMAL LEASES

Subpart 3230—Rights to Conversion to Geothermal Leases or Application for Geothermal Leases; General

Sec.

3230.1 General.
3230.1–1 Rights to conversion to geothermal leases.
3230.1–2 Rights to conversion to applications for geothermal leases.
3230.1–3 Land in which minerals are reserved to the United States.
3230.1–4 Conflicting claims of rights to conversion to geothermal leases, or to applications for geothermal leases.
3230.1–5 Evidence required to qualify for grant of rights to conversion to geothermal leases, or to applications for geothermal leases.
3230.1–6 Method of leasing to owners of conversion rights to geothermal leases, or to applications for geothermal leases.
3230.1–7 Acreage limitation.
3230.2 Qualifications.
3230.3 Applications.
3230.3–1 Filing of application.
3230.3–2 Statements required.
3230.4 Conversion to geothermal leases or to applications for geothermal leases.
3230.4–1 Processing and adjudicating applications.

Subpart 3230—Rights to Conversion to Geothermal Leases or Application for Geothermal Leases

§ 3230.1 General.

§ 3230.1–1 Rights to conversion to geothermal leases.

Where lands were on September 7, 1965, subject to valid leases or permits issued under the Mineral Leasing Act of 1920, as amended and supplemented (30 U.S.C. 181–287), or the Mineral Leasing Act for Acquired Lands, as amended (30 U.S.C. 351–358), or subject to existing mining claims located on or prior to September 7, 1965, the lessees, permittees, or claimants, or their successors in interest, if qualified to hold geothermal leases, shall have the right, subject to certain limitations as hereinafter provided, to convert such leases, permits or claims to geothermal leases covering the same lands. Upon issuance of a geothermal lease based upon the exercise of conversion rights hereunder, such outstanding leases, permits, or mining claims shall be deemed to be terminated or relinquished, respectively.

§ 3230.1–2 Rights to conversion to applications for geothermal leases.

Where lands were subject to application for leases or permits under the mineral leasing laws referred to in § 3230.1–1 on September 7, 1965, the applicants may, subject to certain limitations as hereinafter provided, convert their applications to applications for geothermal leases having priorities dating from the time of filing such applications under said mineral leasing laws. Upon issuance of a geothermal lease based upon the exercise of conversion rights hereunder, such pending applications for leases or permits shall be deemed to be withdrawn.

§ 3230.1–3 Land in which minerals are reserved to the United States.

Where a right to one of the forms of conversion referred to in § 3230.1–1 or § 3230.1–2 is claimed as to lands the surface of which has passed from Federal ownership but in which the minerals have been reserved to the United States, final action on any claim to conversion rights under section 4 of the Act shall be held in abeyance until such time as the question of title to the geothermal resources in such lands has been resolved pursuant to the provisions of section 21(b) of the Act, unless the Secretary determines that it is in the public interest to make a determination of such claims at an earlier time, subject to the rights, if any, of surface owners.

§ 3230.1–4 Conflicting claims of rights to conversion to geothermal leases, or to applications for geothermal leases.

(a) Where there are conflicting claims of rights to conversion to geothermal leases based upon mineral leases, mineral permits, or mining claims embracing the same land, the date of issuance of the permit or lease or of recordation of the claim shall determine priority.

(b) Where there are rights to conversion to applications for geothermal leases based on applications for mineral leases or permits in conflict with rights to conversion to geothermal leases based upon mining claims embracing the same lands, the mining claim right to convert to a geothermal lease shall have priority. If the applicant for a geothermal lease based upon a mining claim fails to qualify for any reason, the application for an application for a geothermal lease is entitled to priority based on the date of filing the application for a mineral lease or permit.

§ 3230.1–5 Evidence required to qualify for grant of rights to conversion to geothermal leases, or to applications for geothermal leases.

(a) Any person claiming rights to conversion to a geothermal lease must show to the reasonable satisfaction of the authorized officer that substantial expenditures for the exploration, development or production of geothermal steam, but not associated geothermal resources, were made by the applicant who is seeking the conversion on the lands for which a lease is sought or on adjoining, adjacent or nearby lands, including both Federal and non-Federal lands. The substantial expenditures must have been

made prior to December 24, 1970, and either by the applicant seeking conversion or by his predecessors in interest.

(b) For purposes of these regulations, an application for a lease or a permit, filed pursuant to applicable mineral leasing acts, pending on September 7, 1965, which subsequently ripened into a lease or permit, and which remains outstanding or has either terminated, expired or been canceled or relinquished, retains the right to conversion to an application for a geothermal lease. Applications for a lease or permit, filed pursuant to applicable mineral leasing acts, pending on September 7, 1965, which were subsequently withdrawn, retain the right to conversion to an application for a geothermal lease. Leases or permits issued pursuant to the applicable mineral leasing acts and outstanding on September 7, 1965, which were subsequently terminated, expired, or were canceled or relinquished, retain the right to conversion to a geothermal lease.

§ 3230.1–6 Method of leasing to owners of conversion rights to geothermal leases, or to applications for geothermal leases.

(a) *Lands included within any KGRA*—(1) *Competitive lease.* Where lands have been included within any KGRA prior to the issuance of a lease, the owner of a conversion right to a geothermal lease for such lands shall be entitled to the issuance of a competitive lease only in accordance with the provisions of subparagraph (2) of this paragraph. If the lands subject to a conversion right to a geothermal lease are in part within a KGRA and in part outside a KGRA, the holder of that conversion right shall have the right to divide his conversion right into two separate conversion rights so that he may receive a geothermal lease to the lands within the KGRA only subject to subparagraph (2) of this paragraph and a geothermal lease to the lands not within a KGRA subject to paragraph (b) of this section.

(2) *Preference right.* (i) Lands which have been included within any KGRA shall be leased only by competitive bidding in the manner prescribed in Subpart 3220 of this chapter, except that, in addition, the name and address of the applicant for any conversion right to a geothermal lease will be set forth in the lease sale notice.

(ii) The person owning the right to conversion to a geothermal lease shall be informed by written notice of the highest bona fide bid submitted for the lease at the sale. If within thirty (30) days after he has received that written notice, the person owning the right to conversion to a geothermal lease shall inform the authorized officer that he wishes such a lease, pay an amount equal to the highest bona fide bid submitted, pay the rental for the first year, file the required bond or bonds, and submit the data required by § 3210.2–1(d) and (e) of this chapter, a lease will be issued to him.

(iii) Failure of the owner of the right to conversion to a geothermal lease to inform the authorized officer timely will constitute a forfeiture of his conversion rights without further notice to him. In this event, the lease will be offered to the highest bona fide bidder, if otherwise qualified.

(iv) Where no bids are received, the person owning the right to conversion to a geothermal lease will not be awarded the lease. Failure of the owner of the right to conversion to submit a bona fide bid or to meet the high bid for the tract offered at the sale will constitute a forfeiture of his conversion right without further notice.

(b) *Lands not included within any KGRA—Noncompetitive lease.* Where lands have not been included within any KGRA prior to the issuance of a lease, the owner of a conversion right to a geothermal lease for such lands, if otherwise qualified, shall be entitled to the issuance of a noncompetitive lease for such lands.

(c) *Lands included within a KGRA*—(1) *Application for a lease.* Where lands have been included within a KGRA prior to the isusance of a lease, the owner of a conversion right to an application for a geothermal lease to those lands shall be entitled to receive a competitive geothermal lease only in accordance with the provisions of Subpart 3220 of this chapter. If the lands subject to a conversion right to a geothermal application are in part within a KGRA and in part outside a KGRA, the holder of that conversion right may amend his application to cover only the land outside the KGRA.

(2) *Preference right.* The owner of a conversion right to an application for a geothermal lease where the lands have been included within a KGRA shall receive no preference right to meet the highest bona fide bid.

(d) *Lands not included within any KGRA*—(1) *Application for a lease.* Where lands have not been included within a KGRA, the owner of a conversion right to an application for a geothermal lease, if otherwise qualified, shall be entitled to convert his right into an application for a non-competitive lease.

(2) *Preference right.* The owner of a conversion right to an application for a geothermal lease where the lands have not been included within a KGRA, if otherwise qualified, shall be entitled to the issuance of a non-competitive geothermal lease for such lands in accordance with Subpart 3210 of this chapter.

§ 3230.1–7 Acreage limitation.

No person shall be permitted to obtain, through conversion of mineral leases or prospecting permits, or applications therefor, or mining claims, leases for more than 10,240 acres, or a lease to any land not included in the lease, permit, application or claim converted, except that any such geothermal lease issued may include some lands not embraced in the lease, permit, application or claim on which the conversion right is based, where a metes and bounds description was used to describe lands in issued leases or permits or in filed applications or mining claim locations. In such event, the metes and bounds description will be conformed by the authorized office to a legal subdivision, to the extent possible.

§ 3230.2 Qualifications.

Persons who believe they are qualified under the Act to convert mineral leases or permits or existing mining claims to geothermal leases and persons who believe they are entitled to convert applications for mineral leases and permits to applications for geothermal leases shall comply with the procedures set forth below.

§ 3230.3 Applications.

§ 3230.3–1 Filing of application.

(a) A person seeking to convert a lease, permit, or application therefor, or a mining claim to a geothermal lease or application must have filed a written application on or before June 22, 1971. If such an application has been filed and does not contain the information specified in § 3230.3–2, such information must be supplied by the applicant within 60 days of the effective date of these regulations.

(b) Failure to have filed a conversion right application on or before June 22, 1971, will result in the loss of any such rights so claimed.

§ 3230.3–2 Statements required.

(a) An application based on a valid lease or permit referred to in section 3230.1–1 hereof shall include the date of issuance, the State in which the lands are located, and the serial number of the lease or permit. An application based on a mining claim referred to in § 3230.1–1 shall include the name, location, legal description or reference sufficient to identify the lands on the ground, date of location and date and place of recordation of the mining claim (including volume and page), which the applicant seeks to convert to a geothermal lease. An application based on an application for a mineral lease or permit referred to in § 3230.1–1 shall include the date the application for the lease or permit was filed with the Bureau of Land Management and the location of the proper BLM office where the application was filed, and should indicate the serial number assigned to the application.

(b) An application shall include a description of the lands sought to be included in a geothermal lease. If the lands have been surveyed under the public land rectangular survey system, each application shall describe the lands by legal subdivision, section, township, and range. If otherwise officially surveyed, the lands shall be described by the legal description, mining claim survey, or irregular tracts. If the lands have not been so surveyed, but protracted surveys for those lands have been approved and the effective date thereof published in the FEDERAL REGISTER, each application for lands shown on such protracted surveys, filed on or after such effective date, shall describe the lands according to the

legal subdivision, section, township, and range shown on the approved protracted surveys. If the lands have not been so surveyed, or included within approved protracted surveys, or it is otherwise appropriate, each application shall describe the lands by metes and bounds, giving courses and distances between the successive angle points on the boundary of the tract, and connected by courses and distances to a monument or to a prominent topographic feature.

(c) An application shall be accompanied by a detailed statement showing: (1) The expenditure made for the exploration, development, or production of geothermal steam, but not associated geothermal resources, on lands for which a geothermal lease is sought or on adjoining, adjacent or nearby Federal or non-Federal lands and the date or dates such expenditures were made, (2) the names and current addresses of the persons who actually performed the aforesaid exploration, development, or production work, (3) the geological, geophysical, and engineering data acquired in such exploration, development, or production which demonstrates, or tends to demonstrate the expenditures claimed, (4) a map showing the location where the expenditures and improvements were made, (5) a proposed plan as required by § 3210.2–1(e) of this chapter, and (6) a statement that he will be bound by the terms and conditions of a lease, if issued. The applicant shall file such additional information with respect to the application as requested by the authorized officer.

§ 3230.4 Conversion to geothermal leases or to applications for geothermal leases.

§ 3230.4–1 Processing and adjudicating applications.

Application for conversion to geothermal leases or to applications for geothermal leases together with all information and data submitted or requested by the authorized officer pursuant to § 3230.3–2 and any other pertinent available information or data shall be reviewed by the authorized officer to determine whether the required showing has been made, and thereafter the authorized officer shall prepare a proposed determination which shall be submitted to the Secretary, who will make a determination that the applicant has or has not satisfactorily shown that he is entitled to receive the grant of a geothermal lease, or application for a geothermal lease.

PART 3240—RULES GOVERNING LEASES

Subpart 3240—Rules Governing Leases

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Subpart 3241—Assignments and Transfers

§ 3241.1 Assignments, transfers, interests, qualifications.

§ 3241.1–1 Record title assignments or transfers of leases or undivided lease interests.

(a) The record title of leases may be assigned as to all or part of the leased acreage, except that no assignment will be approved where (1) either the assigned or retained portions created by the assignment would be less than 640 acres, unless the total acreage in the lease being partially assigned includes an irregular subdivision, as provided in § 3203.2 of this chapter in which case the assigned and retained portions may be less than 640 acres by an amount which is smaller than the amount by which the area would be more than 640 acres if the irregular subdivision were added, or (2) an undivided interest is created by assignment of a lease containing less than 640 acres, or (3) where the lease being assigned contains 640 acres or more, an undivided interest of less than 10 percent would be created in the leased acreage. An exception to the minimum acreage provision of this section may be made by the Secretary where he finds such exception is necessary in the interest of conservation of the resources.

(b) A working interest or operating right may be assigned, in accordance with this section, *Provided* That the assigned interest or right, divided or undivided, vests in the holder only the right to explore, develop and produce geothermal resources from the leased lands to the extent of not less than the interest assigned.

(c) All requests for approval of any assignment will be reviewed, prior to approval, to adjust environmental terms and conditions where necessary.

§ 3241.1–2 Qualifications.

(a) No assignment will be approved (1) if the assignee or any other party in interest is not qualified to take and hold a lease; (2) if a required bond is not filed; or (3) if the statement of interest required under § 3202.2–1(a) of this chapter is not filed.

(b) An assignment to a minor other than an heir or devisee of a lessee will not be approved.

(c) The assignment must be accompanied by a signed statement by the assignee either (1) that he is the sole party in interest in the assignment, or (2) setting forth the names and qualifications of the other parties holding interests in the lease. Where the assignee is not the sole party in interest, separate statements must be signed by each of the parties setting forth the nature and extent of the interest of each party and the nature of the agreement between them.

(d) Where an attorney-in-fact or agent signs, on behalf of the assignor or assignee, the instrument of transfer or the application for approval, evidence of the authority of the attorney-in-fact or agent to sign such assignment or application must be furnished to the authorized officer.

(e) For the heir or devisee of the deceased holder of a lease, an operating agreement, or an overriding royalty interest in a producing lease, to be recognized by the authorized officer as the holder of that lease, agreement or interest, the appropriate showing required under the regulations in § 3202.2–6 of this chapter must be furnished to the authorized officer.

§ 3241.2 Requirements for filing of assignments or transfers.

§ 3241.2–1 Place of filing and service charge.

A request for approval of any assignment or other instrument of transfer of a lease or interest therein must be filed

in the proper BLM office and accompanied by a nonrefundable service charge of $50. An application request not accompanied by payment of such a service charge will not be accepted for filing.

§ 3241.2–2 Number of copies required.

Three copies of all instruments of assignment or transfer, and a single copy of any additional information required by § 3202.2 of this Chapter relating to citizenship or qualification of corporations and associations, including partnerships, must be filed in the proper BLM office.

§ 3241.2–3 Time of filing assignments, transfers of leases, or undivided lease interests.

(a) Any assignment or instrument of transfer of a lease or of an interest therein, including an assignment of working interests, operating agreements, and operating rights, must be filed in the proper BLM office for approval within 90 days from the date of execution of that instrument and must contain all of the terms and conditions agreed upon by the parties thereto, together with evidence and statements similar to that required of an applicant under these regulations in this group.

(b) A separate instrument of assignment must be filed in the proper BLM office for each geothermal lease involving transfers of record title. When transfers to the same person, association, including partnerships, or corporation involve more than one geothermal lease, one request for approval and one showing as to the qualifications of the assignee will be sufficient.

§ 3241.2–4 Forms and statements.

A form approved by the Director, or unofficial copies of that form in current use, must be used for transfers and requests for approval referred to in this section and must be filed in duplicate for public lands and in triplicate where acquired lands are involved. The approved form may be used for an assignment which affects a transfer of the record title to all or part of a geothermal lease, but it is not to be used for any other type of transfer. The application for assignment shall be deemed to be approved upon execution by the authorized officer.

§ 3241.2–5 Description of lands.

Each instrument of transfer must describe the lands involved in the same manner as described in the lease.

§ 3241.3 Bonds.

Where an assignment does not create separate leases, the assignee, if the assignment so provides, may become a joint principal on the bond with the assignor. Any assignment which does not convey the assignor's record title in all of the lands in the lease must also be accompanied by consent of his surety to remain bound under the bond of record as to the lease retained by said assignor, if the bond, by its terms, does not contain such consent. If a party to the assignment has previously furnished a nationwide or statewide bond, no additional showing by such party is necessary as to the bond requirement.

§ 3241.4 Approval.

Upon approval, an assignment shall be effective as of the first day of the lease month following the date of filing of the assignment.

§ 3241.5 Continuing responsibility.

(a) The assignor and his surety will continue to be responsible for the performance of any obligation under the lease until the assignment is approved.

(b) Upon approval, the assignee and his surety shall be responsible for the performance of all lease obligations notwithstanding any terms in the assignment to the contrary.

§ 3241.6 Production payments.

If payments out of production are reserved, a statement must be submitted stating the details as to the amount, method of payment, and other pertinent items.

§ 3241.7 Overriding royalty interests.

§ 3241.7–1 General.

(a) Overriding royalty interests in geothermal leases constitute accountable acreage holdings under these regulations.

(b) If an overriding royalty interest is created which is not shown in the instrument of assignment or transfer, a statement must be filed in the proper BLM office describing the interest.

(c) Any such assignment will be deemed valid if accompanied by a statement over the assignee's signature that the assignee is a citizen of the United States, an association of such citizens, or a corporation organized under the laws of the United States or of one of the States or the District of Columbia, and that his interests in geothermal leases do not exceed the acreage limitations provided in these regulations.

(d) All assignments of overriding royalty interests must be filed for record in the proper BLM office within 90 days from the date of execution. Such interests will not receive formal approval.

§ 3241.7–2 Limitation of overriding royalties.

(a) Except as herein provided, an overriding royalty on the value of the output of all geothermal resources, or any of them, at the point of shipment to market may be created by assignment or otherwise: *Provided*, That, (1) the overriding royalty is not for less than one-fourth (¼) of 1 percent of the value of such output, and does not exceed 50 percent of the rate of royalty due to the United States as specified in the geothermal lease, or as reduced pursuant to such lease, and (2) the overriding royalty, when added to overriding royalties previously created, does not exceed the maximum rate established herein.

(b) The creation of an overriding royalty interest that does not conform to the requirements of paragraph (a) of this section shall be deemed a violation of the lease terms, unless the agreement creating overriding royalties provides (1) for a prorated reduction of all overriding royalties so that the aggregate rate of royalties does not exceed the maximum rate established in paragraph (a) of this section and (2) for the suspension of an overriding royalty during any period when the royalties due to the United States have been suspended pursuant to the terms of the geothermal lease.

§ 3241.8 Lease account status; requirements.

Unless the lease account is in good financial standing as to the area covered by an assignment at the time the assignment and bond are filed, or is placed in good standing before the assignment is reached for action, the request for approval of the assignment will be denied, and the lease shall be subject to termination in accordance with these regulations.

§ 3241.9 Effect of assignment.

An assignment of the record title of the complete interest in a portion of the lands in a lease shall segregate the assigned and retained portions into separate and distinct leases. An assignment of an undivided interest in the entire leasehold shall not segregate the lease into separate or distinct leases.

Subpart 3242—Production and Use of Byproducts

§ 3242.1 General.

Where the Supervisor determines that production, use, or conversion of geothermal steam under a geothermal lease is susceptible of producing a valuable byproduct or byproducts, including commercially demineralized water contained in or derived from such geothermal steam for beneficial use in accordance with applicable State water laws, the authorized officer shall require substantial beneficial production or use thereof, except where he determines that:

(a) Beneficial production or use is not in the interest of conservation of natural resources;

(b) beneficial production or use would not be economically feasible; or

(c) beneficial production and use should not be required for other reasons satisfactory to him.

§ 3242.2 Production and use of commercially demineralized water as a byproduct, production, and use of other sources of water.

§ 3242.2–1 General.

Except as provided in these regulations, or the lease, the lessee shall have the right to process fluids, including brine, condensate, and other fluids, which are associated with geothermal steam within lands subject to the geothermal lease for the purpose of developing, producing, and utilizing the commercially demineralized water recovered as a result of such processing.

§ 3242.2–2 Prohibition on production of commercially demineralized water.

The lessee shall not be authorized to engage in the primary production of commercially demineralized water from the produced fluids contained in or derived from geothermal steam referred to in § 3242.2–1, where such use would result in the undue waste of geothermal energy.

§ 3242.2–3 Water wells on geothermal areas.

All leases issued under these regulations shall be subject to the condition that, where the lessee finds only potable water in any well drilled for production of geothermal resources, the Secretary may, when the water is of such quality and quantity as to be valuable and useable for agricultural, domestic, or other purpose, acquire the well with casing installed in the well at the fair market value of the casing.

§ 3242.2–4 State water laws.

Nothing in these regulations shall constitute an express or implied claim or denial on the part of the Federal Government as to its exemption from State water laws.

Subpart 3243—Cooperative Conservation Provisions

§ 3243.1 Cooperative or unit plans.

To conserve the natural resources of any geothermal pool, field or like area more properly, lessees and their representatives may unite with each other or jointly or separately with others, in collectively adopting and operating under a cooperative or unit plan of development or operation or any geothermal resource area, or any part thereof (whether or not any part of that geothermal resource area is then subject to any cooperative or unit plan of development or operation). Applications to unitize shall be filed with the Supervisor who shall certify whether such plan is necessary or advisable in the public interest. The procedure in obtaining approval of a cooperative or unit plan of development, the provisions for the supervision of the cooperative or unit plan, and a suggested text of an agreement, are contained in 30 CFR Part 271.

§ 3243.2 Acreage chargeability.

All leases committed to any unit or cooperative plan approved or prescribed by the Supervisor shall be excepted in determining holdings or control for purposes of acreage chargeability. For the extension of leases committed to a unit plan, see Subpart 3203 of this part.

§ 3243.3 Communitization or drilling agreements.

§ 3243.3–1 Approval.

(a) The Supervisor is authorized, when separate tracts under lease cannot be independently developed and operated in conformity with an established well-spacing or well-development program, to approve, or to require lessees to enter into, communitization or drilling agreements providing for the apportionment of production or royalties among the separate tracts of land comprising the drilling or spacing unit for the lease, or any portion thereof, with other lands, whether or not owned by the United States, when in the public interest. Operations or production pursuant to such an agreement shall be deemed to be operations or production as to each lease committed thereto.

(b) Preliminary requests to communitize separate tracts shall be filed in triplicate with the Supervisor.

(c) Executed agreements shall be submitted to the Supervisor in sufficient number to permit retention of five copies after approval.

§ 3243.3–2 Requirements.

The agreement shall describe the separate tracts comprising the drilling or spacing unit, disclose the apportionment of the production or royalties to the several parties and the name of the operator, and shall contain adequate provisions for the protection of the interests of all parties, including the United States. The agreement must be signed by or in behalf of all interested necessary parties and will be effective only after approval by the Supervisor.

§ 3243.4 Operating, drilling, development contracts or a combination for joint operations.

§ 3243.4–1 Approval.

(a) The Secretary may on such conditions as he may prescribe, approve operating, drilling, or development contracts made by one or more geothermal lessees, with one or more persons, associations, including partnerships, or corporations whenever he shall determine that such contracts are required for the conservation of natural resources or in the best interest of the United States.

(b) Contracts submitted for approval under this section should be filed with the Supervisor together with enough copies to permit retention of five copies after approval.

(c) The authority of the Secretary to approve operating, drilling, or development contracts without regard to acreage limitations ordinarily will be exercised only to permit operators to enter into contracts with a number of lessees sufficient to justify operations on a large scale for the discovery, development, production, or transmission, transportation, or utilization of geothermal resources, and to finance the same.

§ 3243.4–2 Requirements.

(a) The contract must be accompanied by a statement showing all the interests held by the contractor in the area or field and the proposed or agreed plan of operation or development of the field. All the contracts held by the same contractor in the area or field should be submitted for approval at the same time, and full disclosure of the project made. Complete details must be furnished so the Secretary may have facts upon which to make a definite determination in accordance herewith and to prescribe the conditions on which approval of the contracts shall be made.

(b) The application must show a reasonable need for the contract and that it will not result in any concentration of control over the production or sale of geothermal resources which would be inconsistent with the antimonopoly provisions of law.

§ 3243.4–3 Acreage chargeability.

All leases operated under approved operating, drilling or development contracts shall be excepted in determining holdings or control for purposes of acreage chargeability.

Subpart 3244—Terminations and Expirations

§ 3244.1 Relinquishments.

(a) A lease, or any legal subdivision of the area covered by such lease, may be relinquished by the record title holder by filing a written relinquishment in triplicate in the proper BLM office, provided the partial relinquishment does not reduce the remaining acreage in the lease to less than 640 acres, except where a departure is occasioned by an irregular subdivision in which case the remaining leased acreage may be less than 640 acres by an amount which is smaller than the amount by which the area would be more than 640 acres if the irregular subdivision were added, and except that the minimum acreage provision of this section may be waived by the Secretary where he finds such exception is justified on the basis of exploratory and development data derived from activity on the leasehold. The relinquishment must: (1) Describe the lands to be relinquished as described in the lease; (2) include a statement as to whether the relinquished lands had been disturbed and if so whether they were restored as prescribed by the terms of the lease; (3) state whether wells had been drilled on the lands and if so whether they had been placed in condition for abandonment; and (4) furnish a statement that all moneys due and payable to workmen employed on the leased premises have been paid.

(b) A relinquishment shall take effect on the date it is filed, subject to the continued obligation of the lessee and his surety: (1) To make payments of all accrued rentals and royalties; (2) to place all wells on the land to be relinquished in condition for suspension of operations or abandonment; (3) to restore the surface resources in accordance with all regulations and the terms of the lease; and (4) to comply with all other environmental stipulations provided for by such regulations or lease. A statement must be furnished that all moneys due and payable to workmen employed on the leased premises have been paid.

§ 3244.2 Automatic terminations and reinstatements.

§ 3244.2–1 General.

Except as provided in § 3244.2–2 any lease will automatically terminate by operation of law if the lessee fails to pay

the rental on or before the anniversary date of such lease. However, if the time for payment falls upon any day in which the proper office to receive payment is not open, payment received on the next official working day shall be deemed to be timely. The termination of the lease for failure to pay the rental must be noted on the official records of the proper BLM office. Upon such notation the lands included in such lease will become subject to leasing as provided for in Subpart 3211 of this chapter.

§ 3244.2–2 Exceptions.

(a) *Nominal deficiency.* If the rental payment due under a lease is paid on or before its anniversary date but the amount of the payment is deficient and the deficiency is nominal, the lease shall not have automatically terminated unless the lessee fails to pay the deficiency within the period prescribed in a Notice of Deficiency, or by the due date, whichever is later. A deficiency is nominal if it is not more than $10 or one percentum (1%) of the total payment due, whichever is more. The authorized officer shall send a Notice of Deficiency to the lessee on an approved form. The Notice shall be sent by certified mail, return receipt requested, and shall allow the lessee 15 days from the date of receipt to submit the full balance due to the proper BLM office. If the payment called for in the notice is not made within the time allowed, the lease will have terminated by operation of law as of its anniversary date.

(b) *Reinstatements.* (1) Except as hereinafter provided, the authorized officer may reinstate a lease which has terminated automatically for failure to pay the full amount of rental due on or before the anniversary date, if it is shown to his satisfaction that such failure was either justifiable or not due to a lack of reasonable diligence on the part of the lessee; and a petition for reinstatement, together with the required rental, including any back rental which has accrued from the date of termination of the lease, is filed with the proper BLM office.

(2) The burden of showing that the failure to pay on or before the anniversary date was justifiable or not due to lack of reasonable diligence will be on the lessee. Reasonable diligence normally requires sending or delivering payments sufficiently in advance of the anniversary date to account for normal delays in the collection, transmittal, and delivery of the payment. The authorized officer may require evidence, such as post office receipts, of the time of sending or delivery of payments.

(3) Under no conditions will a lease be reinstated if (i) a valid lease has been issued prior to the filing of a petition for reinstatement affecting any of the lands covered by the terminated lease, or (ii) the interest in the lands has been withdrawn, disposed of, or has otherwise become unavailable for leasing. However, the authorized officer will not issue a new lease for lands covered by a lease which terminated automatically until 90 days after the date of termination.

(4) Reinstatement of terminated leases is discretionary with the Secretary. The basic criterion in accordance with which this discretion will be exercised is whether the Secretary would be willing to issue a lease if a new lease offer for the same land were under consideration.

§ 3244.3 Cancellation of lease for noncompliance with regulations or lease terms; notice; hearing.

A lease may be canceled by the authorized officer for any violation of these regulations, the regulations in 30 CFR Part 270, or the lease terms, 30 days after receipt by the lessee of notice from the authorized officer of the violation, unless (a) the violation has been corrected, or (b) the violation is one that cannot be corrected within the notice period and the lessee has in good faith commenced within the notice period to correct the violation and thereafter proceeds diligently to complete the correction. A lessee shall be entitled to a hearing on the matter of any such claimed violation or proposed cancelation of lease if a request for a hearing is made to the authorized officer within the 30-day period after notice. The procedures with respect to notice of such hearing and the conduct thereof, and with respect to appeals from decisions of Administrative Law Judges upon such hearings, shall follow insofar as practicable the procedural rules applicable to hearings and appeals in public lands cases within the jurisdiction of the Board of Land Appeals, Office of Hearings and Appeals, contained in Department Hearings and Appeals Procedures, Part 4 of this title. The period for correction of violation or commencement to correct a violation of regulations or of lease terms, as aforesaid, shall be extended to 30 days after the lessee's receipt of the Administrative Law Judge's decision upon such a hearing if the Administrative Law Judge shall find that a violation exists.

§ 3244.4 Expiration by operation of law.

Any lease for land on which, or for which under an approved cooperative or unit plan of development or operation, there is no production in commercial quantities, or a producing well, or actual drilling operations being diligently prosecuted, will expire at the end of its primary term without notice to the lessee. Notation of such expiration need not be made on the official records, but the lands previously covered by that expired lease will be subject to the filing of new applications for leases only as provided in these regulations.

§ 3244.5 Removal of materials and supplies upon termination of lease.

Upon the expiration of the lease, or the earlier termination thereof pursuant to this subpart, the lessee shall have the privilege at any time within a period of ninety (90) days thereafter of removing from the premises any materials, tools, appliances, machinery, structures, and equipment other than improvements needed for producing wells. Any materials, tools, appliances, machinery, structures, and equipment subject to removal, but not removed within the 90-day period, or any extension thereof that may be granted because of adverse climatic conditions during that period, shall, at the option of the Supervisor, become property of the lessor, but the lessee shall remove any or all such property where so directed by the lessor.

NOTE: Forms 3200–4 and 3200–1 filed as part of the original document. Copies of these forms may be obtained by writing Geothermal Coordinator, Department of the Interior, Washington, D.C. 20240.

Dated: December 17, 1973.

W. W. LYONS,
Deputy Under Secretary of the Interior.

[FR Doc.73-26890 Filed 12-20-73;8:45 am]

federal register

FRIDAY, DECEMBER 21, 1973
WASHINGTON, D.C.

Volume 38 ■ Number 245

PART III



DEPARTMENT OF LABOR

Employment Standards Administration

■

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

Modifications and Supersedeas Decisions to General Wage Determination Decisions and Index

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

Modifications and Supersedeas Decisions to General Wage Determination Decisions and Index

General Wage Determination Decisions. General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and Federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes these procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR, Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and Supersedeas Decisions to General Wage Determination Decisions. Modifications and Supersedeas Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and Federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR, Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

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):

California:	
AQ–1058; AQ–1059	Nov. 30, 1973
Colorado:	
AQ–1012	Aug. 17, 1973
AQ–1061	Nov. 30, 1973
AQ–1062; AQ–1063	Dec. 7, 1973
Connecticut:	
AQ–3018; AQ–3020	Oct. 12, 1973
Florida:	
AP–196; AP–1100	June 8, 1973
New Jersey:	
AP–829	May 18, 1973
Oregon:	
AQ–1022	Sept. 7, 1973
Virginia:	
AQ–2024	Oct. 19, 1973

Supersedeas Decisions to General Wage Determination Decisions. Supersedeas Decisions to General Wage Determination decisions for the following States (the numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State; Supersedeas Decision numbers are in parentheses following the number of the decisions being superseded):

Maryland:	
AP–858(AQ–2036)	June 29, 1973
Michigan:	
AP–80(AQ–3049); AP–82 (AQ–3051); AP–84(AQ–3053); AP–85(AQ–3054); AP–89(AQ–3058); AP–91 (AQ–3060); AP–92(AQ–3061); AP–93(AQ–3062); AP–96(AQ–3065); AP–97 (AQ–3066)	Dec. 29, 1972
Mississippi:	
AP–162(AQ–4042); AP–163 (AQ–4043); AP–164(AQ–4044); AP–165(AQ–4045); AP–166(AQ–4046); AP–167 (AQ–4047)	Mar. 9, 1973
New York:	
AP–453(AQ–2037)	Dec. 22, 1972
Virginia:	
AP–858(AQ–2036)	June 29, 1973
Washington:	
AQ–1021(AQ–1067); AQ–1024(AQ–1068)	Sept. 7, 1973
Washington, D.C.:	
AQ–2005(AQ–2035)	Aug. 10, 1973

Signed at Washington, D.C., this 14th day of December 1973.

RAY J. DOLAN,
Assistant Administrator
Wage & Hour Division.

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
DECISION #AQ-1058 - Mod. #1						
(38 FR 33216 - November 30, 1973)						
Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Kings, Lake, Lassen, Madera, Marin, Mariposa, Mendocino, Merced, Modoc, Monterey, Napa, Nevada, Plumas, Placer, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Yolo and Yuba Counties, California						
Change:						
Bricklayers; Stonemasons:						
Alameda and Contra Costa Counties	$9.55	.85	.65		.15	
San Benito and Santa Clara Counties	9.55	.85	.65		.15	
Tulare County	7.90	.65	.70	.40	.12	
Amador, Alpine, Calaveras, San Joaquin, Stanislaus and Tuolumne Counties	8.47	.33	.15	1.00		
Monterey and Santa Cruz Counties	8.11	.73	.65	.75		
Electricians:						
Butte, Glenn, Lassen, Modoc, Plumas, Shasta, Siskiyou, Tehama and Trinity Counties:						
Electricians	9.14	.55	1%+.35		.005	
Cable splicers	10.05	.55	1%+.35		.005	
Contra Costa County:						
Electricians	9.85	.60	1%+.50		.02	
Cable splicers	11.10	.60	1%+.50		.02	
Fresno, Kings, Madera and Tulare Counties:						
Electricians	9.36	.50	1%+.60		.05	
Cable splicers	9.76	.50	1%+.60		.05	
Monterey County:						
Electricians	10.27	.55	1%		.01	
Cable splicers	11.35	.55	1%		.01	

DECISION #AQ-1058 (cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
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	$9.38	.41	1%+.65		.045	
Cable splicers	10.32	.41	1%+.65		.045	
Line Construction:						
Monterey County						
Groundmen	7.71	.55	1%		.01	
Equipment operator; Linemen	10.28	.55	1%		.01	
Cable splicers	11.36	.55	1%		.01	
Napa and Solano Counties						
Groundmen	7.54	.58	1%+.30		.03	
Line equipment operators	8.49	.58	1%+.30		.03	
Cable splicers	9.92	.58	1%+.30		.03	
Plasterer Tenders:						
Alpine, Amador, Eldorado, Nevada, Placer, Sacramento, Sierra, and Yolo Counties	6.815	.395	1.05	.70		
Plumbers:						
Contra Costa County	10.42	.53	1.00		.16	
Plumbers; Steamfitters:						
Lake, Napa and Solano Counties	9.90	.60	.58		.09	
San Benito and Santa Clara Counties	10.03	.61	.95		.12	
Tile Setters:						
Alpine, Amador, Calaveras, and San Joaquin Counties	7.72	.33		.65		

MODIFICATIONS P. 3

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
DECISION #AQ-1059 - Mod. #1						
(38 FR 33230 - November 30, 1973)						
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 Counties, California						
Change:						
Bricklayers; Stonemasons:						
Alameda and Contra Costa Counties	$9.55	.85	.65		.15	
San Benito and Santa Clara Counties	9.55	.85	.65		.15	
Amador, Calaveras, San Joaquin, and Tuolumne Counties	8.47	.33	.15	1.00		
Monterey and Santa Cruz Counties	8.11	.73	.65	.75		
Electricians:						
Lassen, Modoc, Shasta, and Tehama Counties:						
Electricians	9.14	.55	1%+.35		.005	
Cable splicers	10.05	.55	1%+.35		.005	
Contra Costa County:						
Electricians	9.85	.60	1%+.50		.02	
Cable splicers	11.10	.60	1%+.50		.02	
Fresno County:						
Electricians	9.36	.50	1%+.60		.05	
Cable splicers	9.76	.50	1%+.60		.05	
Monterey County:						
Electricians	10.27	.55	1%		.01	
Cable splicers	11.35	.55	1%		.01	
Amador, Sacramento, Sutter, Yolo, Yuba and those portions of Eldorado, Nevada and Placer Counties West of the Main Sierra Mountain Watershed:						
Electricians	9.38	.41	1%+.65		.045	
Cable splicers	10.32	.41	1%+.65		.045	

MODIFICATIONS P.4

DECISION #AQ-1059 (cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Line Construction:						
Monterey County:						
Groundmen	$7.71	.55	1%		.01	
Equipment operator; Linemen	10.28	.55	1%		.01	
Cable splicers	11.36	.55	1%		.01	
Napa and Solano Counties:						
Groundmen	7.54	.58	1%+.30		.03	
Line equipment operators	8.49	.58	1%+.30		.03	
Cable splicers	9.92	.58	1%+.30		.03	
Plasterer Tenders:						
Amador, Eldorado, Nevada, Placer, Sacramento, and Yolo Counties	6.815	.395	1.05	.70		
Plumbers:						
Contra Costa County	10.42	.53	1.00		.16	
Plumbers; Steamfitters:						
Napa and Solano Counties	9.90	.60	.58		.09	
San Benito and Santa Clara Counties	10.03	.61	.95		.12	
Tile Setters:						
Amador, Calaveras, and San Joaquin Counties	7.72	.33		.65		

MODIFICATIONS P.5

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
DECISION #AQ-1012 - Mod. #3 (38 FR 22322 - August 17, 1973) El Paso County, Colorado						
Change: Sheet metal workers	$8.47	.30	.65		.07	
DECISION #AQ-1061 - Mod. #1 (38 FR 33242 - November 30, 1973) Adams, Arapahoe, Boulder, Clear Creek, Denver, Douglas, Eagle, Elbert, Gilpin, Grand, Jefferson, Lake, Larimer, Logan, Morgan, Park, Summit and Weld Counties, Colorado						
Change: Sheet metal workers	8.47	.30	.65		.07	
DECISION #AQ-1062 - Mod. #1 (38 FR 33881 - December 7, 1973) Garfield, Gunnison, Mesa, Montrose and Pitkin Counties, Colorado						
Change: Sheet metal workers	8.47	.30	.65		.07	
DECISION #AQ-1063 - Mod. #1 (38 FR 33888 - December 7, 1973) Las Animas and Pueblo Counties, Colorado						
Change: Sheet metal workers	8.47	.30	.65		.07	

MODIFICATIONS P. 6

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
DECISION #AQ-3018 - Mod. #2 (38 FR 28494 - October 12, 1973) New Haven County, Connecticut						
Change: Building, Heavy and Highway Construction: Plumbers and Steamfitters: Cheshire-Meriden-Wallingford Laborers Schedule	$9.45	.55	.30	k	.02	
LABORERS: BUILDING, HEAVY AND HIGHWAY CONSTRUCTION						
Laborers: (Building):						
Laborers, carpenters tenders, wrecking laborers	6.90	.45	.40		.05	
Jackhammer op., masons tenders, mortar mixer, pipe layers, plasterer tenders & power buggy	7.15	.45	.40		.05	
Air track operators, wagon drill ops. and sandblasters	7.40	.45	.40		.05	
Open Air Caisson, Cylindrical Work and Boring Crew:						
Bottom man	7.40	.45	.40		.05	
Top man	6.90	.45	.40		.05	
Laborers (Heavy and Highway):						
Laborers	6.90	.45	.40		.05	
Asphalt rakers, adremen, bracers, burners, concrete and power buggy operators, concrete saw op., chain saw op., fence and guard rail erectors, form setters, mortar mixers, pipelayers, riprap and drywall builders, stone spreaders, masons tenders, pneumatic drill operators, tool operators, wagon drill op., tree trimmers, tree toppers, mulchers, chippers, stumpers & all operations connected there with	7.15	.45	.40		.05	
Air track operators, block pavers, rammers, curb setters	7.40	.45	.40		.05	
Powdermen and blasters	7.65	.45	.40		.05	

MODIFICATIONS P. 7

DECISION #AQ-3020 - Mod. #2
(38 FR 28503 - October 12, 1973
Tolland County, Connecticut

Change:
Building, Heavy and Highway Construction:
Laborers Schedule

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LABORERS: BUILDING, HEAVY AND HIGHWAY CONSTRUCTION						
Laborers: (Building):						
Laborers, carpenters tenders, wrecking laborers	6.90	.45	.40		.05	
Jackhammer op., masons tenders, mortar mixer, pipe layers, plasterer tenders & power buggy	7.15	.45	.40		.05	
Air track operators, wagon drill ops. and sandblasters	7.40	.45	.40		.05	
Open Air Caisson, Cylindrical Work and Boring Crew:						
Bottom man	7.40	.45	.40		.05	
Top men	6.90	.45	.40		.05	
Laborers (Heavy and Highway):						
Laborers	6.90	.45	.40		.05	
Asphalt rakers, screemen, bracers, burners, concrete and power buggy operators, concrete saw op., chain saw op., fence and guard rail erectors, form setters, mortar mixers, pipelayers, riprap and drywall builders, stone spreaders, masons tenders, pneumatic drill operators, tool operators, wagon drill op., tree trimmers, tree toppers, mulchers, chippers, stumpers & all operations connected there with	7.15	.45	.40		.05	
Air track operators, block pavers, rammers, curb setters	7.40	.45	.40		.05	
Powdermen and blasters	7.65	.45	.40		.05	

MODIFICATIONS P. 8

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-196 - Mod. #4 (38 FR 15229 - June 8, 1973) Bay County, Florida Change: Roofers	$3.50					
DECISION #AP-1100 - Mod. #3 (38 FR 15237 - June 8, 1973) Escambia, Okaloosa, Santa Rosa and Walton Counties, Florida Change: Bricklayers Stone masons Tile setters Marble masons Terrazzo workers	$7.00 7.00 7.00 7.00 7.00					
DECISION #AP-829 - Mod. #4 (38 FR 13272 - May 18, 1973) Burlington County, New Jersey Change: Modification #2 in 38 FR 31762 dated November 16, 1973 to read modification #3						
DECISION #AQ-1022 - Mod. #5 (38 FR 24532 - September 7, 1973) Statewide, Oregon Change: Boilermakers	$7.45	.60	1.00	.50	.02	

MODIFICATIONS P. 9

Decision No. AQ-2024 - Mod. #1
(38 FR 29195 - October 19, 1973)
Henrico County and the City of Richmond, Virginia

CHANGE:

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Bricklayers & stonemasons	$6.85	.35	.20			
Cement Masons:						
Cement masons	5.55					
Machine men & scaffold men	5.65					
Scaffolds 30' & over	5.80					
Millwrights	7.25	.20	.20		.01	
Piledrivermen & dock builders	5.55	.20	.20			

SUPERSEDEAS DECISION

STATES: Maryland and Virginia

COUNTIES: Montgomery and Prince Georges Counties, Maryland/ City of Alexandria, Virginia, Arlington and Fairfax Counties, Virginia and Dulles International Airport

DECISION NO: AQ-2036
Supersedes Decision No. AP-858, dated June 29, 1973, in FR 17390
DATE: Date of Publication
DESCRIPTION OF WORK: Building Construction - excluding all residential projects.

1-DC-1-2 B 1 of 3

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asbestos workers	$9.00	.35	.55		.015	
Boilermakers - Blacksmiths	8.20	.30	.70	.35	.01	
Bricklayers	9.10	.40	.40		.10	
Carpenters	8.12	.30	.34		.07	
Cement Masons:						
Cement Masons	8.05	.255	.28		.05	
Grinding Machine	8.25	.255	.28		.05	
Electricians	8.85	.35	18+.30		.10	
Elevator Constructors	8.58	.345	.23	2%+a4b	.015	
Elevator Constructors Helpers	6.01	.345	.23	2%+a4b	.015	
Elevator Constructors Helpers (Prob)	4.29					
Glaziers	7.58	.46	.40			
Ironworkers:						
Structural, Ornamental & Chain Link Fence	8.35	.47	.45		.02	
Reinforcing	7.95	.35	.25		.03	
Laborers:						
Common Laborers, Landscapers	6.32	.28	.35		.05	
Acetylene Burners Used on Wrecking	6.82	.28	.35		.05	
Air Tool Oper., Scaffold Builders, Paving Breakers, Toxmasters, Buggy Mobiles, Spreders, Mortarmen and Scootcretes	6.47	.28	.35		.05	
Pipelayers	6.47	.28	.35		.05	
Plasterers' Tenders	6.73	.32	.25		.05	
Plumbers' Laborers	5.42	.30	.15		.03	
Powdermen	7.495	.28	.35		.05	
Powersaw, Well Points	6.52	.28	.35		.05	
Lathers	8.42	.40	.40		.025	
Lead Burners	8.75	.30		6	.01	
Line Construction:						
Linemen, Cable Splicers, Equipment Operators	9.71	.25	1%		1%	
Truck With Winch, Truck Pole or Steel Handling	6.96	.25	1%		1%	
Groundmen (0 to 1 year)	5.54	.25	1%		1%	
Groundmen (1 to 2 years)	6.45	.25	1%		1%	
Groundmen (over 2 years)	6.70	.25	1%		1%	
Marble Setters	9.00	.35	.25			
Marble Setters' Helpers	7.35					
Millwrights	8.41	.30	.34		.07	
Painters:						
Brush, Spray, Paperhangers, Tapers	8.93	.41	.18		.06	
Steel, Sandblasting, Swing Stage, Power Brushing	8.36	.41	.18		.06	

1-DC-1-2 B 2 of 3

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oths
Piledrivermen	$8.265	.30	.34		.07	
Plasterers	8.015	.45	.25		.06	
Plumbers	8.96	.50	.50		.15	
Roofers:						
Composition	7.12	.39	.20			
Slate, Tile, Mopmen, Waterproofers, Sprayers, Sprandrel & Ironite	7.65	.39	.20			
Helpers	5.19	.39	.20			
Sheet Metal Workers	8.58	.64	.74		.08	
Soft Floor Layers	8.12	.30	.34		.07	
Sprinkler Fitters	8.90	.40	.60		.07	
Steamfitters, Refrigeration & Air Conditioning Mechanic	8.88	.52	.59		.12	
Stone Masons	9.00	.35	.25			
Sone Cutters:						
Fitters & trimmers	9.35	.18	.20			
Ornamental carvers	8.87	.18	.20	h		
Figure carvers	9.43	.18	.20	h		
Terrazzo & Mosaic Workers	8.31	.40	.30			
Terrazzo Workers' Helpers	7.10	e	.20			
Tile Setters	8.31	.40	.30			
Tile Setters Helpers	7.10	e	.20			
Truck Drivers:						
Room Trucks	4.10	.22	f	g		
Small Dump, Water Sprinkler, Grease & Oil	3.85	.22	f	g		
Flat, Pick-up Hauling Materials, Small Euclids, Dump Over 8 Wheels	3.95	.22	f	g		
Trailers, Low-Boys, Tractor Pulls	4.15	.22	f	g		
Helpers	3.70	.22	f	g		
Carryalls, Large Euclids, Water Sprinkler, Tunnel Work Ground	4.25	.22	f	g		
Mechanics	4.00	.22	f	g		

Riggers & Welders- Receive rates prescribed for crafts performing operations to which rigging & welding are incidental.

BUILDING CONSTRUCTION 1-DC-1-2 B 3 of 3

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F

b. Employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years service as vacation pay credit.

c. Holidays: A through F, plus Washington's Birthday, Good Friday and Christmas Eve (provided employee has worked at least 45 full days during the 120 calendar days prior to the holiday, and the regularly schedule work days immediately preceding and following the holiday).

e. Employer contributes $37.92 per man per month.

f. $6.00 per week when employee has worked 90 days and works 3 days in a work week.

g. Holidays: A - D- E and F (provided the employee works the regularly scheduled work days immediately preceding and following the holiday).

h. Five paid holidays: Labor Day, Veteran's Day; Thanksgiving Day, Christmas Day and New Year's Day.

2-D.C.-FEO-1-2-N

BUILDING CONSTRUCTION

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Power Equipment Operators:						
35 ton cranes & above, tower & climbing cranes	$8.775	.35	.35		.10	
Backhoes, boom cats, cableways, cranes or derricks, draglines, elevating graders, hoists, elevator (permanent) paving mixers, piledriving engines, power shovels, tunnel shovels, mucking machines, batch plants, concrete pumps, locomotives (standard narrow gauge), power driven wheel scoops & scrapers 50-cu. yds. struck capacity or above, multiple concrete conveyors	8.525	.35	.35		.10	
Hydrocrane, and all other hydraulic cranes 12 tons or under	8.475	.35	.35		.10	
Hydraulic backhoes, under ½ yd., mounted on tractors	8.375	.35	.35		.10	
Front end loader (over 3½ cu. yds.)	8.525	.35	.35		.10	
Front end loader (over 2-3/4 cu. yds. to and including 3-½ cu. yds.)	8.375	.35	.35		.10	
Front end loaders (Hi-lift), fork lifts	8.125	.35	.35		.10	
Air compressors (on steel)	8.195	.35	.35		.10	
Air compressors (except on steel), concrete mixers, mechanics & maintenance men, pumps, tunnel mechanics, tunnel motormen, welding machines, well points	7.945	.35	.35		.10	
Boilers (skeleton), trenching machines, tug boats, well drilling machines	8.115	.35	.35		.10	
Power driven wheel scoops & scrapers under 50 cu. yds. struck capacity blade graders, bulldozers, motor graders	7.925	.35	.35		.10	
Rollers, asphalt spreaders, bull float finishing machines, concrete spreaders, concrete finishing machines, fine graders, form graders, concrete saws	7.725	.35	.35		.10	
Apprentice engineers:						
Firemen	7.065	.35	.35		.10	
Truck crane oilers	6.945	.35	.35		.10	
Oilers	6.895	.35	.35		.10	

SUPERSEDEAS DECISION

DATE: Michigan
DECISION NO. AQ-3049
COUNTY: Allegan
DATE: Date of Publication
Supersedes Decision No. AP-80 dated December 29, 1972 in 37 FR 28822
DESCRIPTION OF WORK: Building Construction (Excluding single family homes and garden type apartments up to and including 4 stories), and Heavy Construction.

3 - Michigan B 1 of 2

Building and Heavy Construction	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asbestos workers	$7.95	.44	.95		.01	
Boilermakers	8.48	.50	1.00	1.00	.01	
Bricklayers & Stonemasons:						
Northwest 2/3 upper ½ of County	7.57	.25	.50			
Northeast 1/3 of County	7.15	.25	.25		.04	
Southeast 1/2 of County	8.35	.35	.30		.09	
Carpenters	7.20	.45	.40		.01	
Piledrivermen	8.15	.45	.40		.01	
Cement masons	7.10	.32	.18		.02	
Electricians:						
Laketon, Filmore, Overisel, Salem, Door & Leighton Townships	8.17	.30	.15+.08		.01	
Remainder of County	8.65	.30	7.5%		.01	
Glaziers (north ½ of county)	6.00					
Glaziers (south ½ of county)	5.91	.07			.07	
Ironworkers, structural & ornamental & reinforcing	8.35	.50	.50		.03	
Lathers	7.79	.27	.10	.25	.01	
Leadburners	8.25	.30		b	.01	
Painters:						
Brush & pan roller	6.90		.20			
Swing stage, structural steel	7.55		.20			
Spray & mechanical pressure roller	7.60		.20			
Piledrivermen (Marine Construction)	6.80	.35	.40		.01	
Plasterers	8.04	.32	.18		.03	
Plumbers & Steamfitters:						
Northern part of Country	7.85	.33	.35		.04	
Southern part of County	9.00	.40	.48			
Roofers	5.90	.25	.20	.25		
Soft floor layers	7.00	.45	.40		.01	
Sprinkler fitters	8.20	.25	.40		.05	
Sheet metal workers	7.80	.37	.43	.50		
Truck Drivers:						
Straight or dump	3.85	a5.30	a6.00			
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

3 - Michigan B 2 of 2

PAID HOLIDAYS (Where Applicable)
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES

*a. Per week per each employee.

b. Nine paid holidays, A through F plus Washington's Birthday, Christmas Eve and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

Michigan Line Construction 1 J

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LINE CONSTRUCTION:						
Linemen	$6.57	.15	1%		¢ of 1%	
Combination digger operator-ground man or tractor operator	5.16	.15	1%		¢ of 1%	
Combination winch truck driver-groundman:						
1st. year	3.82	.15	1%		¢ of 1%	
Over 1 year	4.35	.15	1%		¢ of 1%	
Combination truck driver-groundman	3.71	.15	1%		¢ of 1%	
Cable splicer	6.83	.15	1%		¢ of 1%	
Groundman	3.71	.15	1%		¢ of 1%	
Light equipment operator-groundman	4.55	.15	1%		¢ of 1%	
Distribution line truck driver operator-groundman	4.55	.15	1%		¢ of 1%	

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Michigan 7 LAB M 1 of 1

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	
Laborers:						
Inexperienced (less than 90 days in skilled or semi-skilled classification)	$5.06	.35	.30			
Construction Laborers	5.56	.35	.30			
Plasterers' tenders, material mixer, operators of portable mixers, air electric or gasoline tools, motor driven buggies, swing scaffolds	5.71	.35	.30			
Jackhammer operators	5.81	.35	.30			
Signal men & top men on sewer & caisson work (open cut)	5.68	.35	.30			
Windlass operators (caisson work)	5.78	.35	.30			
Crocklayers (or pipelayers) caisson work	5.88	.35	.30			
Top men on chimneys or towers over 30' in height	6.06	.35	.30			

AQ-3049 F. 5

Michigan-3-FDD L

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS: BUILDING & HEAVY						
CLASS A						
Crane with boom & jib or leads 220' or longer	$9.20	.50	.55		.05	
CLASS B						
Crane with boom and jib or leads 140' or longer, up to 220', tower cranes, gantry cranes, whivley derrick	8.95	.50	.55		.05	
CLASS C						
Regular equipment operator, crane, stiff leg derrick, scraper, dozer, grader, front end loader, hust, job mechanic and head greese man	8.70	.50	.55		.05	
CLASS D						
Pumps 6" or over, well points & freeze systems, air tugger (single drum), material hust (buck type)	8.60	.50	.55		.05	
CLASS E						
Engineers when operating air compressor, welding machine, generators, conveyors, pumps under 6" and greese man	7.60	.50	.55		.05	
CLASS F						
Firemen, oiler or heater operator	6.90	.50	.55			

AQ-3049 P. 6

Michigan-6-PEO T

POWER EQUIPMENT OPERATORS STEEL ERECTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
CLASS A Crane operator with main boom & jib 220' or longer	$9.55	.50	.55		.05	
CLASS B Crane operator with main boom & jib 140' or longer, up to 220', tower cranes, gantry crane, whirley derrick	9.30	.50	.55		.05	
CLASS C Regular equipment operator, crane, dozer, loader, hoist, straddle wagon, job mechanic	9.05	.50	.55		.05	
CLASS D Air tugger (single drum), material hoist, pump 6" or over	8.95	.50	.55		.05	
CLASS E Air compressor, welder, generators, conveyors	7.95	.50	.55		.05	
CLASS F Oiler or fireman	6.90	.50	.55			

AQ-3049 P. 7

Michigan 8PEO I 1 of 2

Underground Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS: CLASS I Power shovels, crane (crawler, truck type or pile driving), dragline, backhoe, clamshell, trencher (over 8' digging capacity), mechanic, end loader (over 1-1/2 cu. yd. cap.), grader, scraper (self-propelled or tractor drawn), dozer (9' blade & over), concrete paver (2 drum or larger), side boom tractor (type D-4 or equivalent & larger), elevating grader, roller (asphalt), gradall (and similar type machine), batch plant operator (concrete), backfiller tamper, well drilling slip form paver, slope paver, conveyor loader (euclid type)	$9.045	.50	.55		.05	
CLASS II Trencher (8' digging capacity & smaller), endloader (1-1/2 cu. yd. capacity & smaller), dozer (less than 9' blade), side boom tractor (smaller) than D-4 or equivalent), pump (1 or more 6" discharge or larger - gas or diesel powered or powered by generator of 300 amps or more - inclusive of generator), hoist, boom truck (power swing type boom), tractor (pneu-tired, other than backhoe or front endloader), crusher	8.91	.50	.55		.05	
CLASS III Air compressors (2 or more - less than 600 CFM,) air compressors (600 cu. ft. per min. or larger), pumpcrete machine (and similar equipment), mechanic helper, maintenance man, boom truck (non-swinging, non-powered type boom), welding machine or generator (2 or more - 300 amp. or larger gas or diesel powered), pump (2 or more - 4" up to 6" discharge - gas or diesel powered - excluding submersible pumps), concrete paver (1 drum-1/2 yd. or larger), wagon drill (multiple), elevator (other than passenger), concrete breaker (self-propelled or truck-mounted - includes compressor)	8.18	.50	.55		.05	

Michigan 6 FED 2 of 2

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTH
POWER EQUIPMENT OPERATORS: (Cont'd)						
CLASS IV						
Hydraulic pipe pushing machine, pumps (2 or more up to 4" discharge if used 3 hrs. or more a day - gas or diesel powered - excluding submersible pumps), trencher (service), boiler, vibrating compaction equipment, self-propelled (6' wide or over), stump remover, mulching equipment, farm tractor, (with attachment), finishing machine (concrete), roller (other than asphalt), curing machine (self-propelled), concrete saw (40 hp. or over)	$7.61	.50	.55		.05	
Oiler & firemen	7.61	.50	.55			

SUPERSEDEAS DECISION

STATE: Michigan COUNTIES: Baraga, Houghton, Keweenaw & Ontonagon
DECISION NUMBER: AQ-3051 DATE: Date of Publication
Supersedes Decision No. AP-82 dated December 29, 1972 in 37 FR 28850
DESCRIPTION OF WORK: Building Construction, (Excluding single family homes and garden type apartments up to and including 4 stories), and Heavy Const.

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Building and Heavy Construction	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
Asbestos workers - Ontonagon Co.	$7.80	.15		.40		
Asbestos workers - Keweenaw, Houghton & Baraga Cos.	6.85	.35	.20	.55+c	.06	
Boilermakers:	8.48	.50	1.00	1.00	.01	
Bricklayers, Stonemasons, Plasterers Tile, Terrazzo workers	7.35	.30	.35			
Carpenters (Building)	6.99	.40	.40		.01	
Cement masons	6.85	.30	.35			
Electricians:						
Electrical contracts $5,000 or more	8.00	.30	1%		1%	
Electrical contracts less than $5,000	6.55	.30	1%		1%	
Elevator constructors	6.40	.17	.185	2%+a&b	.005	
Elevator constructors' helpers	70%JR	.17	.185	2%+a&b	.005	
Elevator constructors' helpers (prob.)	50%JR					
Ironworkers, structural	7.15	.25		1.30	.01	
Ironworkers, ornamental	7.15	.25		1.30	.01	
Ironworkers, reinforcing	7.15	.25		1.30	.01	
Lathers	7.79	.27	.10	.25	.01	
Lead burners	8.25	.30		d	.01	
Millwrights	7.34	.40	.40		.01	
Painters:						
Brush (residential) single unit	5.05					
Brush (comm., indus.)	6.40					
Steel 0' to 20'	6.40					
Steel 20' to 100'	8.15					
Spray	6.95					
Piledrivermen	7.09	.40	.40		.01	
Plumbers	7.93	.35	.30		.02	
Roofers	7.40		.35			
Sheet metal workers	7.55	.28	.30		.02	
Soft floor layers	6.99	.40	.40		.01	
Sprinkler fitters	8.20	.20	.30		.05	
Steam fitters	7.93	.35	.30		.02	
Truck Drivers:						
Regular	5.19	e9.50	8.00	a		
Heavy duty, double axle, semi-drivers	5.29	e9.50	8.00	a		
Euclids	5.49	e9.50	8.00	a		
Truck repair and maintenance	5.36	e9.50	8.00	a		
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

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31 - Michigan 2 of 2

PAID HOLIDAYS: (Where Applicable)
A-New Year's Day; B-Memorial Day; C-Independence Day;
D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Six paid holidays: A through F.

b. Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 Years. Employer contributes 2% of regular hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.

c. $.05 holiday pay.

d. Nine paid holidays: A through F plus Washington's Birthday, Christmas Eve & Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

e. Per week for each employee

AQ-3051 P. 3

Mich. - 1 - LAB. N 1 of 1

Building and Heavy Construction	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Laborers:						
CLASS A						
Construction Laborers	$5.15	.35	.30			
CLASS B						
Material mixers, mortar mixers (hand or machine), vibrator op., concrete mixer, motor driven buggy op., chipping hammers, tamping machines, green cutting (whether run by air, electric or gas), and sand blasters	5.25	.35	.30			
CLASS C						
Cement gun nozzlemen, blasters, miners drillers, buster operator, layers of all non-metallic pipe	5.55	.35	.30			
CLASS D						
Underground Work, Tunnels and Shafts: Muckers, caisson workers, miners, drillers, blasters	5.70	.35	.30			

Mich Line Construction Area III U. P.

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LINE CONSTRUCTION:						
Linemen	$6.89	.25	1%	a	.25%	
Cable Splicer	7.17	.25	1%	a	.25%	
Comb. digger Op. - Groundman	5.39	.25	1%	a	.25%	
Comb. Tractor Op. - Groundman	5.39	.25	1%	a	.25%	
Light equipment Op. - Groundman	4.74	.25	1%	a	.25%	
Distribution line truck driver operator - Groundman	4.74	.25	1%	a	.25%	
Combination Winch truck driver - Groundman						
1st year	3.96	.25	1%	a	.25%	
Over 1 Year	4.53	.25	1%	a	.25%	
Comb. Truck driver - Groundman	3.84	.25	1%	a	.25%	

PAID HOLIDAYS: (WHERE APPLICABLE)
A-New Years Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day

FOOTNOTE:
a. Seven paid holidays: A through F plus Veterans Day providing the employee worked the scheduled workday preseding and the scheduled workday next following the day observed.as the holiday.

Michigan-7-P80 K

POWER EQUIPMENT OPERATORS: BUILDING, HEAVY & UNDERGROUND	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
CLASS A						
Regular equipment operator, crane, dozer, front end loader, job mechanic	$7.07	.50	.55	.22	.01	
CLASS B						
Air track drill, boom truck, concrete mixers, fork truck, material hoist & tugger, pumps 6" or over, pumpcrete, belt crete, squeeze crete, sweeping machine, trencher, winches, well points and freeze systems	6.68	.50	.55	.21	.01	
CLASS C						
Air compressor, conveyor, concrete saw, farm tractor (without attachments) generator, gurar post driver, mulching, pumps under 6", welders	6.31	.50	.55	.20	.01	
CLASS D						
Oiler, firemen, heater operator	5.91	.50	.55			
STEEL CONSTRUCTION:						
CLASS 1						
Operator	7.31	.50	.55	.23	.01	
CLASS 2						
Compressor & welder	6.83	.50	.55	.21	.01	
CLASS 3						
Oiler & fireman	6.02	.50	.55	.19		

STATE: Michigan
DECISION NUMBER: AQ-3053
COUNTY: Calhoun
DATE: Date of Publication
Supersedes Decision No. AP-84 dated December 29, 1972 in 37 FR 28831
DESCRIPTION OF WORK: Building Construction, (Excluding single family homes and garden type apartments up to and including 4 stories), and Heavy Const.

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Building and Heavy Construction	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asbestos workers	$6.95	.44	.95		.01	
Boilermakers	8.48	.50	1.00	1.00	.01	
Bricklayers	8.35	.30	.35			
Carpenters:						
Building	7.75	.45	.40		.01	
Cement masons	6.16	.22	.12		.02	
Electricians	8.70	.30	7%		.01	
Elevator constructors	7.53	.17	.185	2%+a&b	.005	
Elevator constructors' helpers	70%JR	.17	.185	2%+a&b	.005	
Elevator constructors' helpers (prob)	50%JR					
Glaziers	5.91	.07				
Ironworkers, structural & ornamental & reinforcing	8.60	.50	.50		.03	
Lathers	7.79	.27	.10			
Lead burners	8.25	.30		c	.01	
Marble setters	8.30	.20	.25			
Marble setters' helpers	6.00	.30	.20			
Millwrights	8.60	.45	.40		.01	
Painters:						
Brush	6.85					
Spray	7.50					
Swing stage, bos'n chair & window jack	7.50					
Roller	6.85					
Sandblasting	7.50					
Pildrivermen	8.15	.45	.40		.01	
Piledrivermen (Marine)	7.85	.35	.40		.01	
Plasterers	8.29	.32	.18		.03	
Plumbers	8.53	.50	.40			
Roofers:						
Slate, tile & asbestos	7.85					
Composition	7.60					
Sheet Metal workers	7.80	.37	.43	.50		
Soft floor layers	7.00	.45	.40		.01	
Steamfitters	8.96	.50	.40			
Stonemasons	7.65	.20	.25			
Sound & communication installers	4.80	.15		a + e		
Terrazzo workers	7.25	.20	.25			
Terrazzo workers' Helpers	6.00	.30	.20			
Tile setters	7.25	.20	.25			
Tile setters helpers	6.00	.30	.20			
Truck drivers straight & dump trucks less than 8 cu. yds.	4.80	d7.00	d5.00	.10		
Equipment 8 cu. yds. or over, tanden axle or semi	4.90	d7.50	d5.00	.10		
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS (WHERE APPLICABLE):
A-New Year's Day; B-Memorial Day; C-Independence Day;
D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Six paid holidays: A through F.

b. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.

c. Nine paid holidays, A through F plus Washington's Birthday, Christmas Eve and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

d. Per week per employee.

e. One year of service, 1 week vacation, 2 years of service 2 weeks vacation, 5 years of service 3 weeks vacation.

AQ-3053 P. 3

Michigan 7 LAB H 1 of 1

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Laborers:					
Inexperienced (less than 90 days in skilled or semi-skilled classification)	$5.06	.35	.30		
Construction Laborers	5.56	.35	.30		
Plasterers' tenders, material mixer, operators of portable mixers, air electric or gasoline tools, motor driven buggies, swing scaffolds	5.71	.35	.30		
Jackhammer operators	5.81	.35	.30		
Signal men & top men on sewer & caisson work (open cut)	5.68	.35	.30		
Windlass operators (caisson work)	5.78	.35	.30		
Crocklayers (or pipelayers) caisson work	5.88	.35	.30		
Top men on chimneys or towers over 30' in height	6.06	.35	.30		

AQ-3053 P. 4

Michigan Line Construction 1 J

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LINE CONSTRUCTION:						
Linemen	$6.57	.15	1%		½ of 1%	
Combination digger operator-ground man or tractor operator	5.16	.15	1%		½ of 1%	
Combination winch truck driver-groundman:						
1st. year	3.82	.15	1%		½ of 1%	
Over 1 year	4.35	.15	1%		½ of 1%	
Combination truck driver-groundman	3.71	.15	1%		½ of 1%	
Cable splicer	6.83	.15	1%		½ of 1%	
Groundman	3.71	.15	1%		½ of 1%	
Light equipment operator-groundman	4.55	.15	1%		½ of 1%	
Distribution line truck driver operator-groundman	4.55	.15	1%		½ of 1%	

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Michigan-3-PBO L

POWER EQUIPMENT OPERATORS: BUILDING & HEAVY	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
CLASS A Crane with boom & job or leads 220' or longer	$9.20	.50	.55		.05	
CLASS B Crane with boom and jib or leads 140' or longer, up to 220', tower cranes, gantry cranes, whivley derrick	8.95	.50	.55		.05	
CLASS C Regular equipment operator, crane, stiff leg derrick, scraper, dozer, grader, front end loader, hust, job mechanic and head greese man	8.70	.50	.55		.05	
CLASS D Pumps 6" or over, well points & freeze systems, air tuggcr (single drum), material hust (buck type)	8.60	.50	.55		.05	
CLASS E Engineers when operating air compressor, welding machine, generators, conveyers, pumps under 6" and greese man	7.60	.50	.55		.05	
CLASS F Fireman, oiler or heater operator	6.90	.50	.55			

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Michigan-6-PBO T

POWER EQUIPMENT OPERATORS STEEL ERECTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
CLASS A Crane operator with main boom & jib 220' or longer	$9.55	.50	.55		.05	
CLASS B Crane operator with main boom & jib 140' or longer, up to 220', tower cranes, gantry crane, whirley derrick	9.30	.50	.55		.05	
CLASS C Regular equipment operator, crane, dozer, loader, hoist, straddle wagon, job mechanic	9.05	.50	.55		.05	
CLASS D Air tugger (single drum), material hoist, pump 6" or over	8.95	.50	.55		.05	
CLASS E Air compressor, welder, generators, conveyors	7.95	.50	.55		.05	
CLASS F Oiler or fireman	6.90	.50	.55			

Underground Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHE
POWER EQUIPMENT OPERATORS:						
CLASS I						
Power shovels, crane (crawler, truck type or pile driving), dragline, backhoe, clamshell, trencher (over 8' digging capacity), mechanic, end loader (over 1-1/2 cu. yd. cap.), grader, scraper (self-propelled or tractor drawn), dozer (9' blade & over), concrete paver (2 drum or larger), side boom tractor (type D-4 or equivalent & larger), elevating grader, roller (asphalt), gradall (and similar type machine), batch plant operator (concrete), backfiller tamper, well drilling slip form paver, slope paver, conveyor loader (euclid type)	$9.045	.50	.55		.05	
CLASS II						
Trencher (8' digging capacity & smaller), endloader (1-1/2 cu. yd. capacity.& smaller), dozer (less than 9' blade), side boom tractor (smaller) than D-4 or equivalent), pump (1 or more 6" discharge or larger - gas or diesel powered or powered by generator of 300 amps or more - inclusive of generator), hoist, boom truck (power swing type boom), tractor (pneu-tired, other than backhoe or front endloader), crusher	8.91	.50	.55		.05	
CLASS III						
Air compressors (2 or more - less than 600 CFM,) air compressors (600 cu. ft. per min. or larger), pumpcrete machine (and similar equipment), mechanic helper, maintenance man, boom truck (non-swinging, non-powered type boom), welding machine or generator (2 or more - 300 amp. or larger gas or diesel powered), pump (2 or more - 4" up to 6" discharge - gas or diesel powered - excluding submersible pumps), concrete paver (1 drum-1/2 yd. or larger), wagon drill (multiple), elevator (other than passenger), concrete breaker (self-propelled or truck-mounted - includes compressor)	8.18	.50	.55		.05	

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS: (Cont'd)						
CLASS IV						
Hydraulic pipe pushing machine, pumps (2 or more up to 4" discharge if used 3 hrs. or more a day - gas or diesel powered - excluding submersible pumps), trencher (service), boiler, vibrating compaction equipment, self-propelled (6' wide or over), stump renover, mulching equipment, farm tractor, (with attachment), finishing machine (concrete), roller (other than asphalt), curing machine (self-propelled), concrete saw (40 hp. or over)	$7.61	.50	.55		.05	
Oiler & firemen	7.61	.50	.55			

SUPERSEDEAS DECISION

STATE: Michigan COUNTY: Charlevoix
DECISION NUMBER: AQ-3054 DATE: Date of Publication
Supersedes Decision No. AP-85 dated December 29, 1972 in 37 FR 28834
DESCRIPTION OF WORK: Building Construction, (Excluding single family homes and garden type apartments up to and including 4 stories), and Heavy Const.

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asbestos workers	$6.95	.44	.95		.01	
Boilermakers	8.48	.50	1.00	1.00	.01	
Bricklayers & Stonemasons	7.85	.35				
Carpenters	6.97	.45	.40		.02	
Cement masons	7.40	.35				
Electricians	8.38	.30	1%+.15		.1%	
Elevator constructors	7.18	.17	.185	2%+a&b	.005	
Elevator constructors' helpers	70%JR	.17	.185	2%+a&b	.005	
Elevator constructors' helpers (prob.)	50%JR					
Glaziers	5.20	.17	.10			
Ironworkers, structural & ornamental & reinforcing	8.60	.50	.50		.03	
Laborers:						
Laborers	5.10	.35	.30		.04	
Air tool operator, electric & gas tool operator	5.25	.35	.30		.04	
Power driven buggies	5.25	.35	.30		.04	
Mortar mixers	5.25	.35	.30		.04	
Plasterers' tender & plaster mixers	5.25	.35	.30		.04	
Sewer & caisson workers	5.25	.35	.30		.04	
Lathers	7.29	.27	.10	.25	.01	
Lead burners	8.25	.30		c	.01	
Marble setters	7.85	.35				
Millwrights	7.47	.45	.40		.02	
Painters (Western ½ of County):						
Brush	5.90					
Spray	6.50					
Painters (Eastern ½ of County):						
Brush, commercial	3.50					
Spray	3.90					
Roller	3.80					
Steel	4.00					
Paperhanging	3.50					
Sandblasting	4.05					
Piledrivermen	7.42	.45	.40		.02	
Plasterers	7.85	.35				
Plumbers	7.92	.40	.30		.03	
Roofers	7.45					
Sheet metal workers	7.79	.35	.33	.60	.10	
Soft floor layers	6.92	.35	.40		.02	
Sprinkler fitters	8.20	.20	.30		.05	
Steamfitters	7.92	.40	.30		.03	
Terrazzo workers	7.85	.35				
Tile setters	7.85	.35				

15 - Michigan B 2 of 2

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Truck Drivers:	$5.02					

Welders - receive rate prescribed for craft performing operation to which welding is incidental.

PAID HOLIDAYS: (WHERE APPLICABLE)
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Six paid holidays; A through F.

b. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.

c. Nine paid holidays, A through F plus Washington's Birthday, Christmas Eve and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holidays, and the regular scheduled work days immediately preceding and following the holiday.

Michigan Line Construction 1 J

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
LINE CONSTRUCTION:						
Linemen	$6.57	.15	1%		¢ of 1%	
Combination digger operator-ground man or tractor operator	5.16	.15	1%		¢ of 1%	
Combination winch truck driver-groundman:						
1st. year	3.82	.15	1%		¢ of 1%	
Over 1 year	4.35	.15	1%		¢ of 1%	
Combination truck driver-groundman	3.71	.15	1%		¢ of 1%	
Cable splicer	6.83	.15	1%		¢ of 1%	
Groundman	3.71	.15	1%		¢ of 1%	
Light equipment operator-groundman	4.55	.15	1%		¢ of 1%	
Distribution line truck driver operator-groundman	4.55	.15	1%		¢ of 1%	

Michigan-3-PEO L

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS: BUILDING & HEAVY						
CLASS A						
Crane with boom & jib or leads 220' or longer	$9.20	.50	.55		.05	
CLASS B						
Crane with boom and jib or leads 140' or longer, up to 220', tower cranes, gantry cranes, whirley derrick	8.95	.50	.55		.05	
CLASS C						
Regular equipment operator, crane, stiff leg derrick, scraper, dozer, grader, front end louder, hust, job mechanic and head greese man	8.70	.50	.55		.05	
CLASS D						
Pumps 6" or over, well points & freeze systems, air tugger (single drum), material hust (buck type)	8.60	.50	.55		.05	
CLASS E						
Engineers when operating air compressor, welding machine, generators, conveyors, pumps under 6" and greese man	7.60	.50	.55		.05	
CLASS F						
Fireman, oiler or heater operator	6.90	.50	.55			

Michigan-6-PED T

POWER EQUIPMENT OPERATORS STEEL ERECTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Othe
CLASS A Crane operator with main boom & jib 220' or longer	$9.55	.50	.55		.05	
CLASS B Crane operator with main boom & jib 140' or longer, up to 220', tower cranes, gantry crane, whirley derrick	9.30	.50	.55		.05	
CLASS C Regular equipment operator, crane, dozer, loader, hoist, straddle wagon, job mechanic	9.05	.50	.55		.05	
CLASS D Air tugger (single drum), material hoist, pump 6" or over	8.95	.50	.55		.05	
CLASS E Air compressor, welder, generators, conveyors	7.95	.50	.55		.05	
CLASS F Oiler or fireman	6.90	.50	.55			

Michigan 8PED I 1 of 2

Underground Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS:						
CLASS I Power shovels, crane (crawler, truck type or pile driving), dragline, backhoe, clamshell, trencher (over 8' digging capacity), mechanic, end loader (over 1-1/2 cu. yd. cap.), grader, scraper (self-propelled or tractor drawn), dozer (9' blade & over), concrete paver (2 drum or larger), side boom tractor (type D-4 or equivalent & larrer), elevating grader, roller (asphalt), gradall (and similar type machine), batch plant operator (concrete), backfiller tamper, well drilling slip form paver, slope paver, conveyor loader (euclid type)	$9.045	.50	.55		.05	
CLASS II Trencher (8' digging capacity & smaller), endloader (1-1/2 cu. yd. capacity & smaller), dozer (less than 9' blade), side boom tractor (smaller) than D-4 or equivalent), pump (1 or more 6" discharge or larger - gas or diesel powered or powered by generator of 300 amps or more - inclusive of generator), hoist, boom truck (power swing type boom), tractor (pneu-tired, other than backhoe or front endloader), crusher	8.91	.50	.55		.05	
CLASS III Air compressors (2 or more - less than 600 CFM,) air compressors (600 cu. ft. per min. or larger), pumpcrete machine (and similar equipment), mechanic helper, maintenance man, boom truck (non-swinging, non-powered type boom), welding machine or generator (2 or more - 300 amp. or larger gas or diesel powered), pump (2 or more - 4" up to 6" discharge - gas or diesel powered - excluding submersible pumps), concrete paver (1 drum-1/2 yd. or larger), wagon drill (multiple), elevator (other than passenger), concrete breaker (self-propelled or truck-mounted - includes compressor)	8.18	.50	.55		.05	

Michigan 8 PRD 2 of 2

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHR
POWER EQUIPMENT OPERATORS: (Cont'd)						
CLASS IV						
Hydraulic pipe pushing machine, pumps (2 or more up to 4" discharge if used 3 hrs. or more a day - gas or diesel powered - excluding submersible pumps), trenchor (service), boiler, vibrating compaction equipment, self-propelled (6' wide or over), stump remover, mulching equipment, farm tractor, (with attachment), finishing machine (concrete), roller (other than asphalt), curing machine (self-propelled), concrete saw (40 hp. or over)	$7.61	.50	.55		.05	
Oiler & firemen	7.61	.50	.55			

STATE: Michigan COUNTY: Gogebic
DECISION NUMBER: AQ-3058 DATE: Date of Publication
Supersedes Decision No. AP-89 dated December 29, 1972 in 37 FR-28842
DESCRIPTION OF WORK: Building Construction, (Excluding single family homes and garden type apartments up to and including 4 stories), and Heavy Const.

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asbestos workers	$7.80	.15		.40		
Boilermakers	8.48	.50	1.00	1.00	.01	
Bricklayers & Stonemasons	7.50	.30	.35			
Carpenters	6.99	.40	.40		.01	
Cement masons	6.85	.30	.35			
Electricians:						
Electrical contracts over $3,000 including industrial	6.40		1%	2%	1%	
Electrical contracts up to $3,000 except industrial	5.70		1%	2%	1%	
Elevator constructors	6.40	.17	.185	2%+b&c	.005	
Elevator constructors' helpers	70%JR	.17	.185	2%+b&c	.005	
Elevator constructors' helpers (prob.)	50%JR					
Ironworkers, structural & ornamental	7.15	.25		1.30	.01	
Ironworkers, reinforcing	7.15	.25		1.30	.01	
Lathers	7.79	.27	.10	.25	.01	
Lead burners	8.25	.30		d	.01	
Painters:						
Residential:						
Painters, paperhangers, rollers	3.50					
Commercial & Industrial:						
Brush, rollers & steel	3.75					
Spray	4.25					
Swing stage, bos'n chair window jack or triple extension up to 40'	3.75					
Swing stage or chair 40' over	4.30					
Piledrivermen	7.08	.40	.40		.01	
Millwrights	6.94	.40	.40		.01	
Plasterers	7.35	.30	.35			
Plumbers	7.93	.35	.30		.02	
Roofers	7.40		.35			
Sheet metal workers	7.55	.28	.30		.02	
Soft floor layers	6.99	.40	.40		.01	
Sprinkler fitters	8.20	.20	.30		.05	
Steamfitters	7.93	.35	.30		.02	
Terrazzo workers	7.35	.30	.35			
Tile setters	7.35	.30	.35			
Truck Drivers:						
Regular	5.19	a9.50	a8.00	b		
Heavy Duty, double axle & semi	5.29	a9.50	a8.00	b		

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Truck Drivers:						
Euclid	5.49	a9.50	a8.00	b		
Truck repair & maintenance	5.36	a9.50	a8.00	b		
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS (WHERE APPLICABLE)
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Per week per employee.

b. Six paid holidays: A through F

c. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.

d Nine paid holidays: A through F plus Washington's Birthday, Christmas Eve and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

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Mich. - 1 - LAB. N 1 of 1

Building and Heavy Construction	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Laborers:						
CLASS A						
Construction Laborers	$5.15	.35	.30			
CLASS B						
Material mixers, mortar mixers (hand or machine), vibrator op., concrete mixer, motor driven buggy op., chipping hammers, tamping machines, green cutting (whether run by air, electric or gas), and sand blasters	5.25	.35	.30			
CLASS C						
Cement gun nozzlemen, blasters, miners drillers, buster operator, layers of all non-metallic pipe	5.55	.35	.30			
CLASS D						
Underground Work, Tunnels and Shafts: Muckers, caisson workers, miners, drillers, blasters	5.70	.35	.30			

Mich Line Construction Area III U. P.

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
LINE CONSTRUCTION:						
Linemen	$6.89	.25	1%	a	.25%	
Cable Splicer	7.17	.25	1%	a	.25%	
Comb. digger Op. - Groundman	5.39	.25	1%	a	.25%	
Comb. Tractor Op. - Groundman	5.39	.25	1%	a	.25%	
Light equipment Op. - Groundman	4.74	.25	1%	a	.25%	
Distribution line truck driver operator - Groundman	4.74	.25	1%	a	.25%	
Combination Winch truck driver - Groundman						
1st year	3.96	.25	1%	a	.25%	
Over 1 Year	4.53	.25	1%	a	.25%	
Comb. Truck driver - Groundman	3.84	.25	1%	a	.25%	

PAID HOLIDAYS: (WHERE APPLICABLE)
A-New Years Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day

FOOTNOTE:
a. Seven paid holidays: A through F plus Veterans Day providing the employee worked the scheduled workday preseding and the scheduled workday next following the day observed as the holiday.

Michigan-7-FED K

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS: BUILDING, HEAVY & UNDERGROUND						
CLASS A						
Regular equipment operator, crane, dozer, front end loader, job mechanic	$7.07	.50	.55	.22	.01	
CLASS B						
Air track drill, boom truck, concrete mixers, fork truck, material hoist & tugger, pumps 6" or over, pumpcrete, belt crete, squeeze crete, sweeping machine, trencher, winches, well points and freeze systems	6.68	.50	.55	.21	.01	
CLASS C						
Air compressor, conveyor, concrete saw, farm tractor (without attachments) generator, guret post driver, mulching, pumps under 6", welders	6.31	.50	.55	.20	.01	
CLASS D						
Oiler, firemen, heater operator	5.91	.50	.55			
STEEL CONSTRUCTION:						
CLASS 1						
Operator	7.31	.50	.55	.23	.01	
CLASS 2						
Compressor & welder	6.83	.50	.55	.21	.01	
CLASS 3						
Oiler & fireman	6.02	.50	.55	.19		

SUPERSEDEAS DECISION

STATE: Michigan COUNTY: Huron
DECISION NUMBER AQ-3060 DATE: Date of Publication
Supersedes Decision No. AP-91 dated December 29, 1972 in 37 FR 28879
DESCRIPTION OF WORK: Building Construction, (Excluding single family homes and garden type apartments up to and including 4 stories), and Heavy Const.

Building and Heavy Construction	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Asbestos workers	$6.95	.44	.95		.01	
Boilermakers	8.48	.50	1.00	1.00	.01	
Bricklayers	8.77	.45	.50			
Carpenters:						
Building	8.59	.45	.40		.01	
Carpenters - Heavy	7.73	.40	.40		.01	
Cement masons	8.02	.45	.50			
Electricians	9.12	.75+.10	.65+.09	.91	.06	
Elevator constructors	7.77	.17	.185	2%+a&b	.005	
Elevator constructors' helpers	70%JR	.17	.185	2%+a&b	.005	
Elevator constructors' helpers (prob.)	50%JR					
Ironworkers, structural, ornamental	8.17	8%	13%	16%	.04	
Reinforcing	7.7934	.85	15%	15%	.01	
Riggers & machinery movers	8.10	.726	1.10	1.134	.01	
Lathers	7.79	.27		.25	.01	
Lead burners	8.25	.30		c	.01	
Marble setters	9.49	.30	.40	.50		
Marble setters' helpers	8.18	.30	.30			
Millwrights	8.00	.45	7%+2%	17%	.04	
Painters: (East of Highway 53)						
Brush (hand)	8.30	.35				
Swing stage - 60' hook up	9.05	.35				
Spray work - under 40'	8.80	.35				
Spray work - 40' scaffold	8.95	.35				
Painters: (West of Highway 53)						
Commercial:						
Brush	6.45	.42	.30			
Spray	7.20	.42	.30			
Piledrivermen	8.59	.45	.40		.01	
Piledrivermen - Heavy	7.73	.40	.40		.01	
Plasterers	7.67	.45		.50		
Plumbers:						
Western ½ of County	8.89	.35	.45			
Eastern ½ of County	9.77	.35	.35			
Roofers	7.50	.40	.20		.01	
Sheet metal workers	8.87	.30	.40			
Sprinkler fitters	8.20	.20	.30		.05	
Soft floor layers	7.88	.45	.40	.56	.01	
Steamfitters (Western ½ of County)	8.89	.35	.45			
Steamfitters (Eastern ½ of County)	9.77	.35	.35			
Stone masons	8.77	.45	.50			

PAID HOLIDAYS (Where Applicable)
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Six paid holidays: A through F.

b. Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.

c. Nine paid holidays, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

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Building Construction:

Laborers:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Oth
Construction Laborers	6.74	.35	.30		.04	
Mechanized Mortar mixing, air, electric & gas driven tools, vibrators, signal men and top men on sewer & caisson work (open cut)	6.86	.35	.30		.04	
Air or electric driven pavement pavement breaker, plasters tenders, and plaster mixers	6.94	.35	.30		.04	
Windlass (on caisson work)	6.94	.35	.30		.04	
Crock layers (and pipe layers on all sewer, water and gas lines)	6.94	.35	.30		.04	
Caisson workers	6.94	.35	.30		.04	
Drillers and blasters, burners and welders	7.51	.35	.30		.04	

Michigan Line Construction Area II

Mich. 1 - M

Line Construction:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
Linemen & Technician	$9.30	.75	.22+.09	.93	½ of 1%	
Cable splicer, Technicians & Helio Arc Welders	9.71	.75	.22+.09	.93	½ of 1%	
Combination equipment operator and groundmen	7.52	.75	.22+.09	.93	½ of 1%	
Combination driver and groundmen	7.10	.75	.22+.09	.93	½ of 1%	
Groundman	6.35	.75	.22+.09	.93	½ of 1%	

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POWER EQUIPMENT OPERATORS STEEL ERECTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHR
Engineer operating combination of boom & jib 220' or longer	$9.41	.40	.40	10%	.05	
Engineer operating combination of boom & jib 140' or longer, up to 220'	9.16	.40	.40	10%	.05	
Tower-crane & derrick operator (work station 50' or more above 1st sub-level)	9.16	.40	.40	10%	.05	
Crane operator & job mechanic	8.68	.40	.40	10%	.05	
Hoisting engineers	8.54	.40	.40	10%	.05	
Compressor or welder operator	7.84	.40	.40	10%	.05	
Oiler or fireman	6.875	.40	.40	10%	.05	

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Michigan-3-PED L

POWER EQUIPMENT OPERATORS: BUILDING & HEAVY	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
CLASS A Crane with boom & jib or leads 220' or longer	$9.20	.50	.55		.05	
CLASS B Crane with boom and jib or leads 140' or longer, up to 220', tower cranes, gantry cranes, whivley derrick	8.95	.50	.55		.05	
CLASS C Regular equipment operator, crane, stiff leg derrick, scraper, dozer, grader, front end loader, hust, job mechanic and head greese man	8.70	.50	.55		.05	
CLASS D Pumps 6" or over, well points & freeze systems, air tugger (single drum), material hust (buck type)	8.60	.50	.55		.05	
CLASS E Engineers when operating air compressor, welding machine, generators, conveyors, pumps under 6" and greese man	7.60	.50	.55		.05	
CLASS F Fireman, oiler or heater operator	6.90	.50	.55			

Underground Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.
POWER EQUIPMENT OPERATORS:					
CLASS I					
Power shovels, crane (crawler, truck type or pile driving), dragline, backhoe, clamshell, trencher (over 8' digging capacity), mechanic, end loader (over 1-1/2 cu. yd. cap.), grader, scraper (self-propelled or tractor drawn), dozer (9' blade & over), concrete paver (2 drum or larger), side boom tractor (type D-4 or equivalent & larger), elevating grader, roller (asphalt), gradall (and similar type machine), batch plant operator (concrete), backfiller tamper, well drilling slip form paver, slope paver, conveyor loader (euclid type)	$9.045	.50	.55		.05
CLASS II					
Trencher (8' digging capacity & smaller), endloader (1-1/2 cu. yd. capacity & smaller), dozer (less than 9' blade), side boom tractor (smaller) than D-4 or equivalent), pump (1 or more 6" discharge or larger - gas or diesel powered or powered by generator of 300 amps or more - inclusive of generator), hoist, boom truck (power swing type boom), tractor (pneu-tired, other than backhoe or front endloader), crusher	8.91	.50	.55		.05
CLASS III					
Air compressors (2 or more - less than 600 CFM,) air compressors (600 cu. ft. per min. or larger), pungcrete machine (and similar equipment), mechanic helper, maintenance man, boom truck (non-swinging, non-powered type boom), welding machine or generator (2 or more - 300 amp. or larger gas or diesel powered), pump (2 or more - 4" up to 6" discharge - gas or diesel powered - excluding submersible pumps), concrete paver (1 drum-1/2 yd. or larger), wagon drill (multiple), elevator (other than passenger), concrete breaker (self-propelled or truck-mounted - includes compressor)	8.18	.50	.55		.05

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.
POWER EQUIPMENT OPERATORS: (Cont'd)					
CLASS IV					
Hydraulic pipe pushing machine, pumps (2 or more up to 4" discharge if used 3 hrs. or more a day - gas or diesel powered - excluding submersible pumps), trencher (service), boiler, vibrating compaction equipment, self-propelled (6' wide or over), stump remover, mulching equipment, farm tractor, (with attachment), finishing machine (concrete), roller (other than asphalt), curing machine (self-propelled), concrete saw (40 hp. or over)	$7.61	.50	.55		.05
Oiler & fireman	7.61	.50	.55		

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Michigan 3-TD L

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oths
TRUCK DRIVERS:						
Pole trailers, low boys, straddle carriers, double bottoms and special load permits drivers	$5.25	a14.50	a10.00	b+c		
Semi drivers	5.15	a14.50	a10.00	b+c		
All other trucks	5.00	a14.50	a10.00	b+c		

PAID HOLIDAYS: (Where Applicable)
A-New Year's Day; B-May 30th;
C-July 4th; D-Labor Day; E-Thanksgiving
F-Christmas

FOOTNOTES:

a. Per week, per employee

b. 6 paid holidays for employees who have acquired seniority

c. Vacation pay: Less than 3 years, 4 hours of basic straight time pay per month. Three to ten years 8 hours of basic straight time per month. Ten years to 15 years, 12 hours of basic straight time per month. Over 15 years, 16 hours of basic straight time pay per month.

SUPERSEDEAS DECISION

STATE: Michigan COUNTY: Ingham
DECISION NUMBER: AQ-3061 DATE: Date of Publication
Supersedes Decision No. AP-92 dated December 29, 1972 in 37 FR 28844
DESCRIPTION OF WORK: Building Construction, (Excluding single family homes and garden type apartments up to and including 4 stories), and Heavy Const.

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Building and Heavy Construction	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asbestos workers	$6.95	.44	.95		.01	
Boilermakers	8.48	.50	1.00	1.00	.01	
Carpenters:						
Building & Heavy	8.76	.35	.20		.01	
Bricklayers and stonemasons	8.60	.55	.40	e	.01	
Cement masons	6.16	.22	.15		.02	
Electricians:						
Townships of Onondaga, Leslie, Bunker Hill and Stockbridge	9.04	.30	1%			
Remainder of County	9.10	.30	1%+.15		.5%	
Elevator constructors	9.115	.195	.20	2%+a&b	.005	
Elevator constructors' helpers	70%JR	.195	.20	2%+a&b	.005	
Elevator constructors' helpers (prob.)	50%JR					
Ironworkers:						
Structural & ornamental	8.17	8%	13%	16%	.04	
Reinforcing	7.7984	.85	15%	15%	.01	
Laborers:						
Laborers	6.45	.35	.30		.04	
Air tool operator	6.59	.35	.30		.04	
Mortar mixers (hand or machine)	6.53	.35	.30		.04	
Pipelayers or crock layers	6.81	.35	.30		.04	
Plasterers' tenders	6.59	.35	.30		.04	
Caisson workers	6.81	.35	.30		.04	
Tunnel muckers	6.81	.35	.30		.04	
Tunnelmen, concrete shovelers, car pushers & bottom men on sewer work	6.74	.35	.30		.04	
Tunnel miners	7.065	.35	.30		.04	
Port, conc. mixer op. (14-S under)	6.59	.35	.30		.04	
Lathers	7.79	.27	.10	.25	.01	
Lead burners	8.25	.30	.20	d	.01	
Marble setters	8.28	.55	.40	e		
Marble setters' helpers	5.61	.30	.20			
Millwrights	8.20	.53	.738	.1476	.05	
Piledrivermen	8.76	.35	.20		.01	
Plumbers & Steamfitters	9.00	.50	.45			
Roofers	6.60	.25				
Sheet metal workers	7.80	.37	.43	.50		
Soft floor layers	7.88	.45	.40	.56	.01	
Sprinkler fitters	8.20	.20	.30		.05	
Terrazzo workers	8.28	.55	.40	e		
Terrazzo workers' helpers	5.61	.30	.20			
Tile setters & mosaic workers	8.28	.55	.40	e		
Tile setters' helpers	5.61	.30	.20			

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Truck Drivers:						
Truck driver (on all trucks except) dump trucks of 8 cu. yds. cap. or over, pole trailers & double bottoms)	$6.35	c17.00	c11.00	f		
Truck drivers (on dump trucks of 8 cu. yds. cap. or over & pole trailers)	6.45	c17.00	c11.00	f		
Low boy driver & double bottom drivers	6.55	c17.00	c11.00	f		
Structural steel drivers	6.85	c17.00	c11.00			
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS: (WHERE APPLICABLE)
A-New Year's Day; B- Memorial Day; C-Independence Day;
D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Six paid holidays, A through F.

b. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years.
Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.

c. Per week per employee.

d. Nine paid holidays, A through F plus Washington's Birthday and Christmas Eve and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.

e. One paid holiday: C.

f. One year's service, one week's vacation; 3 year's service, 2 weeks vacation.

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LINE CONSTRUCTION:						
Linemen	$6.57	.15	1%		¼ of 1%	
Combination digger operator-ground man or tractor operator	5.16	.15	1%		¼ of 1%	
Combination winch truck driver-groundman:						
1st. year	3.82	.15	1%		¼ of 1%	
Over 1 year	4.35	.15	1%		¼ of 1%	
Combination truck driver-groundman	3.71	.15	1%		¼ of 1%	
Cable splicer	6.83	.15	1%		¼ of 1%	
Groundman	3.71	.15	1%		¼ of 1%	
Light equipment operator-groundman	4.55	.15	1%		¼ of 1%	
Distribution line truck driver operator-groundman	4.55	.15	1%		¼ of 1%	

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Michigan Painters Area I - I J 1 of 1

Building and Heavy Construction	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Painters:						
Brush, roller & prepartory sanding	$8.28	.30	.40		.01	
Swing, chair window jacks and scaffolding	9.03	.30	.40		.01	
Structural steel to 20' in heights, towers, stacks	8.68	.30	.40		.01	
Spray	9.03	.30	.40		.01	
Paperhangers	8.63	.30	.40		.01	

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Michigan 2-PED N 1 of 1

POWER EQUIPMENT OPERATORS STEEL ERECTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Engineer operating combination of boom & jib 220' or longer	$9.41	.40	.40	10%	.05	
Engineer operating combination of boom & jib 140' or longer, up to 220'	9.16	.40	.40	10%	.05	
Tower-crane & derrick operator (work station 50' or more above 1st sub-level)	9.16	.40	.40	10%	.05	
Crane operator & job mechanic	8.68	.40	.40	10%	.05	
Hoisting engineers	8.54	.40	.40	10%	.05	
Compressor or welder operator	7.84	.40	.40	10%	.05	
Oiler or fireman	6.875	.40	.40	10%	.05	

Michigan-3-78D L

POWER EQUIPMENT OPERATORS: BUILDING & HEAVY	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
CLASS A						
Crane with boom & jib or leads 220' or longer	$9.20	.50	.55		.05	
CLASS B						
Crane with boom and jib or leads 140' or longer, up to 220', tower cranes, gantry cranes, whivley derrick	8.95	.50	.55		.05	
CLASS C						
Regular equipment operator, crane, stiff leg derrick, scraper, dozer, grader, front end loader, hust, job mechanic and head greese man	8.70	.50	.55		.05	
CLASS D						
Pumps 6" or over, well points & freeze systems, air tugger (single drum), material hust (buck type)	8.60	.50	.55		.05	
CLASS E						
Engineers when operating air compressor, welding machine, generators, conveyers, pumps under 6" and greese man	7.60	.50	.55		.05	
CLASS F						
Fireman, oiler or heater operator	6.90	.50	.55			

Michigan SPED 1 1 of 2

Underground Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS:						
CLASS I						
Power shovels, crane (crawler, truck type or pile driving), dragline, backhoe, clamshell, trencher (over 8' digging capacity), machanic, end loader (over 1-1/2 cu. yd. cap.), grader, scraper (self-propelled or tractor drawn), dozer (9' blade & over), concrete paver (2 drum or larger), side boom tractor (type D-4 or equivalent & larrer), elevating grader, roller (asphalt), gradall (and similar type machine), batch plant operator (concrete), backfiller tamper, well drilling slip form paver, slope paver, conveyor loader (euclid type)	$9.045	.50	.55		.05	
CLASS II						
Trencher (8' digging capacity & smaller), endloader (1-1/2 cu. yd. capacity & smaller), dozer (less than 9' blade), side boom tractor (smaller) than D-4 or equivalent), pump (1 or more 6" discharge or larger - gas or diesel powered or powered by generator of 300 amps or more - inclusive of generator), hoist, boom truck (power swing type boom), tractor (pneu-tired, other than backhoe or front endloader), crusher	8.91	.50	.55		.05	
CLASS III						
Air compressors (2 or more - less than 600 CFM,) air compressors (600 cu. ft. per min. or larger), pumpcrete machine (and similar equipment), mechanic helper, maintenance man, boom truck (non-swinging, non-powered type boom), welding machine or generator (2 or more - 300 amp. or larger gas or diesel powered), pump (2 or more - 4" up to 6" discharge - gas or diesel powered - excluding submersible pumps), concrete paver (1 drum-1/2 yd. or larger), wagon drill (multiple), elevator (other than passenger), concrete breaker (self-propelled or truck-mounted - includes compressor)	8.18	.50	.55		.05	

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHE
POWER EQUIPMENT OPERATORS: (Cont'd)						
CLASS IV						
Hydraulic pipe pushing machine, pumps (2 or more up to 4" discharge if used 3 hrs. or more a day - gas or diesel powered - excluding submersible pumps), trencher (service), boiler, vibrating compaction equipment, self-propelled (6' wide or over), stump remover, mulching equipment, farm tractor, (with attachment), finishing machine (concrete), roller (other than asphalt), curing machine (self-propelled), concrete saw (40 hp. or over)	$7.61	.50	.55		.05	
Oiler & firemen	7.61	.50	.55			

SUPERSEDEAS DECISION

STATE: Michigan COUNTY: Kalamazoo
DECISION NUMBER: AQ-3062 DATE: Date of Publication
Supersedes Decision No. AP-93 dated December 29, 1972 in 37 FR 28847
DESCRIPTION OF WORK: Building Construction, (Excluding single family homes and garden type apartments up to and including 4 stories), and Heavy Construction.

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Building and Heavy Construction	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Asbestos workers	$6.95	.44	.95		.01	
Boilermakers	8.48	.50	1.00	1.00	.01	
Bricklayers	8.35	.35	.30		.09	
Carpenters:						
Building	7.75	.45	.40		.01	
Cement masons	6.16	.22	.15		.02	
Electricians:						
(Townships of Ross & Charleston)	8.70	.30	7%		.01	
(Remainder of County)	8.65	.30	7.5%		.01	
Elevator constructors:						
Elevator constructors	7.53	.17	.185	2%+e&b	.005	
Elevator constructors' helpers	70%JR	.17	.185	2%+e&b	.005	
Elevator constructors' helpers (prob.)	50%JR					
Glaziers	5.91	.07				
Ironworkers, structural ornamental & reinforcing	8.35	.50	.50		.03	
Lathers	7.79	.27	.10	.25	.01	
Lead burners	8.25	.30		c	.01	
Marble setters	8.30	.20	.25			
Marble setters' helpers	4.96	.25	.10			
Painters:						
Brush & pan rollers	6.90		.20			
Structural steel	7.55		.20			
Swing stage	7.55		.20			
Spray	7.60		.20			
Mechanical pressure roller	7.60		.20			
Piledrivermen	8.15	.45	.40		.01	
Plasterers	8.04	.32	.18		.03	
Plumbers & Steamfitters	9.00	.40	.48			
Roofers:	7.60					
Sheet metal workers	7.80	.37	.43	.50		
Soft floor layers	7.00	.45	.40		.01	
Sprinkler fitters	8.20	.20	.30		.05	
Steamfitters & Plumbers - Ft. Custer	8.96	.50	.40			
Stonemasons	8.35	.35	.30		.09	
Terrazzo workers	7.20	.30				
Terrazzo workers' helpers	4.96	.25	.10			
Tile setters	7.20	.30				
Tile setters' helpers	4.96	.25	.10			
Truck Drivers:						
Straight or dump trucks	3.85	e5.30	e6.00			
Sound Technicians	4.80	.15		a+d		

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MICHIGAN - 3-LAB B

Welders - receive rate prescribed for craft performing operation to which welding is incidental.

PAID HOLIDAYS
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Six paid holidays: A through F.

b. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.

c. Nine paid holidays, A through F plus Washington's Brithday, Christmas Eve and Good Friday, provding employee has worked 45 full days during the 120 calendar days prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.

d. 1 yr. of service, paid vac. 1 wk.; 2 yrs. service, paid vac. 2 wks.; 5 yrs. of service, paid vacation 3 weeks

e. Per week per employee.

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LABORERS:						
Laborers (inexperienced)	$5.35	.35	.30			
Laborers	5.85	.35	.30			
Plaster tenders, material mixer, operators of portable mixers, air, electric or gasoline tools, motor driven buggies, swing scaffolds	6.00	.35	.30			
Jackhammer operators	6.10	.35	.30			
Signal men and top men on sewer & caisson work (open cut)	5.97	.35	.30			
Windlas (on caisson work)	6.07	.35	.30			
Crocklayers or pipelayers (caisson work)	6.17	.35	.30			
Top men on chimneys or towers over 30' in height	6.35	.35	.30			

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Michigan Line Construction 1 J

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LINE CONSTRUCTION:						
Linemen	$6.57	.15	1%		¢ of 1%	
Combination digger operator-ground man or tractor operator	5.16	.15	1%		¢ of 1%	
Combination winch truck driver-groundman:						
1st. year	3.82	.15	1%		¢ of 1%	
Over 1 year	4.35	.15	1%		¢ of 1%	
Combination truck driver-groundman	3.71	.15	1%		¢ of 1%	
Cable splicer	6.83	.15	1%		¢ of 1%	
Groundman	3.71	.15	1%		¢ of 1%	
Light equipment operator-groundman	4.55	.15	1%		¢ of 1%	
Distribution line truck driver operator-groundman	4.55	.15	1%		¢ of 1%	

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Michigan-3-FBO L

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS: BUILDING & HEAVY						
CLASS A						
Crane with boom & job or leads 220' or longer	$9.20	.50	.55		.05	
CLASS B						
Crane with boom and jib or leads 140' or longer, up to 220', tower cranes, gantry cranes, whivley derrick	8.95	.50	.55		.05	
CLASS C						
Regular equipment operator, crane, stiff leg derrick, scraper, dozer, grader, front end loader, hust, job mechanic and head greese man	8.70	.50	.55		.05	
CLASS D						
Pumps 6" or over, well points & freeze systems, air tugger (single drum), material hust (buck type)	8.60	.50	.55		.05	
CLASS E						
Engineers when operating air compressor, welding machine, generators, conveyors, pumps under 6" and greese man	7.60	.50	.55		.05	
CLASS F						
Fireman, oiler or heater operator	6.90	.50	.55			

POWER EQUIPMENT OPERATORS STEEL ERECTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
CLASS A						
Crane operator with main boom & jib 220' or longer	$9.55	.50	.55		.05	
CLASS B						
Crane operator with main boom & jib 140' or longer, up to 220', tower cranes, gantry crane, whirley derrick	9.30	.50	.55		.05	
CLASS C						
Regular equipment operator, crane, dozer, loader, hoist, straddle wagon, job mechanic	9.05	.50	.55		.05	
CLASS D						
Air tugger (single drum), material hoist, pump 6" or over	8.95	.50	.55		.05	
CLASS E						
Air compressor, welder, generators, conveyors	7.95	.50	.55		.05	
CLASS F						
Oiler or fireman	6.90	.50	.55			

Underground Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS: H & W	PENSIONS	VACATION	AFP. TR.	OTHERS
POWER EQUIPMENT OPERATORS:						
CLASS I						
Power shovels, crane (crawler, truck type or pile driving), dragline, backhoe, clamshell, trencher (over 8' digging capacity), mechanic, end loader (over 1-1/2 cu. yd. cap.), grader, scraper (self-propelled or tractor drawn), dozer (9' blade & over), concrete paver (2 drum or larger), side boom tractor (type D-4 or equivalent & larver), elevating grader, roller (asphalt), gradall (and similar type machine), batch plant operator (concrete), backfiller tamper, well drilling slip form paver, slope paver, conveyor loader (euclid type)	$9.045	.50	.55		.05	
CLASS II						
Trencher (8' digging capacity & smaller), endloader (1-1/2 cu. yd. capacity & smaller), dozer (less than 9' blade), side boom tractor (smaller) than D-4 or equivalent), pump (1 or more 6" discharge or larger - gas or diesel powered or powered by generator of 300 amps or more - inclusive of generator), hoist, boom truck (power swing type boom), tractor (pneu-tired, other than backhoe or front endloader), crusher	8.91	.50	.55		.05	
CLASS III						
Air compressors (2 or more - less than 600 CFM,) air compressors (600 cu. ft. per min. or larger), pumpcrete machine (and similar equipment), mechanic helper, maintenance man, boom truck (non-swinging, non-powered type boom), welding machine or generator (2 or more - 300 amp. or larger gas or diesel powered), pump (2 or more - 4" up to 6" discharge - gas or diesel powered - excluding submersible pumps), concrete paver (1 drum-1/2 yd. or larger), wagon drill (multiple), elevator (other than passenger), concrete breaker (self-propelled or truck-mounted - includes compressor)	8.18	.50	.55		.05	

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHE
POWER EQUIPMENT OPERATORS: (Cont'd)						
CLASS IV						
Hydraulic pipe pushing machine, pumps (2 or more up to 4" discharge if used 3 hrs. or more a day - gas or diesel powered - excluding submersible pumps), trencher (service), boiler, vibrating compaction equipment, self-propelled (6' wide or over), stump remover, mulching equipment, farm tractor, (with attachment), finishing machine (concrete), roller (other than asphalt), curing machine (self-propelled), concrete saw (40 hp. or over)	$7.61	.50	.55		.05	
Oiler & firemen	7.61	.50	.55			

SUPERSEDEAS DECISION

STATE: Michigan COUNTY: Saginaw
DECISION NUMBER: AQ-3065 DATE: Date of Publication
Supersedes Decision No. AP-96 dated December 29, 1972 in 37 FR 28876
DESCRIPTION OF WORK: Building Construction (Excluding single family homes and garden type apartments up to and including 4 stories), and Heavy Const.

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Building and Heavy Construction	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asbestos workers	$6.95	.44	.95		.01	
Boilermakers	8.48	.50	1.00	1.00	.01	
Bricklayers	8.77	.45	.50			
Carpenters (Building)	8.59	.45	.40		.01	
Carpenters - Heavy	7.73	.40	.40		.01	
Cement masons	8.02	.45	.50			
Electricians	9.85		1%+.15		½ of 1%	
Elevator constructors	7.77	.17	.185	2%+a&b	.005	
Elevator constructors' helpers	70%JR	.17	.185	2%+a&b	.005	
Elevator constructors' helpers (Prob.)	50%JR					
Ironworkers, structural, ornamental & reinforcing	8.17	8%	13%	16%	.04	
Lathers	7.79	.27	.10	.25	.01	
Lead burners	8.25	.30		d	.01	
Marble setters	8.55					
Millwrights	8.20	.53	.738	.1476	.05	
Painters:						
Industrial	6.80	.35	.20			
Residential & Commercial	6.80	.35	.20			
Spray	7.55	.35	.20			
Sandblasting (Inside)	7.80	.35	.20			
Swing stage, boatswain chair, sand blasting, (outside) work over 40' open structural steel	7.40	.35	.20			
Piledrivermen	8.59	.45	.40		.01	
Piledrivermen - Heavy	7.73	.40	.40		.01	
Plasterers	7.67	.45		.50		
Plumbers	9.15	.49	.60		.01	
Roofers	8.75	.60	.50			
Sheet metal workers	8.87	.30	.40			
Resilient floor layers	7.88	.45	.40	.56	.01	
Sprinkler fitters	8.20	.20	.30		.05	
Steam fitters	9.15	.49	.60		.01	
Stonemasons	8.77	.45	.50			
Terrazzo workers	8.55					
Terrazzo workers' helpers & grinders	7.36	.30	.10	.25		
Tile setters	8.55					
Truck drivers:						
Under 8 yds.	3.67	c7.80	c8.00	.17		
Over 8 yds.	3.77	c7.80	c8.00	.17		
Euclids	3.87	c7.80	c8.00	.17		
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS:
A-New Year's Day; B- Memorial Day; C-Independence Day;
D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Six paid holidays, A through F

b. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.

c. Per week per employee.

d. Nine paid holidays, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled workdays immediately preceding and following the holiday.

f. 4% vacation; 2% holiday fund.

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Laborers:						
Construction laborers	6.83	.30	.20			
Mechanized mortar mixing, air, electric & gas driven tools, vibrators, signal men and top men on sewer & caisson work (open cut)	6.95	.30	.20			
Air or electric driven pavement pavement breaker, plasterers tenders, plaster mixers	7.03	.30	.20			
Tunnel men, concrete shovelers, car pushers, etc., and grade men on sewer, trench or excavating grade men	7.05	.30	.20			
Windlass (on caisson work)	7.00	.30	.20			
Crock layers (and pipe layers on all sewer, water and gas lines)	7.25	.30	.20			
Caisson workers	7.15	.30	.20			
Tunnel miners	7.50	.30	.20			
Drillers and blasterers, burners and welders	7.60	.30	.20			

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Michigan Line Construction 1 J

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Or
LINE CONSTRUCTION:						
Linemen	$6.57	.15	1%		¢ of 1%	
Combination digger operator-ground man or tractor operator	5.16	.15	1%		¢ of 1%	
Combination winch truck driver-groundman:						
1st. year	3.82	.15	1%		¢ of 1%	
Over 1 year	4.35	.15	1%		¢ of 1%	
Combination truck driver-groundman	3.71	.15	1%		¢ of 1%	
Cable splicer	6.83	.15	1%		¢ of 1%	
Groundman	3.71	.15	1%		¢ of 1%	
Light equipment operator-groundman	4.55	.15	1%		¢ of 1%	
Distribution line truck driver operator-groundman	4.55	.15	1%		¢ of 1%	

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POWER EQUIPMENT OPERATORS STEEL ERECTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Engineer operating combination of boom & jib 220' or longer	$9.41	.40	.40	10%	.05	
Engineer operating combination of boom & jib 140' or longer, up to 220'	9.16	.40	.40	10%	.05	
Tower-crane & derrick operator (work station 50' or more above 1st sub-level)	9.16	.40	.40	10%	.05	
Crane operator & job mechanic	8.68	.40	.40	10%	.05	
Hoisting engineers	8.54	.40	.40	10%	.05	
Compressor or welder operator	7.84	.40	.40	10%	.05	
Oiler or fireman	6.875	.40	.40	10%	.05	

POWER EQUIPMENT OPERATORS: BUILDING & HEAVY	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Othe
CLASS A						
Crane with boom & jib or leads 220' or longer	$9.20	.50	.55		.05	
CLASS B						
Crane with boom and jib or leads 140' or longer, up to 220', tower cranes, gantry cranes, whivley derrick	8.95	.50	.55		.05	
CLASS C						
Regular equipment operator, crane, stiff leg derrick, scraper, dozer, grader, front end loader, hust, job mechanic and head greese man	8.70	.50	.55		.05	
CLASS D						
Pumps 6" or over, well points & freeze systems, air tugger (single drum), material hust (buck type)	8.60	.50	.55		.05	
CLASS E						
Engineers when operating air compressor, welding machine, generators, conveyors, pumps under 6" and greese man	7.60	.50	.55		.05	
CLASS F						
Fireman, oiler or heater operator	6.90	.50	.55			

Underground Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS			
		H & W	PENSIONS	VACATION	APP. TR.
POWER EQUIPMENT OPERATORS:					
CLASS I					
Power shovels, crane (crawler, truck type or pile driving), dragline, backhoe, clamshell, trencher (over 8' digging capacity), mechanic, end loader (over 1-1/2 cu. yd. cap.), grader, scraper (self-propelled or tractor drawn), dozer (9' blade & over), concrete paver (2 drum or larger), side boom tractor (type D-4 or equivalent & larger), elevating grader, roller (asphalt), gradall (and similar type machine), batch plant operator (concrete), backfiller tamper, well drilling slip form paver, slope paver, conveyor loader (euclid type)	$9.045	.50	.55		.05
CLASS II					
Trencher (8' digging capacity & smaller), endloader (1-1/2 cu. yd. capacity & smaller), dozer (less than 9' blade), side boom tractor (smaller) than D-4 or equivalent), pump (1 or more 6" discharge or larger - gas or diesel powered or powered by generator of 300 amps or more - inclusive of generator), hoist, boom truck (power swing type boom), tractor (pneu-tired, other than backhoe or front endloader), crusher	8.91	.50	.55		.05
CLASS III					
Air compressors (2 or more - less than 600 CFM,) air compressors (600 cu. ft. per min. or larger), pumpcrete machine (and similar equipment), mechanic helper, maintenance man, boom truck (non-swinging, non-powered type boom), welding machine or generator (2 or more - 300 amp. or larger gas or diesel powered), pump (2 or more - 4" up to 6" discharge - gas or diesel powered - excluding submersible pumps), concrete paver (1 drum-1/2 yd. or larger), wagon drill (multiple), elevator (other than passenger), concrete breaker (self-propelled or truck-mounted - inclucos compressor)	8.18	.50	.55		.05

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS			
		H & W	PENSIONS	VACATION	APP. TR.
POWER EQUIPMENT OPERATORS: (Cont'd)					
CLASS IV					
Hydraulic pipe pushing machine, pumps (2 or more up to 4" discharge if used 3 hrs. or more a day - gas or diesel powered - excluding submersible pumps), trencher (service), boiler, vibrating compaction equipment, self-propelled (6' wide or over), stump remover, mulching equipment, farm tractor, (with attachment), finishing machine (concrete), roller (other than asphalt), curing machine (self-propelled), concrete saw (40 hp. or over)	$7.61	.50	.55		.05
Oiler & firemen	7.61	.50	.55		—

SUPERSEDEAS DECISION

STATE: Michigan
DECISION NUMBER: AQ-3066
COUNTIES: Muskegon & Oceana
DATE: Date of Publication
Supersedes Decision No. AP-97 dated December 29, 1972 in 37 FR 28857
DESCRIPTION OF WORK: Building Construction (Excluding single family homes and garden type apartments up to and including 4 stories), and Heavy Const.

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Building and Heavy Construction	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asbestos workers	$6.95	.44	.95		.01	
Boilermakers	8.48	.50	1.00	1.00	.01	
Bricklayers	7.92	.25	.50			
Carpenters	7.75	.45	.40		.01	
Cement masons	6.53	.32	.18		.02	
Electricians	8.46	.30	1%+.25		.01	
Elevator constructors	7.18	.17	.185	2%+a&b	.005	
Elevator constructors' helpers	70%JR	.17	.185	2%+a&b	.005	
Elevator constructors' helpers (prob.)	50%JR					
Glaziers	6.00					
Ironworkers:						
Structural, ornamental & reinforcing	8.60	.50	.50		.01	
Lathers	7.79	.27	.10	.25	.01	
Lead burners	8.25	.30		c	.01	
Marble setters	6.85	.25	.50			
Marble setters' helpers	5.61	.30	.20			
Painters:						
Brush & roller 9" & under	6.35	.25	.20		.005	
Swing stage	6.35	.25	.20		.005	
Spray	6.35	.25	.20		.005	
Piledrivermen (Marine Construction)	7.85	.35	.40		.01	
Piledrivermen	8.15	.45	.40		.01	
Plasterers	8.04	.32	.18		.03	
Plumbers & Steamfitters	8.33	.71	.46			
Roofers:						
Slate tile & asbestos	7.85					
Composition	7.60					
Sheet metal workers	7.50	.47	.35	.67		
Soft floor layers	7.00	.45	.40		.01	
Sprinkler fitters	8.20	.20	.30		.05	
Stone masons	7.57	.25	.50			
Terrazzo workers	6.85	.25	.50			
Terrazzo workers' helpers	5.61	.30	.20			
Tile setters	6.85	.25	.50			
Tile setters' helpers	5.61	.30	.20			
Truck drivers, regular	5.87	d12.00		a & e		
Truck drivers, tandem	5.97	d12.00		a & e		
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS (WHERE APPLICABLE)
A-New Year's Day; B-Memorial Day; C-Independence Day;
D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Six paid holidays: A through F.

b. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.

c. Nine paid holidays, A through F plus Washington's Birthday, Christmas Eve and Good Friday, provding employee has worked 45 full days during the 120 calendar days prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.

d. Per week for each employee.

e. One week vacation after 1 year, 2 weeks after 3 years.

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Laborers:						
Inexperienced (less than 90 days in skilled or semi-skilled classification)	$5.06	.35	.30			
Construction Laborers	5.56	.35	.30			
Plasterers' tenders, material mixer, operators of portable mixers, air electric or gasoline tools, motor driven buggies, swing scaffolds	5.71	.35	.30			
Jackhammer operators	5.81	.35	.30			
Signal men & top men on sewer & caisson work (open cut)	5.68	.35	.30			
Windlass operators (caisson work)	5.78	.35	.30			
Crocklayers (or pipelayers) caisson work	5.88	.35	.30			
Top men on chimneys or towers over 30' in height	6.06	.35	.30			

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Michigan Line Construction 1 J

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
LINE CONSTRUCTION:						
Linemen	$6.57	.15	1%		¢ of 1%	
Combination digger operator-ground man or tractor operator	5.16	.15	1%		¢ of 1%	
Combination winch truck driver-groundman:						
1st. year	3.82	.15	1%		¢ of 1%	
Over 1 year	4.35	.15	1%		¢ of 1%	
Combination truck driver-groundman	3.71	.15	1%		¢ of 1%	
Cable splicer	6.83	.15	1%		¢ of 1%	
Groundman	3.71	.15	1%		¢ of 1%	
Light equipment operator-groundman	4.55	.15	1%		¢ of 1%	
Distribution line truck driver operator-groundman	4.55	.15	1%		¢ of 1%	

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Michigan-3-PBO L

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS: BUILDING & HEAVY						
CLASS A						
Crane with boom & jib or leads 220' or longer	$9.20	.50	.55		.05	
CLASS B						
Crane with boom and jib or leads 140' or longer, up to 220', tower cranes, gantry cranes, whirley derrick	8.95	.50	.55		.05	
CLASS C						
Regular equipment operator, crane, stiff leg derrick, scraper, dozer, grader, front end loader, hust, job mechanic and head greese man	8.70	.50	.55		.05	
CLASS D						
Pumps 6" or over, well points & freeze systems, air tugger (single drum), material hust (buck type)	8.60	.50	.55		.05	
CLASS E						
Engineers when operating air compressor, welding machine, generators, conveyors, pumps under 6" and greese man	7.60	.50	.55		.05	
CLASS F						
Fireman, oiler or heater operator	6.90	.50	.55			

POWER EQUIPMENT OPERATORS STEEL ERECTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Oth
CLASS A Crane operator with main boom & jib 220' or longer	$9.55	.50	.55		.05	
CLASS B Crane operator with main boom & jib 140' or longer, up to 220', tower cranes, gantry crane, whirley derrick	9.30	.50	.55		.05	
CLASS C Regular equipment operator, crane, dozer, loader, hoist, straddle wagon, job mechanic	9.05	.50	.55		.05	
CLASS D Air tugger (single drum), material hoist, pump 6" or over	8.95	.50	.55		.05	
CLASS E Air compressor, welder, generators, conveyors	7.95	.50	.55		.05	
CLASS F Oiler or fireman	6.90	.50	.55			

Underground Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS: H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS: CLASS I Power shovels, crane (crawler, truck type or pile driving), dragline, backhoe, clamshell, trencher (over 8' digging capacity), mechanic, end loader (over 1-1/2 cu. yd. cap.), grader, scraper (self-propelled or tractor drawn), dozer (9' blade & over), concrete paver (2 drum or larger), side boom tractor (type D-4 or equivalent & larger), elevating grader, roller (asphalt), gradall (and similar type machine), batch plant operator (concrete), backfiller tamper, well drilling slip form paver, slope paver, conveyor loader (euclid type)	$9.045	.50	.55		.05	
CLASS II Trencher (8' digging capacity & smaller), endloader (1-1/2 cu. yd. capacity & smaller), dozer (less than 9' blade), side boom tractor (smaller) than D-4 or equivalent), pump (1 or more 6" discharge or larger - gas or diesel powered or powered by generator of 300 amps or more - inclusive of generator), hoist, boom truck (power swing type boom), tractor (pneu-tired, other than backhoe or front endloader), crusher	8.91	.50	.55		.05	
CLASS III Air compressors (2 or more - less than 600 CFM,) air compressors (600 cu. ft. per min. or larger), pumpcrete machine (and similar equipment), mechanic helper, maintenance man, boom truck (non-swinging, non-powered type boom), welding machine or generator (2 or more - 300 amp. or larger gas or diesel powered), pump (2 or more - 4" up to 6" discharge - gas or diesel powered - excluding submersible pumps), concrete paver (1 drum-1/2 yd. or larger), wagon drill (multiple), elevator (other than passenger), concrete breaker (self-propelled or truck-mounted - includes compressor)	8.18	.50	.55		.05	

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS: (Cont'd)						
CLASS IV						
Hydraulic pipe pushing machine, pumps (2 or more up to 4" discharge if used 3 hrs. or more a day - gas or diesel powered - excluding submersible pumps), trencher (service), boiler, vibrating compaction equipment, self-propelled (6' wide or over), stump remover, mulching equipment, farm tractor, (with attachment), finishing machine (concrete), roller (other than asphalt), curing machine (self-propelled), concrete saw (40 hp. or over)	$7.61	.50	.55		.05	
Oiler & firemen	7.61	.50	.55		—	

STATE Mississippi COUNTY: See Below
DECISION NUMBER: AQ-4082 DATE: Date of Publication
Supersedes Decision No. AP-162 dated March 9, 1973 - 38 P 6578
DESCRIPTION OF WORK: Highway Construction.

Counties: Alcorn, Benton, Calhoun, Chickasaw, Choctaw, Clay, Itawamba, Lafayette, Lee, Lowndes, Marshall, Monroe, Okitibbeha, Pontotoc, Prentiss, Tippah, Tishomingo, Union & Webster.

MISSISSIPPI 3 AREA 1

	Basic Hourly Rate
Air Tool Operator	$ 1.75
Asphalt Raker	2.30
Bricklayer	4.25
Carpenter	3.00
Carpenter Helper	2.45
Cement Mason (Finisher)	2.90
Concrete Saw Operator	3.00
Electrician	5.30
Electrician Helper	3.00
Form Setter	3.30
Grade Checker	2.40
Ironworker, Reinforcing	3.00
Ironworker Helper, Reinforcing	2.00
Ironworker, Structural	2.50
Laborer, Unskilled	1.60
Mason Tender (Cement Mason Helper)	2.20
Mechanic Helper	2.40
Painter (Structural Steel)	2.50
Piledriverman	2.50
Truck Driver	2.00
Welder	2.75

POWER EQUIPMENT OPERATORS	
Aggregate Spreader Operator	2.45
Air Compressor Operator	2.85
Asphalt Distributor-Spreader Operator	2.50
Asphalt Plant	2.50
Backhoe or Shovel Operator	3.00
Bulldozer Operator	3.00
Concrete Batch Plant Operator	2.80
Concrete Finishing Machine Operator	3.00
Curing Machine Operator	2.75
Concrete Paving Machine Operator	3.40
Concrete Spreader Machine Operator	2.70
Crane, Dragline Operator	3.00
Earth Auger	2.80
Fireman	2.75
Joint Filler	2.00
Joint Setter	2.50
Loader Operator (All types)	2.50
Mechanic	3.00
Mixer Operator (All types)	2.50
Motor Patrol Operator	2.90
Mulcher Operator	1.75
Oiler - Greaser	2.00
Piledriver Operator	3.25
Roller Operator (Self-propelled)	2.25
Scales (All types)	2.50
Scraper Operator	2.85
Striping Machine Operator	3.50
Tractor Operator (Track type)	2.50
Tractor Operator (Wheel type)	1.90
Trenching Machine	2.75
Mud-Jack Operator	2.65
Concrete Breaker & Hydo-Hammer Operator	2.00

STATE: Mississippi
DECISION NUMBER: AQ-4043
COUNTY: See Below
DATE: Date of Publication
Supersedes Decision No. AP-163 dated March 9, 1973 - 38 F 6579
DESCRIPTION OF WORK: Highway Construction.

Counties: Bolivar, Carroll, Coahoma, DeSoto, Grenada, Leflore, Montgomery, Panola, Quitman, Sunflower, Tallahatchie, Tate, Tunica, Washington and Yalobusha.

MISSISSIPPI 3 AREA 2

	Basic Hourly Rate
Air Tool Operator	$ 2.00
Asphalt Raker	2.00
Bricklayer	3.50
Carpenter	3.00
Carpenter Helper	2.45
Cement Mason (Finisher)	3.00
Concrete Saw Operator	2.75
Electrician	4.50
Electrician Helper	2.75
Form Setter	2.75
Grade Checker	2.50
Ironworker, Reinforcing	2.60
Ironworker Helper, Reinforcing	2.00
Ironworker, Structural	2.50
Laborer, Unskilled	1.60
Mason Tender (Cement Mason Helper)	2.25
Mechanic Helper	2.00
Painter (Structural Steel)	3.00
Piledriverman	2.80
Truck Driver	1.60
Welder	2.50

POWER EQUIPMENT OPERATORS	
Aggregate Spreader Operator	2.20
Air Compressor Operator	2.50
Asphalt Distributor-Spreader Operator	2.40
Asphalt Plant	2.55
Backhoe or Shovel Operator	2.80
Bulldozer Operator	2.75
Concrete Batch Plant Operator	2.90
Concrete Finishing Machine Operator	2.75
Curing Machine Operator	2.00
Concrete Paving Machine Operator	2.75
Concrete Spreader Machine Operator	2.45
Crane, Dragline Operator	3.00
Guard Rail Post Driver	2.50
Earth Auger	3.00
Fireman	2.50
Joint Filler	1.75
Loader Operator (All types)	2.45
Mechanic	2.50
Mixer Operator (All types)	2.50
Motor Patrol Operator	3.00
Mulcher Operator	1.75
Oiler - Greaser	2.00
Piledriver Operator	3.20
Roller Operator (Self-propelled)	2.00
Scales (All types)	1.90
Scraper Operator	2.85
Striping Machine Operator	3.25
Tractor Operator (Track type)	2.25
Tractor Operator (Wheel type)	1.70
Trenching Machine	2.25
Concrete Breaker & Hydo-Hammer Operator	2.25
Crusher Feeder Operator	3.00

STATE Mississippi
DECISION NUMBER: AQ-4044
Supersedes Decision No. AP-164 dated March 9, 1973 - 38 F 6580
DESCRIPTION OF WORK: Highway Construction.

COUNTY: See Below
DATE: Date of Publication

Counties: Claiborne, Copiah, Hinds, Holmes, Humphreys, Issaquena, Madison, Rankin, Sharkey, Simpson, Warren and Yazoo.

A MISSISSIPPI 3 AHRA 3

	Basic Hourly Rate
Air Tool Operator	2.75
Asphalt Raker	2.45
Bricklayer	5.00
Carpenter	3.00
Carpenter Helper	2.25
Cement Mason (Finisher)	3.00
Concrete Saw Operator	2.75
Electrician	5.50
Electrician Helper	3.00
Form Setter	3.00
Grade Checker	2.25
Ironworker, Reinforcing	2.50
Ironworker Helper, Reinforcing	2.00
Ironworker, Structural	2.50
Laborer, Unskilled	1.60
Mason Tender (Cement Mason Helper)	2.50
Mechanic Helper.	2.40
Painter (Structural Steel)	3.00
Piledriverman	2.70
Truck Driver	2.00
Welder	3.00

POWER EQUIPMENT OPERATORS	
"A" Frame Truck (Winch)	3.00
Aggregate Spreader Operator	2.50
Air Compressor Operator	2.50
Asphalt Distributor-Spreader Operator	2.50
Asphalt Plant	3.00
Backhoe or Shovel Operator	2.75
Bulldozer Operator	3.00
Concrete Batch Plant Operator	3.00
Concrete Finishing Machine Operator	3.00
Curing Machine Operator	2.75
Concrete Paving Machine Operator	3.00
Concrete Spreader Machine Operator	3.10
Crane, Dragline Operator	3.00
Guard Rail Post Driver	3.50
Earth Auger	3.05
Fireman	2.80
Joint Filler	2.50
Joint Setter	3.00
Loader Operator (All types)	2.50
Mechanic	3.00
Mixer Operator (All types)	2.50
Motor Patrol Operator	3.00
Mulcher Operator	1.80
Oiler - Greaser	2.35
Piledriver Operator	3.30
Roller Operator (Self-propelled)	2.30
Steel Machine Operator	2.25
Scales (All types)	2.35
Scraper Operator	2.90
Striping Machine Operator	3.25
Tractor Operator (Track type)	2.50
Tractor Operator (Wheel type)	1.60
Trenching Machine	2.25
Pipelayer	2.25
Concrete Breaker & Hydo-Hammer Operator	2.25
Crusher Feeder Operator	2.25

STATE: Mississippi — COUNTY: See Below
DECISION NUMBER: AD-4345 — DATE: Date of Publication
Supersedes Decision No. AP-165 dated March 9, 1973 - 38 F 6581
DESCRIPTION OF WORK: Highway Construction.

Counties: Attala, Clarke, Jasper, Kemper, Lauderdale, Leake, Neshoba, Newton, Noxubee, Scott, Smith and Winston.

	MISSISSIPPI 3 AREA 4
	Basic Hourly Rate
Air Tool Operator	2.50
Asphalt Raker	2.44
Bricklayer	5.00
Carpenter	3.25
Carpenter Helper	2.50
Cement Mason (Finisher)	2.75
Concrete Saw Operator	2.50
Electrician	5.00
Electrician Helper	3.00
Form Setter	2.50
Grade Checker	2.35
Ironworker, Reinforcing	2.80
Ironworker Helper, Reinforcing	2.25
Ironworker, Structural	2.75
Laborer, Unskilled	1.60
Mason Tender (Cement Mason Helper)	2.25
Mechanic Helper	2.40
Painter (Structural Steel)	3.25
Piledriverman	2.75
Truck Driver	1.90
Welder	2.80

POWER EQUIPMENT OPERATORS	
Aggregate Spreader Operator	2.50
Air Compressor Operator	2.50
Asphalt Distributor-Spreader Operator	2.50
Asphalt Plant	2.60
Backhoe or Shovel Operator	3.00
Bulldozer Operator	3.00
Concrete Batch Plant Operator	3.10
Concrete Finishing Machine Operator	2.90
Curing Machine Operator	2.40
Concrete Paving Machine Operator	3.10
Concrete Spreader Machine Operator	2.85
Crane, Dragline Operator	3.00
Earth Auger	3.00
Fireman	2.60
Joint Setter	2.30
Loader Operator (all types)	2.45
Mechanic	2.90
Mixer Operator (all types)	2.25
Motor Patrol Operator	2.90
Mulcher Operator	1.75
Oiler - Greaser	2.00
Piledriver Operator	3.25
Roller Operator (Self-propelled)	2.40
Scales (All types)	2.30
Scraper Operator	2.90
Striping Machine Operator	3.50
Tractor Operator (Track type)	2.30
Tractor Operator (Wheel type)	1.80
Trenching Machine	2.25
Mud-Jack Operator	2.25
Pipelayer	2.25
Crusher Feeder Operator	3.50

STATE Mississippi — COUNTY: See Below
DECISION NUMBER: AQ-4066 — DATE: Date of Publication
Supersedes Decision No. AP-166 dated March 9, 1973 - 38 P 6582
DESCRIPTION OF WORK: Highway Construction.

Counties: Adams, Amite, Covington, Forrest, Franklin, Greene, Jefferson, Jefferson Davis, Jones, Lamar, Lawrence, Lincoln, Marion, Perry, Pike, Walthall, Wayne and Wilkinson.

MISSISSIPPI 3 AREA 5

	Basic Hourly Rate
Air Tool Operator	$ 2.00
Asphalt Raker	2.25
Bricklayer	4.00
Carpenter	3.00
Carpenter Helper	2.60
Cement Mason (Finisher)	3.00
Concrete Saw Operator	2.50
Electrician	4.50
Electrician Helper	3.60
Form Setter	2.75
Grade Checker	2.25
Ironworker, Reinforcing	2.75
Ironworker Helper, Reinforcing	2.00
Ironworker, Structural	2.50
Laborer, Unskilled	1.60
Mason Tender (Cement Mason Helper)	2.50
Mechanic Helper	2.50
Painter (Structural Steel)	3.50
Piledriverman	2.80
Truck Driver	1.90
Welder	3.00

POWER EQUIPMENT OPERATORS	
"A" Frame Truck (Winch)	2.75
Aggregate Spreader Operator	2.50
Air Compressor Operator	2.50
Asphalt Distributor-Spreader Opr.	2.31
Asphalt Plant	2.75
Backhoe or Shovel Operator	2.80
Bulldozer Operator	3.00
Concrete Batch Plant Operator	2.50
Concrete Finishing Machine Operator	3.00
Concrete Paving Machine Operator	3.00
Concrete Spreader Machine Operator	2.75
Crane, Dragline Operator	3.00
Guard Rail Post Driver	2.50
Earth Auger	2.90
Fireman	2.75
Joint Filler	2.75
Joint Setter	2.30
Loader Operator (All types)	2.50
Mechanic	3.00
Mixer Operator (All types)	2.50
Motor Patrol Operator	2.90
Mulcher Operator	1.75
Oiler - Greaser	2.35
Piledriver Operator	3.25
Roller Operator(Self-propelled)	2.50
Scales (All types)	2.13
Scraper Operator	2.90
Striping Machine Operator	3.25
Tractor Operator(Track type)	2.75
Tractor Operator (Wheel type)	1.90
Trenching Machine	1.90
Crusher Feeder Operator	2.85

STATE: Mississippi
DECISION NUMBER: AQ-4047
Supersedes Decision No. AP-167 dated March 9, 1973 - 38 P 6583
DESCRIPTION OF WORK: Highway Construction.

COUNTY: See Below
DATE: Date of Publication

Counties: George, Hancock, Harrison, Jackson, Pearl River and Stone.

MISSISSIPPI 3 AREA 6

	Basic Hourly Rate
Air Tool Operator	2.00
Asphalt Raker	2.50
Bricklayer	4.25
Carpenter	3.50
Carpenter Helper	2.75
Cement Mason (Finisher)	3.25
Concrete Saw Operator	3.50
Electrician	5.40
Electrician Helper	3.27
Form Setter	2.80
Grade Checker	2.25
Ironworker, Reinforcing	3.50
Ironworker Helper, Reinforcing	2.25
Ironworker, Structural	3.15
Laborer, Unskilled	1.90
Mason Tender (Cement Mason Helper)	2.50
Mechanic Helper	2.00
Painter (Structural Steel)	3.75
Piledriverman	3.00
Truck Driver	2.00
Tugboat Operator	2.50
Welder	3.50

POWER EQUIPMENT OPERATORS	
"A" Frame Truck (Winch)	2.40
Aggregate Spreader Operator	2.71
Air Compressor Operator	2.60
Asphalt Distributor-Spreader Operator	2.80
Asphalt Plant	2.90
Backhoe or Shovel Operator	3.25
Bulldozer Operator	3.00
Concrete Batch Plant Operator	3.25
Concrete Finishing Machine Operator	3.00
Curing Machine	2.90
Concrete Paving Machine Operator	3.30
Concrete Spreader Machine Operator	2.85
Crane, Dragling Operator	3.50
Guard Rail Post Driver	2.50
Earth Auger	3.00
Fireman	3.00
Joint Filler	2.90
Loader Operator (All types)	3.00
Mechanic	3.40
Mixer Operator (All types)	3.00
Motor Patrol Operator	3.25
Mulcher Operator	1.90
Oiler - Greaser	2.40
Piledriver Operator	3.50
Roller Operator (Self-propelled)	2.50
Scales (All types)	2.35
Scraper Operator	3.00
Striping Machine Operator	3.25
Tractor Operator (Track type)	2.25
Tractor Operator (Wheel type)	2.00
Trenching Machine	2.50
Pipelayer	2.35
Sub Grade Machine Operator	3.25
Crusher Feeder Operator	2.75

SUPERSEDEAS DECISION

STATE: NEW YORK COUNTY: MONROE

DECISION NO: AQ-2,037 DATE: Date of Publication

Supersedes Decision No. AP-453 dated December 22, 1973 in 37 FR 28380.

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden-type apartments up to and including 4 stories), heavy and highway construction.

28-New York-1-2-3-U 1 of 2

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	Apr. Tr.	Others
Asbestos workers	$9.53	.73	.30		.02	
Boilermakers	8.60	.50	.65		.01	
Bricklayers, plasterers & stone masons	9.405	.30	.58		.02	
Carpenters, Building	8.87	.45	.70		.005	
Carpenters & piledrivermen, heavy & highway	7.62	.40	.60		.025	
Cement masons, building	9.205	.30	.58		.02	
Cement masons, heavy & highway	7.70	.30	.50			
Electricians	10.13	.35	1%+.25		½%	
Elevator Constructors:						
Elevator constructors	8.94	.345	.23	2%+a+b	.015	
Elevator constructors' helpers	6.26	.345	.23	2%+a+b	.015	
Elevator constructors' helpers (prob.)	4.47					
Glaziers	8.36	.58	.30		.02	
Ironworkers:						
Structural, ornamental & reinforcing	8.84	.52	.57			
Laborers, Building:						
Laborers	7.18	.56	.95			
Blasters	8.55	.56	.95			
Air track, wagon drill op., asphalt rakers	7.58	.56	.95			
Jackhammers, mortar mixer, concrete vibrator, pipelayers, burners & cutters for wrecking and demolition	7.48	.56	.95			
Lathers	8.68		.50		.01	
Leadburners	8.75	.30		c	.01	
Line Construction:						
Linemen	9.33	.50	1%+.40	d	3/8%	
Cable splicer	10.08	.50	1%+.40	d	3/8%	
Groundman digging machine operator	8.80	.50	1%+.40	d	3/8%	
Groundman mobile equipment operator	8.30	.50	1%+.40	d	3/8%	
Groundman truck driver and mechanic	7.90	.50	1%+.40	d	3/8%	
Groundman dynamite man	8.30	.50	1%+.40	d	3/8%	
Marble, tile setters & terrazzo workers	9.60					
Painters:						
Brush and roller	8.19	.35	.62		.04	
Swing scaffold	8.69	.35	.62		.04	
Structural steel:						
Up to 40'	8.69	.35	.62		.04	
Over 40'	8.89	.35	.62		.04	
Spray	8.79	.35	.62		.04	
Piledrivermen and millwrights building	9.15	.45	.58	h	.02	
Plumbers and steamfitters	10.10	.405	.52		.06	

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Roofers:						
Roofers	9.19	.35	.35			
Sheet metal workers	8.58	.40	.30		.025	
Soft floor layers	7.62	.45	.40	eff	.005	
Sprinkler fitters	8.75	.30	.50		.05	
Terrazzo machine operator	8.50					
Truck drivers, building	7.67	.30	.25			
Welders - Craft Rate						

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F.

b. Employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

c. Holidays: A through F; Washington's Birthday, Good Friday and Christmas Eve providing employee has worked 45 full days during the 120 calendar days prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.

d. Holidays: A through F: Washington's Birthday, Election Day for President of the United States and Election of Governor of New York, provided employee works the day before and the day after the holiday.

e. Holidays: A through F and Good Friday.

f. One year's work or more - 1 weeks' vacation; 3 years' work or more - 2 weeks' vacation.

g. Holiday D, provided employee works the regular working day preceding the holiday and the regular working day after the holiday.

BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHE
CRANES:						
121 ft. and under	$8.75	.40+.30	.40	a	.10	
121 - 151 ft.	9.00	.40+.30	.40	a	.10	
151 - 201 ft.	9.25	.40+.30	.40	a	.10	
201 - 251 ft.	9.50	.40+.30	.40	a	.10	
251 - 301 ft.	10.00	.40+.30	.40	a	.10	
301 - 351 ft.	10.50	.40+.30	.40	a	.10	
351 - 401 ft.	11.00	.40+.30	.40	a	.10	
401 - 451 ft.	11.50	.40+.30	.40	a	.10	
Air tugger, backhoe, clamshell, dragline, shovel & similar machines over three-eighths (3/8 cu. yd. capacity (factory rating), big generator plant, bridge crane (all types), cableway, caisson auger & similar type machine, climbing and/or tower crane (all kinds & all types), derrick, dredge, forklift (with factory rating of fifteen (15) ft. or more of lift), hoist (on steel erection), mucking machine, ross carrier (and similar types), three drum hoist (when all drums are in use)	8.75	.40+.30	.40	a	.10	
"A" Frame truck, back filling machines, barber green & similar type loader, belt crete & similar type machine, bituminous spreading machine, bulldozer, carry-all type scraper, compressors: four (4) not to exceed 2000 c.f.m. combined capacity; or three (3) or less with more than 1200 c.f.m., but to exceed 2000 c.f.m., concrete mixer, concrete pump, core drill, crane-hoe-shovel (3/8 yd. capacity or less); (factory rating), dinky locomotive (all types), elevating type grader, elevator, fine grade machine (all kinds), front end loader, forklift (with factory rating of less than fifteen (15) ft. of lift), high pressure boiler (over 15 lbs. pressure) hoist (1 or 2 drums), maintenance engineer, motor grader, post hole digger, sheepsfoot roller, side boom, stone crusher, submersible electric pump, when used in lieu of well point system, tandem roller, tournapull, tower mobile and similar kinds, trenching machine, vibratory type roller and similar equipment of all kinds, welder, well drill, well point system	8.57	.40+.30	.40	a	.10	

BUILDING CONSTRUCTION

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS			
		H & W	PENSIONS	VACATION	APP. TR.
Any combination (not to exceed three (3) pieces of equipment), pumps, welding machines or mechanical conveyors (over 12 feet in length), belt crete generator, compressors - 3 or less not to exceed 1200 c.f.m. combined capacity, fireman, longitudinal float, mechanical heater, roller (fill and grade), rubber tired tractor	7.475	.40 +.30	.40	a	.10
Oilers	7.475	.40 +.30	.40	a	.10

Paid Holidays:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

Footnote:

a. Holidays: A through F (providing employee works the working day either immediately preceding a holiday or on the scheduled work day immediately following the holiday.

	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS				
		H & W	Pensions	Vacation	App. Tr.	Other
EXCAVATING FOR SITE PREPARATION SEWER AND WATER LINES						
POWER EQUIPMENT OPERATORS						
Automatic fine grader, backhoe (except tractor mounted, rubber tired), black-top plant (automated), cableway, caisson auger, central mix concrete plant (automated), cherry picker-over 5 ton capacity, crane cranes and derricks (steel erection), dragline, dual drum paver, excavator-all purpose-hydraulically operated, front end loader (4 c.y. and over), hoist, two or three drum, pile driver, power grader with elevating loader attachment, quarry master (or equivalent), shovel, slip form paver (if a second man is needed, he shall be an oiler), tractor drawn belt-type loader, truck crane, tunnel shovel	$8.65	.40	.70	a	.10	
Backhoe (tractor mounted, rubber tired), bituminous spreader and mixer, black-top plant (non-automated), boring machine, cage hoist, central mix plant (non-automated) and all concrete batching plants, cherry picker-5 tons and under, coopressors (4 or less) exceeding 2,000 c.f.m. combined capacity, concrete paver over 16S, concrete pump, crusher, drill rigs, tractor mounted, front end loader (under 4 c.y.), hi-pressure boiler (15 lbs. and over), hoist, one drum, Koiman plant loader and similar type loaders (if employer requires another man to clean the screen or to maintain the equipment, he shall be an oiler), maintenance engineer, maintenance grease man, mixer for stabilized base self-propelled, monorail machine, plant engineer power grader, pump crete, ready mix concrete plant, road widener, roller (all above sub-grade), side boom, tractor scraper, tractor with dozer and/or pusher, trencher, winch, mechanical slurry machine, power broom	8.45	.40	.70	a	.10	
Compressors: 4 not to exceed 2,000 c.f.m. combined capacity; or 3 or less with more than 1,200 c.f.m. but not to exceed 2,000 c.f.m., compressors (any size but subject to other provisions for compressors), dust collectors, generators,						

EXCAVATING FOR SITE PREPARATION SEWER AND WATER LINES	Basic Hourly Rate	Fringe Benefits Payments				
		H & W	Pensions	Vacation	Apr. Tr.	Other
POWER EQUIPMENT OPERATORS (CONT'D)						
pumps, welding machines (four of any type or combination), concrete pavement spreaders and finishers, conveyor, drill, core, drill, well electric pump used in conjunction with well point system, farm tractor with accessories, fine grade machine fork lift, gunite machine, hammers-hydraulic-self propelled, locomotive, post hole digger and post driver, roller, (grader and fill), tractor with towed accessories, vibrator compactor, vibro tamp, well point, pumps, regardless of motive power, no more than 4 in number not to exceed 20" in total capacity, submersible electric pumps when used in lieu of well points	8.15	.40	.70	a	.10	
Compressor (any size, but subject to other provisions for compressors, dust collectors, generators, welding machines (three or less of any type or combination) concrete mixer (16S or under), concrete saw-self propelled, fireman, form tamper, mulching machine, oiler, power heater-man, revinius widener, steam cleaner, tractor, pumps regardless of motive power, no more than 3 in number not to exceed 12" in total capacity	7.40	.40	.70	a	.10	
PAID HOLIDAYS:						
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.						
FOOTNOTES:						
a. Holidays: A through F, provided employee works the working day before and the working day after the holiday.						

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Apr. Tr.
Laborers					
Excavation and Paving in connection with Building Construction					
Laborers & chuck tenders	$6.80	.56+.40	.55	a	
Asphalt rakers, air track, wagon drill op., curb stone setters, powder monkeys	7.05	.56+.40	.55	a	
Curb cockmen, pipe layers, layers of conduit and all air, electric, gas and deisel motor driven tool op.	7.00	.56+.40	.55	a	
Relining of all types of pipe	7.20	.56+.40	.55	a	
Blasters	8.55	.56+.40	.55	a	
Meter setters and meter changers	7.10	.56+.40	.55	a	
PAID HOLIDAYS:					
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.					
FOOTNOTE:					
a. Holidays A through F, providing employee works the working day before and the working day after the holiday.					

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NY-21-HAR-2-3-H

HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Apr. Tr.
LABORERS:					
Laborers and driller helpers	$5.90	.96	.55	a	
Concrete aggregate bin, mortar mixer, hand or machine vibrator gin buggy, mason tenders, concrete bootmen, chain saw, jackhammer, pavement breaker and all other gas, electric oil and air-tool operaters, bull float tamper, pipelayers	6.10	.96	.55	a	
Drillers, asphalt rakers, stone or granite curb setters and acetylene torch operator	6.30	.96	.55	a	
Blasters, form setters, stone or granite curb setters	6.50	.96	.55	a	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Holidays A through F, providing the employee works the day before and after the holiday.

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HEAVY AND HIGHWAY CONSTRUCTION

NY-21-PEO-2-3-H

1 of 2

POWER EQUIPMENT OPERATORS:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS: H & W	PENSIONS	VACATION	APP. TR.	OTHER
Automatic fine grader, backhoe (except tractor mounted, rubber-tired), blacktop, plant (automated), cableway, caisson auger, central mix concrete plant (automated), Cherry picker-over 5 tons capacity, crane, cranes & derricks (steel erection), dragline, dual drum paver, excavator-all purpose-hydraulically operated, front end loader (4 C.Y. & over), hoist, two or three drums pile-driver, power grader with elevating loader attachment, Quarry master (or equivalent), shovel, slip form paver (if a second man is needed, he shall be an oiler), tractor drawn belt-type loader, truck crane, tunnel shovel	$8.15	.70	.40	a	.10	
Backhoe (tractor mounted, rubber-tired) bituminous spreader & mixer, blacktop plant (non-automated), boring machine cage hoist, central mix plant (non-automated) & all concrete batching plants, cherry picker-5 tons & under, compressors (4 or less) exceeding 2,000 C.F.M. combined capacity, concrete paver (over 16-S), concrete pump, crusher, drill rigs, tractor mounted, front end loader (under 4 c.y.), hi-pressure boiler (15 lbs., & over), hoist, one drum, Kolman plant loader & similar type loaders (if employer requires another man to clean screen or to maintain the equipment he shall be an oiler), maintenance engineer, mixer for stabilized base, self, propelled, monorail machine plant engineer, power grader, pump crete, ready-mix concrete plant, maintenance grease man, road widener, roller (all above subgrade), side boom, tractor scraper, tractor with dozer &/or pusher, winch	7.85	.70	.40	a	.10	
Compressors (4 not to exceed 2,000 C.F.M. combined capacity; or 3 or less with more than 1,200 C.F.M., but not to exceed 2,000 C.F.M. compressors (any size but subject to other provision for compressors), dust collectors, generators, pumps, welding machines						

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTI
POWER EQUIPMENT OPERATORS: (cont'd) (4 of any type or combination), concrete pavement spreaders & finishers conveyor, drill core & well, electric pump used in conjunction with well point system, farm tractor with accessories, fine grade machine, fork lift gunite machine, hammers, hydraulic self-propelled, locomotive, post hole digger & post driver, roller (grader & fill), tractor with towed accessories, vibratory compactor, vibro, tamp, well point	7.35	.70	.40	a	.10	
Aggregate plant, boiler (used in conjunction with production), cement bin operator, compressors; 3 or less not to exceed 1,200 c.f.m. combined capacity, compressors (any size, but subject to other provisions, for compressors), dust collectors, generators, pumps, welding machines (3 or less of any type or combination), concrete mixer (16-S and under), concrete saw-self-propelled, firemen, form tamper, mulching machine, oiler, power broom power heaterman, revimlus widener, steam cleaner, tractor	6.70	.70	.40	a	.10	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Holidays: A through F; providing employee works the working day before and the working day after the holiday.

HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
TRUCK DRIVERS: Warehouse, yardmen, truck helpers, pick-ups, panel trucks, flatbody material trucks (straight jobs), single axle dump, dumpsters, material checkers and receivers, greasers, tireman, mechanic helpers and parts chaser	$6.46	.45	.40	a		
Tandems and batch trucks, mechanics dispatcher	6.51	.45	.40	a		
Semi-trailers, lowboy trucks asphalt distributor, agitator, mixer trucks and dumpcrete type vehicles	6.56	.45	.40	a		
Specialized earth moving equipment, Euclid type or similar off-highway equipment, where not self-loaded	6.71	.45	.40	a		
Off-highway tandem back dump, twin engine equipment and double hitched equipment where not self-loaded	6.86	.45	.40	a		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Holidays: A through F, provided employee has worked the working day before and the working day after the holiday.

SUPERSEDEAS DECISION

STATE: Washington
DECISION NUMBER: AQ-1067
COUNTIES: Statewide
DATE: Date of Publication
Supersedes Decision No. AQ-1021 dated September 7, 1973, in 38 FR 24549.
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:						
Chelan, Clallam, Douglas, Grays Harbor, Island, Jefferson, King, Kitsap, Kittitas, Lewis, Mason, Okanogan, Pacific (northern part), Pierce, San Juan, Skagit, Snohomish, Thurston, Whatcom and Yakima Counties	$8.88	.51	.65			
Clark, Cowlitz, Klickitat, Pacific (southern part), Skamania and Wahkiakum Counties	7.85	.35	.60		.06	
Remaining Counties	8.445	.44	.72			
BOILERMAKERS	7.45	.60	1.00	.50	.02	
BRICKLAYERS:						
Chelan, Douglas, and Okanogan (except area of Grand Coulee Dam)	7.05	.35				
Kittitas and Yakima Counties	7.00	.35	.40			
Clallam, Island, Jefferson, King, Kitsap, Snohomish and Sakgit (south of the Cities of Burlington, Sedro-Woolley and Concrete) Counties	8.18	.45	.35		.02	
Grays Harbor & Pacific(Northern Area)Cos.	6.50		.35			
Pierce County	8.34	.40	.35		.02	
Lewis, Mason and Thurston Counties	7.65	.40	.30		.02	
San Juan, Skagit (including Cities of Burlington, Sedro-Woolley, Concrete and north thereof), and Whatcom Cos.	8.15	.40	.45	.25		
Adams (except City of Othello), Asotin, Columbia, Ferry, Garfield, Lincoln, Pend Oreille, Spokane, Stevens and Whitman Counties, Grand Coulee Dam area in Okanogan County	8.15	.30				
City of Othello in Adams County, Benton, Franklin, Grant and Walla Walla Counties	8.20	.30				
Clark, Cowlitz, Klickitat, Pacific (southern part), Skamania and Wahkiakum Counties	7.90	.35	.35		.02	
CARPENTERS:						
All Counties and parts of counties east of the 120th Meridian	7.39	.50	.50		.035	
Carpenters						
Piledriver; Floor layers; Floor finishers; Floor sanders; Saw filers; Stationary power woodworking tool operator	7.54	.50	.50		.035	
Shingler (wood or composition)	7.59	.50	.50		.035	
Millwrights; Boom men; Machine erector; Carpenters (creosoted material)	7.64	.50	.50		.035	
Piledriver (creosoted material)	7.79	.50	.50		.035	
CARPENTERS: (cont'd)						
All Counties and parts of Counties west of the 120th Meridian except Clark, Cowlitz, Klickitat, Pacific (southern part), Skamania and Wahkiakum Counties						
Carpenters	$7.30	.50	.60		.01	
Carpenters on creosoted material	7.40	.50	.60		.01	
Sawfilers; Stationary power saw; Floor finisher; Floor layer; Shingles; Floor sander; and other stationary power woodworking tools	7.43	.50	.60		.01	
Millwrights and machine erectors; Piledrivers; Bridge, dock and wharf builders	7.45	.50	.60		.01	
Acoustical workers	7.46	.50	.60		.01	
Boomen	7.50	.50	.60		.01	
Clark, Cowlitz, Klickitat, Pacific (southern part), Skamania and Wahkiakum Counties						
Carpenters; Form stripper; Manhole builders; Acoustical and drywall applicators	7.29	.55	.40	.35	.03	
Piledrivermen, bridge, dock and wharf builders	7.39	.55	.40	.35	.03	
Floor layers; Floor finishers; Stationary power saw operator	7.44	.55	.40	.35	.03	
Boomman	7.49	.55	.40	.35	.03	
Millwrights; Machine erectors	7.54	.55	.40	.35	.03	
CEMENT MASONS:						
Lewis, Pierce, Thurston and the City of Auburn in King County	7.20	.40	.50		.02	
King (except the City of Auburn), portion of Kittitas County lying one mile west of the City of Easton, Clallam, Grays Harbor, Island, Jefferson, Kitsap, Mason, San Juan, Skagit, Snohomish, Whatcom and Pacific (northern part) Counties	7.13	.55	.60		.01	
Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman, Yakima and Kittitas (except for western portion lying one mile west of City of Easton) Counties	7.28	.40	.60		.03	

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
CEMENT MASONS: (cont'd)						
Clark, Cowlitz, Klickitat, Pacific (southern part), Skamania and Wahkiakum Counties	$7.14	.35	.35	.20	.03	
ELECTRICIANS:						
Clallam, Jefferson, King and Kitsap Cos.						
Electricians	8.435	.25	1%		.02	
Cable splicers	9.28	.25	1%		.02	
Grays Harbor, Lewis, Mason, Pierce, Pacific and Thurston Counties						
Electricians	8.02	.45	1%+.45	4%	.04	
Cable splicers	8.74	.45	1%+.45	4%	.04	
Island, San Juan, Skagit, Snohomish and Whatcom Counties						
Electricians	8.445	.25	1%		.01	
Cable splicers	9.29	.25	1%		.01	
Chelan, Douglas, Grant and Okanogan Counties						
Electricians	8.05	.35	1%+.40		.02	
Cable splicers	8.86	.35	1%+.40		.02	
Asotin, Benton, Columbia, Franklin, Garfield, Kittitas, Walla Walla and Yakima Counties						
Electricians	8.05	.35	1%+.40		.02	
Cable spliters	8.86	.35	1%+.40		.02	
Clark, Klickitat and Skamania Counties						
Electricians	8.05	.25	1%+.40		.02	
Cable splicers	8.70	.25	1%+.40		.02	
Cowlitz and Wahkiakum Counties						
Electricains	8.65	.25	1%		.02	
Cable splicers	9.515	.25	1%		.02	
Adams, Ferry, Lincoln, Pend Oreille, Spokane, Stevens, and Whitman Cos.						
Electricians	8.05	.35	1%+.40		.02	
Cable splicers	8.45	.35	1%+.40		.02	
ELEVATOR CONSTRUCTORS:						
Chelan, Clallam, Grays Harbor, Island, Jefferson, King, Kitsap, Kittitas, Lewis, Mason, Pacific (northern part), Pierce, San Juan, Skagit, Snohomish, Thurston, Whatcom and Yakima Counties						
Elevator constructors	7.965	.345	.23	2%+a		
Elevator constructors' helpers	70%JR	.345	.23	2%+a		
Elevator constructors' helpers (prob.)	50%JR					

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
ELEVATOR CONSTRUCTORS: (cont'd)						
Adams, Asotin, Benton, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla and Whitman Counties						
Elevator constructors	$7.66	.345	.23	2%+a		
Elevator constructors' helpers	70%JR	.345	.23	2%+a		
Elevator constructors' helpers (prob.)	50%JR					
Clark, Cowlitz, Klickitat, Pacific, (southern part), Skamania and Wahkiakum Counties						
Elevator constructors	7.12	.345	.23	2%+a		
Elevator constructors' helpers	70%JR	.345	.23	2%+a		
Elevator construcrors' helpers (prob.)	50%JR					
IRONWORKERS:						
Statewide except Clark, Cowlitz, Klickitat, Pacific (southern part), Skamania and Wahkiakum Counties						
Reinforcing; Structural; Fence erectors; Ornamental; Riggers and signalmen	7.95	.48	.80		.05	
Clark, Cowlitz, Klickitat, Pacific, (southern part), Skamania and Wahkiakum Counties						
Reinforcing; Structural; Fence erectors; Ornamental; Riggers; Signalmen	7.31	.48	.65	.25	.05	
GLAZIERS:						
Island, King, Kitsap, Pacific (northern part), Snohomish, Clallam, Grays Harbor, Jefferson, Lewis, Mason, Pierce, San Juan, Skagit, Thurston and Whatcom Counties	7.20	.22	.40	b		
Clark, Cowlitz, Klickitat, Pacific, (southern part) Skamania and Wahkiakum Counties	7.20	.26	.30	6.5%	.01	
Walla Walla, Benton, Franklin, Columbia, and southeastern portion of Adams Cos.	6.51	.25	.35	.40		
Spokane, Ferry, Stevens, Pend Oreille, Eastern half of Lincoln, and Northern						
Eastern half of Adams Counties	6.345	.25		.28		
Okanogan, Chelan, Douglas, Grant, Western half of Ferry and Lincoln, and the Southwestern corner of Adams Counties	6.99	.21	.15	.21		
LATHERS:						
Clallam, Island, Jefferson, King, Kitsap, Pacific (northern part), San Juan, Skagit, Snohomish and Whatcom Counties	7.50	.40				

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LATHERS: (cont'd)						
Adams, Asotin, Benton, Chelan, Columbia, Ferry, Franklin, Garfield, Grant, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla and Whitman Counties	$7.50	.40				
Clark, Cowlitz, Klickitat, Pacific, (southern part), Skamania and Wahkiakum Counties	6.60	.15			.01	
MARBLE MASONS:						
Adams (except City of Othello), Asotin, Columbia, Ferry, Garfield, Lincoln, Pend Oreille, Spokane, Stevens, and Whitman Counties	8.15	.30				
City of Othello in Adams County, Benton, Franklin, Grant and Walla Walla Counties	7.90	.30				
Chelan, Douglas, and Okanogan (except area of Grand Coulee Dam)	7.05	.35				
Clallam, Island, Jefferson, King, Kitsap, Snohomish and Skagit (south of the Cities of Burlington, Sedro-Woolley and Concrete) Counties	8.18	.45	.35		.02	
Grays Harbor, Pierce and Pacific (northern part) Counties	7.63	.40	.30		.02	
Lewis, Mason and Thurston Counties	7.65	.40	.30		.02	
San Juan, Skagit (including the Cities of Burlington, Sedro-Woolley, Concrete and north thereof) and Whatcom Counties	8.15	.40	.45	.25	-	
Clark, Cowlitz, Klickitat, Pacific (southern part), Skamania and Wahkiakum Counties	7.40	.35	.35		.02	
MARBLE, TILE & TERRAZZO WORKERS HELPERS:						
All Counties east of the Cascade Mountain Range in Washington	6.55					
Remaining Counties west of the Cascade Mountain Range	6.60	.40				
PAINTERS:						
Adams, Asotin, Benton, Columbia, Ferry, Franklin, Garfield, Grant, Lincoln, Pend Oreille, Spokane, Stevens, Walla Walla and Whitman Counties						
Brush	6.67	.21	.45		.01	
Drywall taper	6.92	.21	.45		.01	
Steel; Spray; Sandblasters; Steam cleaning; Roller over 9" or 10" handle	7.02	.21	.45		.01	
Swing stage work or high rate (over 30')	7.07	.21	.45		.01	
Bitumasitcs; Bridge; Tanks on legs; Tower; Stacks; Steeples	7.42	.21	.45		.01	

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
PAINTERS: (cont'd)						
Chelan, Douglas, Kittitas, Okanogan and Yakima Counties						
Brush	$6.44	.21	.35		.01	
Spray; Steel; Roller 9" or 10" handles; Finish drywall taper; Steam cleaning	6.69	.21	.35		.01	
Swing stage over 30' high	6.79	.21	.35		.01	
Bitumastic; Bridges; Towers; Tanks on legs; Steeples; Stacks; Sand blasting	6.84	.21	.35		.01	
Grays Harbor, Island, Jefferson, King, Kitsap, Lewis, Mason, Pierce, San Juan, Skagit, Snohomish, Thurston, Pacific (northern part) and Whatcom Cos.						
Brush; Tapers	7.37	.40	.27		.02	
Spray; Structural steel; Bridge; Sandblasting; Stacks; Steam cleaning; Steeples; Swing stage; Tanks on legs; Tower; Toxic material	7.62	.40	.27		.02	
Clark, Cowlitz, Klickitat, Pacific (southern part), Skamania and Wahkiakum Counties						
Brush	7.05	.30	.20		.03	
Spray	7.30	.30	.20		.03	
High work over 100'	7.55	.30	.20		.03	
High towers, ground to 100'	7.20	.30	.20		.03	
Drywall tapers	6.93	.40	.40	.35	.03	
PLASTERERS:						
Clallam, Island, Jefferson, King (except the City of Kent), Kitsap, Skagit, San Juan, Snohomish and Pacific (northern part) Counties	7.56	.45	.50		.02	
Chelan, Douglas, Kittitas, Okanogan and Yakima Counties	6.80	.40				
Grays Harbor, King (City of Kent), Lewis, Mason, Pierce and Thurston Cos.	6.75	.40	.25		.02	
Clark, Cowlitz, Klickitat, Pacific (southern part), Skamania and Wahkiakum Counties	7.35	.50	.60		.01	
Adams, Asotin, Benton, Columbia, Ferry, Franklin, Garfield, Grant, Lincoln, Pend Oreille, Spokane, Stevens, Walla Walla and Whitman Counties	7.50	.40				

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
PLUMBERS:						
Statewide (except Clallam, Clark, Jefferson and King Counties, and Chelan, Douglas and Okanogan Counties west of the 119°, 30 Min., and Kittitas County north of the 47°, 15 Min. Latitude)	7.96	.33	.85	.49	.08	
Clark County	7.36	.59	.66		.07	
Clallam, Jefferson and King Counties and Chelan, Douglas and Okanogan Counties west of the 119° , 30 Min., and Kittitas County north of the 47°, 15 Min. latitude	8.04	.52	.85	.63	.07	
ROOFERS:						
Kittitas, Franklin, Columbia, Klickitat, Garfield and Yakima Counties						
Roofers; Kettlemen	6.95	.20	.20			
Irritable bituminous material; Spray (hot)	9.95	.20	.20			
Adams, Chelan, Douglas, Ferry, Grant, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens and Whitman Counties	6.60	.30	.15			
Asotin and Garfield Counties	6.65					
Cowlitz, Northern part of Pacific, and Wahkiakum Counties						
Roofers; Kettlemen; Waterproofers	7.55	.20	.20			
Slate and Tile	7.80	.20	.20			
Clark, Southern part of Pacific and Skamania Counties						
Roofers	7.30	.45	.55			
Handling of irritating material (coal tar or epoxy)	7.80	.45	.55			
In confined areas and handling of irritating materials (coal tar or epoxy)	8.05	.45	.55			
Clallam, Grays Harbor, Island, Jefferson, King, Kitsap, Lewis, Mason, Pierce, San Juan, Skagit, Snohomish, Thurston and Whatcom Counties						
Roofers; Kettlemen; Waterproofers	7.55	.20	.20			
SHEET METAL WORKERS:						
King County	8.47	.27	.30		.01	
Island and Snohomish Counties	7.90	.32	.40	.42	.03	
Benton, Franklin, Kittitas, Klickitat, and Yakima Counties	7.65	.32	.50	.50		
Adams, Asotin, Chelan, Douglas, Grant, Ferry, Lincoln, Pend Oreille, Okanogan, Spokane, Stevens and Whitman Counties	7.65	.32	.50	.50		
Walla Walla, Columbia and Garfield Cos.	7.65	.32	.50	.50		
Cowlitz, Grays Harbor, Lewis, Pacific (northern part), Pierce, Thurston and Wahkiakum Counties	7.79	.32	.45	.47	.02	

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
SHEET METAL WORKERS: (cont'd)						
San Juan, Skagit and Whatcom Counties	$7.92	.32	.40	.40	.02	
Clark, Pacific (southern part) and Skamania Counties	6.94	.33	.24	.28	.02	
Clallam, Jefferson, Kitsap and Mason Counties	7.97	.32	.40	.35	.04	
SOFT FLOOR LAYERS:						
Adams, Asotin, Benton, Columbia, Ferry, Franklin, Garfield, Grant, Lincoln, Pend Oreille, Spokane, Stevens, Walla Walla and Whitman Counties	6.68	.25	.25			
Grays Harbor, Mason, Pacific (northern part), Pierce and Thurston Counties	7.76	.36	.60		.05	
King, Kitsap and Snohomish Counties	7.82	.36	.60		.05	
Clallam, Island, Jefferson, Lewis, San Juan, Skagit and Whatcom Counties	7.62	.36	.60		.05	
Clark, Cowlitz, Klickitat, Pacific, (southern part), Skamania and Wahkiakum Counties	7.15	.40	.45	c	.05	
Chelan, Douglas, Kittitas, Okanogan and Yakima Counties	6.68	.25	.25			
SPRINKLER FITTERS	9.08	.40	.60		.07	
TERRAZZO WORKERS:						
Clallam, Island, Jefferson, King, Kitsap, Skagit (south of the Cities of Burlington, Sedro-Woolley and Concrete) and Snohomish Counties	8.00	.40	.35			
San Juan, Skagit (including Cities of Burlington, Sedro-Woolley, Concrete and north thereof) and Whatcom Counties	8.15	.40	.45	.25		
Lewis, Mason and Thurston Counties	7.65	.40	.30			
Grays Harbor, Pierce and Pacific (northern part) Counties	7.63	.40	.30		.02	
Adams (Except City of Othello), Asotin, Columbia, Ferry, Garfield, Lincoln, Pend Oreille, Spokane, Stevens, Whitman and Grand Coulee Dam Area	8.31	.30				
City of Othello in Adams County, Benton, Franklin, Grant and Walla Walla Cos.	7.53	.30				
Chelan, Douglas, Okanogan (except area of Grand Coulee Dam)	7.05	.35				
Clark, Cowlitz, Klickitat, Pacific (southern part), Skamania and Wahkiakum Counties	6.55	.25	.24			
TILE SETTERS:						
Clallam, Island, Jefferson, King, Kitsap, Skagit (south of the Cities of Burlington, Sedro-Woolley and Concrete) and Snohomish Counties	8.00	.40	.35		.04	

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
TILE SETTERS: (cont'd)						
San Juan, Skagit (including Cities of Burlington, Sedro-Woolley, Concrete and north thereof) and Whatcom Counties	$8.15	.40	.45	.25		
Lewis, Mason and Thurston Counties	7.65	.40	.30			
Grays Harbor, Pierce and Pacific (northern part) Counties	7.63	.40	.30		.02	
Adams (except City of Othello), Asotin, Columbia, Ferry, Garfield, Lincoln, Pend Oreille, Spokane, Stevens, Whitman and Grand Coulee Dam Area	8.21	.30				
City of Othello in Adams Co. Benton, Franklin, Grant & Walla Walla Counties	7.53	.30				
Kittitas and Yakima Counties	7.00	.35	.40			
Chelan, Douglas, Okanogan (except area of Grand Coulee Dam)	7.05	.35				
Clark, Cowlitz, Klickitat, Pacific (southern part), Skamania and Wahkiakum Counties	6.55	.25	.25			
WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Employer contributes 4% of basic hourly rate for 5 years' service and 2% of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Six Paid holidays: A through F.
b. Two weeks' vacation with pay after 1 year of employment. Also seven paid Holidays. A through F plus Washington's Birthday.
c. 4% of all gross wages to be places to the credit of the employee with less than one year's service - 6% of all gross wages to be placed to the credit of the employee with more than one year of service.

East of the 120th Meridian

DREDGING	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
LEVERMAN DIPPER:						
(a) 5 yards and under	$8.09	.50	.60			
(b) Over 5 yards	8.64	.50	.60			
LEVERMAN, HYDRAULIC	7.70	.50	.60			
ASSISTANT ENGINEER (Electric Generator Operator for Primary Pump, Power Barge or Dredge)	7.38	.50	.60			
ENGINEER WELDER; CRANEMAN	7.33	.50	.60			
ASSISTANT ENGINEER (Electric, Diesel, Steam or Booster Pump); Mates and Boatmen	7.28	.50	.60			
FIREMAN; OILER	6.94	.50	.60			
ASSISTANT MATE (Deckhand)	6.84	.50	.60			

West of the 120th Meridian and Pacific County(Northern Part)

DREDGING

DIPPER LEVERMAN:						
(a) Over 5 yards	$8.64	.45	.65			
(b) 5 yards and under	8.09	.45	.65			
HYDRAULIC LEVERMAN	7.70	.45	.65			
ASSISTANT ENGINEER (Electric, Generator Operator for Primary Pump, Power Barge or Dredge)	7.38	.45	.65			
ENGINEER WELDER; CRANEMAN	7.33	.45	.65			
ASSISTANT ENGINEER (Electric, Diesel, Steam or Booster Pump); Mates and Boatmen	7.28	.45	.65			
FIREMAN; OILER	6.94	.45	.65			
ASSISTANT MATE (Deckhand)	6.84	.45	.65			

Clark, Cowlitz, Klickitat, southern half of Pacific, Skamania and Wahkiakum Counties	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DREDGING						
Dipper Leverman:						
(a) 5 yards and under	$7.89	.45	.60	.25		
(b) Over 5 yards	8.44	.45	.60	.25		
Leverman, Hydraulic	7.50	.45	.60	.25		
Assistant Engineer (Electric Generator Operator for Primary Pump; Power Barge or Dredge)	7.18	.45	.60	.25		
Assistant Engineer (Electric, Diesel, Steam or Booster Pump); Mates and Boatmen	7.13	.45	.60	.25		
Engineer Welder; Craneman	7.08	.45	.60	.25		
Fireman; Oiler	6.74	.45	.60	.25		
Assistant Mate (Deckhand)	6.64	.45	.60	.25		
Cable Splicers Leadman Pole Sprayer	$9.03	.25	1%	.10	½%	
Lineman; Pole Sprayer; Heavy Line Equipment Man; Certified Lineman Welder	8.16	.25	1%	.10	½%	
Tree Trimmer	7.37	.25	1%	.10	½%	
Line Equipment Man	7.03	.25	1%	.10	½%	
Head Groundman (Chipper); Head Groundman; Powderman; Jackhammer Man	6.15	.25	1%	.10	½%	
Groundman; Tree Trimmer Helper	5.80	.25	1%	.10	½%	
Hole Digger	5.55	.25	1%	.10	½%	

All Counties and parts of Counties East of the 120th Meridian	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LABORERS						
Group I						
Carpenters tender; Concrete crewman; Concrete signalman; Crusher feeder; Demolition; Driller helper, Dumpman; Fence erector; General laborer; Grout machine header tender; Nipper; Riprap man; Scaleman; Stake jumper; Structural mover; Tailhoseman (water nozzle); Track laborer (RR); Truck loader; Timber bucker and faller; Window cleaner; Brush Hog Feeder	$5.80	.35	.55		.02	
Group II						
Cement finisher tender; Cement handler; Demolition torch; Dope pot fireman, nonmechanical; Form cleaning machine, feeder, stacker; Form setter, paving; Grade checker using level, optional; Nozzleman, water & air or steam; Pipe layer, corrugated metal culvert; Pipewrapper; Pot tender; Powderman helper; Power tool op.; gas, electric, pneumatic Railroad equipment, power driven; Rodder & spreader; Sandblast tailhoseman; Scaffold erector, wood or steel; Vibrator up to 4"; Wallpoint man; Wheelbarrow, power driven	5.95	.35	.55		.02	
Group III						
Asphalt raker; Asphalt roller, walking; Chain saw op. w/attachments; Concrete saw, walking; Creosote material; High scaler; Jackhammer op.; Multi-section pipelayer; Nozzleman; Pavement breaker; Tamper; Trencher; shawnee; Vibrator, 4" & over; Wagon drills; Water pipe liner	6.05	.35	.55		.02	
Group IV						
Chain Saw (faller); Pipelayer (Caulker, collarman, jointer, mortarman, rigger, jacker, shorer & lagger and laser beam but not incl. laying corrugated metal culvert pipe)	6.10	.35	.55		.02	
Group V						
Concrete stack, Hod carriers; Mortar mixer; Vibrator, 4 inches and over	6.15	.35	.55		.02	

1- WAS-Lab-1-2-3 (2-2)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Laborers (cont'd):						
GROUP VI						
Caisson worker, free air; High Scaler	$6.20	.35	.55		.02	
GROUP VII						
Brush machine; Drills, Gunnite; Monitor op., Air Track or similar mounting; Nozzleman	6.25	.35	.55		.02	
GROUP VIII						
Air track drills with dual masts and drills; Powderman	6.45	.35	.55		.02	
TUNNEL & SHAFT, FREE AIR						
GROUP IX						
Class A:						
Bull gang, pump crete crewman incl. distributing pipe, assembling & dismantle and nipper	5.85	.35	.55		.02	
Class B:						
Brakeman, dumpman	5.90	.35	.55		.02	
Class C:						
Miner & nozzleman for concrete and laser beam op. on tunnels	6.30	.35	.55		.02	
Class D:						
Raise & shaft miner and laser beam op. on raises and shafts	6.35	.35	.55		.02	
GROUP X						
Sand Hogs (Under compressed air conditions):						
1 lb thru 14 lbs - 6 hrs. work	58.80	.35	.55		.02	
Over 14 lbs thru 18 lbs - 6 hrs. work	61.50	.35	.55		.02	
Over 18 lbs thru 22 lbs - 4 hrs. work	61.50	.35	.55		.02	
Over 18 lbs thru 22 lbs - 6 hrs. work	81.75	.35	.55		.02	
Over 22 lbs thru 26 lbs - 4 hrs. work	65.70	.35	.55		.02	
Over 26 lbs thru 32 lbs - 4 hrs. work	68.10	.35	.55		.02	
Over 32 lbs thru 38 lbs - 3 hrs. work	70.80	.35	.55		.02	
Over 38 lbs thru 44 lbs - 2 hrs. work	72.10	.35	.55		.02	
Outside lock & guage tender(per shift)	49.20	.35	.55		.02	

2-WAS-LAB-1-2-3-c (1-2)

Remaining Counties West of the 120th Meridian including northern part of Pacific County.

LABORERS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP I						
General Laborer; Nipper; Truck Spotter; Pitman; Brush Cutter; Choker Setter; Concrete & Monolithic Laborer; Pot Tender; Asphalt Laborer; Ditch Digger; Driferman; Concrete Form Stripper; Carpenter Helper; Track Laborer; Well-Point and Header Laborer	$5.45	.50	.60		.03	
GROUP II						
Dumpman; Faller & Bucker: Hand, Powderman's Helper; Sloper (over 20'); Wagon Driller & Air Trac Helper	5.55	.50	.60		.03	
GROUP III						
Groutman (pressure); Power Tools-Light Duty Chippers; Grinders; Tampers; and Similar Electric and Air Operated Tools; Swinging Scaffold or Boatswain Chair over water or over 25' in height	5.60	.50	.60		.03	
GROUP IV						
Concrete Saw Operator; Pipe Pot Tenderer; Power Wheel Barrow or Buggy; Power Tools Heavy Duty Jackhammer; Pavement Breaker; Vibrators; Tampers (multiple & self-propelled); Rail-road Spike Puller; Rakers - Asphalt	5.65	.50	.60		.03	
GROUP V						
Form Setter (steel forms); Grademan and Stake Hopper; Nozzleman (concrete pump, green cutter when using combination of high pressure air and water on concrete & rock, sandblast, gunnite shot-crete)	5.70	.50	.60		.03	
GROUP VI						
Faller and bucker: Chain Saw; High Scaler; Mortarman & Hod Carrier; Pipe Layer and Caulker; Pipe Wrapper; Timberman - Sewer; Wagon Driller and Airtrac	5.75	.50	.60		.03	
GROUP VII						
Cement Dumper - Paving; Powderman	5.80	.50	.60		.03	

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
LABORERS: (Cont'd)						
GROUP VIII						
Tunnel Work						
Topman and Bull Gang	$5.50	.50	.60		.03	
GROUP IX						
Chuck Tender; Muck and Laborer; Nipper; Brakeman	5.55	.50	.60		.03	
GROUP X						
Powderman' Helper	5.65	.50	.60		.03	
GROUP XI						
Miner (Including monolithic work); Spader; Re-Timberman; Maintenance Man	5.75	.50	.60		.03	
GROUP XII						
Miner, Shaft and raise	5.80	.50	.60		.03	
GROUP XIII						
Powderman	5.90	.50	.60		.03	
GROUP XIV						
1 lb. thru 14 lbs. (6 hrs.)	52.00	.50	.60		.03	
Over 14 lbs. thru 18 lbs. (6 hrs), over 18 lbs. thru 22 lbs. (4 hrs.)	54.70	.50	.60		.03	
Over 18 lbs. thru 22 lbs. (6 hrs.)	74.95	.50	.60		.03	
Over 22 lbs. thru 26 lbs. (4 hrs)	58.90	.50	.60		.03	
Over 26 lbs. thru 32 lbs. (4 hrs.)	61.30	.50	.60		.03	
Over 32 lbs. thru 38 lbs. (3 hrs.)	64.00	.50	.60		.03	
Over 38 lbs. thru 44 lbs. (2 hrs.)	65.30	.50	.60		.03	
Outside lock and gauge tender (per shift)	46.00	.50	.60		.03	

Clark, Cowlitz, Klickitat, Southern part of Pacific, Skamania and Wahkiakum Counties

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
LABORERS						
GROUP I Asphalt plant laborers; Asphalt spreaders; Batch weighman; Broomers; Brush burners & cutters; Car & truck loaders; Carpenter tender; Change-house man or dry shack man; Choker setters; Clean up laborers; Concrete laborers; Crusher feeders; Culvert, hand labor; Curing, concrete; Demolition, wrecking & moving laborers; Driller helpers; Dumpers, Road oiling crew; Dumpmen (for grading crew); Elevator feeders; Fence builder (incl. Guard rail, Median rail, Reference post, Guide post, Right-of-way marker); Fine graders; Form strippers (not swinging stages); General laborers; Landscaping or planting laborers; Leverman on aggregate spreader (Flaherty & similar types); Loading spotters; Material yard man (incl. electrical); Pittsburgh chipper operator or similar types; Powderman helper; Railroad track laborers; Ribbon setters (incl. steel forms); Rip Rap man (hand placed); Road pump tender; Sewer labor; Skipmen; Signalmen; Slopers, spraymen; Stake chaser-Stake setter-Grade checker; Stockpiler; Timber faller & Bucker (hand labor); Toolroom man (at job site); Tunnel bull gang (above ground); Weigh man crusher aggregate (when used)	$5.85	.55	.65	.25	.02	
GROUP II Applicator (incl. pot tender for same), applying protective material by hand or nozzle on utility lines or storage tanks on project; Burners; Choker splicer; Clary power spreader & similar types; Clean-up nozzleman-greencutter (concrete rock, etc.); Concrete power buggyman; Demolition & wrecking charred materials; Gunite nozzleman tender; Gunite or sand blasting pot tender; Handlers or mixers of all materials of an irritating nature (incl. cement & lime); Manhole builder;						

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3-WAS-LAB- -2-3 (2-2)

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
Powertool op., incls. but not limited to: Chipping guns, Jackhammer, Paving breakers, Post hole digger, Air, Gas, or Electric, Tampers, Vibrating screed, Vibrators (less than 4" in diameter); Ribbon setter, head; Rip Rap man (head), hand placed; Sand blasting (wet); Sewer timbermen; Timber buckers & Fallers, Brush cutters (power saw); Tunnel-muckers, Brakemen, Concrete crew, Bull gang (underground)	$6.00	.55	.65	.25	.02	
GROUP III Asphalt rakers; Bid grinder; Concrete saw op.; Drill doctor; Drill oprs., Air tracks, Cat drills, Wagon drills, Rubber-mounted drills, & other similar types; Gunite nozzleman; High scalers, Strippers & Drillers (covers work in swinging stages, chairs or belts, under extreme conditions usual to normal drilling, blasting, barring-down, or sloping & stripping); Powdermen; Power saw ops. (bucking & falling merchantable logs); Pumpcrete nozzlemen; Sand blasting (dry); Sewer pipe layers; Track liners, Anchor machines, Ballast regulators, Multiple tampers, Power jacks; Tugger op.; Tunnel — Chuck tenders, Nippers, & Timbermen; Vibrators (4" & larger); Water blaster; Welder	6.15	.55	.65	.25	.02	
GROUP IV Tunnel miners; Tunnel powderman	6.30	.55	.65	.25	.02	

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4-WAS-LAB 1-2-3 (1-1)

Chelan, Douglas, Kittitas, Okanogan and Yakima Cos. West of the 120th Meridian	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
LABORERS						
General Labor; Carpenter Tender; Form Stripper; Rip Rap Man; Track Laborer; Stake Hopper; Choke Setter; Fence Laborer	$5.55	.55	.65		.03	
Air Track & Wagon Drill Helper; Crusher Feeder; Dump & Stock Pile Man; Powder Man Helper; Sloper, Over 20 feet	5.65	.55	.65		.03	
Power Buggy; Drill Chipper; Grinder and similar light power tools; Faller and bucker (Hand); Grout Man (Power)	5.70	.55	.65		.03	
Asphalt Raker & Spreader; Cement Handler; Sack of Bulk; Dope Pot Tender; House Wreckers; Jackhammer; Pavement Breaker; Tamper Vibrator; Track Spike Puller; Concrete Saw and similar heavy power tools; Nozzleman (Air & Water)	5.75	.55	.65		.03	
Formsetter; Steel Forms; Grade Checker; Swinging Stage or Bosun Chair over water or over 25 feet in height	5.80	.55	.65		.03	
Air Track & Wagon Drill Operator; Chain Saw Operator; Gunite Man; High Scaler; Pipe Layer & Caulker; Pipe Wrapper; Sand Blaster; Timber Man; Open Ditch; Mortar Man & Hod Carrier	5.85	.55	.65		.03	
Faller & Bucker (Chain Saw); Powder Man	5.90	.55	.65		.03	
Caisson Workers; Free Air	5.95	.55	.65		.03	
TUNNEL SHAFTS, FREE AIR						
Topman & Bull Gang	5.65	.55	.65		.03	
Chuck Tender; Mucker & Laborer; Nipper; Brakeman	5.70	.55	.65		.03	
Powder Man Helper	5.80	.55	.65		.03	
Miner (including Monolithic Worker); Re-Timberman; Maintenance Man; Spader	5.90	.55	.65		.03	
Miner; Shaft & Raise	5.95	.55	.65		.03	
Powder Man	6.05	.55	.65		.03	

All Counties & parts of Counties East of the 120th Meridian

POWER EQUIPMENT OPERATORS

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP I						
Bit Grinders; Bolt Threading Machine; Brakeman; Compressors, under 1000 cu. ft. per minute gas, diesel or electric power; Crusher Feeder (mechanical); Deck Hand; Drillers' Helper; Fireman & Heater Tender; Grade Checker; Helper (Mechanic or Welder, H.D.); Oiler; Pumpman; Rollers, all types on subgrade (farm type, Case, John Deere and similar - or compacting or vibrator) except when pulled by dozer with operable blade; Welding Machines.	$6.85	.35	.65		.03	
GROUP II						
A-Frame Truck (single-drum); Assistant Refrigeration Plant (under 1000 tons); Assistant Plant Operator, Fireman or Pugmixer (asphalt); Bagley or Stationary Scraper; Batch Plant & Wet Mix Operator, single unit (concrete); Belt Finishing Machine; Bending Machine (pipeline); Blower Operator (cement); Cement Hog; Compressor (1000 cu. ft. or over, 2 or more - gas, diesel or electric power); Concrete Saw (multiple cut); Distributor Leverman; Dope Pots (power agitated); Equipment Serviceman, Greaser & Oiler; Fork Lift or Lumber Stacker, Hydra Lift & similar; Gin trucks (pipeline); Hoist, single drum; Loaders (bucket elevators and conveyors); Longitudinal Float; Mixer (portable - concrete); Pavement Breaker, Hydra-Hammer & similar); Posthold Auger or Punch; Power Broom; Railroad Ballast Regulation Operator, (self-propelled); Railroad Power Tamper Operator, (self-propelled); Railroad Power Tamper Jack Operator, (self-propelled); Spray Curing Machine (concrete); Spreader Box (self-propelled); Straddle Buggy (Ross &						

POWER EQUIPMENT OPERATORS (CONT'D)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP II (CONT'D)						
similar on construction job site); Tractor (farm type R/T with attachments except backhoe); Tugger Operator.	$7.15	.55	.65		.03	
GROUP III						
A-Frame Truck (2 or more drums); Assistant Refrigeration Plant & Chiller Operator (over 1000 tons); Backfillers (Cleveland & similar); Belt-Crete Conveyors with Power Pack or similar; Belt Loader (Kocal or similar); Blade Operator (Motor Patrol and attachments); Bost Operators; Boom Cats (side); Boring Machine (earth); Boring Machine (rock under 8" bit) (Quarry Master, Joy or similar); Bump Cutter (Wayne, Sagimaw or similar); Canal Lining Machine (concrete); Cleaning & Doping Machine (pipeline); Concrete Pumps (squeeze-crete, flow-crete, pump-crete, Whitman & similar); Drills Drills (churn, core, calyx or diamond); Elevating Belt-type Loader (Euclid, Barber Green or similar); Elevating Grader-type Loader (Dumor, Adams, or similar); Generator Plant Engineers (diesel electric); Gunite Combination Mixer & Compressor; Hoist, (2 or more drums or Tower Hoist); Loaders, (overhead & front-end, under 4 yds., R/T); Locomotive Engineer; Mixermobile; Oiler & Cable Tender, Mucking Machine, Paver (asphalt and concrete); Pump (Grout or Jet); Refrigeration Plant Engineer (1000 tons); Rollerman (finishing pavement); Rubber-tired Scrapers (one motor with one scraper, under 40 yds.); Screed Operator; Soil Stabilizer (P & H or similar); Spreader Machine; Tractor (crawler, incl. Dozer, Scraper, Drills, Booms, Rollers, etc.); Traverse Finishing						

POWER EQUIPMENT OPERATORS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP III (CONT'D)						
Machine; Trenching Machines (under 7 ft. depth capacity); Turnhead Operator	$7.40	.55	.65		.03	
GROUP IV						
H.D. Mechanic; H.D. Welder; Refrigeration Plant Engineer (1000 tons & over) Semi-automatic Welding Machine.	7.50	.55	.65		.03	
GROUP V						
Asphalt Plant Operator; Crusher & Screening Plant Operator; Rubber-tired Scrapers Multi-Engine Power with one Scraper (Euclid, TS-24 & similar); Rubber-tired Scraper, One Motor with One Scraper (40 yds. & over); Single Engine with two Scrapers (Letourneau, Tandem B & similar); Surface Heater & Planer Machine.	7.55	.55	.65		.03	
GROUP VI						
Automatic Subgrader (ditches & trimmers) (R.A. Hansen & similar); Backhoes (under 3 yds.); Batch & Wet Mix Operator-Multiple Units (2 and incl. 4); Clamshell Operator (under 3 yds.); Concrete Slip Form Paver; Cranes (under 65 tons); Derricks & Stifflegs (under 65 tons); Draglines (under 3 yds.); Drilling Equipment (8" bit and over) (Robbins & similar); Hydra-Cranes (Austin, Western Hydra-Hoe and similar with attachments); Loader Operator (Front End & Overhead 4 yds. to 8 yds.); Mucking Machines; Piledriving Engineers; Paver (dual drum); Quad-track or similar Equipment; Railroad Track Liner Operator (self-propelled); Rubber-tired Scrapers, Multiple						

POWER EQUIPMENT OPERATORS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP VI (CONT'D)						
Engines with two Scrapers; Shovels (under 3 yds.); Signalmen (Whirleys, Highline Hammerheads or similar); Trenching Machines (7 ft. depth and over).	$7.70	.55	.65		.03	
GROUP VII						
Backhoes (3 yds. and over); Batch Plant (over 4 units); Cableway Controller-Dispatcher; Cableway Operators; Clamshell Operator (3 yds. and over); Cranes (65 tons and over); Derricks & Stifflegs (65 tons and over); Draglines (3 yds. and over); Loader - (360 degrees revolving Koehring Scooper or similar); Loaders (overhead and front end over 8 yds.); Rubber-tired Scrapers (multiple engine with three or more scrapers); Shovels (3 yds. and over); Tower Crane; Whirleys and Hammerheads (all).	7.95	.55	.65		.03	

Underground Work - Add 10% to the Classification.
Classification.

(Not to include open pits, cuts, ditches, trenches and such work as paving, etc.)

All Crane Booms: 130' to 200' - $.15/hr. Additional to Classification;
Over 200' - - $.30/hr. Additional to Classification;

Yo-Yo Dozer: 10% Additional

All Counties & parts of Counties West of the 120th Meridian except Clark, Cowlitz, Klickitat, Southern part of Pacific, Skamania, & Wahkiakum Counties

2-WAS-PED-1-2-3-d (1-5)

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
GROUP I Mechanics' Helpers (heavy duty)	$6.92	.45	.65		.04	
GROUP II Brakemen; Oiler (grader checkers & stakeman)	7.02	.45	.65		.04	
GROUP III Fireman; Fireman (drier & hot plant)	7.13	.45	.65		.04	
GROUP IV Tractor (farmall type, 60 h.p. & under); Compressor (excavating and general purposes); Rollers, Tampers & Vibrators (other than plant, road mix or multilift materials)	7.18	.45	.65		.04	
GROUP V Oiler Driver on Truck Cranes (over 45 tons up to 100)	7.20	.45	.65		.04	
GROUP VI Oil Distributors; Blower Distriburors and mulch seeding operator	7.25	.45	.65		.04	
GROUP VII Locomotives (dinkey air, diesel, electric, gas, steam)	7.26	.45	.65		.04	
GROUP VIII Equipment Service Oiler; Oiler Driver on truck cranes (100 tons & over)	7.30	.45	.65		.04	
GROUP IX Tractors (farmall type, over 60 h.p.); Pump (water)	7.32	.45	.65		.04	
GROUP X Post Hole Diggers (mechanical)	7.45	.45	.65		.04	

2-WAS-PED-1-2-3-d (2-5)

POWER EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
GROUP XI Brooms, power (Wayne, Saginaw & similar); Bulldozers (under D9 or similar); Saws (consrete); Loaders (fork lift or lumber stacker (on construction job site), Drott travel lift); Scrapers (carry-all type, single); Roller, tampers and vibrator, twin engine	$7.48	.45	.65		.04	
GROUP XII Mixer (asphalt up to 4 tons per batch) Loaders (elevating Athey, Barber Greene & similar types); Loaders (overhead & front end, under 2½ yds.); Mixers (concrete & batch 200 yd.s. per hour & under); Pumps, Fuller Kenyon; Pumps, concrete and Pump crete; Roller, Tamper & Vibrator (on plant, road mix or multilift materials); Trenching Machines (under 16 inches); Batch Plant & Mixer (200 yds. per hour & under); Conveyors; Crushers (rock), washing and screening plants; Finishing Machine Operator (concrete paving); Hoists, Air Tuggers, Strato Tower Bucket, Elevators and Deck Winches (power); Power Plant Operators; Screedman; Spreaders (Blaw Knox, Cedarapids, Jaeger, Flarrety or similars); Cranes ("A" frame truck, single power drum)	7.51	.45	.65		.04	
GROUP XIII Locomotive, Mechanics or Welder (heavy duty)	7.56	.45	.65		.04	
GROUP XIV Tournapulls, Caterpillar, Euclid Scrapers and similar type equipment (25 yds. and under); Motor Patrol Graders (incl. Model 14 & similar)	7.58	.45	.65		.04	
GROUP XV Hoists on Steel Erection, Air Tuggers and Towermobiles; Compressor (steel erection incl. sandblasting, painting or same); Loaders (fork lifts w/tower)	7.60	.45	.65		.04	

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2-WAS-PEO-1-2-3-d (3-5)

POWER EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
GROUP XVI Loaders (elevating grader type, Dumor & similar); Cement Hogs; Locomotive (geared or rod engine); Paving; Scraper (carryall type, double)	$7.63	.45	.65		.04	
GROUP XVII Tractors (farmall type, used as backhoes, rubber tired, Ford, Ferguson, Case & similar types, 60 h.p. & under)	7.66	.45	.65		.04	
GROUP XVIII Bulldozer (D-9 or similar)	7.70	.45	.65		.04	
GROUP XIX Trenching Machines (16 inches and over)	7.77	.45	.65		.04	
GROUP XX Bump Cutter (Concut, Christianson or similar types)	7.78	.45	.65		.04	
GROUP XXI Conveyors (beltcrete with power pack & similar types); Loaders (elevating belt type, Euclid & similar); Batch Plant, batch & Mixer (over 200 yds. per hour through 400 yds.); Mixer (concrete & batch, over 200 yds. per hour through 400 yds.), Paving (dual); Mixer, asphalt (4 tons & over per batch)	7.83	.45	.65		.04	
GROUP XXII Motor Patrol Graders (over Model 14 & similar); Derricks all-Drilling Machines (core, cable, rotary & exploration); Linked Pusher, Pay Dozer (quad 9 & similar); Mucking Machines (mole or tunnel drill and/or shield); Subgrader (Gurries, CMI and similar); Tournapulls, Caterpillar, Euclid Scrapers & similar type equipment (over 25 yds. through 40 yds.); Tractors (farmall type, used as backhoes, rubber tired, Ford, Ferguson, Case & similar, over 60 h.p.); Piledriver Engineers (L.B. Foster puller or similar paving breaker);						

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2-WAS-PEO-1-2-3-d (4-5)

POWER EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
GROUP XXII (cont'd) Cranes ("A" frame truck, dbl. power drum); Crawler (truck type, floating, locomotive, Whirley, either 3 yds. & under, or 150' of boom, incl. jibs, & under, or 45 tons & under); Hydralifts; Hyster Cat Cranes & attachments; Bulldozers (engaged) in yo yo operation (while clearing and scaling); Shovels (Crawler and truck type, all attachments, 3 yds. & under); Cranes, Chipper, wood w with boom attachment; Mixer, (mobile type with hoist combination); Cableways (3 yds. & under); Loaders (fork lift with power boom & swing attachment); loaders (overhead & front end, 2½ yds. up to 4 yds.)	$7.88	.45	.65		.04	
GROUP XXIV Loaders (overhead & front end, 4 yds. up to 8 yds.)	8.10	.45	.65		.04	
GROUP XXV Mixer (concrete mixers & batch over 400 yds. per hour through 600 yds. per hour)	8.14	.45	.65		.04	
GROUP XXVI Tournapulls, Caterpillar, Euclid Scraper and similar type (over 40 yds. through 55 yds.)	8.19	.45	.65		.04	
GROUP XXVII Slip Form Paver (Zimmerman, CMI, and other similar types); Cableway (over 3 yds.); Crane (Crawler, truck type, floating, locomotive, Whirley, either over 3 yds. or over 150' of boom incl. jibs, or over 45 tons up to 100 tons); crane (Tower Cranes, Pecco, Lorraine, Bucyrus & similar types: Remote Control Operator (on rubber tired earth moving equipment) Helicopter Winch Operator; Shovel (Crawler and truck type, all attachments, over 3 yds. up to 6 yds.)	8.27	.45	.65		.04	
GROUP XXVIII Tournapulls, Caterpillar, Euclid Scrapers & similar type equipment (over 55 yds. through 70 yds.)	8.49	.45	.65		.04	

POWER EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP XXIX						
Loaders (Overhead & front end, 8 yds. and over)	$8.69	.45	.65		.04	
GROUP XXX						
Tournapulls, Caterpillar, Euclid Scrapers & similar type equipment (over 70 yds. through 85 yds.)	8.80	.45	.65		.04	
GROUP XXXI						
Shovel (Crawler and truck type, all attachments, 6 yds. and over); Cranes (Crawler, truck type, floating, locomotive, Whirley, either 6 yds. & over, 200' of boom incl. jibs & over, or 100 tons and over)	8.82	.45	.65		.04	
GROUP XXXII						
Tournapulls, Caterpillar, Euclid Scrapers & similar type equipment (over 85 yds. through 100 yds.)	9.10	.45	.65		.04	

Clark, Cowlitz, Klickitat, Southern part of Pacific, Skamania & Wahkiakum Counties

POWER EQUIPMENT OPERATORS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
GROUP I						
ASSISTANT CONVEYOR; Oiler, including plant and crusher; Crusher Feederman; Deckhand; Self-propelled Scaffolding; Guard Rail Punch Oiler; Pump under 4" Brakeman Switchman; Parts Man (Tool Room)	$6.40	.45	.60	.25		
GROUP II						
BLADE, PULLED TYPE; Truck Crane Oiler-driver, 25 ton capacity or Fireman, all equipment; A-Frame Truck, single drum; Tugger or Coffin type Hoist, any power; Drill Helper; Auger Oiler; Boatman; Forklift or Lumber Stacker; Temporary Heating Plant; Grade Oiler, required to check grade; Grade Checker; Tar Pot Fireman; Tar Pot Fireman (power agitated); H.D. Repairman Helper; Welder's Helper; Fireman Helicopter Radio-man (ground); Roller, Rock	6.54	.45	.60	.25		
GROUP III						
PLANT FIREMAN; Pugmill; Truck Mounted Asphalt Spreader, with screed; Compressor, any power, under 1,000 cu. ft. total capacity; Mixer Box Concrete Plant; Concrete Conveyor; Cement Hog; Concrete Saw, self-propelled unit; Wire Mat Machine or Booming Machine; Concrete Curing Machine, self-propelled; Bucket Elevator Loader, Barber Greene and similar type; Hydraulic Pipe Press; Pump any power, 4" and over; Hydrostatic Pump; Motorman; Ballast Jack Tamper; Bell Boy, phones, etc; Tamping Machine, mechanical self-propelled; Hydrographic Seeder Machine, straw, pump or seed; Broom Operator, self-propelled; Air Filtration Equipment; Welding Machine	6.64	.45	.60	.25		

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3-WAS-PEU 1-2-3 d (2-8)

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
GROUP IV						
SCREED; Compactor, including vibratory; Compressor, over 1,000 cu. ft. total capacity, Concrete Mixer, single drum, under 5 bag capacity; Concrete Cooling Machine; Combination Mixer and Compressor, Gunite work; Helicopter Hoist; Fork Lift, over 5 tons; Lull Hi-Lift or similar types; Pavement Breaker; Pump, more than 3, any size; Locomotive, under 40 tons; Roller, Oiling, CTB	$6.80	.45	.60	.25		
GROUP V						
CURB MACHINE, MECHANICAL BERM, CURB AND/OR CURB AND GUTTER; Wagner Factor or similar type (without blade); Batch Plant Material Control; Power Jumbo, setting slip forms, etc. in tunnels; Slip Form Pumps, power driven hydraulic lifting device for concrete forms; Hoist, single drum; Elevator, Diesel, Gas, Engineer; Chip Spreading Machine; Lime Spreading; Sweeper (Wayne Type); self-propelled; Tractor, rubber-tired 50 H.P. Flywheel and under; Trenching Machine, maximum digging capacity 3 ft. depth	6.82	.45	.60	.25		
GROUP VI						
ASPHALT PLANT; Asphalt Paver; Maginnis, internal full slab vibrator; Concrete finishing Machine, Clary, Johnson, Bidwell, Burgess, bridge deck or similar type; Curb Machine, Mechanical Berm, Curb and/or Curb and Gutter; Concrete Joint Machine; Concrete Planer; Cast in place pipe laying machine; Concrete Paving Machine; Concrete Spreader; Loaders, Rubber-tired type, 2½ cu. yds. and under; Rock Spreader, self-propelled	6.90	.45	.60	.25		

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3-WAS-PEU 1-2-3 d (3-6)

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
GROUP VII						
ROLLER, ASPHALT; Concrete Mixer, single drum, 5 bag capacity and over; Beltcrete; Pumptrete; Cement Pump, Fuller-Kenyon and similar; Grouting Machine; Concrete Pump; Tower Mobile; A-Frame Truck, double drums; Boom Truck; Churn Drill and Earth Boring Machine; Hydraulic Backhoe, wheel type 3/4 cu. yds. & under with or without front end attachments 2½ cu. yds. and under (Ford, John Deere, Case type); Elevating Grader, Tractor and towed requiring operator or grader; Pot Rammer; Ballast Regulator; Ballast Tamper Multi-Purpose; Track Liner; Tie Spacer; Shuttle Car; Locomotive-40 tons and over	$6.96	.45	.60	.25		
GROUP VIII						
DIESEL-ELECTRIC ENGINEER, PLANT OR FLOATING; Batch Plant and/or wet mix, one and two drums; Generator; Diesel-Electric Engineer; Belt Loaders, Kolman and Ko Cal types	7.06	.45	.60	.25		
GROUP IX						
BULLDOZER; Drill Cat; Side-Boom Cat; Compactor, with blade; Chicago Boom and similar types; Lift Slab Machine; Boom Type lifting device, 5 tons capacity or less; Cherry picker or similar type crane-hoist; 5 ton capacity or less; Grizzley; Crusher Plant; Boring Machine; Surface Heater & Planer; Hydraulic Backhoe, truck type 3/8 cu. yds. Loader, front end and overhead 2½ cu. yds. and under 4 cu. yds.; Pipe Cleaning Machine; Pipe Doping Machine; Pipe Bending Machine; Pipe Wrapping Machine; Bolt Treading Machine; Drill Doctor; including bit grinder; H.D. Mechanic; H.D. Welder; Machine Tool Operator; Stationary Drag Scraper; Tractor Rubber-tired over 50 H.P. Flywheel;						

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Tractor, Rubber-tired with boom attachments; Trenching Machine maximum digging capacity over 3 ft. depth	$7.12	.45	.60	.25		
GROUP X						
BULLDOZER, TWIN-ENGINE (TC 12 and similar type); Cable-Plow; Compactor, Multi-engine; Driller-Percussion, Diamond, Core, Cable, Rotary and similar types; Jack Operator Elevating Barges; Barge Operator, self-unloading Combination H.D. Mechanic-Welder; Welder-Certified; Rubber-tired Dozers and Pushers (Michigan, Cat, Hough, type	7.18	.45	.60	.25		
GROUP XI						
MIXER MOBILE; Crane, 25 tons and under; Shovel, Dragline; Clamshell, Hoe, etc., under 1 cu. yd.; Grade-all, under 1 cu. yd.; Mucking Machine	7.20	.45	.60	.25		
GROUP XII						
BLADE; Batch Plant and/or wet mix, 3 units or more; Hoist, 2 drums; Hoist, 3 or more drums; Elevating Loader, Athey and similar types; Piledriver (not crane type); Rubber-tired Scraper, single engine, single scraper; Scraper-Self-Loading, paddle wheel ladder type; Rubber-tried Scraper, twin engine; Rubber-tired Scraper, with push-pull attachments; Blade Mounted Spreaders, Ulrich and similar types; Shield Operator	7.26	.45	.60	.25		
GROUP XIII						
BLADE, FINISH (working with either red or blue tops); Blade, Electronically controlled by wire or laser beams; Blade, Multi-engine; Concrete Paving and Road Mixer; Bridge Crane, Locomotive, Gantry Overhead; Derrick, under 100 tons; Hoist Stiffleg, Guy Derrick or similar type 50 tons and over; Cableway, up to 25 tons; Crane, over 25 tons and including 40 tons; Tower Crane; Piledriver (not crane type); Floating Clamshell, etc., under 3 cu. yds.;						

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Floating Crane (Derrick Barge); less than 30 tons; Hydraulic Backhoe, truck type over 3/8 cu. yds.; Elevating Grader, operated by tractor, Sierra, Euclid or similar types; Back-Filling Machine; Shovel, etc., 1 cu. yd. but less than 3 cu. yds.; Gradeall, 1 cu. yd. and over	$7.34	.45	.60	.25		
GROUP XIV						
RUBBER-TIRED SCRAPER WITH TANDEM SCRAPER	7.50	.45	.60	.25		
GROUP XV						
ROCK HOUND; Loader, 4 cu. yds. but less than 6 cu. yds.	7.66	.45	.60	.25		
GROUP XVI						
AUTO GRADER (i.e. CMB) or TRIMMER; Tandem Bulldozer, Quad-nine and similar type; Automatic Concrete Slip Form Paver; Concrete Canal Liner; Cableway, 25 tons and over; Crane, over 40 tons and including 100 tons; Whirley, 80 tons and under; Floating Clamshell, etc., 3 cu. yds. and over; Floating Crane (Derrick Barge), 30 tons but less than 80 tons; Loader, 6 cu. yds., but less than 8 cu. yds.; Loader 8 cu. yds. but less than 12 cu. yds.; Rubber-tired Scraper, with Tandem Scraper, Multi-engine; Shovel, etc., 3 cu. yds. but less than 5 cu. yds.; Wheel Excavator, under 750 cu. yds. per hour	7.84	.45	.60	.25		
GROUP XVII						
CRANE, Over 100 tons and including 200 tons; Whirley over 80 tons and including 150 tons; Floating Crane (Derrick Barge); 80 tons but less than 150 tons; Loader, 12 cu. yds. and over; Shovel, etc., 5 cu. yds. and over; Canal Trimmer	7.98	.45	.60	.25		
GROUP XVIII						
CRANE, over 200 tons; Whirley, 150 tons and over; Floating Crane 150 tons but less than 250 tons; Wheel Excavator, over 750 cu. yds. per						

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3-WAS-FED 1-2-3 (6-6)

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
hour; Band Wagons, in conjuction with wheel excavator	$8.16	.45	.60	.25		
GROUP XVIV HELICOPTER; When used in erecting work; Floating Crane 250 tons and over; Remote controlled earth moving equipment (no one operator shall operate more than two pieces of moving equipment at one time); Underwater Equipment, remote or otherwise	8.30	.45	.60	.25		

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1 - WAS - TD -1-2-3 (1-2)

All Counties and parts of Counties East of the 120th Meridian

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
TRUCK DRIVERS						
Group I FLAT BED TRUCK, single rear axle; Escort Driver; Fish Truck; Fork Lift, 3,000 lbs. & under; Fuel Truck Driver (steam cleaner & washer); Helper & Swamper; Leverman Loading Trucks at Bunkers; Pickup Hauling Material; Stationary Fuel Op.; Team Driver; Tractor (small rubber tired pulling trailer or sim. equip.); Water Tank Truck 1,800 gallons	$7.05	.72	.55			
Group II BUS DRIVER OR MANHAUL DRIVER; Flat Bed Truck, dual rear axle; Tireman No. 1; Warehouseman	7.10	.72	.55			
Group III BUGGY MOBILE & SIM.; Bulk Cement Tanker; Oil Tank Driver; Power Operated Sweeper; Semi-Trailer, low bed, truck & Trailer; Straddle Carrier (Ross, Hyster & sim.); Transit Mixers & Trucks Hauling Concrete (3 yds. & under); Trucks, side end and bottom dump (under 6 yds.); Water Tank Truck (1,801 - 4,000 gallons)	7.15	.72	.55			
Group IV AUTO CRANE - 2000 lbs. capacity; Bulk Cement Spreader; Dumptor (6 yds. & under); Flaherty Spreader, box driver; Flat Bed Truck (using power take off); Fork Lift (over 3,000 lbs.) Oil Distributor Driver (road, bootman; leverman, helper); Rubber tired Tunnel Jumbo; Scissors Truck; Slurry Truck Driver; Transit Mixers & Trucks Hauling Concrete (over 3 yds. to 6 yds.) Trucks, side, end and bottom dump (over 6 yds. to 12 yds.); Water Tank Truck (4,001 - 6,000 gals.); Wrecker & Tow Trucks	7.25	.72	.55			

TRUCK DRIVERS (CONT'D)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Group V LOW BOY (under 50 tons); Service Greaser; Fireman No. 2	$7.30	.72	.55			
Group VI A-FRAME (Swedish Crane, Iowa 3,000, hydrolift); Water Tank Truck (over 6,001 - 8,000 gals.)	7.35	.72	.55			
Group VII DUMPTOR (over 6 yds.); Transit Mixers & Trucks Hauling Concrete (6 yds. to 10 yds.) Trucks, side, end & bottom dump (over 12 yds. incl. 20 yds.)	7.40	.72	.55			
Group VIII LOW BOY (over 50 tons); Water Tank Truck (8,001 - 10,000 gals.); 10¢ for each add. 2,000 gals.	7.45	.72	.55			
Group IX TRANSIT MIXERS & TRUCKS Hauling Concrete, (10 yds. to 15 yds.); Trucks, side, end & bottom dump (over 20 yds. incl. 30 yds.)	7.55	.72	.55			
Group X TOURNAROCKER, BW'S & sim. w/2 or 4 wheel power tractor w/trailer or yardage scale whichever is greater	7.60	.72	.55			
Group XI TRANSIT MIXERS & TRUCKS Hauling Concrete (15 yds. to 20 yds.); Trucks, side, end & bottom dump (over 30 yds. to 40 yds.)	7.70	.72	.55			
Group XII TRANSIT MIXERS & TRUCKS Hauling Concrete (over 20 yds.); Trucks, side, end & bottom dump (over 40 yds. to 50 yds.)	7.85	.72	.55			
Group XIII TRUCKS, side, end and bottom dumps, (over 50 yds. to 100 yds.)	8.00	.72	.55			
Group XIV TRUCKS, side, end and bottom dump (over 100 yds.)	8.15	.72	.55			

All Counties and parts of Counties West of the 120th Meridian except Clark, Cowlitz, Klickitat, Southern part of Pacific, Skamania, and Wahkiakum Counties

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2-WAS -TD-1-2-3-a (1-2)

TRUCK DRIVERS

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Leverman & Loaders at bunkers & batch plants; Pickup truck, Escort or Pilot car; Swampers; Warehouseman & Checkers	7.00	.54	.50		.01	
Team driver	7.05	.54	.50		.01	
Bull lifts or similar equipment used in loading or unloading trucks, warehousing; Bus or Manhaul; Dumpsters and similar equipment; Tournorockers; Tournowagon; Turnatrailer, Cat DW Series, Terra Cobra, Le Tournesu, Westinghouse, Athey wagon; Euclid; Two & four wheeled power tractor with trailer & similar top loaded equipment transporting material; Dump trucks, side, end & bottom dump, including semi-trucks & trains; Dump trucks up to & including 5 yds.; Flatbed, single rear axle; Grease truck, fuel truck; Greaser; Battery service man; Tire service man; Scissor truck; Spreader, flaherty; Tractor, small rubber-tired; Vacuum truck; Water wagon & Tank truck, up to 1600 gals.; Winch truck, single rear axle; Wrecker, tow truck & similar equipment	7.10	.54	.50		.01	
Flatbed, dual rear axle	7.21	.54	.50		.01	
Buggymobile; Hyster operators; Straddle carrier (Ross, Hyster) and similar equipment; Water wagon & tank truck, 1600 gals. to 3000 gals.						
Transit-mix, 0 to and including 4-1/2 yds.	7.27	.54	.50		.01	
Dump trucks, over 5 yds. to and including 12 yds.; Explosive truck (Field mix) and similar equipment; Lowbed & heavy duty trailer, under 50 tons gross; Road oil distributor driver; Slurry truck; Sno-go & similar equipment; Winch truck, dual rear axle	7.31	.54	.50		.01	
Dump trucks, over 12 yds. to & including 16 yds.	7.32	.54	.50		.01	
Bulk cement tankers; Dump trucks, over 16 yds. to & including 20 yds.; Water wagon & Tank truck, over 3000 gals.	7.38	.54	.50		.01	
Bull lifts or similar equipment used in loading or unloading trucks other than warehousing	7.43	.54	.50		.01	
Transit-mix, over 4-1/2 yds. to & including 6 yds.	7.45	.54	.50		.01	
"A"- Frame or Hydralift" trucks or similar equipment	7.48	.54	.50		.01	
Dump trucks, over 20 yds. to & including 30 yds.; Lowbed & heavy duty trailer, over 50 tons gross to & including 100 tons gross	7.58	.54	.50		.01	
	7.60	.54	.50		.01	

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2-WAS-TD-1-2-3-a (2-2)

TRUCK DRIVERS (CONT'D)	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr.	Other
Transit-mix, over 6 yds. to & including 8 yds.	7.64	.54	.50		.01	
Dump trucks, over 30 yds. to & including 40 yds.; Lowbed & heavy duty trailer, over 100 tons gross	7.76	.54	.50		.01	
Transit-mix, over 8 yds. to & including 10 yds.	7.80	.54	.50		.01	
Dump trucks, over 40 yds. to & including 55 yds.	7.92	.54	.50		.01	
Transit-mix, over 10 yds. to & including 12 yds.	7.97	.54	.50		.01	
Transit-mix, over 12 yds. to & including 16 yds.	8.13	.54	.50		.01	
Transit-mix, over 16 yds. to & including 20 yds.	8.29	.54	.50		.01	
Transit-mix over 20 yds.	8.45					
Mechanic	7.44	.54	.50		.01	
Mehcanic Helper	6.85	.54	.50		.01	

AQ-1067 P. 38

3-WAS-TD-2-3-c (1-3)

Clark, Cowlitz, Klickitat, Southern part of Pacific, Skamania, and Wahkiakum Counties

TRUCK DRIVERS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Battery rebuilders; Bus or man-haul driver; Concrete buggies (power operated); Dump trucks, side, end & bottom dumps, incl. semi-trucks & trains or combin. thereof: 6 cu. yds. & under; Lift jitneys, fork lifts (all sizes used in loading, unloading & transporting material on job site); Loader and/or leverman on concrete dry batch plant (manually operated); Pilot car; Solo flat bed & misc. body trucks, 0-10 tons; Truck helper; Truck mechanic helper; Warehouseman (warehouse parts, tool men & parts chaser, checkers & receivers); Water wagons (rated capacity); up to 1600 gals	$6.23	.40	.45	.25		
"A" frame or hydra-lift truck w/load bearing surfaces; Lubrication man, fuel truck driver, tireman, wash rack, steam cleaner or combin.; Team drivers	6.28	.40	.45	.25		
Dump trucks, side, end & bottom dumps, incl. semi-trucks & trains or combin. thereof: over 6 cu. yds. & incl. 10 cu. yds.; Slurry truck driver or leverman; Transit mix & wet or dry mix trucks: 5 cu. yds. & under; Tireman (full-time basis); Water wagons (rated capacity); 1600 to 3000 gals.	6.33	.40	.45	.25		
Flaherty spreader driver or leverman; Low bed equipment, flat bed semi-trailer, truck & trailer or doubles transporting equipment or wet or dry materials; Lumber carrier driver-Straddle carrier (used in loading, unloading and transporting of materials on job site); Oil distributor driver or leverman; Water wagons (rated capacity); 3000 to 5000 gals.	6.38	.40	.45	.25		
Dumpsters or similar equipment, all sizes; Transit mix & wet or dry mix trucks, over 5 cu. yds. & incl. 7 cu. yds.	6.43	.40	.45	.25		

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Dump trucks, side, end & bottom dumps, incl. semi trucks & trains or combin. thereof: over 10 cu. yds. & incl. 20 cu. yds.; Transit mix & wet or dry mix trucks; over 7 cu. yds. & incl. 9 cu. yds.; Truck Mechanic--welder--body repairman; Water wagons (rated capacity): 5000 to 7000 gals.	$6.53	.40	.45	.25		
Dump trucks, side, end & bottom dumps, incl. semi trucks & trains of combin. thereof: over 20 cu. yds. & incl. 30 cu. yds.; Transit mix & wet or dry mix trucks: over 9 cu. yds. & incl. 11 cu. yds.; Water Wagons (rated capacity); over 7000 gals. to 10,000 gals.	6.63	.40	.45	.25		
Dump trucks, side, end & bottom dumps, incl. semi trucks & trains or combin. 40 cu. yds.; Transit mix & wet or dry mix trucks: over 11 cu. yds. and incl. 13 cu. yds.; Water Wagons (rated capacity): over 10,000 gals. to 15,000 gals.	6.73	.40	.45	.25		
Dump trucks, side end & bottom dumps, incl. semi-trucks & trains or combin. thereof: over 40 cu. yds. & incl. 50 cu. yds.; Transit mix & wet or dry mix trucks: over 13 cu. yds. and incl. 15 cu. yds.	6.83	.40	.45	.25		
Dump trucks, side, end & bottom dumps, incl. semi trucks & trains or combin. thereof: over 50 cu. yds. & incl. 60 cu. yds.	7.00	.40	.45	.25		
Dump trucks, side, end & bottom dumps, incl. semi trucks & trains or combin. thereof: over 60 cu. yds. & incl. 70 cu. yds.	7.10	.40	.45	.25		
Dump trucks, side, end & bottom dumps, incl. semi truck & trains or combin. thereof: 70 cu. yds. and incl. 80 cu. yds.	7.20	.40	.45	.25		

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Dump trucks, side, end & bottom dump, including semi trucks & trains or combin. thereof: over 80 cu. yds. & incl. 90 cu. yds.	$7.30	.40	.45	.25		
Dump trucks, side, end & bottom dump, incl. semi-trucks and trains or combin. thereof: over 90 cu. yds. & incl. 100 cu. yds.	7.40	.40	.45	.25		
Drivers and Helpers (handling sacked cement add $.15 per hour).						
Winch truck - takes classification of truck on which winch is mounted						

SUPERSEDEAS DECISION

AQ-1068 P. 2

STATE: Washington

COUNTIES: Clallam, Grays Harbor, Island, Jefferson, King, Kitsap, Pierce and Snohomish

DECISION NUMBER: AQ-1068

DATE: Date of Publication

Supersedes Decision No. AQ-1024 dated September 7, 1973, in 38 FR 24570.

DESCRIPTION OF WORK: Residential Construction consisting of single family homes and garden type apartments up to and including 4 stories.

2-WAS-LAB-1-2-3-c (1-2)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
BRICKLAYERS:						
Grays Harbor County	$6.50		.35			
Pierce County	8.34	.40	.35		.02	
Clallam, Jefferson, Kitsap, King, Island, and Snohomish Counties	8.18	.45	.35		.02	
CARPENTERS	7.30	.50	.60		.01	
CEMENT MASONS:						
King (City of Auburn) and Pierce Cos.	7.20	.40	.50		.02	
Clallam, Grays Harbor, Island, Jefferson, King (except City of Auburn), Kitsap and Snohomish Counties	7.13	.55	.60		.01	
ELECTRICIANS:						
Clallam, Jefferson, King, Kitsap Cos.	8.435	.25	1%		.02	
Pierce and Grays Harbor Counties	8.02	.45	1%+.45	4%	.04	
Snohomish and Island Counties	8.445	.25	1%		.01	
GLAZIERS	7.20	.22	.40	a		
IRONWORKERS:						
Structural; Ornamental; Reinforcing	7.95	.48	.80		.05	
PAINTERS:						
Brush; Tapers	7.37	.40	.27		.02	
PLUMBERS	8.04	.52	.85	.63	.07	
ROOFERS	7.55	.20	.20			
SHEET METAL WORKERS:						
Island and Snohomish Counties	7.90	.32	.40	.42	.03	
King County	8.47	.27	.30		.01	
Grays Harbor and Pierce Counties	7.79	.32	.45	.47	.02	
Clallam, Jefferson and Kitsap Counties	7.97	.32	.40	.35	.04	
SOFT FLOOR LAYERS:						
Pierce and Grays Harbor Counties	7.76	.35	.60		.05	
King, Kitsap and Snohomish Counties	7.62	.36	.60		.05	
Clallam, Island and Jefferson Counties	7.62	.36	.60		.05	
TRUCK DRIVERS	7.00	.54	.50		.01	

FOOTNOTE:

a. Two weeks vacation with pay after one year of employment, also seven paid holidays: A through F plus Washington's Birthday.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LABORERS:						
GROUP I						
General Laborer; Nipper; Truck Spotter; Pitman; Brush Cutter; Choker Setter; Concrete & Monolithic Laborer; Pot Tender; Asphalt Laborer; Ditch Digger; Brierman; Concrete Form Stripper; Carpenter Helper; Track Laborer; Well-Point and Header Laborer	$5.45	.50	.60		.03	
GROUP II						
Dumpman; Faller & Bucker: Hand, Powderman's Helper; Sloper (over 20'); Wagon Driller & Air Trac Helper	5.55	.50	.60		.03	
GROUP III						
Groutman (pressure); Power Tools-Light Duty Chippers; Grinders; Tampers; and Similar Electric and Air Operated Tools; Swinging Scaffold or Boatswain Chair over water or over 25' in height	5.60	.50	.60		.03	
GROUP IV						
Concrete Saw Operator; Pipe Pot Tenderer; Power Wheel Barrow or Buggy; Power Tools Heavy Duty Jackhammer; Pavement Breaker; Vibrators; Tampers (multiple & self-propelled); Rail-road Spike Puller; Rakers - Asphalt	5.65	.50	.60		.03	
GROUP V						
Form Setter (steel forms); Grademan and Stake Hopper; Nozzleman (concrete pump, green cutter when using combination of high pressure air and water on concrete & rock, sandblast, gunnite shot-crete)	5.70	.50	.60		.03	
GROUP VI						
Faller and bucker: Chain Saw; High Scaler; Mortarman & Hod Carrier; Pipe Layer and Caulker; Pipe Wrapper; Timberman - Sewer; Wagon Driller and Airtrac	5.75	.50	.60		.03	
GROUP VII						
Cement Dumper - Paving; Powderman	5.80	.50	.60		.03	

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
LABORERS: (Cont'd)						
GROUP VIII						
Tunnel Work						
Topman and Bull Gang	$5.50	.50	.60		.03	
GROUP IX						
Chuck Tender; Muck and Laborer; Nipper; Brakeman	5.55	.50	.60		.03	
GROUP X						
Powderman' Helper	5.65	.50	.60		.03	
GROUP XI						
Miner (Including monolithic work); Spader; Re-Timberman; Maintenance Man	5.75	.50	.60		.03	
GROUP XII						
Miner, Shaft and raise	5.80	.50	.60		.03	
GROUP XIII						
Powderman	5.90	.50	.60		.03	
GROUP XIV						
1 lb. thru 14 lbs. (6 hrs.)	52.00	.50	.60		.03	
Over 14 lbs. thru 18 lbs. (6 hrs), over 18 lbs. thru 22 lbs. (4 hrs.)	54.70	.50	.60		.03	
Over 18 lbs. thru 22 lbs. (6 hrs.)	74.95	.50	.60		.03	
Over 22 lbs. thru 26 lbs. (4 hrs)	58.90	.50	.60		.03	
Over 26 lbs. thru 32 lbs. (4 hrs.)	61.30	.50	.60		.03	
Over 32 lbs. thru 38 lbs. (3 hrs.)	64.00	.50	.60		.03	
Over 38 lbs. thru 44 lbs. (2 hrs.)	65.30	.50	.60		.03	
Outside lock and gauge tender (per shift)	46.00	.50	.60		.03	

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS						
GROUP I						
Mechanics' Helpers (heavy duty)	$6.92	.45	.65		.04	
GROUP II						
Brakemen; Oiler (grader checkers & stakeman)	7.02	.45	.65		.04	
GROUP III						
Fireman; Fireman (drier & hot plant)	7.13	.45	.65		.04	
GROUP IV						
Tractor (farmall type, 60 h.p. & under); Compressor (excavating and general purposes); Rollers, Tampers & Vibrators (other than plant, road mix or multilift materials)	7.18	.45	.65		.04	
GROUP V						
Oiler Driver on Truck Cranes (over 45 tons up to 100)	7.20	.45	.65		.04	
GROUP VI						
Oil Distributors; Blower Distributors and mulch seeding operator	7.25	.45	.65		.04	
GROUP VII						
Locomotives (dinkey air, diesel, electric, gas, steam)	7.26	.45	.65		.04	
GROUP VIII						
Equipment Service Oiler; Oiler Driver on truck cranes (100 tons & over)	7.30	.45	.65		.04	
GROUP IX						
Tractors (farmall type, over 60 h.p.); Pump (water)	7.32	.45	.65		.04	
GROUP X						
Post Hole Diggers (mechanical)	7.45	.45	.65		.04	

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2-WAS-FED-1-2-3-d (2-5)

POWER EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
GROUP XI						
Brooms, power (Wayne, Saginaw & similar); Bulldozers (under D9 or similar); Saws (consrete); Loaders (fork lift or lumber stacker (on construction job site), Drott travel lift); Scrapers (carry-all type, single); Roller, tampers and vibrator, twin engine	$7.48	.45	.65		.04	
GROUP XII						
Mixer (asphalt up to 4 tons per batch) Loaders (elevating Athey, Barber Greene & similar types); Loaders (overhead & front end, under 2½ yds.); Mixers (concrete & batch 200 yd.s. per hour & under); Pumps, Fuller Kenyon; Pumps, concrete and Pump crete; Roller, Tamper & Vibrator (on plant, road mix or multilift materials); Trenching Machines (under 16 inches); Batch Plant & Mixer (200 yds. per hour & under); Conveyors; Crushers (rock), washing and screening plants; Finishing Machine Operator (concrete paving); Hoists, Air Tuggers, Strato Tower Bucket, Elevators and Deck Winches (power); Power Plant Operators; Screedman; Spreaders (Blaw Knox, Cedarapids, Jaeger, Flarrety or similars); Cranes ("A" frame truck, single power drum)	7.51	.45	.65		.04	
GROUP XIII						
Locomotive, Mechanics or Welder (heavy duty)	7.56	.45	.65		.04	
GROUP XIV						
Tournapulls, Caterpillar, Euclid Scrapers and similar type equipment (25 yds. and under); Motor Patrol Graders (incl. Model 14 & similar)	7.58	.45	.65		.04	
GROUP XV						
Hoists on Steel Erection, Air Tuggers and Towermobiles; Compressor (steel erection incl. sandblasting, painting or same); Loaders (fork lifts w/tower)	7.60	.45	.65		.04	

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2-WAS-FED-1-2-3-d (3-5)

POWER EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
GROUP XVI						
Loaders (elevating grader type, Dumor & similar); Cement Hogs; Locomotive (geared or rod engine); Paving; Scraper (carryall type, double)	$7.63	.45	.65		.04	
GROUP XVII						
Tractors (farmall type, used as backhoes, rubber tired, Ford, Ferguson, Case & similar types, 60 h.p. & under)	7.66	.45	.65		.04	
GROUP XVIII						
Bulldozer (D-9 or similar)	7.70	.45	.65		.04	
GROUP XIX						
Trenching Machines (16 inches and over)	7.77	.45	.65		.04	
GROUP XX						
Bump Cutter (Concut, Christianson or similar types)	7.78	.45	.65		.04	
GROUP XXI						
Conveyors (beltcrete with power pack & similar types); Loaders (elevating belt type, Euclid & similar); Batch Plant, batch & Mixer (over 200 yds. per hour through 400 yds.); Mixer (concrete & batch, over 200 yds. per hour through 400 yds.), Paving (dual); Mixer, asphalt (4 tons & over per batch)	7.83	.45	.65		.04	
GROUP XXII						
Motor Patrol Graders (over Model 14 & similar); Derricks all-Drilling Machines (core, cable, rotary & exploration); Linked Pusher, Pay Dozer (quad 9 & similar); Mucking Machines (mole or tunnel drill and/or shield); Subgrader (Gurries, CMI and similar); Tournapulls, Caterpillar, Euclid Scrapers & similar type equipment (over 25 yds. through 40 yds.); Tractors (farmall type, used as backhoes, rubber tired Ford, Ferguson, Case & similar, over 60 h.p.); Piledriver Engineers (L.B. Foster puller or similar paving breaker);						

POWER EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP XXII (cont'd)						
Cranes ("A" frame truck, dbl. power drum); Crawler (truck type, floating, locomotive, Whirley, either 3 yds. & under, or 150' of boom, incl. jibs, & under, or 45 tons & under); Hydralifts; Hyster Cat Cranes & attachments; Bulldozers (engaged) in yo yo operation (while clearing and scaling); Shovels (Crawler and truck type, all attachments, 3 yds. & under); Cranes, Chipper, wood w with boom attachment; Mixer, (mobile type with hoist combination); Cableways (3 yds. & under); Loaders (fork lift with power boom & swing attachment); loaders (overhead & front end, 2½ yds. up to 4 yds.)	$7.88	.45	.65		.04	
GROUP XXIV						
Loaders (overhead & front end, 4 yds. up to 8 yds.)	8.10	.45	.65		.04	
GROUP XXV						
Mixer (concrete mixers & batch over 400 yds. per hour through 600 yds. per hour)	8.14	.45	.65		.04	
GROUP XXXI						
Tournapulls, Caterpillar, Euclid Scraper and similar type (over 40 yds. through 55 yds.)	8.19	.45	.65		.04	
GROUP XXVII						
Slip Form Paver (Zimmerman, CMI, and other similar types); Cableway (over 3 yds.); Crane (Crawler, truck type, floating, locomotive, Whirley, either over 3 yds. or over 150' of boom incl. jibs, or over 45 tons up to 100 tons); crane (Tower Cranes, Fecco, Lorraine, Bucyrus & similar types: Remote Control Operator (on rubber tired earth moving equipment) Helicopter Winch Operator; Shovel (Crawler and truck type, all attachments, over 3 yds. up to 6 yds.)	8.27	.45	.65		.04	
GROUP XXVIII						
Tournapulls, Caterpillar, Euclid Scrapers & similar type equipment (over 55 yds. through 70 yds.)	8.49	.45	.65		.04	

POWER EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP XXIX						
Loaders (Overhead & front end, 8 yds. and over)	$8.69	.45	.65		.04	
GROUP XXX						
Tournapulls, Caterpillar, Euclid Scrapers & similar type equipment (over 70 yds. through 85 yds.)	8.80	.45	.65		.04	
GROUP XXXI						
Shovel (Crawler and truck type, all attachments, 6 yds. and over); Cranes (Crawler, truck type, floating, locomotive, Whirley, either 6 yds. & over, 200' of boom incl. jibs & over, or 100 tons and over)	8.82	.45	.65		.04	
GROUP XXXII						
Tournapulls, Caterpillar, Euclid Scrapers & similar type equipment (over 85 yds. through 100 yds.)	9.10	.45	.65		.04	

SUPERSEDEAS DECISION

STATE: WASHINGTON, D. C. DATE: Date of Publication
DECISION NO. AQ-2035
Supersedes Decision No. AQ-2005, dated August 10, 1973, in 38 FR 21721
DESCRIPTION OF WORK: Building Construction (excluding single family houses and garden type apartments up to & including 4-stories), Highway Construction and Sewer and Water Lines.

1-DC-1-2 B 1 of 3

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
Asbestos workers	$9.00	.35	.55		.015	
Boilermakers - Blacksmiths	8.20	.30	.70	.35	.01	
Bricklayers	9.10	.40	.40		.10	
Carpenters	8.12	.30	.34		.07	
Cement Masons:						
Cement Masons	8.05	.255	.28		.05	
Grinding Machine	8.25	.255	.28		.05	
Electricians	8.85	.35	1%+.30		.10	
Elevator Constructors	8.58	.345	.23	2%+a&b	.015	
Elevator Constructors Helpers	6.01	.345	.23	2%+a&b	.015	
Elevator Constructors Helpers (Prob)	4.29					
Glaziers	7.58	.46	.40			
Ironworkers:						
Structural, Ornamental & Chain Link Fence	8.35	.47	.45		.02	
Reinforcing	7.95	.35	.25		.03	
Laborers:						
Common Laborers, Landscapers	6.32	.28	.35		.05	
Acetylene Burners Used on Wrecking	6.82	.28	.35		.05	
Air Tool Oper., Scaffold Builders, Paving Breakers, Towmasters, Buggy Mobiles, Spaders, Mortarmen and Scootcretes	6.47	.20	.35		.05	
Pipelayers	6.47	.28	.35		.05	
Plasterers' Tenders	6.73	.32	.25		.05	
Plumbers' Laborers	5.42	.30	.15		.03	
Powdermen	7.495	.28	.35		.05	
Powersaw, Well Points	6.57	.28	.35		.05	
Lathers	8.42	.40	.40		.025	
Lead Burners	8.75	.30		c	.01	
Line Construction:						
Linemen, Cable Splicers, Equipment Operators	9.71	.25	1%		1%	
Truck With Winch, Truck Pole or Steel Handling	6.96	.25	1%		1%	
Groundmen (0 to 1 year)	5.54	.25	1%		1%	
Groundmen (1 to 2 years)	6.45	.25	1%		1%	
Groundmen (over 2 years)	6.70	.25	1%		1%	
Marble Setters	9.00	.35	.25			
Marble Setters' Helpers	7.35					
Millwrights	8.41	.30	.34		.07	
Painters:						
Brush, Spray, Paperhangers, Tapers	8.03	.41	.18		.06	
Steel, Sandblasting, Swing Stage, Power Brushing	8.36	.41	.18		.06	

1-DC-1-2 B 2 of 3

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Piledrivermen	$8.265	.30	.34		.07	
Plasterers	8.015	.45	.25		.06	
Plumbers	8.96	.50	.50		.15	
Roofers:						
Composition	7.12	.39	.20			
Slate, Tile, Mopsan, Waterproofers, Sprayers, Sprandrel & Ironite	7.65	.39	.20			
Helpers	5.19	.39	.20			
Sheet Metal Workers	8.58	.64	.74		.08	
Soft Floor Layers	8.12	.30	.34		.07	
Sprinkler Fitters	8.90	.40	.60		.07	
Steamfitters, Refrigeration & Air Conditioning Mechanic	8.88	.52	.59		.12	
Stone Masons	9.00	.35	.25			
Sone Cutters:						
Fitters & trimmers	9.35	.18	.20			
Ornamental carvers	8.87	.18	.20	h		
Figure carvers	9.43	.18	.20	h		
Terrazzo & Mosaic Workers	8.31	.40	.30			
Terrazzo Workers' Helpers	7.10	e	.20			
Tile Setters	8.31	.40	.30			
Tile Setters Helpers	7.10	e	.20			
Truck Drivers:						
Boom Trucks	4.10	.22	f	6		
Small Dump, Water Sprinkler, Grease & Oil	3.85	.22	f	6		
Flat, Pick-up Hauling Materials, Small Euclids, Dump Over 8 Wheels	3.95	.22	f	6		
Trailers, Low-Boys, Tractor Pulls	4.15	.22	f	6		
Helpers	3.70	.22	f	6		
Carryalls, Large Euclids, Water Sprinkler, Tunnel Work Ground	4.25	.22	f	6		
Mechanics	4.00	.22	f	6		
Riggers & Welders- Receive rates prescribed for crafts performing operations to which rigging & welding are incidental.						

BUILDING CONSTRUCTION 1-DC-1-2 B 3 of 3

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F

b. Employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years service as vacation pay credit.

c. Holidays: A through F, plus Washington's Birthday, Good Friday and Christmas Eve (provided employee has worked at least 45 full days during the 120 calendar days prior to the holiday, and the regularly schedule work days immediately preceding and following the holiday).

e. Employer contributes $37.92 per man per month.

f. $6.00 per week when employee has worked 90 days and works 3 days in a work week.

g. Holidays: A - D- E and F (provided the employee works the regularly scheduled work days immediately preceding and following the holiday).

h. Five paid holidays: Labor Day, Veteran's Day; Thanksgiving Day, Christmas Day and New Year's Day.

2-D.C.-FED-1-2-B

BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Power Equipment Operators:						
35 ton cranes & above, tower & climbing cranes	$8.775	.35	.35		.10	
Backhoes, boom cats, cableways, cranes or derricks, draglines, elevating graders, hoists, elevator (permanent) paving mixers, piledriving engines, power shovels, tunnel shovels, mucking machines, batch plants, concrete pumps, locomotives (standard narrow gauge), power driven wheel scoops & scrapers 50 cu. yds. struck capacity or above, multiple concrete conveyors	8.525	.35	.35		.10	
Hydrocrane, and all other hydraulic cranes 12 tons or under	8.475	.35	.35		.10	
Hydraulic backhoes, under ½ yd., mounted on tractors	8.375	.35	.35		.10	
Front end loader (over 3½ cu. yds.)	8.525	.35	.35		.10	
Front end loader (over 2-3/4 cu. yds. to and including 3-½ cu. yds.)	8.375	.35	.35		.10	
Front end loaders (Hi-lift), fork lifts	8.125	.35	.35		.10	
Air compressors (on steel)	8.195	.35	.35		.10	
Air compressors (except on steel), concrete mixers, mechanics & maintenance men, pumps, tunnel mechanics, tunnel motormen, welding machines, well points	7.945	.35	.35		.10	
Boilers (skeleton), trenching machines, tug boats, well drilling machines	8.115	.35	.35		.10	
Power driven wheel scoops & scrapers under 50 cu. yds. struck capacity blade graders, bulldozers, motor graders	7.925	.35	.35		.10	
Rollers, asphalt spreaders, bull float finishing machines, concrete spreaders, concrete finishing machines, fine graders, form graders, concrete saws	7.725	.35	.35		.10	
Apprentice engineers:						
Firemen	7.065	.35	.35		.10	
Truck crane oilers	6.945	.35	.35		.10	
Oilers	6.895	.35	.35		.10	

SEWER AND WATER LINES	Basi Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Othe
Bricklayers	$9.10	.40	.40		.10	
Carpenters	8.12	.30	.34		.07	
Cement masons	8.05	.255	.28		.05	
Ironworkers, reinforcing	7.95	.35	.25		.03	
Piledrivermen	8.265	.30	.34		.07	
Plumbers	8.96	.50	.50		.15	
Power Equipment Operators:						
Backhoes, cable ways, cranes, draglines power shovels, tunnel shovels, tunnel mucking machines, derricks, 1 c.y. & over	7.29	.35	.35		.05	
Backhoes, cablewnys, cranes,derricks, draglines, tunnel shovels, power shovels, tunnel mucking machines up to 1 c.y., boom cats, elevating graders, hoists, paving mixers, pile-driving engines, batch plants, concrete pumps	7.04	.35	.35		.05	
Trenching machines (above 8'3")	6.34	.35	.35		.05	
Backhoes (hydraulic, under ¾ c.y.)	6.92	.35	.35		.05	
Trenching machines (up to 8'3"), boilers skeleton, well drilling machines	6.74	.35	.35		.05	
Air Compressors, tunnel	6.71	.35	.35		.05	
Front end loaders (high lift), Bulldozers	6.69	.35	.35		.05	
Concrete mixers, power sheel scoops and scrapers, mortor graders, tunnel motor men, blade graders, tunnel mechanics	6.59	.35	.35		.05	
Mechanics	6.57	.35	.35		.05	
Bulldozer, hydraulic tampers	6.49	.35	.35		.05	
Roller	6.39	.35	.35		.05	
Air compressors, pump, welding machines well points	6.315	.35	.35		.05	
Apprentice Engineers:						
Firemen	5.85	.35	.35		.05	
Truck crane oilers	5.70	.35	.35		.05	
Oilers	5.65	.35	.35		.05	
Truck drivers:						
Dump trucks	2.75	.12	c			
Dump trucks over 8 wheels	2.85	.12	c			
Flat trucks	2.85	.12	c			
Trailers	2.95	.12	c			
Fuel and oil trucks	2.75	.12	c			
Euclids	3.10	.12	c			

SEWER AND WATER LINES	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LABORERS:						
Open Cut:						
Laborers, probationary (1st 60 days)	$4.33	.25	.25		.03	
Laborers, jackhammer, rammers and spaders	5.41	.25	.25		.03	
Timbermen, sheeting-man, shoringman, caulkers, pipelayers' helpers	5.56	.25	.25		.03	
Bottom man	5.46	.25	.25		.03	
Wagon drillers, air track drillers	5.76	.25	.25		.03	
Pipelayers	5.76	.25	.25		.03	
Rock drillers	5.51	.25	.25		.03	
Tunnel:						
Brakeman, bull gang, dumper, trackman, concrete man	6.595	.28	.35		.05	
Chuck tender, powdermen in prime house form setters and movers, nippers, cablemen, hosemen, grout men, bell or signal man, top or bottom, vibrator operator, caulkers helpers	6.895	.28	.35		.05	
Miners, rodmen, re-bar underground, concrete or gunite, nozzleman, powderman, timberman, wood , steel including liner plate or any other support material, motormen, caulkers diamond drill, riggers, cement finishers underground, welders and burners, shield driver, air-trac, shotcrete nozzleman & potman	7.545	.28	.35		.05	
Mucking machine operator (air)	7.795	.28	.35		.05	

COMPRESSED AIR: (per day)

Guage Pressure Pounds	WORK PERIOD				
From 1 to 14	7 hours	69.06	a	b		d
From 14 to 18	6 hours	72.23	a	b		d
From 18 to 22	5½ hours	75.39	a	b		d
From 22 to 26	5 hours	78.56	a	b		d
From 26 to 32	4 hours	81.72	a	b		d
From 32 to 38	3 hours	84.89	a	b		d
From 38 to 44	2½ hours	88.05	a	b		d

FOOTNOTES:

a. Employer contributes $2.24 per day to Health & Welfare.

b. Employer contributes $2.80 per day to Pension.

c. $4.00 per week when employee has worked 90 days; and works three days in any work week.

d. Employer contributes .40 per day to Apprentice Training.

S-D.C.-3-q

HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Asphalt shoveler	$5.15	.22	.20			
Asphalt raker	5.35	.22	.20			
Asphalt tamper	5.25	.22	.20			
Bricklayers	9.10	.40	.40		.10	
Carpenters	8.12	.30	.34		.07	
Cement masons	5.60	.22	.20			
Concrete saw operator	5.35	.22	.20			
Concrete shoveler	5.25	.22	.20			
Form setter	5.60	.22	.20			
Laborers:						
Laborers	5.10	.22	.20			
Jackhammer	5.30	.22	.20			
Hand burner operator	5.25	.22	.20			
Power Equipment Operators:						
Concrete spreader operator, finishing machine, roller (rough), compressor, rubber tired loader (1-½ cu. yds., or less), asphalt plant mixer	5.35	.22	.20			
Loader operator tracks (2-½ cu. yds. or less), burner planer, bulldozer, mechanic or welder, rubber tired loader (over 1-½ cu. yds.)	5.55	.22	.20			
Asphalt spreader, hydraulic backhoe (½ cu.yd., or less), asphalt plant engineer, asphalt roller op., concrete breaker (machine)	5.60	.22	.20			
Crane operator, concrete paving op.	5.75	.22	.20			
Shovel operator	5.85	.22	.20			
Gradall operator (1-½ cu. yds., or less), motor grader, loader op. tracks (over 2-½ cu. yds.)	6.50	.22	.20			
G-1000 Gradall operator (over 1-½ cu.yds.)	6.75	.22	.20			
Power broom, oiler	5.25	.22	.20			
Sand setter	5.60	.22	.20			
Truck Drivers:						
Truck drivers (standard)	5.10	.22	.20			
Tandem	5.22	.22	.20			
Tractor trailer (capable of moving heavy equipment)	5.60	.22	.20			

[FR Doc.73-26812 Filed 12-20-73;8:45 am]

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